

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

605 B



FROM: TLMA – Code Enforcement Department

SUBMITTAL DATE:
September 18, 2014

SUBJECT: Abatement of Public Nuisance [Excess Outside Storage & Accumulated Rubbish]
Case No: CV11-01021 [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 excess outside storage of materials and accumulation of rubbish on the real property located at 32391 Ortega Highway, Lake Elsinore, Riverside County, California, APN: 386-030-001 be declared a public nuisance and a violation of Riverside County Ordinance Nos. 348 and 541.
2. William Reed Nichols, the owner of the subject real property, be directed to abate the excess outside storage and accumulated rubbish on the property by removing the same from the real property within ninety (90) days.

Greg Flannery

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

FORM APPROVED COUNTY COUNSEL
BY: *L. Alexandra Fong*
L. ALEXANDRA FONG
6/23/14
DATE

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

Prev. Agn. Ref.:

District: 1/1

Agenda Number:

9-3

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

FORM 11: Abatement of Public Nuisance [Excessive Outside Storage & Accumulated Rubbish]

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RECOMMENDED MOTION (continued):

3. If the owner or whoever has possession of the real property does not take the above described action within ninety (90) days of the date of the Board's Order to Abate, that representatives of the Code Enforcement Department, Sheriff's Department, and/or a contractor, upon consent or receipt of a Court Order authorizing entry onto the real property, when necessary under applicable law, may abate the excess outside storage and accumulation of rubbish by removing and disposing of the same from the real property.

4. The reasonable costs of abatement, after notice and an opportunity for hearing, shall be imposed as a lien on the real property, which may be collected as a special assessment against the real property pursuant to Government Code Section 25845 and Riverside County Ordinance No. 725.

5. County Counsel be directed to prepare the necessary Findings of Fact and Conclusions that the excess outside storage of materials and accumulation of rubbish on the real property is declared to be in violation of Riverside County Ordinance Nos. 348 and 541, and a public nuisance, and further, to prepare an Order to Abate for approval by the Board.

BACKGROUND:

1. An inspection was made on the subject property by Senior Code Enforcement Officer Cynthia Black on March 4, 2014. The inspection revealed the excess outside storage of material and an accumulation of rubbish on the subject property in violation of Riverside County Ordinances Nos. 348 and 541. The items included but were not limited to: wood, household trash, recyclables, fencing materials, tires, wheels, batteries, tools, engine hoist, containers, ladders, dollies, carts, cabinets, shelving, crates, buckets, boxes, folding tables, propane tanks, plastic piping, construction materials, windows, scrap metal, metal gas cylinders and other miscellaneous items.

2. Since 2011, Code Enforcement has been working with the property owner and tenant in an attempt to gain compliance with County ordinances. There are three additional code cases that are open for the property.

3. A follow up inspection of the above-described real property on May 20, 2014, revealed that the property continues to be in violation of Riverside County Ordinance Nos. 348 and 541.

4. Staff and the Code Enforcement Department have complied with the notice requirements set forth in the appropriate laws of this jurisdiction pertaining to the administrative abatement proceedings for the removal of the excess outside storage and accumulated rubbish.

Impact on Citizens and Businesses

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

SUPPLEMENTAL:

N/A

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Additional Fiscal Information

N/A

Contract History and Price Reasonableness

N/A

ATTACHMENTS

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

3 IN RE ABATEMENT OF PUBLIC NUISANCE) CASE NO. CV 11-01021
4 [EXCESS OUTSIDE STORAGE AND)
5 ACCUMULATED RUBBISH]; APN: 386-030-001,) DECLARATION OF CODE
6 32391 ORTEGA HIGHWAY, LAKE ELSINORE,) ENFORCEMENT OFFICER
7 COUNTY OF RIVERSIDE, STATE OF) CYNTHIA BLACK
8 CALIFORNIA; WILLIAM REED NICHOLS, OWNER.)
9)
10) [RCO Nos. 348 & 541]
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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. On March 4, 2014, I conducted an inspection on the real property described as 32391
17 Ortega Highway, Lake Elsinore, Riverside County, California and further described as Assessor's Parcel
18 Number 386-030-001 (hereinafter described as "THE PROPERTY"). A true and correct copy of a
19 Thomas Brothers map page indicating the location of THE PROPERTY is attached hereto and
20 incorporated herein by reference as Exhibit "A."

21 3. A review of County records and documents disclosed that THE PROPERTY is owned by
22 William Reed Nichols (hereinafter referred to as "OWNER"). A certified copy of the County Equalized
23 Assessment Roll for 2013-2014 tax year and a copy of the report generated from the County Geographic
24 Information System ("GIS") is attached hereto and incorporated herein by reference as Exhibit "B." The
25 property is approximately 0.44 acres in size and is located within the C-1/C-P (General Commercial)
26 zone classification. This zone classification does not allow any amount of excess outside storage on THE
27 PROPERTY. Accumulated rubbish is not permitted to be located on any property within the County of
28 Riverside.

1 4. Based on the Lot Book Reports from RZ Title Service dated January 28, 2014, it is
2 determined that another party may potentially hold a legal interest in THE PROPERTY, to wit: Morris S.
3 Daggett Jr, Barbara Jeanne Dagget, Chase Mortgage Company, Green Tree Serving, Inc., (hereinafter
4 referred to as "INTERESTED PARTIES"). A true and correct copy of the Lot Book Report is attached
5 hereto and incorporated herein by reference as Exhibit "C."

6 5. Code Enforcement began its investigation into violations on THE PROPERTY in 2011,
7 when accumulated rubbish and excess outside storage was first observed on THE PROPERTY. Code
8 Enforcement repeatedly attempted to work with OWNER and provide him time to clean THE PROPERTY
9 but was not successful.

10 Code Enforcement has been working OWNER and tenant since February 2011 to resolve the
11 violations of excessive outside storage and accumulated rubbish. There are three additional open code
12 cases for THE PROPERTY, one the cases is subject to an appeal of an administrative decision relating
13 to the abatement of abandoned, wrecked, dismantled, or inoperative vehicles or parts thereof.

14 6. On March 4, 2014, I arrived at THE PROPERTY to conduct an inspection. I met with the
15 OWNER Mr. Nichols who granted permission to inspect the property. I observed excess outside storage
16 and accumulated rubbish on THE PROPERTY. The outside storage of materials and accumulated
17 rubbish were intermingled and consisted of, but was not limited to: wood, household trash, recyclables,
18 fencing material, tires, wheels, batteries, tools, engine hoist, containers, ladders, dollies, carts, cabinets,
19 shelving, crates, buckets, boxes, folding tables, propane tanks, plastic piping, construction materials,
20 windows, scrap metal and metal gas cylinder and other miscellaneous items in excess of 5,600 square
21 feet.

22 7. As a result of the excess outside storage of materials and accumulated rubbish, THE
23 PROPERTY constituted a public nuisance in violation of the provisions set forth in Riverside County
24 Ordinance ("RCO") Nos. 348 and 541.

25 8. On March 4, 2014 and March 20, 2014, a Notice of Violation for the excess outside
26 storage of materials and accumulated rubbish was posted on THE PROPERTY.

27 9. On March 14, 2014, a Notice of Violation was mailed to OWNER and INTERESTED
28 PARTIES by certified mail with return receipt requested.

1 10. A site plan and photographs depicting the conditions of THE PROPERTY are attached
2 hereto and incorporated herein by reference as Exhibit "D."

3 11. True and correct copies of each Notice issued in this matter and other supporting
4 documentation are attached hereto and incorporated herein by reference as Exhibit "E."

5 12. A follow up inspection of THE PROPERTY on May 20, 2014, revealed the accumulated
6 rubbish and excess outside storage observed on March 4, 2014 remains on THE PROPERTY and
7 continues to be in violation of RCO Nos. 348 and 541.

8 13. Based upon my experience, knowledge and visual observations, it is my determination
9 that the conditions on THE PROPERTY are dangerous to the neighboring property owners and the
10 general public.

11 14. Furthermore, a recent inspection showed THE PROPERTY remained in violation of RCO
12 Nos. 348 and 541.

13 15. I am informed and believe and based upon said information and belief allege that the
14 OWNER and INTERESTED PARTIES do not have legal authority or permission to store or accumulate
15 the above described materials on THE PROPERTY.

16 16. A Notice of Pendency of Administrative Proceedings was recorded in the Office of the
17 County Recorder, County of Riverside, State of California, on June 14, 2012, as Instrument Number
18 2012-0272120. A true and correct copy is attached hereto and incorporated herein by reference as
19 Exhibit "F."

20 17. A "Notice to Correct County Ordinance Violations and Abate Public Nuisance" providing
21 notice of the Board of Supervisors' hearing as required by RCO No. 725 was mailed to OWNER, and
22 INTERESTED PARTIES by first class mail and was posted on THE PROPERTY. True and correct
23 copies of the Notices, together with the Proofs of Service, and the Affidavit of Posting of Notices are
24 attached hereto and incorporated herein by reference as Exhibit "G."

25 18. The removal of all accumulated rubbish and all excess outside storage of materials
26 currently on THE PROPERTY is required to bring THE PROPERTY into compliance with RCO Nos. 348
27 and 541, and the Health and Safety Code.

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1 18. Accordingly, the following findings and conclusions are recommended:

2 (a) the excess outside storage of materials and accumulated rubbish on THE
3 PROPERTY to be deemed and declared a public nuisance; and


4 (b) the OWNER, or whoever has possession or control of THE PROPERTY, be
5 required to remove all outside storage of materials and accumulated rubbish on THE PROPERTY in
6 strict accordance with the provisions of RCO Nos. 348 and 541.

7 (c) that if the material and rubbish are not removed and disposed of in strict
8 accordance with all Riverside County Ordinances, including but not limited to RCO Nos. 348 and 541,
9 within ninety (90) days of the date of the posting and mailing of the Board's Order to Abate Nuisance, the
10 outside storage of materials and accumulated rubbish may be abated and disposed of by representatives
11 of the Riverside County Code Enforcement Department, a contractor or the Sheriff's Department upon
12 receipt of an owner's consent or a Court Order when necessary under applicable law.

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

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

18 Executed this 16th day of June, 2014, at Murrieta, California.

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21 CYNTHIA BLACK
22 Senior Code Enforcement Officer
23 Code Enforcement Department
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