

ORDINANCE NO. 541
(AS AMENDED THROUGH 541.5)
AN ORDINANCE OF THE COUNTY OF RIVERSIDE AMENDING
ORDINANCE NO. 541 RELATING TO THE REMOVAL OF RUBBISH

The Board of Supervisors of the County of Riverside ordains as follows:

Section 1. FINDINGS.

The Board of Supervisors finds that the unregulated and improper allowance of rubbish or other material dangerous or injurious to neighboring property or to the health or welfare of residents in the vicinity of any real property throughout the unincorporated territory of the County of Riverside poses a danger, not only because it is unsightly and negatively impacts property values, but also because it provides areas for occupation by vermin or wild animals, is a fire hazard and is potentially toxic to persons and the environment. Therefore the accumulation of rubbish is deemed a Public Nuisance and poses a hazard to the safety of landowners, residents in the vicinity, users of public highways and to the public generally.

Section 2. ACCUMULATION OF RUBBISH NOT PERMITTED.

No person or entity shall permit the accumulation of rubbish or other material dangerous or injurious to the health and welfare of persons or the environment, on any real property in the unincorporated area of Riverside County owned by them or under their control.

Section 3. DEFINITIONS. As used in this ordinance, the following terms shall have the following meanings:

- a. Abate and/or abatement. An act used to remove, destroy, eliminate, seize, impound, or any action taken to mitigate a public nuisance.
- b. Abatement costs. Any costs or expenses reasonably related to the abatement of conditions which violate this ordinance and shall include, but not be limited to, costs associated with the removal, storage, transportation, cleaning, clearing and disposal of the accumulated rubbish and costs as further defined in Riverside County Ordinance No. 725, as amended.
- c. Accumulation of Rubbish. Any measurable amount of accumulated items constituting a condition harmful, dangerous or injurious to the health or welfare of persons or to the public, including the environment.
- d. Administrative Costs. All Riverside County staff time expended and reasonably related to enforcement of this ordinance including, but not limited to, site inspections, investigations, telephonic or other contacts, reports, summaries, correspondence, enforcement, notices, appearances at hearings or court proceedings including travel time, collections, hearing officer costs, and attorneys fees. Staff time shall be calculated at an hourly rate as established and revised from time to time by the Board of Supervisors as set forth in Ordinance No. 725, as amended. Travel time for inspections shall not be included.
- e. Enforcement Officer. The Director of the Riverside County Code Enforcement Department, Director of Environmental Health, Transportation Land Management Agency, Clerk of the Board of Supervisors, Sheriff and the Riverside County Fire Chief, or their designees.

- f. Real Property. The improved or unimproved real property in violation of this ordinance or otherwise subject to an abatement proceeding.
- g. Rubbish. Including, but is not limited to, any items consisting of trash, litter, garbage, waste, junk, debris, discarded items, refuse, construction, landscape or demolition materials, cans, bottles, barrels, bricks, boxes, crates, cartons, containers, packaging, wood, plastics, metal, visqueen, paper, cardboard, appliances, vehicle parts, tires, discarded mattresses, equipment, furniture, carcass of a dead animal, ordinary household garbage, discards, green waste, or other dangerous, nauseous or offensive material of any kind.

Section 4. INSPECTION AND AUTHORITY TO ENTER PROPERTY.

- a. For the purpose of enforcing or administering this ordinance, the Enforcement Officer may enter any real property for the purpose of inspecting the property or for summary abatement proceedings whenever the Officer is informed or has reasonable cause to believe that there is an accumulation of rubbish or other material constituting a condition dangerous or injurious to the health or welfare of persons or to the public, including the environment, or is otherwise in violation of this ordinance.
- b. No person shall interfere with the entry of the Enforcement Officer in the official course of his or her duty.

Section 5. NUISANCE, DUTY TO ABATE.

Real Property or any condition caused, maintained or permitted to exist in violation of any provisions of this ordinance is unlawful and is a public nuisance. The owner and any person or entity in possession of Real Property constituting such nuisance, shall be jointly and severally liable for the maintenance thereof and has the duty to immediately abate the nuisance.

Section 6. Procedures, Remedies and Penalties

The procedures, remedies and penalties applicable to violation of this ordinance and for recovery of costs related to enforcement are set forth herein. Any public nuisance may also be abated in a manner consistent with the provisions of Riverside County Ordinance No. 725, as amended and codified in Riverside County Code Chapter 1.16, as amended, which are respectively and cumulatively incorporated herein by this reference.

Section 7. Summary Abatement Proceedings.

Pursuant to California Government Code Section 25845, as amended, the Enforcement Officer is authorized to enter real property and summarily abate any public nuisance determined by the Enforcement Officer to constitute an immediate threat to public health or safety without prior notice or hearing.

Section 8. Administrative Abatement Proceedings.

- a. Notice of Violation and Order to Remove Rubbish. If the Enforcement Officer determines that Real Property is being maintained or permitted to exist in a manner prohibited by this ordinance, the Enforcement Officer shall issue written notice to the property owner and any known person in possession of the property, of the pending abatement proceeding and of the opportunity to appear before the Board of Supervisors and be heard prior to abatement by the county.

The notice shall also specify the corrective actions required to abate the rubbish, order the person in possession or owner to abate the accumulation of rubbish within thirty (30) days and state that the failure to bring the Real Property into compliance with this ordinance could subject the owner or person in possession to civil, administrative and criminal penalties. The failure of the notice to set forth all required contents shall not affect the validity of the proceedings.

- b. Manner of Giving Notice. The Enforcement Officer shall post a copy of the notice on The Real Property and shall send a copy by registered or certified mail, postage prepaid, return receipt requested, to all known persons in possession, and to the owner of the Real Property as such person's name and address appears on the last County Equalized Assessment Roll. If the address is unknown, that fact shall be so stated and the notice shall be addressed to the person at the county seat. Service by mail shall be deemed complete at the time of deposit in the mail. The Enforcement Officer shall file a copy of the notice with the Clerk of the Board, along with an affidavit certifying to the persons, and the date and manner in which notice was given. The failure of any person in possession or owner to receive such notice shall not affect the validity of these proceedings.
- c. Notice of Noncompliance. Whenever a Notice of Violation and Order to Remove Rubbish has been issued, the Enforcement Officer may record a Notice of Noncompliance with the Office of the County Recorder of Riverside County and shall notify the owner of the Real Property of such action. The Notice of Noncompliance shall describe the Real Property, shall set forth the non-complying conditions, and shall state that any costs incurred by the county, including, but not limited to investigative, administrative and abatement costs and attorneys' fees as a result of the violation of Riverside County Ordinances may become a lien on the Real Property and that the owner has been so notified.
- d. Hearing. Upon the timely written request by the recipient of the Notice of Violation and Order to Remove Rubbish, a hearing shall be scheduled with notice thereof mailed or otherwise delivered to the owner(s) and occupants of the Real Property at least ten (10) days before the hearing. The failure of any owner or occupant to receive such notice shall not affect the validity of the proceedings.

At the time fixed in the notice of hearing, the Board of Supervisors or its delegate (the "Board") shall receive evidence from the Enforcement Officer and the owner or person in possession of the Real Property in violation, or their representatives and any other concerned persons who may desire to present oral or documentary evidence regarding the conditions of the Real Property or other relevant matter, if such persons are present at the hearing. In conducting the hearing, the Board shall not be limited by the technical rules of evidence. Failure of the owner or occupants to appear shall not affect the validity of the proceedings or order issued thereon.

Upon conclusion of the hearing, the Board shall make its decision and in the event it so concludes, may declare the conditions on the Real Property to be in violation of this ordinance and to constitute a public nuisance. The Board may direct the owner or person in

possession to abate the rubbish within ten (10) days after mailing and posting of the Board's decision. The order shall include notice that if the rubbish is not abated as directed and within ten (10) days, the Enforcement Officer may abate the rubbish and the Abatement Costs shall be a lien and an assessment against the Real Property.

The Board may grant any extension of time to abate such conditions that it may deem justifiable upon good cause being shown.

- e. Abatement Cost Recovery. As set forth in Government Code Section 25845, the owner and any person in possession of the Real Property upon which the rubbish is found to exist shall be jointly and severally liable for all Abatement Costs incurred by the county, and any and all costs incurred in the physical abatement of the nuisance without any further hearing.
- f. Notice of Abatement Costs. At the conclusion of the abatement the Enforcement Officer shall issue a bill setting forth the Abatement Costs to the owner and person in possession of the Real Property. The bill shall demand payment to the County of Riverside of the total abatement costs and administration costs, plus attorneys' fees, within fifteen (15) days of its mailing.
- g. Abatement Costs Assessed Against the Parcel. If the Abatement Costs are not paid upon demand by the county, the cost of the abatement shall be assessed against The Real Property pursuant to Government Code Section 25845, as amended, or by any other means provided by law. The assessment may be collected at the same time and in the same manner as ordinary county taxes are collected, and shall be subject to the same penalties and the same procedure and sale in case of delinquency as are ordinary county taxes.
- h. Notice of Abatement Lien. A Notice of Abatement Lien may be recorded against The Real Property setting forth the date upon which abatement of the nuisance was ordered by the Board of Supervisors, the date the abatement was complete, and the amount of abatement costs. The notice shall identify the parcel address, the record owner, the possessor of the property, if applicable, together with the last known address of the record owner or possessor.
- i. Attorneys Fees. Reasonable attorneys' fees may be recovered by the prevailing party in any action, administrative proceeding or special proceeding established by this Ordinance. In the event the Board of Supervisors deems the Real Property to be a public nuisance and orders the Enforcement Officer to abate the rubbish or other violating condition, the County shall be deemed the prevailing party.

Section 9. Hearing Official.

- a. Delegation of Authority. The Board of Supervisors may delegate its authority to conduct the Administrative Abatement proceedings set forth in Section 8, above, to either of the following:
 - 1) The County Hearing Officer (CHO) appointed by the Board of Supervisors pursuant to Riverside County Ordinance No. 643

and Government Code Section 27720, as amended. The CHO shall have full authority and duty to preside over hearings in the manner set forth in Riverside County Ordinance No. 643, as amended.

- 2) A County Abatement Hearing Board (CAHB) designated pursuant to Government Code Section 25845, as amended. The CAHB shall have full authority to act and may preside over hearings with the same authority, power and duties of the CHO.
 - b. Recommended Action. At the conclusion of a hearing by either the CHO or CAHB, a Recommended Decision shall be served by mailing a copy to the persons or entities noticed in the Notice of Violation at the same address indicated therein, and to any other interested persons previously requesting notice. The CHO or CAHB shall thereafter file the Recommended Decision with the Board of Supervisors, together with proof of service thereof.
 - c. No further Notice of Hearing. Upon receiving the Recommended Decision from either the CHO or CAHB, the Board of Supervisors may adopt the recommendation on the consent agenda at its next regularly scheduled Board meeting without further notice or hearing, or may set the matter for a de novo hearing before the Board of Supervisors.

Section 10. OTHER REMEDIES. The provisions of this ordinance are to be construed as an added remedy of abatement and not in derogation of any other actions or proceedings or remedies otherwise provided by law.

Section 11. SEVERABILITY. This ordinance and the various parts, sections and clauses thereof are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid, the remainder of this ordinance shall not be affected thereby.

The County Board of Supervisors hereby declares that it would have passed this ordinance and each part thereof, regardless of the fact that one or more parts thereof be declared unconstitutional or invalid.”

Section 2. Effective Date

This Ordinance shall take effect thirty (30) days after its adoption.

Adopted: 541 10/31/1972 (Eff: 11/30/1972)

Amended: 541.1 Item 3.2 of 02/21/1989 (Eff: 03/23/1989)

541.2 Item 3.19 of 04/13/1993 (Eff: 05/13/1993)

541.3 Item 3.3 of 09/17/1996 (Eff: 10/17/1996)

(725 – Amds Sec. 4) (Eff: 10/26/2000)

541.4 Item 3.10 of 09/24/2002 (Eff: 10/23/2002)

541.5 Item 3.9 of 06/12/2007 (Eff: 07/12/2007)