

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

306 B



FROM: County Counsel/TLMA  
Code Enforcement Department

SUBMITTAL DATE:  
July 16, 2013

SUBJECT: Order to Abate [Substandard Structures & Accumulated Rubbish]  
Case No. : CV11-08855 [SILVA]  
Subject Property: 37340 Old Forest Road, Anza; APN: 573-110-047  
District: 3/3

RECOMMENDED MOTION: Move that:

1. The Findings of Fact, Conclusions and Order to Abate in Case No. CV11-08855 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 No. CV11-08855; and
3. The Clerk of the Board of Supervisors be authorized to record the Findings of Fact, Conclusions and Order to Abate in Case No. CV11-08855.

(Continued)

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

FINANCIAL DATA	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

SOURCE OF FUNDS:

Positions To Be Deleted Per A-30 ☐

Requires 4/5 Vote ☐

C.E.O. RECOMMENDATION:

APPROVE

BY:

  
Tina Grande

County Executive Office Signature

Dep't Recomm.: ☐ Policy

☒ Consent

Per Exec. Ofc.: ☐ Policy

☒ Consent

Dep't Recomm.: ☐ Policy

Per Exec. Ofc.: ☐ Policy

2013 JUL 13 AM 11:50

RECEIVED COUNTY OF RIVERSIDE  
SECRETARY'S OFFICE

Abatement of Public Nuisance  
Case No.: CV11-08855 [SILVA]  
37340 Old Forest Road, Anza  
APN#573-110-047  
District 3/3  
Page 2

**BACKGROUND:**

On March 18, 2013, 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 two (2) substandard structures (front and back porch) and accumulated rubbish 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 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 NO. CV 11-08855  
12 [SUBSTANDARD STRUCTURES AND )  
ACCUMULATION OF RUBBISH]; )  
13 APN 573-110-047, 37340 OLD FOREST ROAD, ) FINDINGS OF FACT,  
ANZA, RIVERSIDE COUNTY, CALIFORNIA; ) CONCLUSIONS AND ORDER TO  
14 JAVIER SILVA AND MARIA SILVA, OWNERS. ) ABATE NUISANCE  
15 ) R.C.O. Nos. 457, 541 and 725  
16 )

17 The above-captioned matter came on regularly for hearing on March 18, 2013, before the  
18 Board of Supervisors of the County of Riverside, State of California in the Board Room, First Floor  
19 Annex, County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real  
20 property described as 37340 Old Forest Road, Anza, Riverside, Assessor's Parcel Number 573-110-  
21 047 and referred to hereinafter as "THE PROPERTY."

22 Patricia Munroe, Deputy County Counsel, appeared along with Mary Overholt, Supervising  
23 Code Enforcement Officer, on behalf of the Director of the Code Enforcement Department.

24 Owners did not appear.

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

**SUMMARY OF EVIDENCE**

1. Documents of record in the Riverside County Recorder's Office identify the owners of THE PROPERTY as Javier Silva and Maria Silva ("OWNERS").

2. Documents of title indicate that no other parties may potentially hold a legal interest in THE PROPERTY.

3. THE PROPERTY was inspected by Code Enforcement Officers on January 30, 2012, February 14, 2012, March 14, 2012, April 10, 2012, May 1, 2012, May 25, 2012 and June 28, 2012.

4. During each inspection, two (2) substandard structures (front and back porch) were observed on THE PROPERTY. The structures were observed to be dilapidated. The structures contained numerous deficiencies, including but not limited to: defective or deteriorated flooring or floor supports; members of ceilings, roofs, ceiling and roof supports or other horizontal members which sag, split, or buckle due to defective material or deterioration; faulty weather protection; general dilapidation or improper maintenance; public and attractive nuisance.

5. During each inspection an accumulation of rubbish was observed throughout THE PROPERTY consisting of but not limited to: furniture, clothes, toys, household items, dresser, filing cabinet, mattress, scrap wood, boxes and appliances.

6. THE PROPERTY was determined to be in violation of Riverside County Ordinance No. 457 and 541 by the Code Enforcement Officer.

7. A Notice of Noncompliance was recorded on June 8, 2012, as Document Number 2012-0266236 in the Office of the County Recorder, County of Riverside.

8. On January 30, 2012, Notices of Violation, Notice of Defects, a "Danger Do Not Enter" and a "Do Not Dump" sign were posted on THE PROPERTY. On January 30, 2012, Notices of Violation for the substandard structures and accumulation of rubbish were mailed to OWNERS by certified mail, return receipt requested.

9. A "Notice to Correct County Ordinance Violations and Abate Public Nuisance" providing notice of the public hearing before the Board of Supervisors on March 18, 2013, was mailed to OWNERS and was posted on THE PROPERTY.

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1 **FINDINGS AND CONCLUSIONS**

2 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in  
3 regular session assembled on March 18, 2013, finds and concludes that:

4 1. WHEREAS, the substandard structures (front and back porch) and accumulation of  
5 rubbish on the real property located at 37340 Old Forest Road, Anza, Riverside County, California,  
6 also identified as Assessor's Parcel Number 573-110-047 violates Riverside County Ordinance Nos.  
7 457 and 541 and constitutes a public nuisance.

8 2. WHEREAS, the OWNERS, occupants and any person having possession or control of  
9 THE PROPERTY shall abate the substandard structure conditions by razing, removing and disposing  
10 of the substandard structures, including the removal and disposal of all structural debris and  
11 materials, and contents therein or by reconstruction and rehabilitation of said structures provided that  
12 said reconstruction or demolition can be accomplished in strict accordance with all Riverside County  
13 Ordinances, including but not limited to Riverside County Ordinance No. 457 within ninety (90)  
14 days.

15 3. WHEREAS, the OWNERS, occupants and any other person having possession or  
16 control of THE PROPERTY shall abate the accumulation of rubbish by removing and disposing of  
17 all rubbish on THE PROPERTY in strict accordance with all Riverside County Ordinances,  
18 including but not limited to Riverside County Ordinance No. 541 within ninety (90) days.

19 4. WHEREAS, the OWNERS ARE HEREBY FURTHER NOTICED that the time  
20 within which judicial review of the administrative determinations made herein must be sought is  
21 ninety (90) days from the posting and mailing of the Findings of Fact, Conclusions and Order To  
22 Abate Nuisance, and is governed by California Code of Civil Procedure Section 1094.6.

23 **ORDER TO ABATE NUISANCE**

24 IT IS THEREFORE ORDERED that the substandard structures (front and back porch) on  
25 THE PROPERTY be abated by the OWNERS, Javier Silva and Maria Silva, or anyone having  
26 possession or control of THE PROPERTY, by razing and removing the substandard structures  
27 including the removal and disposal of all structural debris and materials, as well as the contents  
28 therein, or by reconstruction and rehabilitation of said structures provided such reconstruction and

1 rehabilitation can be accomplished in strict accordance with all Riverside County Ordinances,  
2 including but not limited to Riverside County Ordinance No. 457 within ninety (90) days of the  
3 posting and mailing of this Order to Abate Nuisance.

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

12 FURTHERMORE, the OWNERS are ordered to ascertain the existence or non-existence of  
13 asbestos containing materials in said structures by survey and materials sample testing by a duly  
14 licensed and certified asbestos consultant; and, prior to the abatement ordered hereinabove, to secure  
15 the removal of all asbestos containing materials discovered through such survey and testing by  
16 contract with a duly certified and licensed contractor for the handling of such materials to avoid  
17 citations and/or fines by South Coast Air Quality Management District (SCAQMD).

18 IT IS FURTHER ORDERED that the accumulation of rubbish on THE PROPERTY be  
19 abated by the OWNERS or anyone having possession or control of THE PROPERTY, by removing  
20 and disposing of all rubbish from THE PROPERTY in strict accordance with all Riverside County  
21 Ordinances, including but not limited to Riverside County Ordinance No. 541 within ninety (90)  
22 days of the date of this Order to Abate Nuisance.

23 IT IS FURTHER ORDERED that if the accumulation of rubbish is not removed and disposed  
24 of in strict accordance with all Riverside County Ordinances, including but not limited to Riverside  
25 County Ordinance Nos. 541 within ninety (90) days of the date of this Order to Abate Nuisance, the  
26 accumulation of rubbish may be abated by representatives of the Riverside County Code  
27 Enforcement Department, a contractor or the Sheriff's Department upon receipt of an owner's  
28 consent or a Court Order when necessary under applicable law.

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

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

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

COUNTY OF RIVERSIDE

5  
6 By \_\_\_\_\_  
John J. Benoit  
Chairman, Board of Supervisors

7  
8 ATTEST:

9 KECIA HARPER-IHEM

10 Clerk to the Board

11  
12 By

13 Deputy

14 (SEAL)