

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

309 B



FROM: County Counsel/TLMA
Code Enforcement Department


SUBMITTAL DATE:
September 27, 2011

SUBJECT: Order to Abate [Excess Outside Storage & Accumulated Rubbish]
Case No: CV 08-03269 [CHATLOVSKY]
Subject Property: 32195 Falcon View Lane, Homeland; APN: 455-350-012
District: Five

RECOMMENDED MOTION: Move that:


1. The Findings of Fact, Conclusions and Order to Abate in Case No. CV 08-03269 be approved;
2. The Chairman of the Board of Supervisors be authorized to execute the Findings of Fact, Conclusions and order to Abate in Case No. CV 08-03269 and
3. The Clerk of the Board of Supervisors be authorized to record the Findings of Fact, Conclusions and Order to Abate in Case No. CV 08-03269.

(Continued)


PATRICIA MUNROE, Deputy County Counsel
for PAMELA J. WALLS, County Counsel

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

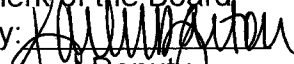
SOURCE OF FUNDS:	Positions To Be Deleted Per A-30	<input type="checkbox"/>
	Requires 4/5 Vote	<input type="checkbox"/>

C.E.O. RECOMMENDATION: APPROVE
BY: 
Tina Grande
County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Buster, seconded by Supervisor Stone and duly carried, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Buster, Tavaglione, Stone and Ashley
Nays: None
Absent: Benoit
Date: October 4, 2011
xc: Co. Co. (3), Recorder

Kecia Harper-Ihem
Clerk of the Board
By: 
Deputy

2.13

ATTACHMENTS FILED WITH THE CLERK OF THE BOARD

Departmental Concurrence

Consent Policy
 Consent Policy

Dept's Recomm.:
 Per Exec. Ofc.:

Order to Abate
Case No. CV 08-03269 [CHATLOVSKY]
32195 Falcon View Lane, Homeland
APN#455-350-012
District 5
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BACKGROUND:

On September 13, 2011 this Board received the declaration of the Code Enforcement Officer in the above-referenced matter. At the conclusion of the hearing, this Board declared the excess 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 conditions on the property and directed County Counsel to prepare Findings of Fact, Conclusions and Order to Abate.



1 RECORDING REQUESTED BY:
2 Kecia Harper-Ihem, Clerk to the
3 Board of Supervisors (Stop #1010)

4
5 WHEN RECORDED PLEASE MAIL TO:
6 Patricia Munroe, Deputy County Counsel
7 County of Riverside
8 OFFICE OF COUNTY COUNSEL
9 3960 Orange Street, Suite 500 (Stop #1350)
10 Riverside, CA 92501

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[EXEMPT GC §§ 6103 and 27383]

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



13 IN RE ABATEMENT OF PUBLIC NUISANCE:) CASE NO. CV 08-03269
 14 [EXCESSIVE OUTSIDE STORAGE AND)
 15 ACCUMULATION OF RUBBISH];)
 16 APN 455-350-012, 32195 FALCON VIEW LANE,)
 17 HOMELAND, RIVERSIDE COUNTY,)
 18 CALIFORNIA; FRANK FERDINAND)
 19 CHATLOVSKY, JR., JUNE CLEMENTINE)
 20 CHATLOVSKY AND TOD GREGORY)
 21 CHATLOVSKY, OWNERS.)
 22) R.C.O. Nos. 348, 541 and 725

23 The above-captioned matter came on regularly for hearing on September 13, 2011, before the
24 Board of Supervisors of the County of Riverside, State of California in the Board Room, First Floor
25 Annex, County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real
26 property described as 32195 Falcon View Lane, Homeland, Riverside County, California and further
27 described as Assessor's Parcel Number 455-350-012 and referred to hereinafter as "THE
28 PROPERTY."

Patricia Munroe, Deputy County Counsel, appeared along with Brian Black, Supervising
Code Enforcement Officer, on behalf of the Director of the Code Enforcement Department.

Owners 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

1 a public nuisance.

2 **SUMMARY OF EVIDENCE**

3 1. Documents of record in the Riverside County Recorder's Office identify the owner of
4 THE PROPERTY as Frank Ferdinand Chatlovsky, Jr., June Clementine Chatlovsky and Tod
5 Gregory Chatlovsky ("OWNERS").

6 2. Documents of title indicate that no other party potentially holds a legal interest in
7 THE PROPERTY.

8 3. THE PROPERTY was inspected by Code Enforcement Officers on April 8, 2008,
9 November 17, 2009, March 16, 2010, June 18, 2010, August 17, 2010, March 8, 2011, August 10,
10 2011 and September 8, 2011.

11 4. During each inspection, the outside storage of materials and accumulation of rubbish
12 were observed on THE PROPERTY. The materials and rubbish were intermingled and included but
13 were not limited to: used and discarded tires, clothing, metal and plastic tool boxes, plastic
14 containers, can, tools, bicycles, vehicle and motorcycle parts, trash cans, animal cages, fencing,
15 dilapidated sheds – both wood and metal, burnt mobilehome debris, burnt debris, garbage, furniture
16 and other household items. The officer estimated the amount of accumulated rubbish and excess
17 outside storage of materials was approximately four thousand nine hundred sixty eight (4,968) square
18 feet. Given the size of the parcel (2.33 acres) and the zoning classification (R-R, Rural Residential),
19 two hundred (200) square feet of outside storage is allowed. No rubbish is allowed on THE
20 PROPERTY.

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

23 6. A Notice of Noncompliance was recorded on December 3, 2009 as Document
24 Number 2009-0621994 in the Office of the County Recorder, County of Riverside.

25 7. On November 17, 2009 and March 16, 2010, Notices of Violation for violation of
26 Riverside County Ordinance Nos. 348 and 541 was posted on THE PROPERTY. On November 19,
27 2009 and July 13, 2010 and November 29, 2010, Notices of Violations was mailed to OWNERS.

28 8. On August 9, 2011, the "Notice to Correct County Ordinance Violations and Abate

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1 Public Nuisance” providing notice of the public hearing before the Board of Supervisors scheduled
2 for September 13, 2011, was mailed to OWNERS and was posted on THE PROPERTY on August
3 10, 2011.

4 **FINDINGS AND CONCLUSIONS**

5 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
6 regular session assembled on September 13, 2011 finds and concludes that:

7 1. WHEREAS, the excess outside storage of materials and accumulation of rubbish on
8 the real property located at 32195 Falcon View Lane, Homeland, Riverside County, California, also
9 identified as Assessor's Parcel Number 455-350-012 violates Riverside County Ordinance Nos. 348
10 and 541 and constitutes a public nuisance. Under Riverside County Ordinance No. 348, due to the
11 size of the parcel, no more than two hundred (200) square feet of outside storage of materials is
12 allowed to be stored on THE PROPERTY. Under Riverside County Ordinance No. 541, no amount
13 of rubbish is allowed to be accumulated on THE PROPERTY.

14 2. WHEREAS, the OWNERS, occupants or any person having possession or control of
15 the premises shall abate the condition by removal of all outside storage of materials in excess of two
16 hundred (200) square feet by removing and disposing of all accumulated rubbish from the subject
17 real property in strict accordance with all Riverside County Ordinances, including but not limited to
18 Riverside County Ordinance Nos. 348 and 541 within ninety (90) days.

19 3. WHEREAS, the OWNERS ARE HEREBY FURTHER NOTICED that the time
20 within which judicial review of the administrative determinations made herein must be sought is
21 ninety (90) days from the posting and mailing of the Findings of Fact, Conclusions and Order to
22 Abate Nuisance, and is governed by California Code of Civil Procedure Section 1094.6.

23 **ORDER TO ABATE NUISANCE**

24 IT IS THEREFORE ORDERED that the excess outside storage of materials and
25 accumulation of rubbish on THE PROPERTY be abated by the OWNERS, specifically Frank
26 Ferdinand Chatlovsky, Jr., June Clementine Chatlovsky and Tod Gregory Chatlovsky, or anyone
27 having possession or control of THE PROPERTY, by removing all of the outside storage of
28 materials in excess of two hundred (200) square feet and removing and disposing of all accumulated

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1 rubbish from the subject real property in strict accordance with all Riverside County Ordinances,
2 including but not limited to Riverside County Ordinance Nos. 348 and 541 within ninety (90) days of
3 the date of this Order to Abate Nuisance.

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

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

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

3
4 Dated: October 4, 2011

COUNTY OF RIVERSIDE

5
6 By Bob Buster
Bob Buster
Chairman, Board of Supervisors

7 ATTEST:
8
9 KECIA HARPER-IHEM
10 Clerk to the Board

11 By Kaunoyton
12
13 Deputy
14 (SEAL)



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LARRY W. WARD
COUNTY OF RIVERSIDE
ASSESSOR-COUNTY CLERK-RECORDER

Recorder
P.O. Box 751
Riverside, CA 92502-0751
(951) 486-7000

<http://riverside.asrelkrec.com>

CERTIFICATION

Pursuant to the provisions of Government Code 27361.7, I certify under the penalty of perjury that the following is a true copy of illegible wording found in the attached document:

(Print or type the page number(s) and wording below):

CLARIFICATION OF THE SEAL for the Riverside County Board of Supervisors
(embossed on document)



Date: 10-4-11

Signature: *Karen Barton*

Print Name: Karen Barton, Board Assistant, Riverside County Clerk of the Board



NOTICE LIST

Subject Property: 32195 Falcon View Lane, Homeland
Case No.: CV 08-03269; APN: 455-350-012; District 5

FRANK FERDINAND CHATLOVSKY JR
JUNE CLEMENTINE CHATLOVSKY
TOD GREGORY CHATLOVSKY
32195 FALCON VIEW LANE
HOMELAND CA 92548

FRANK FERDINAND CHATLOVSKY JR
JUNE CLEMENTINE CHATLOVSKY
TOD GREGORY CHATLOVSKY
32195 SAGE RD
HEMET CA 92343

JUNE CLEMENTINE CHATLOVSKY
1499 OLD MOUNTAIN AVE 88
SAN JACINTO CA 92583

PROOF OF SERVICE

Case No. CV08-03269

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STATE OF CALIFORNIA, COUNTY OF RIVERSIDE

I, Brenda Peeler, the undersigned, 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 3960 Orange Street, Suite 500, Riverside, California 92501-3674.

That on October 28, 2011, I served the following document(s):

FINDINGS OF FACT, CONCLUSIONS AND ORDER TO ABATE NUISANCE

by placing a true copy thereof enclosed in a sealed envelope(s) addressed as follows:

**OWNERS OR INTERESTED PARTIES
(SEE ATTACHED NOTICE LIST)**

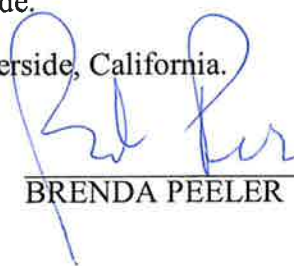
XX **BY FIRST CLASS MAIL.** I am "readily familiar" with the office's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid at Riverside, California, in the ordinary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

— **BY PERSONAL SERVICE:** I caused to be delivered such envelope(s) by hand to the offices of the addressee(s).

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

— **FEDERAL - I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.**

EXECUTED ON October 28, 2011, at Riverside, California.



BRENDA PEELER



**CODE ENFORCEMENT DEPARTMENT
COUNTY OF RIVERSIDE**

GLENN BAUDE
Director

AFFIDAVIT OF POSTING OF NOTICES

October 31, 2011

RE CASE NO: CV0803269

I, Lori Lyon, hereby declare:

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

That on 10/31/11 at 10:00AM, I securely and conspicuously posted FINDINGS OF FACT, CONCLUSIONS AND ORDER TO ABATE at the property described as:

Property Address: 32195 FALCON VIEW LN, HOMELAND

Assessor's Parcel Number: 455-350-012

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

Executed on October 31, 2011 in the County of Riverside, California.

CODE ENFORCEMENT DEPARTMENT


By: Lori Lyon, Code Enforcement Officer