

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

304B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
March 12, 2015

SUBJECT: Order to Abate [Substandard Structure, Excessive Outside Storage & Accumulated Rubbish]
Case No. CV12-02559 [MARAGNO]
Subject Property: 24200 Juniper Springs Road, Homeland; APN: 455-210-030
District: 5 [\$0.00]

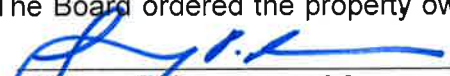
RECOMMENDED MOTION: That the Board of Supervisors:

1. Approve the Findings of Fact, Conclusions and Order to Abate in Case No. CV12-02559;
2. Authorize the Chairman of the Board of Supervisors to execute the Findings of Fact, Conclusions and Order to Abate in Case No. CV12-02559; and
3. Authorize the Clerk of the Board of Supervisors to record the Findings of Fact, Conclusions and Order to Abate in Case No. CV12-02559.

BACKGROUND:

Summary

On December 9, 2014, this Board received the declaration of the Code Enforcement Officer in the above referenced matter and declared the substandard structure, excessive outside storage, and accumulated rubbish, located on the subject property to be a public nuisance. The Board ordered the property owner (Continued)


GREGORY P. PRIAMOS
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.: 12/09/14; 9.5

District: 5

Agenda Number:

2-10

Departmental Concurrence

**SUBMITTAL TO THE BOARD OF SUPERVISORS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA
FORM 11: Order to Abate [Substandard Structure, Excessive Outside Storage &**

Accumulated Rubbish];

Case No. CV12-02559 [MARAGNO]

Subject Property: 24200 Juniper Springs Road, Homeland, APN: 455-210-030

District: 5 [\$0.00]

DATE: March 12, 2015

PAGE: 2 of 2

BACKGROUND:

Summary (continued)

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:
2 Kecia Harper-Ihem, Clerk of the
3 Board of Supervisors
4 (Stop #1010)

5 WHEN RECORDED PLEASE MAIL TO:
6 Michelle Cervantes, Senior Code Enforcement Officer
7 Regina Keyes, Senior Code Enforcement Officer
8 CODE ENFORCEMENT DEPARTMENT
4080 Lemon Street, Twelfth Floor (Stop #1012)
Riverside, CA 92501

[EXEMPT GC §§ 6103 and 27383]

**BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE**

11 IN RE ABATEMENT OF PUBLIC NUISANCE:) CASE NO. CV 12-02559
12 [SUBSTANDARD STRUCTURE, EXCESSIVE)
13 OUTSIDE STORAGE AND ACCUMULATION) FINDINGS OF FACT,
14 OF RUBBISH]; APN 455-210-030, 24200) CONCLUSIONS AND ORDER TO
15 JUNIPER SPRINGS ROAD, HOMELAND,) ABATE NUISANCE
16 RIVERSIDE COUNTY, CALIFORNIA;)
WILLIAM LARRY MARAGNO AND DAWN L.) R.C.O. Nos. 348, 457, 541 and 725
MARAGNO, OWNERS.)

17 The above-captioned matter came on regularly for hearing on December 9, 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 24200 Juniper Springs Road, Homeland, Riverside County, California,
21 Assessor’s Parcel Number 455-210-030 and referred to hereinafter as “THE PROPERTY.”

22 Sophia Choi, Deputy County Counsel, appeared along with Michelle Cervantes, Senior Code
23 Enforcement Officer, on behalf of the Director of the Code Enforcement Department.

24 Mr. Maragno appeared with his attorney Jeffrey Willis, but did not address the Board of
25 Supervisors.

26 The Board of Supervisors received the Declaration of the Code Enforcement Officer together
27 with attached Exhibits, evidencing the substandard structure, excessive outside storage of materials
28 and accumulation of rubbish on THE PROPERTY as violations of Riverside County Ordinance Nos.

1 348, 457 and 541 and as a public nuisance.

2 **SUMMARY OF EVIDENCE**

3 1. Documents of record in the Riverside County Recorder's Office identify the owners
4 of THE PROPERTY as William Larry Maragno and Dawn L. Maragno ("OWNERS").

5 2. Documents of title indicate that other parties may potentially hold a legal interest in
6 THE PROPERTY, to wit: State of California Franchise Tax Board, State of California Board of
7 Equalization, State of California Employment Development Department and Internal Revenue
8 Service (hereinafter referred to as "INTERESTED PARTIES").

9 3. THE PROPERTY was inspected by Code Enforcement Officers on March 11, 2014,
10 June 10, 2014, July 15, 2014, August 19, 2014 and December 2, 2014.

11 4. During each inspection, a substandard structure (accessory building) was observed on
12 THE PROPERTY. The structure was observed to be in a general state of dilapidation. The
13 structure contained numerous deficiencies, including but not limited to: hazardous wiring; dampness
14 of habitable rooms; faulty weather protection; general dilapidation or improper maintenance; and
15 public and attractive nuisance- abandoned/vacant; fire damage.

16 5. During each inspection an accumulation of rubbish and excess outside storage was
17 also observed throughout THE PROPERTY consisting of but not limited to: broken concrete, wood,
18 scrap metal, tires, green waste, steel beams, building materials, roofing tiles and concrete blocks in
19 excess of 12, 100 square feet.

20 6. THE PROPERTY was determined to be in violation of Riverside County Ordinance
21 Nos. 348, 457 and 541 by the Code Enforcement Officer.

22 7. A Notice of Pendency of Administrative Proceedings was recorded at the Riverside
23 County Recorder's Office on April 28, 2014, as instrument number 2014-0153552.

24 8. On March 11, 2014, a Notice of Violation, Notice of Defects and "Danger- Do Not
25 Enter" signs were posted on THE PROPERTY.

26 9. On April 16, 2014, a Notice of Violation and Notice of Defects were mailed to
27 OWNERS by certified mail with return receipt requested. On June 4, 2014, a Notice of Violation
28 and Notice of Defects were mailed to INTERESTED PARTIES by certified mail with return receipt

1 requested.

2 10. A "Notice to Correct County Ordinance Violations and Abate Public Nuisance"
3 providing notice of the public hearing before the Board of Supervisors was mailed to OWNERS and
4 INTERESTED PARTIES and was posted on THE PROPERTY.

5 **FINDINGS AND CONCLUSIONS**

6 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
7 regular session assembled on December 9, 2014, finds and concludes that:

8 1. WHEREAS, the substandard structure (accessory building), excessive outside storage
9 of materials and accumulation of rubbish on the real property located at 24200 Juniper Springs Road,
10 Homeland, Riverside County, California, also identified as Assessor's Parcel Number 455-210-030
11 violates Riverside County Ordinance Nos. 348, 457 and 541 and constitutes a public nuisance.

12 2. WHEREAS, the OWNERS, occupants and any person having possession or control of
13 THE PROPERTY shall abate the substandard structure (accessory building) by razing, removing and
14 disposing of the substandard structure including the removal and disposal of all structural debris and
15 materials, and contents therein or by reconstruction and rehabilitation of said structure provided that
16 said reconstruction or demolition can be accomplished in strict accordance with all Riverside County
17 Ordinances, including but not limited to Riverside County Ordinance No. 457 within ninety (90)
18 days.

19 3. WHEREAS, the OWNERS, occupants and any other person having possession or
20 control of THE PROPERTY shall abate the accumulation of rubbish and excessive outside storage of
21 materials by removing and disposing of all rubbish and excessive outside storage in excess of two
22 hundred (200) square feet on THE PROPERTY in strict accordance with all Riverside County
23 Ordinances, including but not limited to Riverside County Ordinance Nos. 348 and 541 within ninety
24 (90) days.

25 4. WHEREAS, the OWNERS and INTERESTED PARTIES ARE HEREBY
26 FURTHER NOTICED that the time within which judicial review of the administrative
27 determinations made herein must be sought is ninety (90) days from the posting and mailing of the
28 Findings of Fact, Conclusions and Order To Abate Nuisance, and is governed by California Code of

1 Civil Procedure Section 1094.6.

2 **ORDER TO ABATE NUISANCE**

3 IT IS THEREFORE ORDERED that the substandard structure (accessory building) on THE
4 PROPERTY be abated by the OWNERS, or anyone having possession or control of THE
5 PROPERTY, by razing and removing the substandard structure including the removal and disposal
6 of all structural debris and materials, as well as the contents therein, or by reconstruction and
7 rehabilitation of said structure provided such reconstruction and rehabilitation can be accomplished
8 in strict accordance with all Riverside County Ordinances, including but not limited to Riverside
9 County Ordinance No. 457 within ninety (90) days of the posting and mailing of this Order to Abate
10 Nuisance.

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

19 FURTHERMORE, THE OWNER is ordered to ascertain the existence or non-existence of
20 asbestos containing materials in said structures by survey and materials sample testing by a duly
21 licensed and certified asbestos consultant; and, prior to the abatement ordered hereinabove, to secure
22 the removal of all asbestos containing materials discovered through such survey and testing by
23 contract with a duly certified and licensed contractor for the handling of such materials to avoid
24 citations and/or fines by South Coast Air Quality Management District (SCAQMD).

25 IT IS FURTHER ORDERED that the accumulation of rubbish and excessive outside storage
26 of materials on THE PROPERTY be abated by OWNERS or anyone having possession or control of
27 THE PROPERTY by removing and disposing of all rubbish and excessive outside storage of
28 materials in excess of two hundred (200) square feet on THE PROPERTY in strict accordance with

1 all Riverside County Ordinances, including but not limited to Riverside County Ordinance Nos. 348
2 and 541, within ninety (90) days of the posting and mailing of this Order to Abate Nuisance.

3 IT IS FURTHER ORDERED that if the accumulation of rubbish and excessive outside
4 storage of materials is not removed and disposed of in strict accordance with all Riverside County
5 Ordinances, including but not limited to Riverside County Ordinance Nos. 348 and 541 within ninety
6 (90) days of the date of this Order to Abate Nuisance, the accumulation of rubbish and excessive
7 outside storage of materials may be abated and disposed of by representatives of the Riverside
8 County Code Enforcement Department, a contractor or the Sheriff's Department upon receipt of an
9 owner's consent or a Court Order when necessary under applicable law.

10 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity
11 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special
12 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside
13 County Ordinance Nos. 348, 457, 541, and 725. Under Riverside County Ordinance No. 725,
14 "abatement costs" means "any costs or expenses reasonably related to the abatement of conditions
15 which violate County Land Use Ordinances, and shall include, but not be limited to, enforcement,
16 investigation, collection and administrative costs, attorneys fees, and the costs associated with the
17 removal or correction of the violation." Reasonable abatement costs accrued by the Code

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1 Enforcement Department will be recoverable from OWNERS even if THE PROPERTY is
2 brought into compliance within ninety (90) days of the date of this Order to Abate Nuisance.

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Dated: _____

COUNTY OF RIVERSIDE

By _____
Marion Ashley
Chairman, Board of Supervisors

ATTEST:
KECIA HARPER-IHEM
Clerk to the Board

By
Deputy
(SEAL)