

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

317B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
January 29, 2007

SUBJECT: Order to Abate [Substandard Structures and Accumulation of Rubbish]
Case No.: CV 06-2660
Subject Property: 24180 Paloma Avenue, Ripley
APN: 872-242-014
District Four

RECOMMENDED MOTION: Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV 06-2660 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 06-2660; 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 06-2660.

TIFFANY N. NORTH, Deputy County Counsel
for JOE S. RANK, 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

☐

Requires 4/5 Vote

☐

C.E.O. RECOMMENDATION:

APPROVE

County Executive Office Signature

[Signature]

Dep't Recomm.:
Per Exec. Ofc.:

☐ Consent

☒ Policy

☐ Consent

☒ Policy

5001 700 50 60 5: 00
RECEIVED BUREAU OF THE COUNTY CLERK
COUNTY OF RIVERSIDE, CALIFORNIA

Prev. Agn. Ref.:

District: 4

Agenda Number:

2 . 20

Order to Abate [Substandard Structures and Accumulation of Rubbish]
Case No.: CV 06-2660
Subject Property: 24180 Paloma Avenue, Ripley
APN: 872-242-014
District Four

BACKGROUND:

On January 23, 2007 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 and accumulation of rubbish 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 the Findings of Fact, Conclusion and Order to Abate.

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5 WHEN RECORDED PLEASE MAIL TO:
6 Tiffany N. North, Deputy County Counsel
7 County of Riverside
8 OFFICE OF COUNTY COUNSEL
9 3535 Tenth Street, Suite 300 (Stop #1350)
10 Riverside, CA 92501

[EXEMPT'6103]

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**BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE**

IN RE ABATEMENT OF PUBLIC NUISANCE:) CASE NO. CV 06-2660
[SUBSTANDARD STRUCTURES AND)
ACCUMULATION OF RUBBISH]; APN 872-242-) FINDINGS OF FACT,
014, 24180 PALOMA AVENUE, RIPLEY,) CONCLUSIONS AND ORDER TO
RIVERSIDE COUNTY, CALIFORNIA; HELOISE) ABATE NUISANCE
C. BUTLER, ELVORDIA ROGERS, JOHN WILL)
CRANE, L.T. CRANE, OWNERS.) [R.C.O. Nos. 457 (RCC Title 15), 541
(RCC Title 8) and 725 (RCC Title 1)]

The above-captioned matter came on regularly for hearing on January 23, 2007, before the Board of Supervisors of the County of Riverside, State of California in the Board Room, First Floor Annex, County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real property described 24180 Paloma Avenue, Ripley, Assessor's Parcel Number 872-242-014 and referred to hereinafter as "THE PROPERTY."

Tiffany N. North, Deputy County Counsel, appeared along with Jim Monroe, Code Enforcement Division Manager, on behalf of the Director of the Code Enforcement Department.

No one appeared on behalf of the property owners.

The Board of Supervisors received the Declaration of the Code Enforcement Officer together with attached Exhibits, evidencing the substandard structures and accumulation of rubbish on THE PROPERTY as violations of Riverside County Ordinance Nos. 457 (Riverside County Code Title 15) and 541 (Riverside County Code Chapter 8.120) and as a public nuisance.

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SUMMARY OF EVIDENCE

1. Documents of record in the Riverside County Recorder's Office identify the owner of THE PROPERTY as Heloise C. Butler, Elvordia Rogers, John Will Crane, and L.T. Crane ("OWNERS").

2. Documents of title indicate that other parties potentially hold a legal interest in THE PROPERTY, to-wit: Johnnie Stinson and Palo Verde Irrigation District.

3. THE PROPERTY was inspected by Code Enforcement Officers April 26, 2006, July 12, 2006, August 10, 2006, December 12, 2006, and January 19, 2007.

4. During each inspection, two substandard structures (dwelling and storage shed) were observed on THE PROPERTY. The structures were observed to be abandoned, dilapidated and vacant. The structures contained numerous deficiencies, including but not limited to: faulty weather protection; general dilapidation or improper maintenance; and public and attractive nuisance.

5. During each inspection an accumulation of rubbish was observed throughout THE PROPERTY consisting of but not limited to: discarded metal and wood, auto parts, discarded carton boxes, household trash, used tires and appliances. The accumulation of rubbish was determined to be approximately ten thousand (10,000) square feet.

6. THE PROPERTY was determined to be in violation of Riverside County Ordinance No. 457 (RCC Title 15) and 541 (RCC Chapter 8.120) by the Code Enforcement Officer.

7. A Notice of Noncompliance for the substandard structures and accumulation of rubbish was recorded on July 25, 2006 as Document Number 2006-0541459 in the Office of the County Clerk & Recorder, County of Riverside.

7. On April 26, 2006, Notices of Violation, Notices of Defects, Do Not Dump signs and Danger Do Not Enter signs for violation of Riverside County Ordinance Nos. 457 and 541 were posted on THE PROPERTY. On May 23, 2006 and July 14, 2006, Notices of Violation for the substandard structures and accumulation of rubbish were mailed to OWNERS and INTERESTED PARTIES by certified mail, return receipt requested.

8. On December 8, 2006, a "Notice To Abate Nuisance" providing notice of the public

1 hearing before the Board of Supervisors on January 23, 2007 was mailed by certified mail, return
2 receipt requested, to OWNERS and INTERESTED PARTIES and was posted on THE PROPERTY
3 on December 12, 2006.

4 **FINDINGS AND CONCLUSIONS**

5 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
6 regular session assembled on January 23, 2007 finds and concludes that:

7 1. WHEREAS, the substandard structures (dwelling and storage shed) and accumulation
8 of rubbish on the real property located at 24180 Paloma Avenue, Ripley, Riverside County,
9 California, also identified as Assessor's Parcel Number 872-242-014 violates Riverside County
10 Ordinance Nos. 457 (RCC Title 15) and 541 (RCC Chapter 8.120) and constitutes a public nuisance.

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

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

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

27 **ORDER TO ABATE NUISANCE**

28 IT IS THEREFORE ORDERED that the substandard structures (dwelling and storage shed)

1 on THE PROPERTY be abated by the OWNERS, specifically Heloise C. Butler, Elvordia Rogers,
2 John Will Crane, L.T. Crane or anyone having possession or control of THE PROPERTY, by razing
3 and removing the substandard structures including the removal and disposal of all structural debris
4 and materials, as well as the contents therein, or by reconstruction and rehabilitation of said
5 structures provided such reconstruction and rehabilitation can be accomplished in strict accordance
6 with all Riverside County Ordinances, including but not limited to Riverside County Ordinance No.
7 457 within ninety (90) days of the posting and mailing of this order.

8 FURTHERMORE, THE OWNERS are ordered to ascertain the existence or non-existence of
9 asbestos containing materials in said structures by survey and materials sample testing by a duly
10 licensed and certified asbestos consultant; and, prior to the abatement ordered hereinabove, to secure
11 the removal of all asbestos containing materials discovered through such survey and testing by
12 contract with a duly certified and licensed contractor for the handling of such materials to avoid
13 citations and/or fines by the Mojave Desert Air Quality Management District (MDAQMD).

14 IT IS FURTHER ORDERED that if the substandard structures are not razed, removed and
15 disposed of, or reconstructed and rehabilitated in strict accordance with all Riverside County
16 Ordinances, including but not limited to Riverside County Ordinance No. 457, within ninety (90)
17 days of the posting and mailing of this Order, the substandard structures, contents therein, and
18 structural debris and materials, shall be abated by representatives of the Riverside County Code
19 Enforcement Department, a contractor, or the Sheriff's Department upon receipt of the owner's
20 consent or a Court Order, where necessary under applicable law, authorizing entry onto THE
21 PROPERTY.

22 IT IS FURTHER ORDERED that the accumulation of rubbish on THE PROPERTY be
23 abated by THE OWNERS or anyone having possession or control of THE PROPERTY, by removing
24 and disposing of the rubbish from the subject real property in strict accordance with all Riverside
25 County Ordinances, including but not limited to Riverside County Ordinance No. 541 (RCC Chapter
26 8.120) within ninety (90) days of the posting and mailing of this order.

27 IT IS FURTHER ORDERED that if the accumulation of rubbish is not removed and disposed
28 of in strict accordance with all Riverside County Ordinances, including but not limited to Riverside

1 County Ordinance Nos. 541 (RCC Chapter 8.120) within ninety (90) days of the date of this Order,
2 the accumulation of rubbish shall be abated by representatives of the Riverside County Code
3 Enforcement Department, a contractor, or the Sheriff's Department upon receipt of an owner's
4 consent or a Court Order, when necessary under applicable law, within ninety (90) days of the
5 posting and mailing of this order.

6 IT IS FURTHER ORDERED that the reasonable abatement costs, after notice and
7 opportunity for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a
8 special assessment against THE PROPERTY pursuant to Government Code section 25845 and
9 Riverside County Ordinance Nos. 457 (RCC Title 15), 541 (RCC Chapter 8.120), and 725 (RCC
10 Chapter 1.16). Under Riverside County Ordinance No. 725, "abatement costs" means "any costs or
11 expenses reasonably related to the abatement of conditions which violate County Land Use
12 Ordinances, and shall include, but not be limited to, enforcement, investigation, collection and
13 administrative costs, attorneys fees, and the costs associated with the removal or correction of the
14 "violation." Reasonable abatement costs accrued by the Code Enforcement Department will be
15 recoverable from THE OWNERS even if THE PROPERTY is brought into compliance within ninety
16 (90) days of the date of this Order to Abate Nuisance.

17
18 Dated: _____

COUNTY OF RIVERSIDE

19
20 By _____
John Tavaglione
Chairman, Board of Supervisors

21 ATTEST:

22 NANCY ROMERO

23 Clerk to the Board

24
25 By

26 Deputy

27 (SEAL)