

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

908B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
March 26, 2014

SUBJECT: Order to Abate [Substandard Structure & Accumulated Rubbish]
Case No.: CV13-02686 [FISHERI]
Subject Property: 16245 Avenida Manzana, Desert Hot Springs; APN: 657-094-020
District: 4/4 [\$0.00]

RECOMMENDED MOTION: That the Board of Supervisors:

1. The Findings of Fact, Conclusions and Order to Abate in Case No. CV13-02686 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. CV13-02686; 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. CV13-02686.

BACKGROUND:

Summary

On February 25, 2014, 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 structure (dwelling and accumulated rubbish on the subject property to be a public nuisance. The Board ordered

(Continued)


PATRICIA MUNROE
Deputy County Counsel

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost:	POLICY/CONSENT (per Exec. Office)
COST	\$	\$	\$	\$	Consent <input checked="" type="checkbox"/> Policy <input type="checkbox"/>
NET COUNTY COST	\$	\$	\$	\$	

SOURCE OF FUNDS:

Budget Adjustment:

For Fiscal Year:

C.E.O. RECOMMENDATION:

APPROVE

BY: 
Tina Grande

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

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

Prev. Agn. Ref.: 02/25/14; 9.6

District: 4/4

Agenda Number:

2-10

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

FORM 11: Order to Abate [Substandard Structure & Accumulated Rubbish]

Case No. : CV13-02686 [FISHER]

Subject Property: 16245 Avenida Manzana, Desert Hot Springs; APN: 657-094-020

District: 4/4 [\$0.00]

DATE: March 26, 2014

PAGE: 2 of 2

BACKGROUND:

Summary (continued)

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.

Impact on Citizens and Businesses

When property owners abate nuisances on their property, the surrounding neighborhood's safety, attractiveness and land values are potentially increased.

SUPPLEMENTAL:

Additional Fiscal Information

N/A

Contract History and Price Reasonableness

N/A

ATTACHMENTS

Findings of Fact

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 Michelle Cervantes, Code Enforcement Officer
Regina Keyes, Senior Code Enforcement Officer
7 CODE ENFORCEMENT DEPARTMENT
4080 Lemon Street, Twelfth Floor (Stop #1012)
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 13-02686
12 [SUBSTANDARD STRUCTURE AND)
ACCUMULATION OF RUBBISH];)
13 APN 657-094-020, 16245 AVENIDA MANZANA,) FINDINGS OF FACT,
DESERT HOT SPRINGS, RIVERSIDE COUNTY,) CONCLUSIONS AND ORDER TO
14 CALIFORNIA; DARYLL R. FISHER and) ABATE NUISANCE
SUZANNE L. FISHER, OWNERS.)
15)
16)

17 The above-captioned matter came on regularly for hearing on February 25, 2014, 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 16245 Avenida Manzana, Desert Hot Springs, Riverside, Assessor's Parcel
21 Number 657-094-020 and referred to hereinafter as "THE PROPERTY."

22 Patricia Munroe, Deputy County Counsel, appeared along with Michelle Cervantes, Code
23 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 structure 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 Daryll R. Fisher and Suzanne L. Fisher ("OWNERS").

2. Documents of title indicate that other parties may potentially hold a legal interest in THE PROPERTY, to wit: Accredited Home Lenders and MERS (hereinafter collectively referred to as "INTERESTED PARTIES").

3. THE PROPERTY was inspected by Code Enforcement Officers on August 6, 2013, September 25, 2013, November 7, 2013, January 15, 2014, and February 20, 2014.

4. During each inspection, a substandard structure (dwelling) was observed on THE PROPERTY. The structure was observed to be abandoned, dilapidated and vacant. The structure contained numerous deficiencies, including but not limited to: faulty weather protection; general dilapidation or improper maintenance; public and attractive nuisance – abandoned/vacant.

5. During each inspection an accumulation of rubbish was observed throughout THE PROPERTY consisting of but not limited to: metal, wood, cut and dead vegetation, household trash, and broken personal items in excess of 3,500 square feet.

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

7. A Notice of Pendency of Administrative Proceedings was recorded on September 3, 2013, as Document Number 2013-0430637 in the Office of the County Recorder, County of Riverside.

8. On August 6, 2013 and September 25, 2013, Notices of Violation, Notices of Defects, "Danger Do Not Enter" and "Do Not Dump" signs were posted on THE PROPERTY. On August 8, 2013 and September 26, 2013, Notices of Violation for the substandard structure and accumulation of rubbish were mailed to OWNERS and INTERESTED PARTY, Accredited Home Lenders, 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, was mailed to OWNERS and INTERESTED PARTIES and was posted on THE PROPERTY.

1 **FINDINGS AND CONCLUSIONS**

2 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
3 regular session assembled on February 25, 2014, finds and concludes that:

4 1. WHEREAS, the substandard structure (dwelling) and accumulation of rubbish on the
5 real property located at 16245 Avenida Manzana, Desert Hot Springs, Riverside County, California,
6 also identified as Assessor's Parcel Number 657-094-020 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 structure, including the removal and disposal of all structural debris and
11 materials, and contents therein or by reconstruction and rehabilitation of said structure 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 AND INTERESTED PARTIES ARE HEREBY
20 FURTHER NOTICED that the time within which judicial review of the administrative
21 determinations made herein must be sought is ninety (90) days from the posting and mailing of the
22 Findings of Fact, Conclusions and Order To Abate Nuisance, and is governed by California Code of
23 Civil Procedure Section 1094.6.

24 **ORDER TO ABATE NUISANCE**

25 IT IS THEREFORE ORDERED that the substandard structure (dwelling) on THE
26 PROPERTY be abated by the OWNERS, Daryll R. Fisher and Suzanne L. Fisher, or anyone having
27 possession or control of THE PROPERTY, by razing and removing the substandard structure
28 including the removal and disposal of all structural debris and materials, as well as the contents

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

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

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

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

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

1 consent or a Court Order when necessary under applicable law.

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

10 ///

11 ///

12 ///

13 ///

14 ///

15 ///

16 ///

17 ///

18 ///

19 ///

20 ///

21 ///

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

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.

3

4 Dated: _____

COUNTY OF RIVERSIDE

5

6 By _____
7 Jeff Stone
8 Chairman, Board of Supervisors

9

10

ATTEST:

11

KECIA HARPER-IHEM

12

Clerk to the Board

13

14

By

15

Deputy

16

(SEAL)

17

18

19

20

21

22

23

24

25

26

27

28