

FORM APPROVED COUNTY COUNSEL
 BY: Patricia Munroe 2/16/13
 DATE: _____
 Patricia Munroe
 Departmental Concurrence

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

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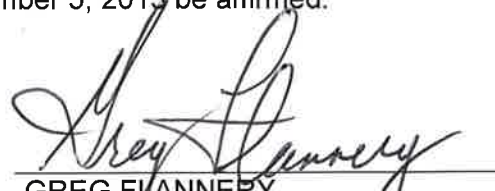
FROM: TLMA – Code Enforcement Department

SUBMITTAL DATE:
 March 13, 2014

SUBJECT: Abatement of Public Nuisance [Appeal; Inoperative Vehicles]
 Case No: CV13-03077 [SCHWENN]
 Subject Property: Vacant Lot on Thousand Palms Canyon Road, Sky Valley;
 APN: 741-090-008
 District: 4/4 [\$0]

RECOMMENDED MOTION: That the Board of Supervisors move that:

1. The vehicles as set forth in the Vehicle Inventory be found to be abandoned, wrecked, dismantled or inoperative vehicles and be declared a public nuisance in violation of Riverside County Ordinance No. 520.
2. The Administrative Hearing Order/Decision issued on November 5, 2013 be affirmed.



 GREG FLANNERY
 Code Enforcement Official

(Continued)

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost:	POLICY/CONSENT (per Exec. Office)
COST	\$ N/A	\$ N/A	\$ N/A	\$ N/A	Consent <input type="checkbox"/> Policy <input checked="" type="checkbox"/>
NET COUNTY COST	\$ N/A	\$ N/A	\$ N/A	\$ N/A	
SOURCE OF FUNDS					Budget Adjustment: _____
					For Fiscal Year: _____

C.E.O. RECOMMENDATION:

APPROVE

BY: Tina Grande
 Tina Grande

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

- A-30
- 4/5 Vote
- Positions Added
- Change Order

Prev. Agn. Ref.:

District: 4/4

Agenda Number:

9-3

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

FORM 11: Abatement of Public Nuisance [Appeal; Inoperative Vehicles]

Case No: CV13-03077 [SCHWENN]

Subject Property: Vacant Lot on Thousand Palm Canyon Road, Sky Valley;

APN: 741-090-008

District: 4/4

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RECOMMENDED MOTION (continued):

3. Mary Bernadette Schwenn or anyone having possession or control of the vehicles be required to abate the public nuisance by removing them from the subject property, or lawfully enclosing them in a building, within fifteen (15) days of the posting and mailing of the Board's Order.

4. If Mary Bernadette Schwenn or anyone having possession or control of the inoperative vehicles and/or vehicle parts does not properly abate the public nuisance within fifteen (15) days of the posting and mailing of the Board's Order, a designated representative of the Code Enforcement Department, a towing contractor and/or Sheriff's Department representative may abate the public nuisance by removal and destruction pursuant to Riverside County Code No. 520 and applicable laws.

5. The reasonable costs of abatement, after notice and an opportunity for hearing shall be imposed as a lien on the subject real property which may be collected as a special assessment against the real property pursuant to Government Code Section 25845 and Riverside County Ordinances 520 and 725.

6. County Counsel be directed to prepare the necessary Findings of Fact and Conclusions that the vehicles and/or vehicle parts on the real property are declared to be in violation of Riverside County Ordinance No. 520 and a public nuisance and further, to prepare and Order to Abate for approval by the Board.

BACKGROUND:

1. As authorized by California Vehicle Code Sections 22660 and 22661 and California Government Code Section 25845, Riverside County Ordinance No. 520 prohibits the outside storage of abandoned, wrecked, dismantled or inoperative vehicles on private property and deems the condition a public nuisance. Furthermore, Riverside County Ordinance No. 520 authorizes the removal and destruction of the vehicles constituting a public nuisance.

2. Pursuant to an Inspection Warrant, an initial inspection was made on the subject property by Code Enforcement Officer Herrera on July 25, 2013. The inspection revealed five (5) abandoned, inoperable, wrecked or dismantled vehicles on the subject property in violation of Riverside County Ordinance No. 520.

3. There have been approximately seven follow up inspections, with the last inspection being November 21, 2013. All five (5) vehicles listed on the vehicle inventory sheet remained on the property and in violation of Riverside County Ordinance No. 520.

4. Pursuant to the request from the property owner, Mary Bernadette Schwenn, an administrative hearing was held on November 5, 2013, wherein the Hearing Officer determined that all five (5) wrecked, abandoned, dismantled or inoperative vehicles on the subject property constitute a public nuisance in violation of Riverside County Ordinance No. 520 and ordered all five (5) vehicles removed from the property.

5. A timely appeal of the Administrative Hearing Order/Decision was filed by Mary Bernadette Schwenn. Notice of the appeal hearing before the Board of Supervisors has been given as required by law.

6. Staff and the Code Enforcement Department have complied with the notice requirements set forth in the laws of this jurisdiction pertaining to the administrative abatement proceeding for removal of the abandoned, wrecked, dismantled or inoperable vehicles.

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Impact on Citizens and Businesses

Failure to abate will have a negative impact on citizens or business due to health and safety hazards, nuisance, and potential impact on real estate values.

SUPPLEMENTAL:

N/A

Additional Fiscal Information

N/A

Contract History and Price Reasonableness

N/A

ATTACHMENTS