

FORM APPROVED COUNTY COUNSEL
 BY: GREGORY P. PRIAMOS DATE 11/3/14

Departmental Concurrence

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

408 B



FROM: TLMA – Code Enforcement Department

SUBMITTAL DATE:
 11/18/2014

SUBJECT: Abatement of Public Nuisance [Accumulated Rubbish]
 Case No: CV14-01735 [HUTCHINSON]
 Subject Property: 26160 Homeland Avenue, Homeland, APN: 459-105-001
 District: 3/5 [\$0]

RECOMMENDED MOTION: That the Board of Supervisors move that:

1. The accumulation of rubbish on the real property located at 26160 Homeland Avenue, Homeland, Riverside County, California, APN: 459-105-001 be declared a public nuisance and a violation of Riverside County Ordinance No. 541 which does not permit the accumulation of rubbish on the property.
2. Viola B. Hutchinson, the owner of the subject real property, be directed to abate the accumulation of rubbish on the property by removing the same from the real property within ninety (90) days.

[Signature]
 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: *[Signature]*
 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: 3/5 Agenda Number:

9-2

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

FORM 11: Abatement of Public Nuisance [Accumulated Rubbish]

Case No: CV14-01735 [HUTCHINSON]

Subject Property: 26160 Homeland Avenue, Homeland; APN: 459-105-001

District: 3/5

11/18/2014

DATE:

PAGE: 2 of 3

RECOMMENDED MOTION (continued):

3. If the owner or whoever has possession or control 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 of the owner or receipt of a Court Order authorizing entry onto the real property, when necessary under applicable law, may abate the 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 accumulation of rubbish on the real property is declared to be in violation of Riverside County Ordinance No. 541, and a public nuisance, and further, to prepare an Order to Abate for approval by the Board.

BACKGROUND:

1. An initial inspection was made on the subject property by Code Enforcement Officer Samantha Phillips on May 7, 2014. The Inspection revealed the accumulation of rubbish on the subject property in violation of Riverside County Ordinance 541. The rubbish consisted of, but was not limited to: fire damaged household items.

2. Follow up inspections on July 2, 2014, July 24, 2014 and September 10, 2014, revealed the property continues to be in violation of Riverside County Ordinance No. 541.

3. 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 accumulated rubbish.

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:

Additional Fiscal Information

N/A

Contract History and Price Reasonableness

N/A

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PAGE: 3 of 3

ATTACHMENTS

Declaration
Exhibits A-G

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

3 IN RE ABATEMENT OF PUBLIC NUISANCE) CASE NO. CV 14-01735
4 [ACCUMULATED RUBBISH]; APN: 459-105-001,)
26160 HOMELAND AVENUE, HOMELAND,) DECLARATION OF CODE
5 COUNTY OF RIVERSIDE, STATE OF) ENFORCEMENT OFFICER
CALIFORNIA; VIOLA B. HUTCHINSON, OWNER.) SAMANTHA PHILLIPS
6)
7 [RCO No. 541]

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

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

14 2. On May 7, 2014, I conducted an inspection of the real property described as 26160
15 Homeland Avenue, Homeland, Riverside County, California and further described as Assessor's Parcel
16 Number 459-105-001 (hereinafter described as "THE PROPERTY"). A true and correct copy of a
17 Thomas Brothers map page indicating the location of THE PROPERTY is attached hereto and
18 incorporated herein by reference as Exhibit "A."

19 3. A review of County records and documents disclosed that THE PROPERTY is owned by
20 Viola B. Hutchinson (hereinafter referred to as "OWNER"). A certified copy of the County Equalized
21 Assessment Roll for 2014-2015 tax year and a copy of the report generated from the County Geographic
22 Information System ("GIS") is attached hereto and incorporated herein by reference as Exhibit "B." THE
23 PROPERTY is approximately 0.45 in size and is located within the R-R (Rural Residential) zone.
24 Accumulated Rubbish is not permitted to be located on any property within the County of Riverside.

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FORM APPROVED COUNTY COUNSEL
DATE
NOV 3 2013
SOPHIA H. CHOI

1 4. Based on the Lot Book Report from RZ Title Service dated July 3, 2014, it is determined
2 that other parties may potentially hold an interest in THE PROPERTY, to wit: Viola B. Hutchinson,
3 Trustee of the Viola B. Hutchinson, Revocable Living Trust dated Mach 7, 2002 and Joan Brashear
4 (hereinafter referred to as "INTERESTED PARTIES"). A true and correct copy of the Lot Book Report is
5 attached hereto and incorporated herein by reference as Exhibit "C." Code Enforcement learned through
6 the Department of Motor Vehicles that OWNER is deceased.

7 5. On May 7, 2014, I arrived at THE PROPERTY to conduct an inspection. I entered through
8 the open front gate and observed accumulated rubbish on THE PROPERTY, including but not limited to:
9 fire damage household items in excess of 1,350 square feet.

10 6. As a result of the accumulated rubbish, THE PROPERTY constituted a public nuisance in
11 violation of the provisions set forth in Riverside County Ordinance ("RCO") No. 541.

12 7. On May 7, 2014, a Notice of Violation for accumulated rubbish was posted on THE
13 PROPERTY.

14 8. On May 7, 2014, a Notice of Violation was mailed to OWNER by certified mail, return
15 receipt requested. On July 30, 2014, a Notice of Violation was mailed to OWNER and INTERESTED
16 PARTIES by certified mail, return receipt requested.

17 9. A site plan and photographs depicting the conditions of THE PROPERTY are attached
18 hereto and incorporated herein by reference as Exhibit "D."

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

21 11. Follow up inspections of the above-described real property on July 2, 2014, July 24, 2014,
22 and September 10, 2014, revealed THE PROPERTY remained in violation of RCO No. 541. During each
23 inspection I observed additional rubbish on THE PROPERTY including, but not limited to: household
24 trash, burnt wood, 4 tires, cement pillars, clothing and wooden stairs in excess of 1,800 square feet.

25 12. Based upon my experience, knowledge and visual observations, it is my determination
26 that the conditions on THE PROPERTY are dangerous to the neighboring property owners and the
27 general public.

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1 13. Furthermore a recent inspection showed THE PROPERTY remained in violation of RCO
2 No. 541.

3 14. I am informed and believe and based upon said information and beliefs allege that the
4 OWNER does not have legal authority or permission to store or accumulate the above described
5 materials on THE PROPERTY.

6 15. A Notice of Pendency of Administrative Proceedings regarding the accumulated rubbish
7 was recorded in the Office of the County Recorder, County of Riverside, State of California, on July 16,
8 2014, as Instrument Number 2014-0264789. A true and correct copy is attached hereto and incorporated
9 herein by reference as Exhibit "F."

10 16. A "Notice to Correct County Ordinance Violations and Abate Public Nuisance" providing
11 notification of the Board of Supervisors' hearing as required by RCO No. 725 was mailed to OWNER and
12 INTERERSTED PARTIES by first class mail and was posted on THE PROPERTY. True and correct
13 copies of the Notices, together with the Proofs of Service, and the Affidavit of Posting of Notices are
14 attached hereto and incorporated herein by reference as Exhibit "G."

15 17. Removal of all accumulated rubbish on THE PROPERTY is required to bring THE
16 PROPERTY into compliance with RCO No. 541, and the Health and Safety Code. Under RCO No. 541,
17 no amount of rubbish is allowed to accumulate on THE PROPERTY.

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

19 (a) the accumulation of rubbish on THE PROPERTY be deemed and declared a
20 public nuisance;

21 (b) the OWNER or whoever has possession or control of THE PROPERTY, be
22 required to remove all accumulated rubbish within ninety (90) days of the date of the posting and mailing
23 of the Board's Order to Abate Nuisance, in strict accordance with all Riverside County Ordinances,
24 including but not limited to the provision of RCO No. 541;

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1 (c) in the event the rubbish is not removed and disposed of during the above
2 referenced ninety (90) day time period in strict accordance with all Riverside County Ordinances,
3 including but not limited to RCO No. 541, the rubbish may be abated and disposed of by representatives
4 of the Riverside County Code Enforcement Department, a contractor, or the Sheriff's Department upon
5 receipt of an owner's consent or a Court Order when necessary under applicable law.

6 (d) that reasonable costs of abatement, after notice and opportunity for hearing, shall
7 be imposed as a lien on THE PROPERTY, which may be collected as a special assessment against THE
8 PROPERTY pursuant to Government Code Section 25845 and RCO No. 541.

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

11 Executed this 22 day of OCTOBER, 2014, at MURRIETA, California

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14 SAMANTHA PHILLIPS
15 Code Enforcement Officer
16 Code Enforcement Department
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