

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

113 B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
May 19, 2015

SUBJECT: Order to Abate [Excessive Outside Storage & Accumulated Rubbish]
Case No. CV13-01916 [GONZALES]
Subject Property: 34550 Vista Road, Winchester
APN: 472-140-009
District: 3 [\$0.00]

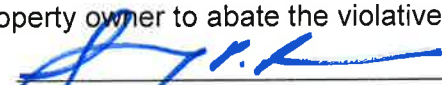
RECOMMENDED MOTION: That the Board of Supervisors:

1. Approve the Findings of Fact, Conclusions and Order to Abate in Case No. CV13-01916;
2. Authorize the Chairman of the Board of Supervisors to execute the Findings of Fact, Conclusions and Order to Abate in Case No. CV13-01916; and
3. Authorize the Clerk of the Board of Supervisors to record the Findings of Fact, Conclusions and Order to Abate in Case No. CV13-01916.

BACKGROUND:

Summary

On April 28, 2015, this Board received the declaration of the Code Enforcement Officer in the above referenced matter and declared the excessive outside storage and accumulated rubbish, located on the subject property to be a public nuisance. The Board ordered the property owner to abate the violative (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

Departmental Concurrence

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

FORM 11: Order to Abate [Excessive Outside Storage & Accumulated Rubbish]

Case No. CV13-01916 [GONZALES]

Subject Property: 34550 Vista Road, Winchester

APN: 472-140-009

District: 3 [\$0.00]

DATE: May 19, 2015

PAGE: 2 of 2

BACKGROUND:

Summary (continued)

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
9 4080 Lemon Street, Twelfth Floor (Stop #1012)
10 Riverside, CA 92501

[EXEMPT GC §§ 6103 and 27383]

11 **BOARD OF SUPERVISORS**
12 **COUNTY OF RIVERSIDE**

13 IN RE ABATEMENT OF PUBLIC NUISANCE:) CASE NO. CV 13-01916
14 [EXCESSIVE OUTSIDE STORAGE AND)
15 ACCUMULATION OF RUBBISH];) FINDINGS OF FACT,
16 APN 472-140-009, 34550 VISTA ROAD,) CONCLUSIONS AND ORDER TO
17 WINCHESTER, RIVERSIDE COUNTY,) ABATE NUISANCE
18 CALIFORNIA; RICHARD L. GONZALES,) [R.C.O. Nos. 348, 541 and 725]
19 OWNER.)
20)
21)

22 The above-captioned matter came on regularly for hearing on April 28, 2015, before the
23 Board of Supervisors of the County of Riverside, State of California in the Board Room, First Floor
24 Annex, County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real
25 property described 34550 Vista Road, Winchester, Riverside County, Assessor's Parcel Number
26 472-140-009 and referred to hereinafter as "THE PROPERTY."

27 Sophia Choi, Deputy County Counsel, appeared along with Regina Keyes, Senior Code
28 Enforcement Officer, on behalf of the Director of the Code Enforcement Department.

Mr. Gonzales appeared, but did not address the Board of Supervisors.

The Board of Supervisors received the Declaration of the Code Enforcement Officer together
with attached Exhibits, evidencing the excessive outside storage of materials and accumulation of
rubbish on THE PROPERTY as violations of Riverside County Ordinance Nos. 348 and 541 and as
a public nuisance.

1 **SUMMARY OF EVIDENCE**

2 1. Documents of record in the Riverside County Recorder’s Office identify the owner
3 of THE PROPERTY as Richard L. Gonzales (“OWNER”).

4 2. Documents of title indicate that other parties appear to potentially hold a legal interest
5 in THE PROPERTY, to wit: Preben and Gail Hansen and State of California Employment
6 Development Department (hereinafter referred to as “INTERESTED PARTIES”).

7 3. THE PROPERTY was inspected by Code Enforcement Officers on July 2, 2014, and
8 on three other occasions, the last being April 23, 2015.

9 4. During each inspection an accumulation of rubbish and excess outside storage was
10 observed throughout THE PROPERTY consisting of but not limited to: tools, plywood, windows,
11 railroad ties, appliances, couches, recliner chair, scrap metal and approximately 100 tires, in excess
12 of 10,000 square feet.

13 5. THE PROPERTY was determined to be in violation of Riverside County Ordinance
14 Nos. 348 and 541 by the Code Enforcement Officer.

15 6. On July 16, 2014, a Notice of Pendency of Administrative Proceedings was recorded
16 at the Riverside County Recorder’s Office as instrument number 2014-0264784.

17 7. On August 28, 2014, a Notice of Violation was mailed to OWNER and
18 INTERESTED PARTIES by first class mail and was posted on THE PROPERTY on September 4,
19 2014.

20 8. A “Notice to Correct County Ordinance Violations and Abate Public Nuisance”
21 providing notice of the public hearing before the Board of Supervisors was mailed to OWNER and
22 INTERESTED PARTIES and was posted on THE PROPERTY.

23 **FINDINGS AND CONCLUSIONS**

24 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
25 regular session assembled on April 28, 2015, finds and concludes that:

26 1. WHEREAS, the excessive outside storage of materials and accumulation of rubbish
27 on the real property located at 34550 Vista Road, Winchester, Riverside County, California, also
28 identified as Assessor's Parcel Number 472-140-009 violates Riverside County Ordinance Nos. 348

1 and 541 and constitutes a public nuisance.

2 2. WHEREAS, the OWNER, occupants and any other person having possession or
3 control of THE PROPERTY shall abate the accumulation of rubbish and excessive outside storage of
4 materials by removing and disposing of all rubbish and excessive outside storage on THE
5 PROPERTY in strict accordance with all Riverside County Ordinances, including but not limited to
6 Riverside County Ordinance Nos. 348 and 541 within ninety (90) days.

7 3. WHEREAS, the OWNER AND INTERESTED PARTIES ARE HEREBY
8 FURTHER NOTICED that the time within which judicial review of the administrative
9 determinations made herein must be sought is ninety (90) days from the posting and mailing of the
10 Findings of Fact, Conclusions and Order To Abate Nuisance, and is governed by California Code of
11 Civil Procedure Section 1094.6.

12 **ORDER TO ABATE NUISANCE**

13 IT IS ORDERED that the accumulation of rubbish and excessive outside storage of materials
14 on THE PROPERTY be abated by OWNER or anyone having possession or control of THE
15 PROPERTY by removing and disposing of all rubbish and excessive outside storage of materials on
16 THE PROPERTY in strict accordance with all Riverside County Ordinances, including but not
17 limited to Riverside County Ordinance Nos. 348 and 541, within ninety (90) days of the posting and
18 mailing of this Order to Abate Nuisance.

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

26 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity
27 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special
28 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside

1 County Ordinance Nos. 348, 541, and 725. Under Riverside County Ordinance No. 725, "abatement
2 costs" means "any costs or expenses reasonably related to the abatement of conditions which violate
3 County Land Use Ordinances, and shall include, but not be limited to, enforcement, investigation,
4 collection and administrative costs, attorneys fees, and the costs associated with the removal or
5 correction of the violation." Reasonable abatement costs accrued by the Code Enforcement
6 Department will be recoverable from OWNER even if THE PROPERTY is brought into
7 compliance within ninety (90) days of the date of this Order to Abate Nuisance.

8
9 Dated: _____

COUNTY OF RIVERSIDE

10
11 By _____
12 Marion Ashley
13 Chairman, Board of Supervisors

14 ATTEST:

15 KECIA HARPER-IHEM

16 Clerk to the Board

17 By

18 Deputy

19 (SEAL)