

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

607 B



FORM APPROVED COUNTY COUNSEL

Departmental Concurrence BY: GREGORY P. PRIAMOS DATE

FROM: TLMA – Code Enforcement Department

SUBMITTAL DATE:
September 18, 2014

SUBJECT: Abatement of Public Nuisance [Appeal; Abandoned, Wrecked, Dismantled, or Inoperative Vehicles]

Case No: CV08-05781 [NICHOLS]

Subject Property: 32391 Ortega Highway, Lake Elsinore: APN: 386-030-001

District: 1/1 [\$0]

RECOMMENDED MOTION: That the Board of Supervisors move that:

1. The Administrative Hearing Order/Decision issued on May 2, 2011 be affirmed and upheld.
2. The vehicles identified in the Vehicle Inventory List be declared to be abandoned, wrecked, dismantled or inoperative vehicles and be declared a public nuisance in violation of Riverside County Ordinance No. 520, as determined by the Administrative Hearing Officer.

(Continued)


 GREG FLANNERY
 Code Enforcement Official

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

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

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

Prev. Agn. Ref.: | **District: 1/1** | **Agenda Number:**

9-2

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

FORM 11: Abatement of Public Nuisance [Appeal; Abandoned, Wrecked, Dismantled, or Inoperative Vehicles]

Case No: CV08-05781 [NICHOLS]

Subject Property: 32391 Ortega Highway, Lake Elsinore; APN: 386-030-001

District: 1/1

DATE: September 18, 2014

PAGE: 2 of 3

RECOMMENDED MOTION (continued):

3. William Reed Nichols 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 ninety (90) days of the posting and mailing of the Board's Order.
4. If William Reed Nichols or anyone having possession or control of the abandoned, wrecked, dismantled, or inoperative vehicles and/or parts thereof does not properly abate the public nuisance within ninety (90) 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 Statement of Decision Affirming and Upholding the Hearing Officer's Decision that the abandoned, wrecked, dismantled, or inoperative 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 the Order 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 and vehicle parts 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. Initial inspection was made on the subject property by Code Enforcement Officer Matt Jones on February 25, 2011. The inspection revealed sixty-seven (67) abandoned, wrecked, dismantled, or inoperative vehicles on the subject property in violation of Riverside County Ordinance No. 520.
3. There have been approximately six follow up inspections, with the last inspection occurring on May 20, 2014. Of the sixty-seven vehicles (67) vehicles listed on the vehicle inventory list, thirty-one (31) remained on the property and in violation of Riverside County Ordinance No. 520.
4. Pursuant to the request from the property owner, William Reed Nichols, an administrative hearing was held on April 28, 2011. On April 28, 2011, the Hearing Officer issued his decision and determined that all sixty-seven (67) abandoned, wrecked, dismantled, or inoperative vehicles on the subject property constitute a public nuisance in violation of Riverside County Ordinance No. 520 and ordered all sixty-seven (67) vehicles removed from the property within 70 days.
5. On or about May 9, 2011, a request for an appeal of the Administrative Hearing Order/Decision was received from William Reed Nichols. Notice of the appeal hearing before the Board of Supervisors has been given as required by law.

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

FORM 11: Abatement of Public Nuisance [Appeal; Abandoned, Wrecked, Dismantled, or Inoperative Vehicles]

Case No: CV08-05781 [NICHOLS]

Subject Property: 32391 Ortega Highway, Lake Elsinore; APN: 386-030-001

District: 1/1

DATE: September 18, 2014

PAGE: 3 of 3

6. Code Enforcement granted William Reed Nichols an extension to remove the abandoned, wrecked, dismantled, or inoperative vehicles from the property.

7. 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 inoperative vehicles.

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

1 **BOARD OF SUPERVISORS**
2 **COUNTY OF RIVERSIDE**

3 IN THE APPEAL OF ADMINISTRATIVE HEARING)
4 DECISION RE: THE ABATEMENT OF PUBLIC)
5 NUISANCE [ABANDONED, WRECKED,)
6 DISMANTLED, OR INOPERATIVE VEHICLES OR)
7 PARTS THEREOF] APN:386-030-001, 32391)
8 ORTEGA HIGHWAY, LAKE ELSINORE, COUNTY)
9 OF RIVERSIDE, STATE OF CALIFORNIA;)
10 WILLIAM REED NICHOLS, OWNER.)
11)
12)
13)
14)
15)
16)
17)
18)
19)
20)
21)
22)
23)
24)
25)
26)
27)
28)

CASE NO. CV 08-05781
DECLARATION OF CODE
ENFORCEMENT OFFICER
CYNTHIA BLACK
[RCO No. 520]

9 I, Cynthia Black, declare that the facts set forth below are personally known to me except to the
10 extent that certain information is based on information and belief which I believe to be true, and if called
11 as a witness, I could and would competently testify thereof under oath:

12 1. I am currently employed by the Riverside County Code Enforcement Department as a
13 Senior Code Enforcement Officer. My current official duties as a Senior Code Enforcement Officer
14 include inspecting property for violations and enforcement of the provisions of Riverside County
15 Ordinances.

16 2. California Vehicle Code Section 22660 and Riverside County Ordinance ("RCO") No. 520
17 provide for the abatement and removal as a public nuisance of abandoned, wrecked, dismantled, or
18 inoperative vehicles, or parts thereof from private or public property and the recovery of administrative
19 fees and removal costs.

20 3. I am informed and believe and based thereon allege that on February 25, 2011, Officer
21 Jones conducted an inspection of the real property described as 32391 Ortega Highway, Lake Elsinore,
22 Riverside County, California, and further described as Assessor's Parcel Number 386-030-001
23 (hereinafter described as "THE PROPERTY"). A true and correct copy of a Thomas Brothers map page
24 indicating the location of THE PROPERTY is attached hereto and incorporated herein by reference as
25 Exhibit "A."

26 ///
27 ///
28 ///

1 4. A review of County records and documents disclosed that THE PROPERTY is owned by
2 William Reed Nichols (hereinafter referred to as "OWNER"). A certified copy of the County Equalized
3 Assessment Roll for the 2013-2014 tax year and a copy of the report generated from the County
4 Geographic Information System ("GIS") is attached hereto and incorporated herein by reference as
5 Exhibit "B."

6 5. I am informed and believe and based thereon allege that Officer Jones met with the
7 OWNER on February 25, 2011 who granted permission to inspect THE PROPERTY. Officer Jones
8 inventoried and photographed sixty seven (67) abandoned, wrecked, dismantled, or inoperative vehicles.
9 Many of the vehicles were missing batteries, had inoperable engines, dismantled engine, and/or flat tires.

10 6. The Vehicle Inventory dated February 25, 2011 identifying each abandoned, wrecked,
11 dismantled, or inoperative vehicle is attached hereto and incorporated herein by reference as Exhibit "C."

12 7. On February 28, 2011, Notice of Intent to Abate was mailed to OWNER and the identified
13 registered owners at the addresses listed with the California Department of Motor Vehicles ("DMV") by
14 certified mail return receipt requested and was posted on March 1, 2011. As part of the inventory, if the
15 vehicle identification number or license plate of a vehicle was ascertainable, the Code Enforcement
16 Department contacted the DMV for the name and address of the registered and legal owner of the
17 inoperative vehicle. Based upon information obtained from the DMV, I am informed and believe that the
18 last registered owners of the abandoned, wrecked, dismantled, or inoperative vehicles located on THE
19 PROPERTY (hereinafter cumulatively referred to as "ALL REGISTERED OWNERS") were identified and
20 noticed.

21 8. A site plan and photographs depicting the conditions of THE PROPERTY are attached
22 hereto and incorporated herein by reference as Exhibit "D."

23 9. A true and correct copy of each Notice issued in this matter and other supporting
24 documentation are attached hereto and incorporated herein by reference as Exhibit "E."

25 10. There have been approximately seven follow up inspections on THE PROPERTY, the last
26 occurring on May 20, 2014. I observed thirty-one (31) of the sixty-seven (67) vehicles listed on the
27 vehicle inventory sheet remained and in violation of RCO No. 520.

28 11. Code Enforcement has researched County records to determine whether OWNER has a

1 plot plan or conditional use permit, in order to allow him to operate a business on THE PROPERTY.
2 Based upon Code Enforcement's research, we were unable to locate any documents which authorize
3 OWNER to operate a business (licensed dismantler, licensed vehicle dealer, a junk dealer) on THE
4 PROPERTY.

5 12. Based upon my experience, knowledge and observation, the abandoned, wrecked,
6 dismantled, or inoperative vehicles constitute a public nuisance in violation of the provisions set forth in
7 RCO No. 520 in that they are not lawfully enclosed in a building, are not stored or parked in connection
8 with the business of a licensed dismantler, licensed vehicle dealer, a junk dealer or other lawfully
9 conducted business or commercial enterprise.

10 13. Furthermore, a recent inspection showed THE PROPERTY remained in violation of RCO
11 No. 520.

12 14. A Notice of Pendency of Administrative Proceedings was recorded in the Office of the
13 County Recorder, County of Riverside, State of California, on September 11, 2008, as Instrument
14 Number 2008-0500681, a true and correct copy of which is attached hereto and incorporated herein by
15 reference as Exhibit "F."

16 15. At the request of OWNER, an Administrative Hearing was scheduled for April 28, 2011.
17 Randall Tagami presided as the Hearing Officer.

18 16. Based on information and belief which I believe to be true, the Notice of Decision was
19 mailed to OWNER. The Hearing Officer's decision was in favor of the County of Riverside. The Hearing
20 Officer gave OWNER seventy (70) days to remove all vehicles identified in the attached Vehicle
21 Inventory and located on THE PROPERTY. The decision stated that Riverside County Code
22 Enforcement shall have the authority to abate and remove all vehicles identified in the attached Vehicle
23 Inventory located on THE PROPERTY. A true and correct copy of the Decision is attached hereto and
24 incorporated by reference as Exhibit "G."

25 17. On May 9, 2011, Code Enforcement received a letter from OWNER, requesting an
26 appeal of the Hearing Officer's Decision to the Board of Supervisors. A true and correct copy of the letter
27 is attached hereto and incorporated by reference as Exhibit "H."

28 18. OWNER was granted an extension to January 2014 to remove the remaining vehicles. To

1 date, OWNER has failed to remove the vehicles from THE PROPERTY, which is still in violation of RCO
2 520.

3 19. A Notice of Hearing on Appeal of Administrative Hearing Decision on the Abatement of
4 Vehicles and Vehicle Parts providing notice of the Board of Supervisors Hearing as required by RCO No.
5 520 was mailed to OWNER by First Class Mail and was posted on THE PROPERTY. True and correct
6 copies of the Notice, together with Proof of Service, and the Affidavit of Posting of Notices are attached
7 hereto and incorporated by reference as Exhibit "I."

8 20. I am informed and believe that the OWNER does not have legal authority or permission to
9 store the abandoned, wrecked, dismantled, or inoperative vehicles and vehicle parts on THE
10 PROPERTY.

11 21. The removal or lawful enclosure in a building of all abandoned, wrecked dismantled, or
12 vehicles and parts thereof as identified in the Vehicle Inventory is required to bring THE PROPERTY into
13 compliance with RCO No. 520.

14 22. Accordingly, the following findings and conclusions are recommended:

15 a) the Administrative Hearing Officer's Order / Decision be AFFIRMED and UPHELD;
16 b) the vehicles or parts thereof as set forth in the Vehicle Inventory, attached hereto
17 as Exhibit "C" be declared to be abandoned, wrecked, dismantled or inoperative and declared a public
18 nuisance in violation of RCO No. 520, as determined by the Administrative Hearing Officer;

19 c) the OWNER or anyone having possession or control of the abandoned, wrecked,
20 dismantled or inoperative vehicles or vehicles parts be required to abate the public nuisance by removing
21 or lawfully enclosing in a building the vehicles as set forth in the Vehicle Inventory within ninety (90) days
22 of the posting or mailing of the Board of Supervisors' Order pursuant to RCO No. 520;

23 d) If the above described public nuisance is not abated in strict accordance with all
24 Riverside County Ordinances, including RCO No. 520, within ninety (90) days after posting and mailing
25 of the Board's Statement of Decision, a designated representative of the Riverside County Code
26 Enforcement Department, a towing contractor and/or Sherriff's Department representative may abate the
27 public nuisance by removal and destruction of the abandoned, wrecked, dismantled or inoperative
28 vehicles and parts thereof pursuant to RCO No. 520 and applicable law upon receipt of an owner's

1 consent or Court Order where necessary under applicable law;

2 e) that reasonable costs of abatement, after notice and opportunity for hearing, shall
3 be imposed as a lien on THE PROPERTY, which may be collected as a special assessment against THE
4 PROPERTY, pursuant to Government Code Section 25845 and RCO No. 725.

5 I declare under penalty of perjury under the laws of the State of California that the
6 foregoing is true and correct.

7 Executed this 21st day of August, 2014, at Merrieta, California.

8
9 

10 _____
11 CYNTHIA BLACK
12 Senior Code Enforcement Officer
13 Code Enforcement Department
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28