

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

9063



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
Aug 19, 2010

SUBJECT: Abatement of Public Nuisance [Accumulation of Rubbish]
Case No.: CV 06-6220 (COLE)
Subject Property: 1 Parcel South of 68711 Dillon Road, Desert Hot Springs;
APN: 656-380-013
District Five

RECOMMENDED MOTION: Move that:

- (1) The accumulation of rubbish on the real property located at 1 Parcel South of 68711 Dillon Road, Desert Hot Springs, Riverside County, California, APN: 656-380-013, 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) Owner Jimmy Cole, or whoever has possession and control of the subject real property, be directed to abate the accumulation of rubbish on the property by removing and disposing of the same from the real property within ten (10) days.

L. ALEXANDRA FONG, Deputy County Counsel
for PAMELA J. WALLS, County Counsel

(Continued)

**FINANCIAL
DATA**

Current F.Y. Total Cost:	\$ N/A	In Current Year Budget:	N/A
Current F.Y. Net County Cost:	\$ N/A	Budget Adjustment:	N/A
Annual Net County Cost:	\$ N/A	For Fiscal Year:	N/A

SOURCE OF FUNDS:

Positions To Be Deleted Per A-30	<input type="checkbox"/>
Requires 4/5 Vote	<input type="checkbox"/>

C.E.O. RECOMMENDATION:

APPROVE

BY: Tina Grande
Tina Grande

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Ashley, seconded by Supervisor Benoit and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Buster, Tavaglione, Stone, Benoit and Ashley
Nays: None
Absent: None
Date: August 31, 2010
xc: Co. Co., CED, Prop. Owner, Sheriff

Kecia Harper-Ihem
Clerk of the Board
By: [Signature]
Deputy

Prev. Agn. Ref.:

District: 5

Agenda Number:

ATTACHMENTS FILED
WITH THE CLERK OF THE BOARD

9.4

Abatement of Public Nuisance

Case No. CV 06-6220; COLE

1 Parcel South of 68711 Dillon Road, Desert Hot Springs

Page 2

- (3) If the owner or whoever has possession or control of the real property does not take the above described action within ten (10) 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, shall abate the accumulation of rubbish by removing and disposing of the same from the real property.
- (4) The reasonable cost 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 Facts 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.

JUSTIFICATION:

1. An initial inspection was made of the subject real property by the Code Enforcement Officer on November 6, 2009. The inspection revealed the accumulation of rubbish on the subject property in violation of Riverside County Ordinance No. 541. The rubbish consisted of, but was not limited to: green waste, spent building materials, paint cans, 55 gallon barrels and tires.
2. Subsequent inspections of the above-described real property on January 5, 2010, February 10, 2010, March 10, 2010, May 12, 2010 and July 16, 2010, 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 requirements set forth in the appropriate laws of this jurisdiction pertaining to the administrative abatement proceedings for the removal of accumulated rubbish.

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

3 IN RE ABATEMENT OF PUBLIC NUISANCE) CASE NO. CV 06-6220
4 [ACCUMULATION OF RUBBISH] APN: 656-)
5 380-013, 1 PARCEL SOUTH OF 68711 DILLON) DECLARATION OF CODE
6 ROAD, DESERT HOT SPRINGS, COUNTY OF) ENFORCEMENT OFFICER
7 RIVERSIDE, STATE OF CALIFORNIA; JIMMY) THOMAS CERVANTES
8 COLE, OWNER.)
9 [R.C.O. No. 541 (RCC Title 8.120)]
10

11 I, Thomas Cervantes, declare that the facts set forth below are personally known to me except to
12 the extent that certain information is based on information and belief which I believe to be true, and if
13 called as a witness, I could and would competently testify thereto under oath:

14 1. I am currently employed by the Riverside County Code Enforcement Department as a
15 Code Enforcement Officer. My current official duties as a Code Enforcement Officer include inspecting
16 property for violations and enforcement of the provisions of Riverside County Ordinances.

17 2. I am informed and believe and based thereon allege that on November 16, 2009, Officer
18 Alejandro Rodriguez-Barrios conducted an initial inspection of the real property described as 1 Parcel
19 South of 68711 Dillon Road, Desert Hot Springs, Riverside County, California and further described as
20 Assessor's Parcel Number 656-380-013 (hereinafter referred to as "THE PROPERTY"). This is an
21 unfenced, vacant parcel with no permitted structures. Officer Rodriguez-Barrios observed two main areas
22 of accumulated rubbish which he measured and determined were approximately thirteen thousand five
23 hundred (13,500) square feet. He posted a Notice of Violation for accumulated rubbish pursuant to
24 Riverside County Ordinance No. 541 (RCC Chapter 8.120). A true and correct copy of a Thomas
25 Brothers map indicating the location of THE PROPERTY is attached hereto as Exhibit "A" and
26 incorporated herein by reference.

27 3. A review of County records and documents disclosed that THE PROPERTY is owned by
28 Jimmy Cole (hereinafter referred to as "OWNER"). Copies of the certified County Equalized Assessment
Roll for the year 2009-2010 and County Geographic Information System ("GIS") report are attached
hereto as Exhibit "B" and incorporated herein by reference.

///

Officer Declaration

AUG 31 2010 9.4

1 4. On December 28, 2009, a Notice of Violation and Order to Remove Rubbish (with a blank
2 Request for Hearing before the Board of Supervisors) was mailed by certified mail, return receipt
3 requested to OWNER.

4 5. I am informed and believe and based thereon allege that on January 5, 2010 and March 10,
5 2010, Officer Rodriguez-Barrios returned to THE PROPERTY to conduct follow up inspections. THE
6 PROPERTY was open and accessible with no signs posted restricting access. During each inspection,
7 Officer Rodriguez-Barrios observed that the violation remained on THE PROPERTY. He posted a
8 Notice of Violation and Order to Remove Rubbish during his January 5, 2010 inspection. During his
9 March 10, 2010 inspection and using a measuring wheel, he obtained a new measuring set and determined
10 that the amount of accumulated rubbish on THE PROPERTY totaled thirteen thousand six hundred
11 twenty-five (13,625) square feet. He took a count of the visible tires and determined there were over one
12 hundred eighty (180) tires comingled with the accumulated rubbish. Additionally, there were
13 approximately twelve (12) carcasses of various animals in different stages of decomposition on THE
14 PROPERTY which were not buried or covered by dirt. There was a putrid smell in the air and flies were
15 abundant.

16 6. The accumulation of rubbish on THE PROPERTY constitutes a public nuisance in
17 violation of the provisions set forth in Riverside County Ordinance No. 541, as codified in Riverside
18 County Code Title 8.120.

19 7. On January 27, 2010, a signed Request for Hearing before the Board of Supervisors was
20 received by the Code Enforcement Department.

21 8. I am informed and believe and based thereon allege that on February 10, 2010, Code
22 Enforcement Technician Jurden returned to THE PROPERTY to conduct a follow up inspection.
23 Technician Jurden noted that the accumulated rubbish remained on THE PROPERTY consisting of, but
24 not limited to: green waste, spent building materials, paint cans, 55 gallon barrels and a large amount of
25 tires.

26 9. A site plan setting forth the specific location of the rubbish together with photographs
27 thereof are attached hereto and incorporated herein as Exhibit "C."

28 ///

1 10. True and correct copies of each Notice issued in this matter and other supporting
2 documentation are attached hereto as Exhibit "D" and incorporated herein by reference.

3 11. Based upon my experience, knowledge and visual observations, it is my determination that
4 the conditions on THE PROPERTY are dangerous to the neighboring property owners and the general
5 public.

6 12. A Notice of Noncompliance regarding the unlawful accumulation of rubbish on THE
7 PROPERTY was recorded in the Office of the Assessor, County Clerk & Recorder, County of Riverside,
8 State of California, on December 24, 2009 as Instrument Number 2009-0660810. A true and correct copy
9 of the notice is attached hereto and incorporated herein by reference as Exhibit "E."

10 13. On January 19, 2010, OWNER requested a hearing before the Board of Supervisors, which
11 was received on January 27, 2010. A true and correct copy is attached hereto as Exhibit "F" and
12 incorporated herein by reference.

13 14. On May 12, 2010 and July 16, 2010 I conducted follow-up inspections of THE
14 PROPERTY and observed that THE PROPERTY remained in violation of Riverside County Ordinance
15 No. 541. The trash and debris remained as described in prior inspections.

16 15. On May 11, 2010 the second notice, "Notice to Abate Public Nuisance" providing
17 notification of the Board of Supervisors' hearing scheduled for Aug. 31, 2010, was mailed to OWNER by
18 certified mail, return receipt requested and on May 12, 2010 was posted on THE PROPERTY. True and
19 correct copies of the notice and supporting documentation are attached hereto as Exhibit "G" and
20 incorporated herein by reference.

21 16. Removal of the accumulation of rubbish on THE PROPERTY is required to bring THE
22 PROPERTY into compliance with Riverside County Ordinance No. 541 (RCC Chapter 8.120) and the
23 Health and Safety Code. Under RCO No. 541, no amount of rubbish is allowed to accumulate on THE
24 PROPERTY.

25 17. The Board of Supervisors is requested to issue an Order to Abate the Nuisance described
26 herein. Accordingly, the following findings and conclusions are recommended:

27 (a) the accumulation of rubbish on THE PROPERTY to be deemed and declared a
28 public nuisance;


1 (b) the OWNER and person(s) in possession of THE PROPERTY be required to
2 remove all accumulated rubbish within ten (10) days of the date of the posting and mailing of the Board's
3 Order to Abate Nuisance, in accordance with all Riverside County Ordinances, including but not limited
4 to the provisions of County Ordinance No. 541;

5 (c) in the event the rubbish is not removed and disposed of according to the above
6 referenced ten (10) day time period in strict accordance with all Riverside County Ordinances, including
7 but not limited to Riverside County Ordinance No. 541 (RCC Chapter 8.120), the rubbish shall be abated
8 by representatives of the Riverside County Code Enforcement Department, a contractor or the Sheriff's
9 Department; and

10 (d) reasonable costs of abatement, after notice and opportunity for hearing, shall be
11 imposed as a lien on THE PROPERTY, which may be collected as a special assessment against THE
12 PROPERTY pursuant to Government Code Section 25845 and Riverside County Ordinance Nos. 541
13 (RCC Title 8.120) and 725 (RCC Title 1).

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

16 Executed this 20th day of JULY, 2010, at Riverside, California.

17
18 
19 THOMAS CERVANTES
20 Code Enforcement Officer
21 Code Enforcement Department
22
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26
27
28

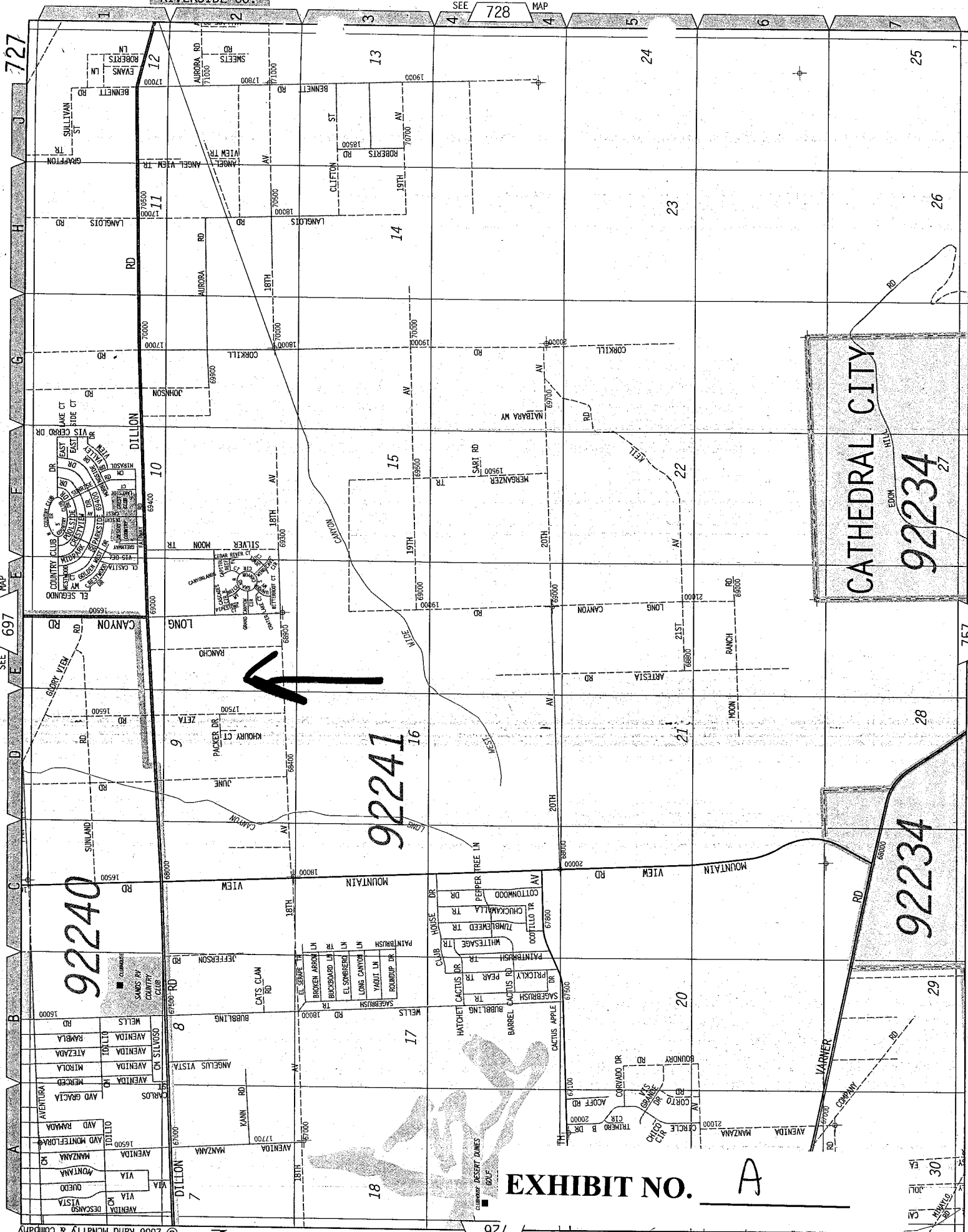
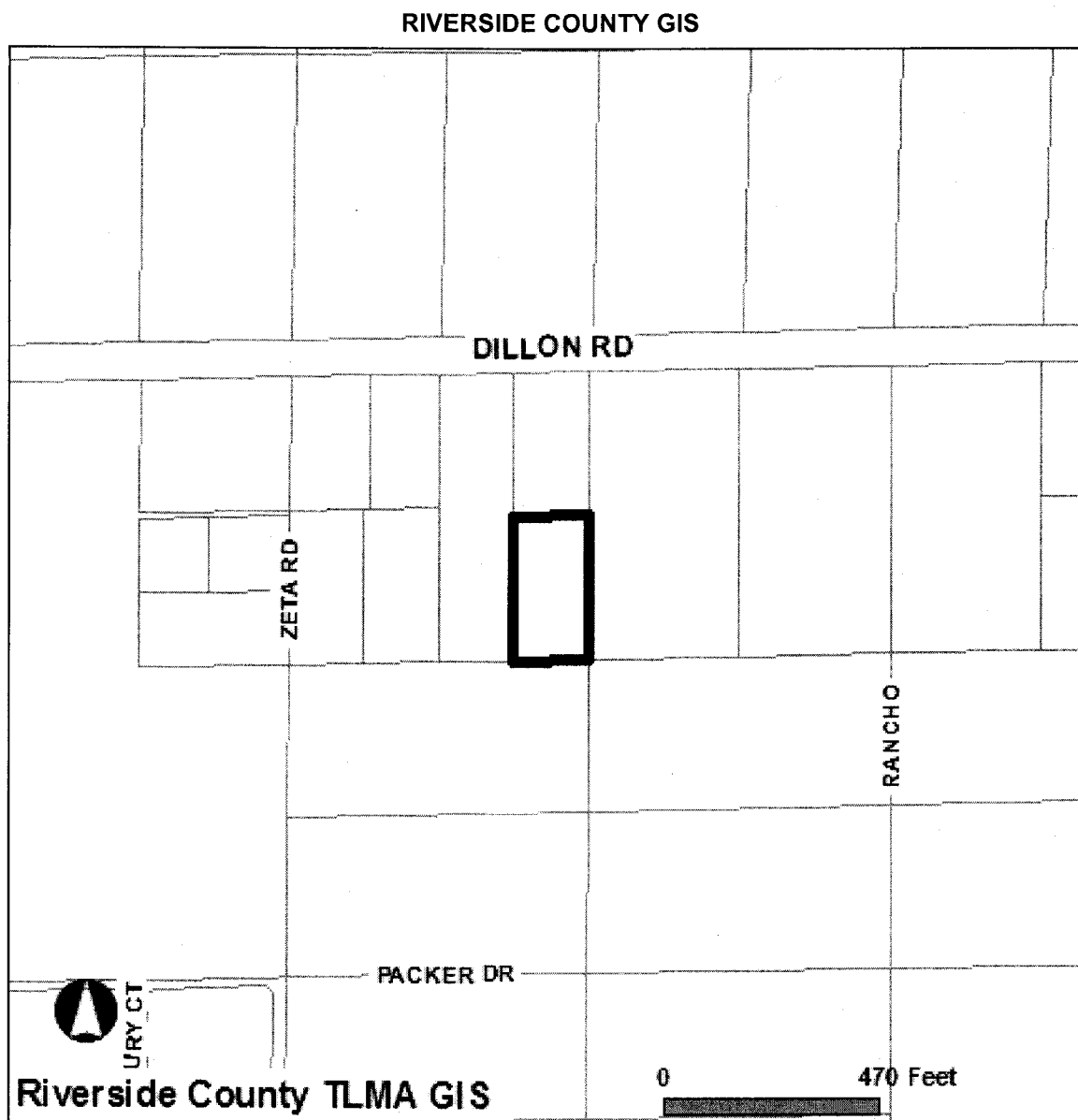


EXHIBIT NO.

A



Selected parcel(s):
656-380-013

IMPORTANT

Maps and data are to be used for reference purposes only. Map features are approximate, and are not necessarily accurate to surveying or engineering standards. The County of Riverside makes no warranty or guarantee as to the content (the source is often third party), accuracy, timeliness, or completeness of any of the data provided, and assumes no legal responsibility for the information contained on this map. Any use of this product with respect to accuracy and precision shall be the sole responsibility of the user.

STANDARD REPORT

APNs

656-380-013-0

OWNER NAME / ADDRESS

JIMMY COLE
ADDRESS NOT AVAILABLE

MAILING ADDRESS

(SEE OWNER)
16236 KASOTA CT
APPLE VALLEY CA. 92307

LEGAL DESCRIPTION

EXHIBIT NO. B²

LEGAL DESCRIPTION IS NOT AVAILABLE

LOT SIZE

RECORDED LOT SIZE IS 1.18 ACRES

PROPERTY CHARACTERISTICS

NO PROPERTY DESCRIPTION AVAILABLE

THOMAS BROS. MAPS PAGE/GRID

PAGE: 727 GRID: D2, E2

CITY BOUNDARY/SPHERE

NOT WITHIN A CITY

NOT WITHIN A CITY SPHERE

NO ANNEXATION DATE AVAILABLE

NO LAFCO CASE # AVAILABLE

NO PROPOSALS

MARCH JOINT POWERS AUTHORITY

NOT IN THE JURISDICTION OF THE MARCH JOINT POWERS AUTHORITY

INDIAN TRIBAL LAND

NOT IN A TRIBAL LAND

SUPERVISORIAL DISTRICT (ORD. 813)

MARION ASHLEY, DISTRICT 5

TOWNSHIP/RANGE

T3SR5E SEC 9

ELEVATION RANGE

928/932 FEET

PREVIOUS APN

NO DATA AVAILABLE

PLANNING

LAND USE DESIGNATIONS

Zoning not consistent with the General Plan.

RR

AREA PLAN (RCIP)

WESTERN COACHELLA VALLEY

GENERAL PLAN POLICY OVERLAYS

NOT IN A GENERAL PLAN POLICY OVERLAY AREA

GENERAL PLAN POLICY AREAS

NONE

ZONING CLASSIFICATIONS (ORD. 348)

W-2

ZONING DISTRICTS AND ZONING AREAS

PASS & DESERT DISTRICT

ZONING OVERLAYS

NOT IN A ZONING OVERLAY

SPECIFIC PLANS

NOT WITHIN A SPECIFIC PLAN

AGRICULTURAL PRESERVE

NOT IN AN AGRICULTURAL PRESERVE

REDEVELOPMENT AREAS

NOT IN A REDEVELOPMENT AREA

AIRPORT INFLUENCE AREAS

NOT IN AN AIRPORT INFLUENCE AREA

AIRPORT COMPATIBILITY ZONES

NOT IN AN AIRPORT COMPATIBILITY ZONE

ENVIRONMENTAL

CVMSHCP (COACHELLA VALLEY MULTI-SPECIES HABITAT CONSERVATION PLAN) CONSERVATION AREA
NOT IN A CONSERVATION AREA

CVMSHCP FLUVIAL SAND TRANSPORT SPECIAL PROVISION AREAS
NOT IN A FLUVIAL SAND TRANSPORT SPECIAL PROVISION AREA

WRMSHCP (WESTERN RIVERSIDE COUNTY MULTI-SPECIES HABITAT CONSERVATION PLAN) CELL GROUP
NOT IN A CELL GROUP

WRMSHCP CELL NUMBER
NOT IN A CELL

HANS/ERP (HABITAT ACQUISITION AND NEGOTIATION STRATEGY/EXPEDITED REVIEW PROCESS)
NONE

VEGETATION (2005)
NO DATA AVAILABLE

FIRE

HIGH FIRE AREA (ORD. 787)
NOT IN A HIGH FIRE AREA

FIRE RESPONSIBILITY AREA
NOT IN A FIRE RESPONSIBILITY AREA

DEVELOPMENT FEES

CVMSHCP FEE AREA (ORD. 875)
WITHIN THE COACHELLA VALLEY MSHCP FEE AREA

WRMSHCP FEE AREA (ORD. 810)
NOT WITHIN THE WESTERN RIVERSIDE COUNTY MSHCP FEE AREA

ROAD & BRIDGE DISTRICT
NOT IN A DISTRICT

EASTERN TUMF (TRANSPORTATION UNIFORM MITIGATION FEE ORD. 673)
IN OR PARTIALLY WITHIN A TUMF FEE AREA. SEE MAP FOR MORE INFORMATION.
In EAST

WESTERN TUMF (TRANSPORTATION UNIFORM MITIGATION FEE ORD. 824)
NOT WITHIN THE WESTERN TUMF FEE AREA

DIF (DEVELOPMENT IMPACT FEE AREA ORD. 659)
WESTERN COACHELLA VALLEY

SKR FEE AREA (STEPHEN'S KANGAROO RAT ORD. 663.10)
NOT WITHIN AN SKR FEE AREA.

DEVELOPMENT AGREEMENTS
NOT IN A DEVELOPMENT AGREEMENT AREA

TRANSPORTATION

CIRCULATION ELEMENT ULTIMATE RIGHT-OF-WAY
NOT IN A CIRCULATION ELEMENT RIGHT-OF-WAY

ROAD BOOK PAGE
174

TRANSPORTATION AGREEMENTS
NOT IN A TRANSPORTATION AGREEMENT

CETAP (COMMUNITY AND ENVIRONMENTAL TRANSPORTATION ACCEPTABILITY PROCESS) CORRIDORS
NOT IN A CETAP CORRIDOR.

HYDROLOGY

FLOOD PLAIN REVIEW

NOT REQUIRED.

WATER DISTRICT

CVWD

FLOOD CONTROL DISTRICT

RIVERSIDE COUNTY FLOOD CONTROL DISTRICT

WATERSHED

WHITEWATER

GEOLOGIC

FAULT ZONE

NOT IN A FAULT ZONE

FAULTS

WITHIN A 1/2 MILE OF

MISSION CREEK FAULT (SAF)

SAN ANDREAS FAULT

SAN ANDREAS FAULT NORTH BRANCH

SAN ANDREAS FAULTS

CONTACT THE COUNTY'S CHIEF ENGINEERING GEOLOGIST AT (951)955-6863.

LIQUEFACTION POTENTIAL

MODERATE

SUBSIDENCE

SUSCEPTIBLE

PALEONTOLOGICAL SENSITIVITY

LOW POTENTIAL.

FOLLOWING A LITERATURE SEARCH, RECORDS CHECK AND A FIELD SURVEY, AREAS MAY BE DETERMINED BY A QUALIFIED VERTEBRATE PALEONTOLOGIST AS HAVING LOW POTENTIAL FOR CONTAINING SIGNIFICANT PALEONTOLOGICAL RESOURCES SUBJECT TO ADVERSE IMPACTS.

MISCELLANEOUS

SCHOOL DISTRICT

PALM SPRINGS UNIFIED

COMMUNITIES

SOUTHEAST DESERT HOT SPRINGS

COUNTY SERVICE AREA

NOT IN A COUNTY SERVICE AREA.

LIGHTING (ORD. 655)

NOT APPLICABLE, 45.43 MILES FROM MT. PALOMAR OBSERVATORY

2000 CENSUS TRACT

044503

FARMLAND

OTHER LANDS

TAX RATE AREAS

061-077

- CITRUS PEST CONTROL 2
- COACHELLA VALLEY RESOURCE CONSER
- COACHELLA VALLEY WATER DISTRICT
- COUNTY FREE LIBRARY
- COUNTY STRUCTURE FIRE PROTECTION
- COUNTY WASTE RESOURCE MGMT DIST
- CSA 152
- CV MOSQ & VECTOR CONTROL
- DESERT COMMUNITY COLLEGE
- DESERT HOSPITAL
- FLOOD CONTROL ADMINISTRATION
- FLOOD CONTROL ZONE 6

- GENERAL
- GENERAL PURPOSE
- PALM SPRINGS PUBLIC CEMETERY
- PALM SPRINGS UNIF B & I 1992-A
- PALM SPRINGS UNIFIED SCHOOL
- RIV CO REG PARK & OPEN SPACE
- RIV. CO. OFFICE OF EDUCATION

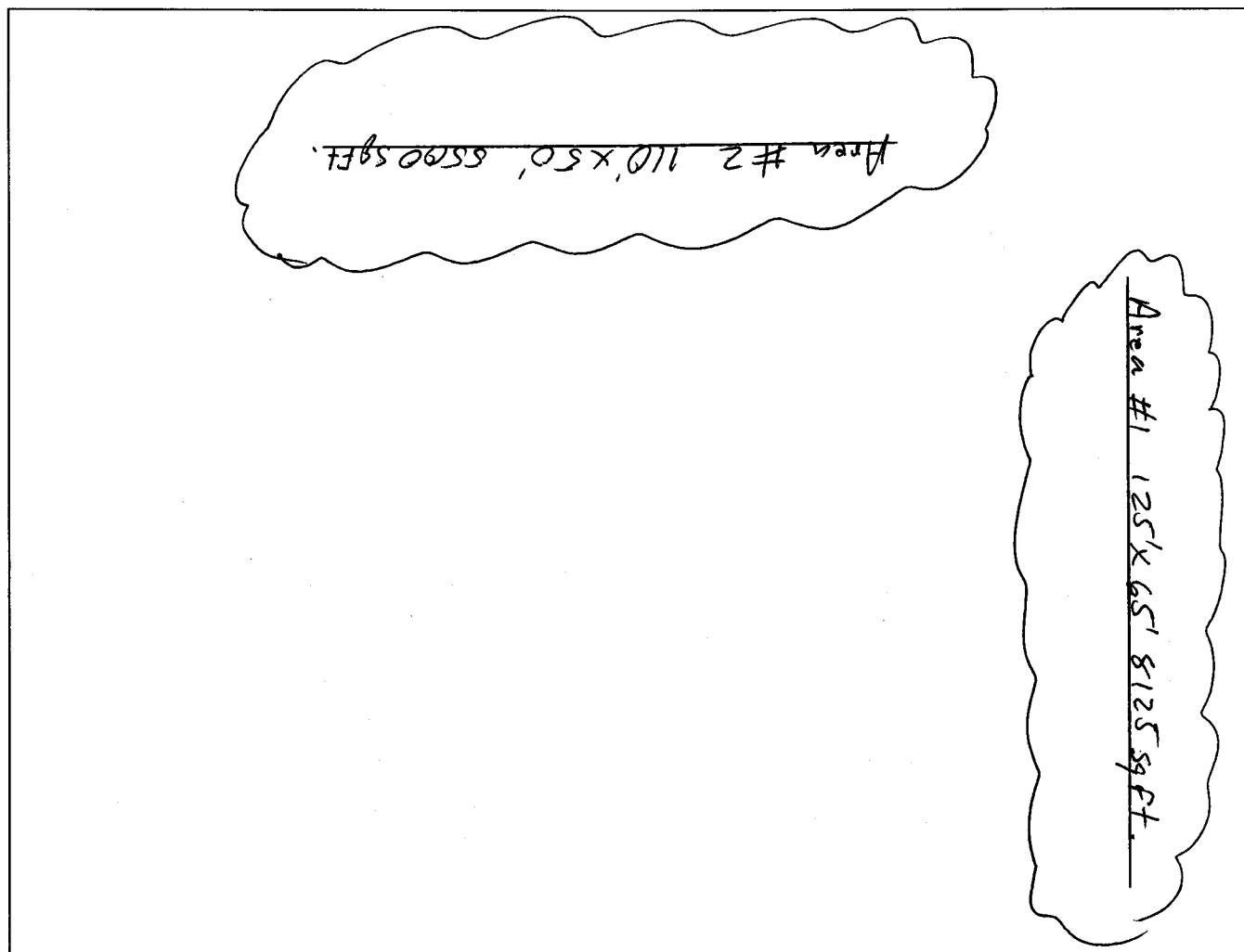
SPECIAL NOTES

NO SPECIAL NOTES

CODE COMPLAINTS

Case #	Description	Start Date
CV066220	ABATEMENT	Oct. 10, 2006

REPORT PRINTED ON...Wed Feb 24 09:15:56 2010

SITE PLAN: Case # CV-066220**OWNER(S):** JIMMY COLE**SITE ADDRESS:** 1 PARCEL SOUTH OF (68711 DILLON RD) , DESERT SPRINGS**ASSESSOR'S PARCEL:** 656-380-013**ACREAGE:** 1.179999**NORTH ARROW:** _____**REAR PROPERTY LINE****FRONT PROPERTY LINE:** 1 PARCEL SOUTH OF (68711 DILLON RD) , DESERT SPRINGS**PREPARED BY:** A. Rodriguez-Barron **DATE:** 03/30/10**EXHIBIT NO.** C



By A. Rodriguez-Barrios. Accumulated Rubbish.



By A. Rodriguez-Barrios. Accumulated Rubbish.



By A. Rodriguez-Barrios. Accumulated Rubbish.



By A. Rodriguez-Barrios. Accumulated Rubbish.



By A. Rodriguez-Barrios. Accumulated Rubbish.



By A. Rodriguez-Barrios. Accumulated Rubbish.

EXHIBIT NO. C2



By A. Rodriguez-Barrios. Accumulated Rubbish.



By A. Rodriguez-Barrios. Accumulated Rubbish.



By A. Rodriguez-Barrios. Accumulated Rubbish.



By A. Rodriguez-Barrios. Accumulated Rubbish.



By A. Rodriguez-Barrios. Accumulated Rubbish.



By A. Rodriguez-Barrios. Carcass.

EXHIBIT NO. C³



By A. Rodriguez-Barrios. Carcass.

EXHIBIT NO. C4

Photographs

Photo taken on the parcel D Jurden, CET



Photo taken on the parcel D Jurden, CET



Photo taken on the parcel D Jurden, CET



Photo taken on the parcel D Jurden, CET



Photo taken on the parcel D Jurden, CET



Photo taken on the parcel D Jurden, CET

EXHIBIT NO. C⁵



Photo taken on the parcel D Jurden, CET



Photo taken on the parcel D Jurden, CET



Photo taken on the parcel D Jurden, CET



Photo taken on the parcel D Jurden, CET



Photo taken on the parcel D Jurden, CET



Photo taken on the parcel D Jurden, CET

EXHIBIT NO. C4



Photo taken on the parcel D Jurden, CET



Photo taken on the parcel D Jurden, CET



Photo taken on the parcel D Jurden, CET



Photo taken on the parcel D Jurden, CET



Photo taken on the parcel D Jurden, CET



Photo taken on the parcel D Jurden, CET

EXHIBIT NO. C7



Photo taken on the parcel D Jurden, CET

EXHIBIT NO. C8



EXHIBIT NO. C9

EXHIBIT NO. C¹⁰

11/06/2009 12:31

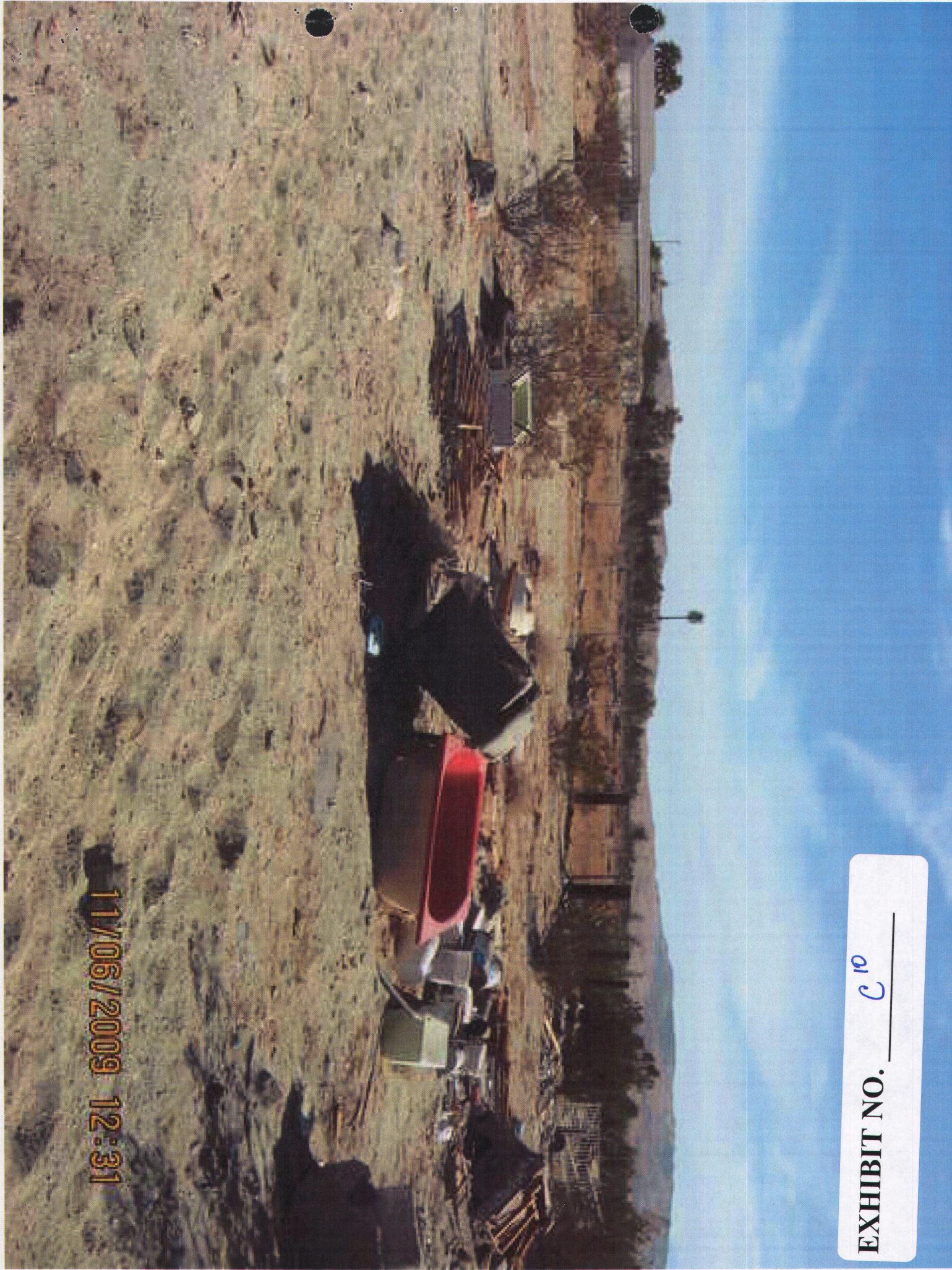
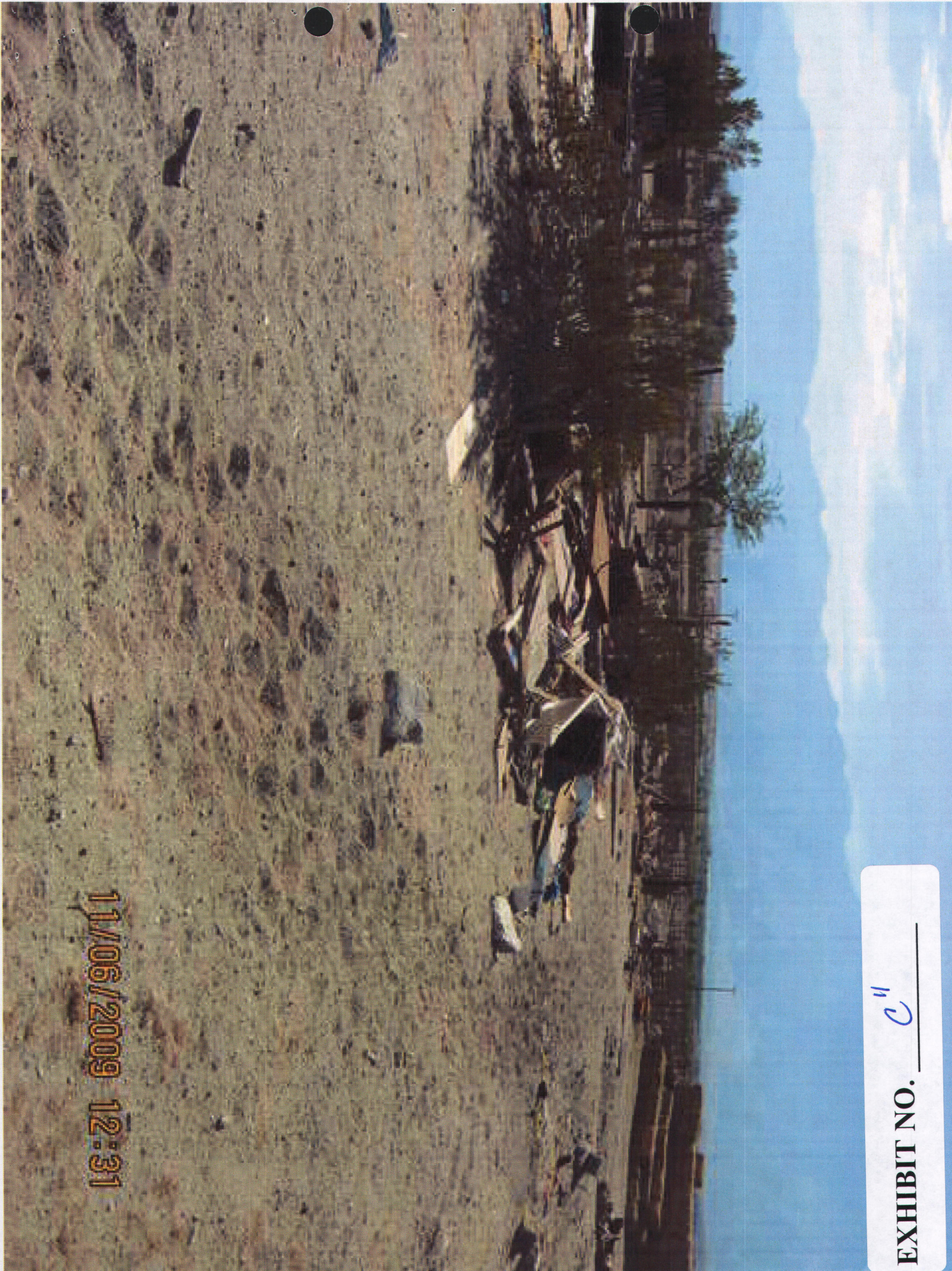


EXHIBIT NO. C''



11/06/2009 12:31

EXHIBIT NO. C¹²

11/06/2009 12:31

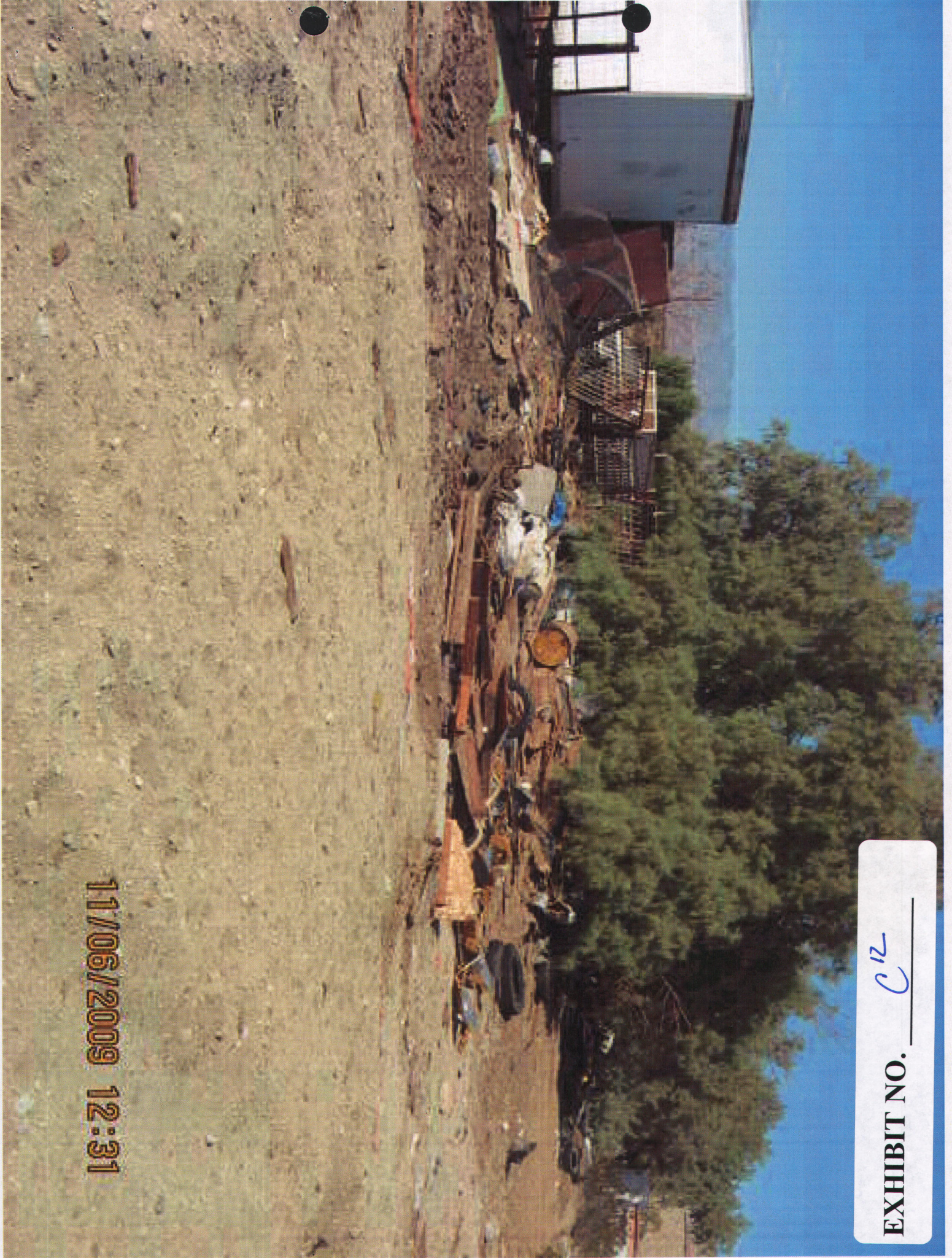


EXHIBIT NO. C¹³

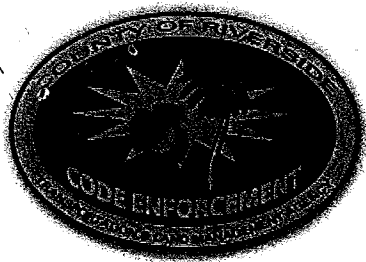
11/06/2009 12:32





11/06/2009 12:32

EXHIBIT NO. CA



COUNTY OF RIVERSIDE
CODE ENFORCEMENT DEPARTMENT

NOTICE OF VIOLATION

CASE No.: CV 06-6220

THE PROPERTY AT: 1 Parcel South of 68711 D. Hon Rd DAs APN#: 656-380-013

WAS INSPECTED BY OFFICER: A. Rodriguez-Barron ID#: 79 ON 11/06/09 AT 12:40 am/pm am

AND FOUND TO BE IN VIOLATION OF RIVERSIDE COUNTY CODE(S) AS FOLLOWS:

<input type="radio"/> 5.28.040 (RCO 593)	Excessive Yard Sales - Cease yard sale. Limit of 3 yard sale events, not over 3 consecutive days, per year.	<input type="radio"/> 17.252.030 (RCO 348)	Unpermitted Outdoor Advertising Display - Obtain a permit from the Planning Dept. or remove display.
<input type="radio"/> 8.28.030 (RCO 821)	Unfenced Pool - Install or provide adequate fencing to secure the pool.	<input type="radio"/> 17.172.205 (RCO 348)	Prohibited Fencing - Remove fence. Fences shall not be constructed of garage doors, tires, pallets or other materials not typically used for the construction of fences.
<input checked="" type="radio"/> 8.120.010 (RCO 541)	Accumulated Rubbish - Remove all rubbish & dispose of in an approved legal landfill.	<input type="radio"/> 17._____ (RCO 348)	Excessive Outside Storage: Storage of Unpermitted Mobile Home(s) Not Allowed - Remove unpermitted mobile home(s) from the property.
<input type="radio"/> 15.08.010 (RCO 457)	Unpermitted Construction - Cease construction. Obtain the appropriate permits from the Bldg. & Safety and Planning Departments or demolish the _____.	<input type="radio"/> 17._____ (RCO 348)	Occupied RV/Trailer - Cease occupancy & disconnect all utilities to RV/Trailer.
<input type="radio"/> 15.12.020(J)(2) (RCO 457)	Unapproved Grading/Clearing - Cease grading/clearing/stockpiling/importing fill. Obtain a Restoration Assessment from the Dept. of Building & Safety. Perform complete restoration and remediation of the property affected by the unapproved grading in accordance with the Restoration Assessment.	<input type="radio"/> 17._____ (RCO 348)	Excessive Animals - Remove or reduce the number of _____ to less than _____.
<input type="radio"/> 15.16.020 (RCO 457)	Substandard Structure - Obtain a permit from the Bldg. & Safety Dept. to rehabilitate per Notice of Defects or demolish the structure.	<input type="radio"/> 17._____ (RCO 348)	Unpermitted Land Use: Cease all business activities. Obtain Planning Dept. approval prior to resuming business operations.
<input type="radio"/> 15.48.010 (RCO 457)	Unpermitted Mobile Home —Vacate mobile home. Obtain the appropriate permits from the Planning Dept. & Dept. of Bldg. & Safety prior to occupancy or remove Mobile Home.	<input type="radio"/> 17._____ (RCO 348)	Excessive Outside Storage - Remove or reduce all outside storage to less than _____ square feet at the rear of the property.
<input type="radio"/> 15.48.040 (RCO 457)	Substandard Mobile Home/Trailer/RV - Obtain a permit from the Bldg. & Safety Dept. to rehabilitate per Notice of Defects and Title 25 or demolish the Mobile Home/Trailer/RV.	<input type="radio"/> _____	
		<input type="radio"/> _____	

COMMENTS: _____

IMPORTANT! CORRECTION(S) MUST BE COMPLETED BY: 12/06/09. FAILURE TO COMPLY BY THIS DATE, MAY RESULT IN THE ISSUANCE OF AN ADMINISTRATIVE CITATION WITH FINES UP TO \$500.00 PER DAY, FOR EACH VIOLATION. YOU MAY BE CITED EACH DAY THAT THE VIOLATION(S) EXIST BEYOND THE CORRECTION DATE. IN ADDITION, OTHER ENFORCEMENT ACTION, PENALTIES AND THE IMPOSITION OF A LIEN ON THE PROPERTY FOR THE ABATEMENT AND ENFORCEMENT COSTS MAY RESULT IF COMPLIANCE IS NOT ACHIEVED BY THE CORRECTION DATE.

NOTICE IS HEREBY GIVEN THAT AT THE CONCLUSION OF THIS CASE YOU WILL RECEIVE A SUMMARY OF ADMINISTRATIVE COSTS ASSOCIATED WITH THE PROCESSING OF SUCH VIOLATION(S), AT AN HOURLY RATE OF \$ 109.00 AS DETERMINED BY THE BOARD OF SUPERVISORS. YOU WILL HAVE THE RIGHT TO OBJECT TO THESE CHARGES BY FILING A REQUEST FOR HEARING WITH THE DEPARTMENT OF CODE ENFORCEMENT WITHIN TEN (10) DAYS OF SERVICE OF THE SUMMARY OF CHARGES, PURSUANT TO RIVERSIDE COUNTY ORDINANCE 725 AND RIVERSIDE COUNTY CODE 1.16.

SIGNATURE _____

PRINT NAME _____

DATE _____

☐ PROPERTY OWNER ☐ TENANT

CDL/CID# _____

D.O.B. _____

EXHIBIT NO. D

POSTED

WHITE: VIOLATOR

GREEN: CASE FILE

YELLOW: POSTING



**CODE ENFORCEMENT DEPARTMENT
COUNTY OF RIVERSIDE**

JOHN BOYD
Director

AFFIDAVIT OF POSTING OF NOTICES

December 28, 2009

RE CASE NO: CV06-6220

I, Alejandro Rodriguez-Barrios, hereby declare:

I am employed by the Riverside County Code Enforcement Department; that my business address is 24318 Hemlock Avenue, Suite C-1, Moreno Valley, CA 92557.

That on 11/06/09 at 12:40 PM, I securely and conspicuously posted NOTICE OF VIOLATION FOR ACCUMULATED RUBBISH at the property described as:

Property Address: 1 PARCEL SOUTH OF (68711 DILLON RD), DESERT HOT SPRINGS, CA

Assessor's Parcel Number: 656-380-013

I declare under the penalty of perjury that the foregoing is true and correct.

Executed on December 28, 2009 in Moreno Valley in the County of Riverside, California.

CODE ENFORCEMENT DEPARTMENT

By: Alejandro Rodriguez-Barrios, Code Enforcement Officer II

EXHIBIT NO. D²



**CODE ENFORCEMENT DEPARTMENT
COUNTY OF RIVERSIDE**

JOHN BOYD
Director

**NOTICE OF VIOLATION AND
ORDER TO REMOVE RUBBISH**

December 28, 2009

JIMMY COLE
16236 KASOTA CT
APPLE VALLEY, CA 92307

RE CASE NO: CV06-6220

YOU ARE HEREBY NOTICED that the Riverside Code Enforcement Department has determined that conditions exist on the above-described real property which is further described as Assessor's Parcel No. 656-380-013, further described as an undeveloped parcel 1 PARCEL SOUTH OF (68711 DILLON RD). in DESERT SPRINGS California ("your property") which violates Riverside County Ordinance (RCO) No. 541.5, in that an unlawful accumulation of rubbish, trash, debris or other items dangerous or injurious to the health and welfare of persons or the environment is being maintained or permitted to exist thereon, constituting a public nuisance.

Due to the seriousness of the threat to public health, safety and welfare, a NOTICE OF NONCOMPLIANCE IS BEING RECORDED AGAINST YOUR PROPERTY, a copy of which is attached hereto.

By receipt of this Order, you are noticed that an administrative proceeding to abate a public nuisance has been initiated against you and your property, thus administrative abatement costs have commenced accruing, including but not limited to investigative and enforcement costs. You are liable for the full repayment of these costs to the County of Riverside, together with actual costs to remove all rubbish, trash or debris and attorneys' fees, if applicable. Furthermore, these costs will be recorded as a lien via special assessment against your property. Failure to bring your property into compliance with RCO No. 541.5 could further subject you, as the owner or person in possession, to civil, administrative, and criminal penalties.

YOU ARE ORDERED TO ABATE THE PUBLIC NUISANCE WITHIN THIRTY (30) DAYS. You are further ordered to bring your property into compliance with RCO 541.5 by removing all rubbish, trash, debris or other dangerous or injurious items from your property and depositing said items at a landfill, transfer station or collection site lawfully permitted to receive and dispose of such items. WARNING: THIS IS AN ORDER TO ABATE RUBBISH AND DEBRIS ONLY. DO NOT GRADE, DISC, OR OTHERWISE CLEAR THE PROPERTY OF NATURAL VEGETATION AS THIS MAY RESULT IN ADDITIONAL VIOLATIONS OF RIVERSIDE COUNTY ORDINANCES 457, 484, 742 OR 754 RELATING TO GRADING WITHOUT REQUIRED PERMITS, BLOWING SAND REGULATIONS, FUGITIVE DUST CONTROL AND NPDES. Please be advised that nothing in this paragraph supersedes or eliminates any order you have received from another County department or agency. If you have received an order from any other agency you believe conflicts with this notice, or have questions, please contact the Code Enforcement Officer named below at the telephone number provided.

YOU HAVE A RIGHT TO OBJECT TO THIS NOTICE WITHIN THIRTY (30) DAYS and request a hearing in front of the Riverside County Board of Supervisors by making a written request addressed to Alejandro Rodriguez-Barrios at 4080 Lemon Street, 12th Floor, Riverside, California 92501 and postmarked no later than 30 days from the date of this notice.

4080 LEMON STREET, 12TH FLOOR, RIVER
(951) 955-2004 • FAX (951) 955-2005

EXHIBIT NO.

D³

IF YOU DO NOT REQUEST A HEARING, the public nuisance on your property will be abated by Riverside County Code Enforcement without further notice. A private, independent contractor will be hired to clear your property and you will be liable for all abatement costs, including administrative costs and attorneys' fees as defined in RCO 541.5.

IF A HEARING IS REQUESTED by you, further notice of the date and time of the hearing will be mailed to you. During the hearing, Code Enforcement Officers will present oral and/or documentary evidence to the Board of Supervisors as to why a public nuisance is deemed to exist on your property. You, your representatives or any interested person may also testify at the hearing and submit evidence regarding the conditions of your property.

At the end of the initial thirty (30) day period, or after a hearing in which an Order to Abate is issued against you and your property, the County Enforcement Officer shall immediately abate the violating conditions by use of a private, independent contractor. Thereafter, an Abatement Bill will be mailed to you demanding immediate payment for the costs of abatement, together with administrative costs and attorneys' fees. If the costs are not paid within fifteen (15) days of mailing, the costs shall become a recorded lien against your property and collected as a special assessment with the property taxes.

The Abatement Bill and Notice of Hearing, if a hearing is requested by you, will be mailed to you at the address listed on this notice. **IF YOU REQUEST A DIFFERENT MAILING ADDRESS TO BE USED**, you must make this request in writing to the undersigned prior to the expiration of the initial thirty (30) day time period.

YOU ARE ENCOURAGED TO IMMEDIATELY CONTACT the Code Enforcement Officer in writing or call the telephone number provided below to discuss resolution of this matter.

CODE ENFORCEMENT DEPARTMENT

By: Alejandro Rodriguez-Barrios, Code Enforcement Officer II

EXHIBIT NO. D⁴



**CODE ENFORCEMENT DEPARTMENT
COUNTY OF RIVERSIDE**

JOHN BOYD
Director

REQUEST FOR HEARING BEFORE THE BOARD OF SUPERVISORS

December 28, 2009

JIMMY COLE
16236 KASOTA CT
APPLE VALLEY, CA 92307

Case Number: CV06-6220

I, _____, hereby request a Hearing before the Board of Supervisors
(Please PRINT your name here)

regarding the accumulated rubbish case.

Signed: _____ Date: _____
(Please SIGN your name here)

Mailing Address: _____

Daytime Phone Number: _____

EXHIBIT NO. D5



**CODE ENFORCEMENT DEPARTMENT
COUNTY OF RIVERSIDE**

JOHN BOYD
Director

PROOF OF SERVICE

Case No. CV06-6220

STATE OF CALIFORNIA, COUNTY OF RIVERSIDE

I, Jennifer Miller, declare that I am a citizen of the United States and am employed in the County of Riverside, over the age of 18 years and not a party to the within action or proceeding; that my business address is at the footer of this notice.

That on December 28, 2009, I served the following documents(s):

NOTICE RE: Notice of Violation (ARE)

by placing a true copy thereof enclosed in a sealed envelope(s) **BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED** addressed as follows:

JIMMY COLE 16236 KASOTA CT, APPLE VALLEY, CA 92307

XX BY FIRST CLASS MAIL. I am readily familiar with the office's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service with postage thereon fully prepaid at Riverside, California, in the ordinary course of business.

XX STATE. I declare under the penalty of perjury under the laws of the State of California that the above is true and correct.

EXECUTED ON December 28, 2009 in the County of Riverside, California.

CODE ENFORCEMENT DEPARTMENT

Jennifer Miller
By: Jennifer Miller, Code Enforcement Aide

EXHIBIT NO. D⁷



**CODE ENFORCEMENT DEPARTMENT
COUNTY OF RIVERSIDE**

JOHN BOYD
Director

AFFIDAVIT OF POSTING OF NOTICES

January 13, 2010

RE CASE NO: CV06-6220

I, Alejandro Rodriguez-Barrios, hereby declare:

I am employed by the Riverside County Code Enforcement Department; that my business address is 24318 Hemlock Avenue, Suite C-1, Moreno Valley, CA 92557.

That on 01/05/10 at 01:10 PM, I securely and conspicuously posted NOTICE OF VIOLATION AND ORDER TO REMOVE RUBBISH (ACCUMULATED RUBBISH) at the property described as:

Property Address: 1 PARCEL SOUTH OF (68711 DILLON RD), DESERT HOT SPRINGS, CA

Assessor's Parcel Number: 656-380-013

I declare under the penalty of perjury that the foregoing is true and correct.

Executed on January 13, 2010 in Moreno Valley, in the County of Riverside, California.

CODE ENFORCEMENT DEPARTMENT

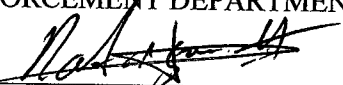

By: Alejandro Rodriguez-Barrios, Code Enforcement Officer II

EXHIBIT NO. D⁸



**CODE ENFORCEMENT DEPARTMENT
COUNTY OF RIVERSIDE**

JOHN BOYD
Director

REQUEST FOR HEARING BEFORE THE BOARD OF SUPERVISORS

December 28, 2009

JIMMY COLE
16236 KASOTA CT
APPLE VALLEY, CA 92307

Case Number: CV06-6220

I, Jimmy E Cole, hereby request a Hearing before the Board of Supervisors
(Please PRINT your name here)

regarding the accumulated rubbish case.

Signed: Jimmy E Cole
(Please SIGN your name here)

Date: 1-19-2010

Mailing Address: 16236 Kasota Ct. Apple Valley CA 92307

Daytime Phone Number: 714-300 8504

EXHIBIT NO. F

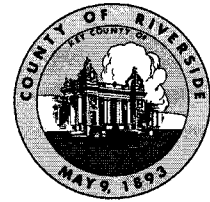
RECEIVED
01/27/10

PAMELA J. WALLS
County Counsel

Principal Deputy
KATHERINE A. LIND

OFFICE OF COUNTY COUNSEL
COUNTY OF RIVERSIDE

3960 ORANGE STREET, 5TH FLOOR
RIVERSIDE, CA 92501
TELEPHONE: 951/955-6300
FAX: 951/955-6322 & 955-6363



May 11, 2010

NOTICE TO CORRECT COUNTY ORDINANCE VIOLATIONS
AND ABATE PUBLIC NUISANCE

TO: Owners and Interested Parties
(See Attached Proof of Service)

Case No.: CV 06-6220
APN: 656-380-013; COLE
Property: 1 Parcel S/O 68711 Dillon Rd., Desert Hot Springs

NOTICE IS HEREBY GIVEN that a hearing will be held before the Riverside County Board of Supervisors pursuant to Riverside County Ordinance Nos. 541 (RCC Title 8.120) and 725 (RCC Title 1) to consider the abatement of the accumulated rubbish located on the SUBJECT PROPERTY described as 1 Parcel S/O 68711 Dillon Rd., Desert Hot Springs, **Riverside County, California**, and more particularly described as Assessor's Parcel Number 656-380-013.

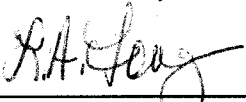
YOU ARE HEREBY DIRECTED as owner of the SUBJECT PROPERTY, to appear at this hearing to show cause why the SUBJECT PROPERTY should not be condemned as a public nuisance and be abated by removing the accumulated rubbish from the real property.

SAID HEARING will be held on **Tuesday, August 31, 2010, at 9:30 a.m.** in the Board of Supervisors Room, County Administrative Center, 4080 Lemon Street, 1st Floor Annex, Riverside, California at which time and place pertinent evidence will be received and/or testimony from all concerned parties will be heard. Failure to appear on your behalf will result in the exclusion of your testimony, and facts as known to the Code Enforcement Department ("Department") will be presented to the Board of Supervisors for consideration and deliberation in this matter.

Please be advised that the costs already accrued in this case, including but not limited to, enforcement and investigation costs, are recoverable by the Department, as allowed under Riverside County Ordinance No. 725. The Department may seek recovery of such costs from the property owner(s) which may result in a special assessment lien against the SUBJECT PROPERTY. Additionally, should the Department abate the property, the costs associated therewith, as well as all abatement costs allowed under Riverside County Ordinance No. 725 (RCC Title 1), will be sought from the property owner(s) and/or may result in a special assessment lien against the property.

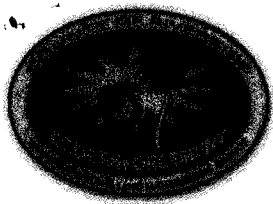
You are encouraged to contact Supervising Code Enforcement Officer Mary Overholt at 951-485-5840 or the undersigned prior to the hearing. Please meet the undersigned and Brian Black, Supervising Code Enforcement Officer, at 8:30 a.m. on the day of the hearing in the lobby of the 1st floor annex in front of the Clerk of the Board's Office to discuss the case.

PAMELA J. WALLS
Riverside County Counsel



L. ALEXANDRA FONG
Deputy County Counsel

EXHIBIT NO. 6



CODE ENFORCEMENT DEPARTMENT
COUNTY OF RIVERSIDE

JOHN BOYD
Director

AFFIDAVIT OF POSTING OF NOTICES

May 12, 2010

RE CASE NO: CV066220

I, Thomas Cervantes, hereby declare:

I am employed by the Riverside County Code Enforcement Department; that my business address is 31-290 Plantation Drive, Thousand Palms, California 92276 .

That on 05-12-2010 at 12:05 PM, I securely and conspicuously posted Notice to Abate Public Nuisance at the property described as:

Property Address: 0 1 PARCEL SOUTH OF (68711 DILLON RD)., SOUTHEAST DESERT HOT SPRI*

Assessor's Parcel Number: 656-380-013

I declare under the penalty of perjury that the foregoing is true and correct.

Executed on May 12, 2010 in the County of Riverside, California.

CODE ENFORCEMENT DEPARTMENT

By: Thomas Cervantes, Code Enforcement Officer

SENDER COMPLETE THIS SECTION		COMPLETE THIS SECTION FOR DELIVERY	
<ul style="list-style-type: none">■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.■ Print your name and address on the reverse so that we can return the card to you.■ Attach this card to the back of the mailpiece, or on the front if space permits.		<p>A. Signature <u>Jimmy E Cole</u> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <u>Jimmy E Cole</u> C. Date of Delivery <u>5-13-2010</u></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>	
1. Article Addressed to: JIMMY COLE 16236 KASOTA CT. APPLE VALLEY, CA 92307		3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.	
2. Article Number (Transfer from service label) <u>CV06-6220 (COLE) ART 1</u>		4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	
7009 3410 0000 1318 2711			

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

31-290 PLANTATION DRIVE, THOUSAND PALMS, CA 92276
(760) 343-4150 • FAX (760) 343-0882

EXHIBIT NO. 6³

**Riverside County Board of Supervisors
Request to Speak**

Submit request to Clerk of Board (right of podium),
Speakers are entitled to three (3) minutes, subject
Board Rules listed on the reverse side of this form.

SPEAKER'S NAME: Jimmy E Cole

Address: 16236 KASOTA CT
(only if follow-up mail response requested)

City: Apple Valley **Zip:** 92307

Phone #: 714 300-8504

Date: 8-31 **Agenda #** 9.4

PLEASE STATE YOUR POSITION BELOW:

Position on "Regular" (non-appealed) Agenda Item:

 Support X **Oppose** **Neutral**

Note: If you are here for an agenda item that is filed
for "Appeal", please state separately your position on
the appeal below:

 Support X **Oppose** **Neutral**

I give my 3 minutes to: _____

BOARD RULES

Requests to Address Board on "Agenda" Items:

You may request to be heard on a published agenda item. Requests to be heard must be submitted to the Clerk of the Board before the scheduled meeting time.

Requests to Address Board on items that are "NOT" on the Agenda:

Notwithstanding any other provisions of these rules, member of the public shall have the right to address the Board during the mid-morning "Oral Communications" segment of the published agenda. Said purpose for address must pertain to issues which are under the direct jurisdiction of the Board of Supervisors. YOUR TIME WILL BE LIMITED TO THREE (3) MINUTES.

Power Point Presentations/Printed Material:

Speakers who intend to conduct a formalized Power Point presentation or provide printed material must notify the Clerk of the Board's Office by 12 noon on the Monday preceding the Tuesday Board meeting, insuring that the Clerk's Office has sufficient copies of all printed materials and at least one (1) copy of the Power Point CD. Copies of printed material given to the Clerk (by Monday noon deadline) will be provided to each Supervisor. If you have the need to use the overhead "Elmo" projector at the Board meeting, please insure your material is clear and with proper contrast, notifying the Clerk well ahead of the meeting, of your intent to use the Elmo.

Individual Speaker Limits:

Individual speakers are limited to a maximum of three (3) minutes. Please step up to the podium when the Chairman calls your name and begin speaking immediately. Pull the microphone to your mouth so that the Board, audience, and audio recording system hear you clearly. Once you start speaking, the "green" podium light will light. The "yellow" light will come on when you have one (1) minute remaining. When you have 30 seconds remaining, the "yellow" light will begin flash, indicating you must quickly wrap up your comments. Your time is up when the "red" light flashes. The Chairman adheres to a strict three (3) minutes per speaker. ***Note: If you intend to give your time to a "Group/Organized Presentation", please state so clearly at the very bottom of the reverse side of this form.***

Group/Organized Presentations:

Group/organized presentations with more than one (1) speaker will be limited to nine (9) minutes at the Chairman's discretion. The organizer of the presentation will automatically receive the first three (3) minutes, with the remaining six (6) minutes relinquished by other speakers, as requested by them on a completed "Request to Speak" form, and clearly indicated at the front bottom of the form.

Addressing the Board & Acknowledgement by Chairman:

The Chairman will determine what order the speakers will address the Board, and will call on all speakers in pairs. The first speaker should immediately step to the podium and begin addressing the Board. The second speaker should take up a position in one of the chamber aisles in order to quickly step up to the podium after the preceding speaker. This is to afford an efficient and timely Board meeting, giving all attendees the opportunity to make their case. Speakers are prohibited from making personal attacks, and/or using coarse, crude, profane or vulgar language while speaking to the Board members, staff, the general public and/or meeting participants. Such behavior, at the discretion of the Board Chairman may result in removal from the Board Chambers by Sheriff Deputies.