

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

315 B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
January 29, 2007

SUBJECT: Order to Abate [Substandard Structure and Accumulation of Rubbish]
Case No.: CV 06-3847
Subject Property: 10330 Vernon Avenue, Blythe
APN: 869-090-037
District Four

RECOMMENDED MOTION: Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV 06-3847 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 06-3847; 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 06-3847.

(Continued)

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]

☒ Policy

☒ Policy

☐ Consent

☐ Consent

Dep't Recomm.:

Per Exec. Ofc.:

5003 7/11/08 BK 5:12
RECEIVED RIVERSIDE COUNTY

Prev. Agn. Ref.:

District: 4

Agenda Number:

2 . 21

Order to Abate [Substandard Structure and Accumulation of Rubbish]
Case No.: CV 06-3847
Subject Property: 10330 Vernon Avenue, Blythe
APN: 869-090-037
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 structure 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 06-3847
[SUBSTANDARD STRUCTURE AND)
ACCUMULATION OF RUBBISH]; APN 869-090-) FINDINGS OF FACT,
037, 10330 VERNON AVENUE, BLYTHE,) CONCLUSIONS AND ORDER TO
RIVERSIDE COUNTY, CALIFORNIA; RONALD) ABATE NUISANCE
E. TOLLETTE AND FANNIE M. TOLLETTE,)
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 10330 Vernon Avenue, Blythe, Assessor's Parcel Number 869-090-037 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 structure 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.

SUMMARY OF EVIDENCE

1. Documents of record in the Riverside County Recorder's Office identify the owners of THE PROPERTY as Ronald E. Tollette and Fannie M. Tollette. ("OWNERS").

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

3. THE PROPERTY was inspected by Code Enforcement Officers June 30, 2006, July 12, 2006, August 10, 2006, September 21, 2006, December 12, 2006, and January 19, 2007.

4. During each inspection, a substandard structure (detached apartment) was observed on THE PROPERTY. The structure was observed to be abandoned, dilapidated and vacant. The structure contained numerous deficiencies, including but not limited to: members of walls, partitions or other vertical supports that split, list, lean or buckle due to defective material or deterioration – several internal walls had been vandalized having holes in them and the living room ceiling had a hole exposing the insulation and roofing material; faulty weather protection – doors missing and most of the windows were broken out; general dilapidation or improper maintenance – roof lacks covering material, the interior was filled with rubbish, the bathroom shower door was broken, and the floor was stained with human waste; abandoned, vacant, public and attractive nuisance – used by vagrants for drinking alcohol and use of illegal drugs, located within a residential neighborhood and across from a future school site.

5. During each inspection an accumulation of rubbish was observed throughout THE PROPERTY consisting of but not limited to: wood, appliances, metal, mattresses, used clothes, discarded furniture, auto parts, plastic household trash and green waste. The accumulation of rubbish was determined to be approximately one thousand two hundred fifteen (1,215) square feet.

6. THE PROPERTY was determined to be in violation of Riverside County Ordinance Nos. 457 (RCC Title 15) and 541 (RCC Chapter 8.120) by the Code Enforcement Officer.

7. A Notice of Noncompliance for the substandard structure and accumulation of rubbish was recorded on September 27, 2006 as Document Number 2006-0712480 in the Office of the County Clerk & Recorder, County of Riverside.

1 7. On June 30, 2006, Notices of Violation and Danger Do Not Enter signs for violation
2 of Riverside County Ordinance Nos. 457 and 541 were posted on THE PROPERTY. On July 28,
3 2006, Notices of Violation for the substandard structure and accumulation of rubbish were mailed to
4 OWNERS by certified mail, return receipt requested.

5 8. On December 5, 2006, an "Amended Notice To Abate Nuisance" providing notice of
6 the public hearing before the Board of Supervisors on January 23, 2007 was mailed by certified mail,
7 return receipt requested, to the OWNERS and was posted on THE PROPERTY on January 4, 2007.

8 **FINDINGS AND CONCLUSIONS**

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

11 1. WHEREAS, the substandard structure and accumulation of rubbish on the real
12 property located at 10330 Vernon Avenue, Blythe, Riverside County, California, also identified as
13 Assessor's Parcel Number 869-090-037 violates Riverside County Ordinance Nos. 457 (RCC Title
14 15) and 541 (RCC Chapter 8.120) and constitutes a public nuisance.

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

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

26 4. WHEREAS, THE OWNERS AND INTERESTED PARTIES ARE HEREBY
27 FURTHER NOTICED that the time within which judicial review of the administrative
28 determinations made herein must be sought is ninety (90) days from the posting and mailing of the

1 Findings of Fact, Conclusions and Order To Abate Nuisance, and is governed by California Code of
2 Civil Procedure Section 1094.6.

3 **ORDER TO ABATE NUISANCE**

4 IT IS THEREFORE ORDERED that the substandard structure (detached apartment) on THE
5 PROPERTY be abated by the OWNERS, specifically Ronald E. Tollette and Fannie M. Tollette or
6 anyone having possession or control of THE PROPERTY, by razing and removing the substandard
7 structure and contents therein, including the removal and disposal of all structural debris and
8 materials, or by reconstruction and rehabilitation of said structure provided such reconstruction and
9 rehabilitation can be accomplished in strict accordance with all Riverside County Ordinances,
10 including but not limited to Riverside County Ordinance No. 457 within ninety (90) days of the
11 posting and mailing of this order.

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

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

26 IT IS FURTHER ORDERED that the accumulation of rubbish on THE PROPERTY be
27 abated by THE OWNERS, or anyone having possession or control of THE PROPERTY, by
28 removing and disposing of all rubbish from the subject real property in strict accordance with all

1 Riverside County Ordinances, including but not limited to Riverside County Ordinance No. 541
2 (RCC Chapter 8.120) within ninety (90) days of the date of this order.

3 IT IS FURTHER ORDERED that if the accumulation of rubbish not removed and disposed
4 of in strict accordance with all Riverside County Ordinances, including but not limited to Riverside
5 County Ordinance Nos. 541 (RCC Chapter 8.120) within ninety (90) days of the date of this Order,
6 the accumulation of rubbish shall be abated by representatives of the Riverside County Code
7 Enforcement Department, a contractor or the Sheriff's Department upon receipt of an owner's
8 consent or a Court Order when necessary under applicable law within ninety (90) days of the posting
9 and mailing of this order.

10 IT IS FURTHER ORDERED that the reasonable abatement costs, after notice and
11 opportunity for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a
12 special assessment against THE PROPERTY pursuant to Government Code section 25845 and
13 Riverside County Ordinance Nos. 457 (RCC Title 15), 541 (RCC Chapter 8.120), and 725 (RCC
14 Chapter 1.16). Under Riverside County Ordinance No. 725, "abatement costs" means "any costs or
15 expenses reasonably related to the abatement of conditions which violate County Land Use
16 Ordinances, and shall include, but not be limited to, enforcement, investigation, collection and
17 administrative costs, attorneys fees, and the costs associated with the removal or correction of the

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1 violation.” Reasonable abatement costs accrued by the Code Enforcement Department will be
2 recoverable from THE OWNERS even if THE PROPERTY is brought into compliance within ninety
3 (90) days of the date of this Order to Abate Nuisance.

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5 Dated: _____

COUNTY OF RIVERSIDE

6
7 By _____
8 John Tavaglione
Chairman, Board of Supervisors

9 ATTEST:

10 NANCY ROMERO

11 Clerk to the Board

12
13 By

14 Deputy

15 (SEAL)

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