

**SUBMITTAL TO THE BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**



107B

**FROM:** County Counsel/TLMA  
Code Enforcement Department

**SUBMITTAL DATE:**  
AUGUST 16, 2012

**SUBJECT:** Order to Abate [Substandard Structures, Excessive Outside Storage & Accumulated Rubbish]  
Case Nos. : CV11-05852 and CV11-07776 [HUANG]  
Subject Property: 42180 Whittier Avenue, Hemet; APN: 552-060-004  
District: 3/3

**RECOMMENDED MOTION:** Move that:

1. The Findings of Fact, Conclusions and Order to Abate in Case Nos. CV11-05852 and CV11-07776 be approved;
2. The Chairman of the Board of Supervisors be authorized to execute the Findings of Fact, Conclusions and order to Abate in Case Nos. CV11-05852 and CV11-07776; and
3. The Clerk of the Board of Supervisors be authorized to record the Findings of Fact, Conclusions and Order to Abate in Case Nos. CV11-05852 and CV11-07776.

Departmental Concurrence

(Continued)

PATRICIA MUNROE, Deputy County Counsel  
for PAMELA J. WALLS, County Counsel

<b>FINANCIAL DATA</b>	Current F.Y. Total Cost:	\$ N/A	In Current Year Budget:	N/A
	Current F.Y. Net County Cost:	\$ N/A	Budget Adjustment:	N/A
	Annual Net County Cost:	\$ N/A	For Fiscal Year:	N/A

<b>SOURCE OF FUNDS:</b>	Positions To Be Deleted Per A-30	<input type="checkbox"/>
	Requires 4/5 Vote	<input type="checkbox"/>

**C.E.O. RECOMMENDATION:** APPROVE

BY:   
Tina Grande

**County Executive Office Signature**

- Policy
- Consent
- Policy
- Consent

Dept' Recomm.:  
Per Exec. Ofc.:

Abatement of Public Nuisance  
Case Nos.: CV11-05852 & CV11-07776 [HUANG]  
42180 Whittier Avenue, Hemet  
APN#552-060-004  
District 3/3  
Page 2

**BACKGROUND:**

On July 17, 2012, this Board received the declaration of the Code Enforcement Officer in the above-referenced matter. At the conclusion of the hearing, this Board declared the substandard structures (detached bathroom and shower, two (2) wooden rail cars and a three-sided structure), excess outside storage and accumulation of rubbish located on the subject property to be a public nuisance. The Board ordered the property owner to abate the violative conditions on the property and directed County Counsel to prepare the Findings of Fact, Conclusions and Order to Abate.

1 RECORDING REQUESTED BY:  
Kecia Harper-Ihem, Clerk of the  
2 Board of Supervisors  
(Stop #1010)  
3

4  
5 WHEN RECORDED PLEASE MAIL TO:  
6 Patricia Munroe, Deputy County Counsel  
County of Riverside  
7 OFFICE OF COUNTY COUNSEL  
3960 Orange Street, Suite 500 (Stop #1350)  
8 Riverside, CA 92501

[EXEMPT GC §§ 6103 and 27383]

9  
10 **BOARD OF SUPERVISORS**  
**COUNTY OF RIVERSIDE**

11 IN RE ABATEMENT OF PUBLIC NUISANCE: ) CASE NOS. CV 11-05852 and  
12 [SUBSTANDARD STRUCTURE, EXCESSIVE ) CV 11-07776  
OUTSIDE STORAGE AND ACCUMULATION )  
13 OF RUBBISH]; APN 552-060-004, 42180 ) FINDINGS OF FACT,  
WHITTIER AVENUE, HEMET, RIVERSIDE ) CONCLUSIONS AND ORDER TO  
14 COUNTY, CALIFORNIA; CHIN LI HUANG, ) ABATE NUISANCE  
OWNER. )  
15 ) R.C.O. Nos. 348, 457, 541 and 725  
16 )

17 The above-captioned matter came on regularly for hearing on July 17, 2012, before the Board  
18 of Supervisors of the County of Riverside, State of California in the Board Room, First Floor Annex,  
19 County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real property  
20 described as 42180 Whittier Avenue, Hemet, Assessor's Parcel Number 552-060-004 and referred to  
21 hereinafter as "THE PROPERTY."

22 Patricia Munroe, Deputy County Counsel, appeared along with Michelle Cervantes, Senior  
23 Code Enforcement Officer, on behalf of the Director of the Code Enforcement Department.

24 A representative of Owner appeared but did not address the Board of Supervisors.

25 The Board of Supervisors received the Declaration of the Code Enforcement Officer together  
26 with attached Exhibits, evidencing the substandard structures, excessive outside storage of materials  
27 and accumulation of rubbish on THE PROPERTY as violations of Riverside County Ordinance Nos.  
28 348, 457 and 541 and as a public nuisance.

**SUMMARY OF EVIDENCE**

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2           1.       Documents of record in the Riverside County Recorder’s Office identify the owner  
3 of THE PROPERTY as Chin Li Huang (“OWNER”).

4           2.       Documents of title indicate that other parties may potentially hold a legal interest in  
5 THE PROPERTY, to wit: Yen Fei Lee Baxter (“INTERESTED PARTY”).

6           3.       THE PROPERTY was inspected by Code Enforcement Officers on August 8, 2011,  
7 October 28, 2011, December 30, 2011, June 14, 2012 and July 13, 2012.

8           4.       During each inspection, four substandard structures (detached bathroom and shower,  
9 two wooden rail cars and a three-sided structure) were observed on THE PROPERTY. The  
10 structures were observed to be abandoned, dilapidated and vacant. The structures contained  
11 numerous deficiencies, including but not limited to: lack of improper water closet, lavatory, bathtub,  
12 shower or kitchen sink; hazardous wiring; defective or deteriorated flooring or floor supports;  
13 members of walls, partitions or other vertical supports that split, lean list or buckle due to defective  
14 material or deterioration; members of ceiling, roofs, ceiling and roof supports or other horizontal  
15 members which sag, split, or buckle due to defective material or deterioration; faulty weather  
16 protection; general dilapidation or improper maintenance; and public and attractive nuisance –  
17 abandoned/vacant.

18           5.       During each inspection an accumulation of rubbish and excess outside storage was  
19 also observed throughout THE PROPERTY consisting of but not limited to: mattresses, furniture,  
20 boxes, five gallon buckets, green woody waste, concrete rubble, scrap metal, carpet, carpet padding,  
21 cookware, scrap wood, equipment, tools, pallets, truck shell, automotive parts and asphalt.

22           6.       THE PROPERTY was determined to be in violation of Riverside County Ordinance  
23 Nos. 348, 457 and 541 by the Code Enforcement Officer.

24           7.       On November 29, 2011, Notices of Noncompliance were recorded at the Riverside  
25 County Recorder’s Office as instrument numbers 2011-0525892 and 2011-0525893.

26           8.       On August 8, 2011, a Notice of Violation and a “Do Not Dump” sign was posted on  
27 THE PROPERTY. On October 28, 2011, a Notice of Violation, Notices of Defects and “Do Not  
28 Enter” signs were posted on THE PROPERTY.

1 9. On August 9, 2011 and November 2, 2011, Notices of Violation and Notice of  
2 Defects were mailed by certified mail, return receipt requested to OWNER and INTERESTED  
3 PARTIES.

4 9. A "Notice to Correct County Ordinance Violations and Abate Public Nuisance"  
5 providing notice of the public hearing before the Board of Supervisors was mailed to OWNER and  
6 INTERESTED PARTIES and was posted on THE PROPERTY.

7 **FINDINGS AND CONCLUSIONS**

8 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in  
9 regular session assembled on July 17, 2012, finds and concludes that:

10 1. WHEREAS, the substandard structures (detached bathroom and shower, two wooden  
11 rail cars and a three sided detached structure), excessive outside storage of materials and  
12 accumulation of rubbish on the real property located at 42180 Whittier Avenue, Hemet, Riverside  
13 County, California, also identified as Assessor's Parcel Number 552-060-004 violates Riverside  
14 County Ordinance Nos. 348, 457 and 541 and constitutes a public nuisance.

15 2. WHEREAS, the OWNER, occupants and any person having possession or control of  
16 THE PROPERTY shall abate the substandard structures by razing, removing and disposing of the  
17 substandard structures, including the removal and disposal of all structural debris and materials, and  
18 contents therein or by reconstruction and rehabilitation of said structures provided that said  
19 reconstruction or demolition can be accomplished in strict accordance with all Riverside County  
20 Ordinances, including but not limited to Riverside County Ordinance No. 457 within ninety (90)  
21 days.

22 3. WHEREAS, the OWNER, occupants and any other person having possession or  
23 control of THE PROPERTY shall abate the accumulation of rubbish and excessive outside storage of  
24 materials by removing and disposing of all rubbish and excessive outside storage on THE  
25 PROPERTY in strict accordance with all Riverside County Ordinances, including but not limited to  
26 Riverside County Ordinance Nos. 348 and 541 within ninety (90) days.

27 4. WHEREAS, the OWNER and INTERESTED PARTIES ARE HEREBY FURTHER  
28 NOTICED that the time within which judicial review of the administrative determinations made

1 herein must be sought is ninety (90) days from the posting and mailing of the Findings of Fact,  
2 Conclusions and Order To Abate Nuisance, and is governed by California Code of Civil Procedure  
3 Section 1094.6.

4 **ORDER TO ABATE NUISANCE**

5 IT IS THEREFORE ORDERED that the substandard structures (detached bathroom and  
6 shower, two wooden rail cars and a three sided detached structure) on THE PROPERTY be abated  
7 by the OWNER, specifically Chin Li Huang, or anyone having possession or control of THE  
8 PROPERTY, by razing and removing the substandard structures including the removal and disposal  
9 of all structural debris and materials, as well as the contents therein, or by reconstruction and  
10 rehabilitation of said structures provided such reconstruction and rehabilitation can be accomplished  
11 in strict accordance with all Riverside County Ordinances, including but not limited to Riverside  
12 County Ordinance No. 457 within ninety (90) days of the posting and mailing of this Order to Abate  
13 Nuisance.

14 IT IS FURTHER ORDERED that if the substandard structures are not razed, removed and  
15 disposed of, or reconstructed and rehabilitated in strict accordance with all Riverside County  
16 Ordinances, including but not limited to Riverside County Ordinance No. 457, within ninety (90)  
17 days of the posting and mailing of this Order to Abate Nuisance, the substandard structures, contents  
18 therein, and structural debris and materials, may be abated and disposed of by representatives of the  
19 Riverside County Code Enforcement Department, a contractor, or the Sheriff's Department upon  
20 receipt of the owner's consent or a Court Order, where necessary, under applicable law authorizing  
21 entry onto THE PROPERTY.

22 FURTHERMORE, THE OWNER is ordered to ascertain the existence or non-existence of  
23 asbestos containing materials in said structures by survey and materials sample testing by a duly  
24 licensed and certified asbestos consultant; and, prior to the abatement ordered hereinabove, to secure  
25 the removal of all asbestos containing materials discovered through such survey and testing by  
26 contract with a duly certified and licensed contractor for the handling of such materials to avoid  
27 citations and/or fines by South Coast Air Quality Management District (SCAQMD).

28 IT IS FURTHER ORDERED that the accumulation of rubbish and excessive outside storage

1 of materials on THE PROPERTY be abated by OWNER or anyone having possession or control of  
2 THE PROPERTY by removing and disposing of all rubbish and excessive outside storage of  
3 materials on THE PROPERTY in strict accordance with all Riverside County Ordinances, including  
4 but not limited to Riverside County Ordinance Nos. 348 and 541, within ninety (90) days of the  
5 posting and mailing of this Order to Abate Nuisance.

6 IT IS FURTHER ORDERED that if the accumulation of rubbish and excessive outside  
7 storage of materials is not removed and disposed of in strict accordance with all Riverside County  
8 Ordinances, including but not limited to Riverside County Ordinance Nos. 348 and 541 within ninety  
9 (90) days of the date of this Order to Abate Nuisance, the accumulation of rubbish and excessive  
10 outside storage of materials may be abated and disposed of by representatives of the Riverside  
11 County Code Enforcement Department, a contractor or the Sheriff's Department upon receipt of an  
12 owner's consent or a Court Order when necessary under applicable law.

13 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity  
14 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special  
15 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside  
16 County Ordinance Nos. 348, 457, 541, and 725. Under Riverside County Ordinance No. 725,  
17 "abatement costs" means "any costs or expenses reasonably related to the abatement of conditions  
18 which violate County Land Use Ordinances, and shall include, but not be limited to, enforcement,  
19 investigation, collection and administrative costs, attorneys fees, and the costs associated with the  
20 removal or correction of the violation." Reasonable abatement costs accrued by the Code

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1 Enforcement Department will be recoverable from OWNER even if THE PROPERTY is brought  
2 into compliance within ninety (90) days of the date of this Order to Abate Nuisance.

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Dated: \_\_\_\_\_

COUNTY OF RIVERSIDE

By \_\_\_\_\_  
John F. Tavaglione  
Chairman, Board of Supervisors

ATTEST:  
KECIA HARPER-IHEM  
Clerk to the Board

By  
Deputy  
(SEAL)