

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

909B



**FROM:** County Counsel/TLMA  
Code Enforcement Department

**SUBMITTAL DATE:**  
March 26, 2014

**SUBJECT:** Order to Abate [Substandard Structures & Accumulated Rubbish]  
Case No. : CV12-03720 [MCPETERSI]  
Subject Property: 30885 Red Mountain Road, Hemet; APN: 569-140-006  
District: 3/3 [\$0.00]

**RECOMMENDED MOTION:** That the Board of Supervisors:

1. The Findings of Fact, Conclusions and Order to Abate in Case No. CV12-03720 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. CV12-03720; 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. CV12-03720.

**BACKGROUND:**

**Summary**

On February 25, 2014, 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 substandard structures (shed & accessory structure) and accumulated rubbish on the subject property to be a public nuisance.

(Continued)

  
PATRICIA MUNROE  
Deputy 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**

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

Ayes: Jeffries, Stone, Benoit and Ashley  
Nays: None  
Absent: Tavaglione  
Date: April 8, 2014  
xc: Co.Co.; Recorder

Kecia Harper-Ihem  
Clerk of the Board  
By:   
Deputy

Prev. Agn. Ref.: 02/25/14; 9.3 | District: 3/3 | Agenda Number:

2-7

Departmental Concurrence

- A-30
- Positions Added
- 4/5 Vote
- Change Order

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

DOC # 2014-0130926  
04/10/2014

Customer Copy Label  
The paper to which this label is  
affixed has not been compared  
with the filed/recorded document

Larry W Ward  
County of Riverside  
Assessor, County Clerk & Recorder

5 WHEN RECORDED PLEASE MAIL TO:  
6 Michelle Cervantes, 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]

9  
10 **BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE**

11 IN RE ABATEMENT OF PUBLIC NUISANCE: ) CASE NO. CV 12-03720  
12 [SUBSTANDARD STRUCTURES AND )  
13 ACCUMULATION OF RUBBISH]; ) FINDINGS OF FACT,  
14 APN 569-140-006, 30885 RED MOUNTAIN ) CONCLUSIONS AND ORDER TO  
ROAD, HEMET, RIVERSIDE COUNTY, ) ABATE NUISANCE  
15 CALIFORNIA; BOYCE W. AND SANDRA G. )  
MC PETERS, ) R.C.O. Nos. 457, 541 and 725  
16 OWNERS. )

17 The above-captioned matter came on regularly for hearing on February 25, 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 30885 Red Mountain Road, Hemet, Riverside, Assessor's Parcel Number 569-  
21 140-006 and referred to hereinafter as "THE PROPERTY."

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

24 Owners did not appear.

25 The Board of Supervisors received the Declaration of the Code Enforcement Officer together  
26 with attached Exhibits, evidencing the substandard structures and accumulation of rubbish on THE  
27 PROPERTY as violations of Riverside County Ordinance Nos. 457 and 541, and as a public  
28 nuisance.

COPY

**SUMMARY OF EVIDENCE**

1  
2           1.       Documents of record in the Riverside County Recorder’s Office identify the owners  
3 of THE PROPERTY as Boyce W. and Sandra G. Mc Peters (“OWNERS”).

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 June 5, 2012, and  
7 on six (6) other occasions, the last being October 30, 2013.

8           4.       During each inspection, two (2) substandard structures (shed and accessory structure)  
9 were observed on THE PROPERTY. The structures were observed to be abandoned, dilapidated  
10 and vacant. The structures contained numerous deficiencies, including but not limited to: faulty  
11 weather protection; general dilapidation or improper maintenance; fire hazard; public and attractive  
12 nuisance – abandoned/vacant.

13           5.       During each inspection an accumulation of rubbish was observed throughout THE  
14 PROPERTY consisting of but not limited to: scrap metal, scrap wood, household items, trash,  
15 furniture, tires, scrap wood structure, and windows.

16           6.       THE PROPERTY was determined to be in violation of Riverside County Ordinance  
17 Nos. 457 and 541 by the Code Enforcement Officer.

18           7.       A Notice of Pendency of Administrative Proceedings was recorded on January 30,  
19 2013, as Document Number 2013-0052475 in the Office of the County Recorder, County of  
20 Riverside.

21           8.       On June 25, 2012, Notice of Violation, Notice of Defects, a “Danger Do Not Enter”  
22 and a “Do Not Dump” sign were posted on THE PROPERTY. On June 26, 2012, June 10, 2013,  
23 November 5, 2013 and November 7, 2013, Notices of Violation for the substandard structures and  
24 accumulation of rubbish were mailed to OWNERS by first class mail. On June 10, 2013, a Notice of  
25 Violation for the substandard structures and accumulation of rubbish was mailed to OWNERS by  
26 certified mail, return receipt requested.

27           9.       A “Notice to Correct County Ordinance Violations and Abate Public Nuisance”  
28 providing notice of the public hearing before the Board of Supervisors, was mailed to OWNERS and

1 was posted on THE PROPERTY.

2 **FINDINGS AND CONCLUSIONS**

3 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in  
4 regular session assembled on February 25, 2014, finds and concludes that:

5 1. WHEREAS, the substandard structures (shed and accessory structure) and  
6 accumulation of rubbish on the real property located at 30885 Red Mountain Road, Hemet, Riverside  
7 County, California, also identified as Assessor's Parcel Number 569-140-006 violates Riverside  
8 County Ordinance Nos. 457 and 541 and constitutes a public nuisance.

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

16 3. WHEREAS, the OWNERS, occupants and any other person having possession or  
17 control of THE PROPERTY shall abate the accumulation of rubbish by removing and disposing of  
18 all rubbish on THE PROPERTY in strict accordance with all Riverside County Ordinances,  
19 including but not limited to Riverside County Ordinance No. 541 within ninety (90) days.

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

24 **ORDER TO ABATE NUISANCE**

25 IT IS THEREFORE ORDERED that the substandard structures (shed and accessory  
26 structure) on THE PROPERTY be abated by the OWNERS, Boyce W. and Sandra G. Mc Peters, or  
27 anyone having possession or control of THE PROPERTY, by razing and removing the substandard  
28 structures including the removal and disposal of all structural debris and materials, as well as the

1 contents therein, or by reconstruction and rehabilitation of said structures provided such  
2 reconstruction and rehabilitation can be accomplished in strict accordance with all Riverside County  
3 Ordinances, including but not limited to Riverside County Ordinance No. 457 within ninety (90)  
4 days of the posting and mailing of this Order to Abate Nuisance.

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

13 FURTHERMORE, the OWNERS are ordered to ascertain the existence or non-existence of  
14 asbestos containing materials in said structures by survey and materials sample testing by a duly  
15 licensed and certified asbestos consultant; and, prior to the abatement ordered hereinabove, to secure  
16 the removal of all asbestos containing materials discovered through such survey and testing by  
17 contract with a duly certified and licensed contractor for the handling of such materials to avoid  
18 citations and/or fines by South Coast Air Quality Management District (SCAQMD).

19 IT IS FURTHER ORDERED that the accumulation of rubbish on THE PROPERTY be  
20 abated by the OWNERS or anyone having possession or control of THE PROPERTY, by removing  
21 and disposing of all rubbish from THE PROPERTY in strict accordance with all Riverside County  
22 Ordinances, including but not limited to Riverside County Ordinance No. 541 within ninety (90)  
23 days of the date of this Order to Abate Nuisance.

24 IT IS FURTHER ORDERED that if the accumulation of rubbish is not removed and disposed  
25 of in strict accordance with all Riverside County Ordinances, including but not limited to Riverside  
26 County Ordinance Nos. 541 within ninety (90) days of the date of this Order to Abate Nuisance, the  
27 accumulation of rubbish may be abated by representatives of the Riverside County Code  
28 Enforcement Department, a contractor or the Sheriff's Department upon receipt of an owner's

1 consent or a Court Order when necessary under applicable law.

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


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

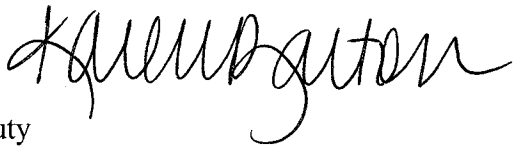
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Dated: April 8, 2014

COUNTY OF RIVERSIDE

By   
Jeff Stone  
Chairman, Board of Supervisors

ATTEST:  
KECIA HARPER-IHEM  
Clerk to the Board

By   
Deputy  
(SEAL)



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

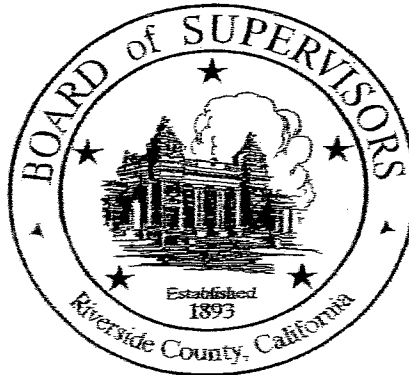
**Recorder**  
P.O. Box 751  
Riverside, CA 92502-0751  
(951) 486-7000  
<http://riverside.asrcfrec.com>

**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:

4-8-14

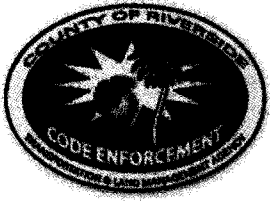
Signature:

*Karen Barton*

Print Name:

Karen Barton, Board Assistant, Riverside County Clerk of the Board





**CODE ENFORCEMENT DEPARTMENT  
COUNTY OF RIVERSIDE**

Originals filed with the Clerk of the Board: Agenda No 2.7 of 418114 : on the Consent calendar.

**AFFIDAVIT OF POSTING OF NOTICES**

May 2, 2014

RE CASE NO: CV1203720

I, Anita Bustillos, hereby declare:

I am employed by the Riverside County Code Enforcement Department; that my business address is:  
37600 Sky Canyon Drive, Suite G  
Murrieta, California 92563  
Mail Stop #5155.

That on 05/01/2014 at 2:18 p.m., I securely and conspicuously posted In RE: Abatement of Public Nuisance: (Substandard Structure and Accumulation of Rubbish); Findings of Fact, Conclusions and Order to Abate Nuisance, Summary of Evidence, Findings and Conclusions, Order to Abate Nuisance and Certification at the property described as:

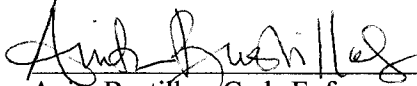
**Property Address:** 30885 RED MOUNTAIN RD, HEMET

**Assessor's Parcel Number:** 569-140-006

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

Executed on May 2, 2014 in the County of Riverside, California.

CODE ENFORCEMENT DEPARTMENT

  
By: Anita Bustillos, Code Enforcement Technician

**PROOF OF SERVICE**  
Case No. CV12-03720 McPeters

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STATE OF CALIFORNIA, COUNTY OF RIVERSIDE

I, Stacy Baumgartner, 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 4080 Lemon Street, 12<sup>th</sup> Floor, Riverside, California 92501.

That on April 30, 2014, 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 April 30, 2014, at Riverside, California.

  
\_\_\_\_\_  
STACY BAUMGARTNER  
CODE ENFORCEMENT OFFICER III

## **NOTICE LIST**

Subject Property: 30885 Red Mountain Road, Hemet; Case No.: CV12-03720  
APN: 569-140-006; District 3/3 McPeters

**BOYCE W. AND SANDRA G. MCPETERS  
1040 DAVIS ST N.  
SULPHUR SPRINGS, TX 75482**

**BOYCE W. AND SANDRA G. MCPETERS  
30885 RED MOUNTAIN RD,  
HEMET, CA 92544**