

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



307B

FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:

AUGUST 11, 2016

SUBJECT: Order to Abate [Excessive Outside Storage & Accumulated Rubbish]
Case No. CV13-02369 [ADLER]
Subject Property: 51898 Date Avenue, Cabazon
APN: 528-033-026
District: 5 [\$0]

RECOMMENDED MOTION: That the Board of Supervisors:

1. Approve the Findings of Fact, Conclusions and Order to Abate in Case No. CV13-02369;
2. Authorize the Chairman of the Board of Supervisors to execute the Findings of Fact, Conclusions and Order to Abate in Case No. CV13-02369; and
3. Authorize the Clerk of the Board of Supervisors to record the Findings of Fact, Conclusions and Order to Abate in Case No. CV13-02369.

BACKGROUND:

Summary

On June 21, 2016, 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

Prev. Agn. Ref.: 06/21/16; 9.6 | District: 5 | Agenda Number:

2-15

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. CV13-02369 [ADLER]

Subject Property: 51898 Date Avenue, Cabazon

APN: 528-033-026

District: 5 [\$0]

DATE: AUGUST 11, 2016

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 13-02369
14 [EXCESSIVE OUTSIDE STORAGE AND)
15 ACCUMULATION OF RUBBISH];) FINDINGS OF FACT,
16 APN 528-033-026, 51898 DATE AVENUE,) CONCLUSIONS AND ORDER TO
17 CABAZON, RIVERSIDE COUNTY,) ABATE NUISANCE
18 CALIFORNIA; THOMAS H. ADLER, OWNER.) R.C.O. Nos. 348, 541 and 725
19)
20)
21)

22 The above-captioned matter came on regularly for hearing on June 21, 2016, before the Board
23 of Supervisors of the County of Riverside, State of California in the Board Room, First Floor Annex,
24 County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real property
25 described 51898 Date Avenue, Cabazon, Riverside County, Assessor's Parcel Number 528-033-026
26 and referred to hereinafter as "THE PROPERTY."

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

Owner did not appear.

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 ("RCO") 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 Thomas H. Adler (“OWNER”).

4 2. Documents of title indicate that no other parties may potentially hold a legal interest
5 in THE PROPERTY.

6 3. THE PROPERTY was inspected by Code Enforcement Officers on March 31, 2015,
7 and on eight (8) subsequent follow up inspections, with the last being June 13, 2016.

8 4. During each inspection an accumulation of rubbish and excess outside storage were
9 observed throughout THE PROPERTY consisting of but not limited to: discarded broken furniture,
10 spent building materials, household trash, a camper, appliances and other miscellaneous items, of
11 about 1,250 square feet. During the inspection on February 29, 2016, the officer observed additional
12 rubbish and outside storage on THE PROPERTY. This additional rubbish and outside storage,
13 included but were not limited to green waste, spent building materials, discarded household items,
14 telephone poles, lumber and miscellaneous items of about 4,777 square feet.

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

17 6. On August 13, 2015, a Notice of Pendency of Administrative Proceedings was
18 recorded at the Riverside County Recorder’s Office as instrument number 2015-0358535.

19 7. On March 31, 2015, a Notice of Violation was posted on THE PROPERTY. On
20 April 15, 2015, a Notice of Violation was mailed to OWNER by certified mail, return receipt
21 requested. On September 2, 2015, a Notice of Violation was mailed to OWNER by first class mail
22 and was posted on THE PROPERTY on September 21, 2015.

23 8. A “Notice to Correct County Ordinance Violations and Abate Public Nuisance”
24 providing notice of the public hearing before the Board of Supervisors was mailed to OWNER and
25 was posted on THE PROPERTY.

26 **FINDINGS AND CONCLUSIONS**

27 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
28 regular session assembled on June 21, 2016, finds and concludes that:

1 1. WHEREAS, the excessive outside storage of materials and accumulation of rubbish
2 on the real property located at 51898 Date Avenue, Cabazon, Riverside County, California, also
3 identified as Assessor's Parcel Number 528-033-026 violate RCO Nos. 348 and 541 and constitute a
4 public nuisance.

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

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

14 **ORDER TO ABATE NUISANCE**

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

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

28 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity

1 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special
2 assessment against THE PROPERTY pursuant to Government Code section 25845 and RCO Nos.
3 348, 541, and 725. Under RCO No. 725, "abatement costs" means "any costs or expenses
4 reasonably related to the abatement of conditions which violate County Land Use Ordinances, and
5 shall include, but not be limited to, enforcement, investigation, collection and administrative costs,
6 attorneys fees, and the costs associated with the removal or correction of the violation." Reasonable
7 abatement costs accrued by the Code Enforcement Department will be recoverable from OWNER
8 even if THE PROPERTY is brought into compliance within ninety (90) days of the date of this
9 Order to Abate Nuisance.

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Dated: _____

COUNTY OF RIVERSIDE

By _____
John J. Benoit
Chairman, Board of Supervisors

ATTEST:
KECIA HARPER-IHEM
Clerk to the Board

By
Deputy
(SEAL)