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City of Lake Elsinore

Exempt from filing fees pursuant to
Government Code section 6103.

CITY OF LAKE ELSINORE
ADMINISTRATIVE HEARING

IN RE: Appeal of Notice and Order to Repair or
Demolish issued on October 16, 2017

**ISSUED FOR 164 MAIN STREET, LAKE
ELSINORE, CALIFORNIA 92530 APN 373-
153-041**

**CITY OF LAKE ELSINORE'S
ADMINISTRATIVE HEARING BRIEF**

Hearing:

Date: September 12, 2018
Time: 6:00 p.m.
Location: Lake Elsinore Cultural Center
183 North Main Street
Lake Elsinore, California 92530

STAFF'S ADMINISTRATIVE HEARING BRIEF**I. INTRODUCTION**

The subject of this administrative hearing is the Notice and Order to Repair or Demolish issued by the City of Lake Elsinore ("City") on October 16, 2017 ("N&O") to Harry E. Mitchell, Roy S. Mitchell, Jack Winer, and All Persons Unknown Claiming In The Property Located At 164 Main Street, Lake Elsinore, California 92530 ("Interested Parties") for numerous unlawful, substandard and dangerous nuisance conditions pursuant to the State Health & Safety Code ("HSC") sections 17980, *et seq.*, and other applicable laws, existing on the parcel of real property known as 164 Main Street, Lake Elsinore, California 92530, Assessor's Parcel Number 373-153-041 ("Subject Property"). The Subject Property is owned by deceased person Harry E. Mitchell ("Owner Mitchell"), and the N&O was issued to the Interested Parties as a precaution.

In October 2017, Owner Mitchell's relatives, Annette Mitchell, James Edward Mitchell, and Debra Mitchell ("Owner's Relatives") filed an Appeal requesting a hearing on the N&O. The notices for appeal ("Appeal Notices") were timely, properly, and separately sent on October 26, 2017, October 30, 2017, and November 1, 2017, respectfully. However, the Owner's Relatives did not challenge the validity of the violations, but merely wished to be heard on the matter. Therefore, the violations listed in the N&O and the severity of those violation should be confirmed and the City's ability to abate the nuisance violations and demolish the Subject Property should be confirmed.

The N&O was issued properly by the City's Building Official pursuant to HSC sections 17980 *et seq.* and is an order to abate violations of State law, in addition to violations of various sections of the Lake Elsinore Municipal Code ("LEMC").

II. STATEMENT OF FACTS

The Subject Property has been the subject of City code enforcement efforts since the early 1990s. In July 1991, the City Code Enforcement Division received a request for a Complaint Investigation regarding a stagnant pool on the Subject Property. On August 27, 1991, the City received another Request for a Complaint Investigation due to the odor of an electrical short existing on the third floor

1 of the Subject Property. On March 9, 1992, the City inspected the Subject Property and found numerous
2 issues, including unsafe electrical systems, decaying and hazardous support structures, major water
3 damage to the ceilings and walls, unsafe electrical wiring and gas wiring, an unsafe and unsecured pool
4 area, and lack of adequate hearing and lighting. On March 11, 1992, an Order to Vacate was posted on
5 the Subject Property due to the numerous unsafe and dangerous conditions. On March 25, 1992, a
6 Notice of Violation was issued to Owner Mitchell. On April 20, 1992, the first notice of an
7 administrative proceeding was issued to listed interested holders, including Owner Mitchell. True and
8 correct copies of the 1991 Request for Complaint Investigation, are attached as **Attachment A** and are
9 incorporated herein. A true and correct copy of the Notice to Vacate is attached as **Attachment B** and
10 incorporated herein. True and correct copies of the Special Investigation findings and Notice of
11 Violation is attached as **Attachment C** and are incorporated herein. A true and correct copy of the
12 Notices of Administrative Proceeding issued to all interested parties are attached as **Attachment D** and
13 incorporated herein.

14 In January 1993, an asbestos inspection was conducted and asbestos was found throughout the
15 Subject Property. In April 1993, the City Council approved the complete board-up of the Subject
16 Property due to the numerous dangerous conditions and Owner Mitchell's failure to abate such
17 conditions. On February 8, 1995, the City executed a Notice of Lien of \$8,265 for rehabilitation efforts
18 conducted by the City. A true and correct copy of the Asbestos Inspection Report is attached as
19 **Attachment E** and is incorporated herein. A true and correct copy of the recorded Notice of Lien is
20 attached as **Attachment F** and is incorporated herein.

21 On September 3, 1997, the awning structure on the Subject Property was declared a nuisance at
22 an abatement hearing. The City also sent Owner Mitchell a letter informing him that the awning
23 structure would need to be completely removed because it had fallen into the public right-of-way and
24 transients had begun entering the Subject Property. A true and correct copy of the Letter to Owner
25 Mitchell regarding the awning structure is attached as **Attachment G** and is incorporated herein.

26 On January 19, 2012, a Notice of Administrative Proceeding was issued to Owner Mitchell
27 following an inspection on November 22, 2011. The notice requested that the dangerous conditions be
28 repaired or abated, including inadequate sanitation, hazardous electrical and plumbing, faulty weather

1 protection, inadequate maintenance, and inadequate fire protection systems. On February 26, 2012, a
2 second Notice to Abate Nuisance was issued to Owner Mitchell and posted on the Subject Property for
3 failure to abate the dangerous conditions. A true and correct copy of the Notice of Administrative
4 Proceeding is attached as **Attachment H** and is incorporated herein. A true and correct copy of the
5 second Notice to Abate Nuisance is attached as **Attachment I** and is incorporated herein.

6 On March 21, 2013, City inspectors identified at least 14 wrecked and inoperable vehicles being
7 stored on the Subject Property. A Notice of Violation was issued to Owner Mitchell following this
8 inspection. After the Owner failed to remove the inoperable vehicles, the City issued him a Warning
9 Notice on August 23, 2013. After another inspection by City inspectors on January 13, 2014, the City
10 issued Owner Mitchell a First Notice of Administrative Proceeding on February 3, 2014 for dangerous
11 and substandard conditions on the Subject Property, including, inadequate sanitation, hazardous
12 electrical and plumbing, faulty weather protection, inadequate maintenance and inadequate fire
13 protection systems. The City issued a Second Notice to Abate Nuisance on March 7, 2014. True and
14 correct copies of the Notice of Violation, Warning Notice, First Notice of Administrative Proceeding,
15 and Second Notice of Administrative Proceeding are attached as **Attachment J** and are incorporated
16 herein.

17 On February 21, 2014, a Notice of Abatement Hearing was sent to Owner Mitchell to determine
18 whether the storage of inoperable vehicles was a public nuisance. On February 26, 2014, the City's
19 Nuisance Abatement Hearing Board determined that the Subject Property was a public nuisance due to
20 the storage of inoperable vehicles and ordered the nuisance abated by March 24, 2014. On March 11,
21 2014, a Nuisance Abatement Order was issued following a hearing held on March 4, 2014 that
22 determined the Subject Property was a public nuisance. True and correct copies of the Notice of
23 Abatement Hearing and Nuisance Abatement Order are attached as **Attachment K** and are incorporated
24 herein.

25 Despite the issuance of the Notice of Violation, the Warning Notice, and the City extending the
26 deadline to remove the vehicles in order to cooperate with the Owner, the Owner failed to remove the
27 inoperable vehicles.
28

1 Beginning in early 2017, the City reinitiated code enforcement efforts due to a lack of
2 rehabilitative efforts and ongoing complaints. The City inspected exterior areas of the Subject Property
3 at the request of neighboring commercial and residential property owners who complained that the
4 Subject Property is kept in an unsanitary and hazardous condition that is detrimental to their businesses.
5 During exterior inspections, the City confirmed that there were still extensive violations of applicable
6 State and local laws occurring on the Subject property, including cracks in the exterior wall and the
7 storage of inoperable vehicles. Another exterior inspection during the week of October 4, 2016 showed
8 that there was a bee infestation on the Subject Property, which neighbors claimed was endangering their
9 customers and employees.

10 On February 9, 2017, the City executed an inspection warrant and conducted an inspection of
11 the Subject Property. During that inspection, City inspectors identified numerous conditions on the
12 Subject Property that violate State and local laws including, but not limited to, the California Building
13 Code (“CBC”), the California Fire Code (“CFC”), the Uniform Housing Code, the Uniform Code for
14 the Abatement of Dangerous Buildings, the LEMC, the HSC, and other applicable laws. True and
15 correct copies of photos taken on February 9, 2017 are attached as **Attachment L**.

16 On or around October 16, 2017, the City issued a Notice and Order to Repair or Demolish
17 (“N&O”) identifying **64 substandard and dangerous conditions** on the Subject Property requiring
18 that the Subject Property be vacated immediately, that it be repaired or demolished, and giving any
19 interested parties until October 28, 2017 to request a hearing. As of today’s date—**almost one year**
20 **after the Compliance Deadline expired**—the Subject Property still sits in the same condition. (See
21 **Attachments L–M**.)

22 After the N&O was issued, the Owner’s Relatives contacted the City to discuss the violations.
23 In lieu of resolving any of the dangerous conditions existing on the Subject Property, the Owner’s
24 Relatives filed Notices of Appeals in order to be heard regarding the potential demolition of the Subject
25 Property. The City scheduled a hearing on September 12, 2018. On August 27, 2018, the City provided
26 notice of this hearing to the Owner’s Relatives and any interested parties according to the LEMC’s
27 requirements. True and correct copies of the appeal request letters are attached as **Attachment N** and
28

1 are incorporated herein. A true and correct copy of the letters providing notice of the current hearing
2 date is attached hereto as **Attachment O** and incorporated herein.

3 The Owner's Relatives have already acknowledged the existence of the numerous violations on
4 the Subject Property, and therefore, the existence and severity of the violations are not in controversy
5 and the City's recommendation to demolish the severely dilapidated and dangerous structure on the
6 Subject Property should be followed.

8 **III. ANALYSIS**

9 **A. The City is Authorized By Law To Issue A Notice To Abate Or Demolish And** 10 **Potentially Demolish The Subject Property To Abate Nuisance Conditions**

11 A city is constitutionally authorized to "make and enforce within its limits all local, police,
12 sanitary, and other ordinances and regulations not in conflict with general laws." (Cal. Const., art. XI,
13 § 7.) Cities may, by legislative declaration, state what activities or conditions shall constitute a nuisance.
14 (Gov. Code, §§ 38771, 38773.5.) Thus, a city council may, by ordinance, declare what it deems to
15 constitute a public nuisance. (*Flahive v. City of Dana Point* (1999) 72 Cal.App.4th 241, 244.) Cities
16 also have the long-standing power "to provide for the summary abatement of nuisances by municipal
17 officials." (*Thain v. City of Palo Alto* ["*Thain*"] (1962) 207 Cal.App.2d 173, 189.) Cities have the
18 power to order the demolition of a structure "if the nuisance which it creates cannot be otherwise
19 abated." (*People v. Wheeler* (1973) 30 Cal.App.3d 282, 269–70; *Stoetznner v. City of Los Angeles* (1959)
20 170 Cal.App.2d 394, 396.) If the property creates a public emergency or "public calamity," such
21 demolition may occur "without notice or a judicial hearing to abate or prevent the impending injury."
22 (*Thain, supra*, 207 Cal.App.2d 173, 190.)

23 LEMC sections 1.16.050 makes "any condition maintained, caused or permitted to exist in
24 violation of any provision of this code or any code adopted by reference...or any ordinance of the City"
25 a public nuisance subject to abatement by the City. LEMC section 8.18.020, among other sections,
26 enumerates specific conditions on real property which constitute a nuisance per se. Pursuant to LEMC
27 sections 1.16.050 and 15.08.010 any violation of the Uniform Code for the Abatement of Dangerous
28 Buildings, in addition to any violation of the CBSC, CBC, CFC, and LEMC, constitutes a nuisance per

1 se. Thus, any violation of these State and adopted uniform codes also constitutes a violation of the
2 LEMC which may be abated by the City. If the party given notice of the violation fails to abate the
3 nuisance, the City may take any action “allowed by law” to abate the nuisance. (LEMC, § 8.18.070.)
4 For those imminently dangerous conditions, the City “may take all necessary actions deemed necessary
5 to remove, repair or isolate such imminently dangerous condition.” (LEMC, § 8.18.080.B.)

6 In fact, LEMC section 8.18.030 gives City inspectors the authority to investigate any public
7 nuisance and the “property on which such nuisance is located” to “cause such nuisance to be abated.”
8 The LEMC gives the City enforcement officers the authority to serve a notice upon responsible parties
9 to abate identified nuisances, to pay fines and penalties, and for the City to abate the nuisances. (LEMC,
10 § 8.18.040.) Pursuant to LEMC section 8.18.040, subdivision (B), the recipient of a notice to abate may
11 request a hearing appealing the notice to abate. The appointed panel of hearing officers shall hear the
12 appeal and determine the existence of the public nuisances identified in the issued notice to abate, affirm
13 or modify the N&O, or order the abatement within a specific time. (LEMC, § 8.18.040.E.)

14 The City is also authorized to issue an administrative citation to property owners and to take
15 “any enforcement action allowed by law to cause the abatement of said nuisance” existing upon the
16 Subject Property. (LEMC, § 8.18.070.) In fact, any violation of the LEMC may be enforced by any
17 means, including “criminal prosecution, civil action for restraining order and injunctive relief,
18 receivership, administrative or abatement proceeding.” (LEMC, § 1.16.060.) Therefore, the City has
19 the authority to demolish the severely dilapidated structure on the Subject Property.

20 Here, the N&O was served on the Owner’s Relatives and any interested parties on October 16,
21 2017, following an inspection conducted on February 8, 2017 that found numerous violations of both
22 State and local laws, including defined nuisance conditions pursuant to LEMC section 8.18.020. The
23 N&O required that the Subject Property be vacated immediately due to the severe structural issues,
24 required the Subject Property be repaired or demolished, and gave the parties until October 28, 2017 to
25 request a hearing to challenge the N&O. The LEMC does not require a certain compliance deadline,
26 however, the nature of the violations and the length of time they have existed has forced the City to
27 recommend demolishing the substandard and decaying structure. It has been **over 320 days** since the
28 N&O was issued and no rehabilitation efforts have been made. Due to the unsafe and decaying structure

1 on the Subject Property and the length of time the Subject Property has been boarded and deteriorating—
2 since the early 1990s—the City intends on demolishing the structures on the Subject Property and
3 holding the Owner or interested parties liable for costs. In the City staff’s estimation, the severely
4 dangerous and substandard structure on the Subject Property has posed such a danger to any occupants
5 and the community over the length of this case that it is finally time to demolish the structure.
6 Particularly, the 27 years of decay and dilapidation that Owner Mitchell and Owner’s Relatives have
7 allowed to occur has severely worsened the Subject Property’s condition and unnecessarily endangered
8 the community. Therefore, the City has the authority and the duty to “take any enforcement action
9 allowed by law to cause the abatement of said nuisance,” including by demolishing the structure.
10 (LEMC, § 8.18.070.)

11 **1. City Inspectors Should Be Given Deference In Determining Violations of**
12 **State And Local Laws**

13 The City’s inspectors are highly trained experts and they have an intimate knowledge of the
14 HSC, CBSC, and the LEMC, among other State and local codes. Hearing officers are required to give
15 deference to City inspectors’ determinations, as they are neutral, trained, and certified experts on
16 inspecting and identifying violations of State and local building code standards. (See, e.g., *Yamaha*
17 *Corp. of America v. State Bd. of Equalization* (1998) 19 Cal.4th 1; *Harrot v. County of Kings* (2001) 25
18 Cal.4th 1138, 1155; *Asociacion de Gente Unida por el Agua v. Central Valley Regional Water Quality*
19 *Control Bd.* (2012) 210 Cal.App.4th 1255, 1268; *Guinnane v. San Francisco City Planning Com.* (1989)
20 209 Cal.App.3d 732, 738.) These codes are detailed and technical in nature. Those City inspectors who
21 inspected the Subject Property are trained, unbiased, and best suited to identify unsafe and substandard
22 building conditions under the building and housing codes. Therefore, the hearing officer should give
23 deference to their determination that the Subject Property contains substandard and substantially
24 dangerous nuisance conditions and should be demolished.
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1 B. The City's Findings And Recommendation That Violations Be Abated Must Be
2 Upheld Because The Violations Existed On The Date Of The N&O And Continue
3 To Exist On The Subject Property

4 LEMC section 8.18.070 gives the City the authority "to take any enforcement action allowed by
5 law to cause the abatement of said nuisance" if the nuisance has not been properly abated. In this case,
6 the Subject Property has a long history of code enforcement efforts against is stretching back to the 90's.
7 During the past three decades, the City has issued countless citations and notices intended to obtain the
8 parties voluntary compliance. (See **Attachments A–D.**) In fact, the same violations identified in a
9 Notice of Violation dated March 25, 1992 remain on the Subject Property and, after over twenty years
10 of decay, have made the Subject Property substantially more dangerous to the community. (See
11 **Attachment C.**)

12 Furthermore, the City did not receive any proof of correction from Owner Mitchell or any
13 interested parties for any of the violations listed in the N&O, even though Owner Mitchell's estate and
14 his relatives received notice of the N&O and were aware of the Subject Property's history. Given the
15 long history of code enforcement, and the long rehabilitation period provided by the City after the N&O
16 was issued, it is evident to all that the Subject Property will never be made safe without direct City
17 intervention.

18 **1. The Violations Obviously Existed As Of The Date Of The N&O**

19 As listed in the N&O and evidenced by the photographs taken by City inspectors during the
20 inspection of February 9, 2017, dangerous and substandard conditions exist on the Subject Property.
21 (See **Attachment L.**) Furthermore, the Owner's living relatives who have requested this hearing have
22 already acknowledged the N&O and the violations existing on the Subject Property. (See **Attachment**
23 **N.**) Therefore, the City's assessments of the Subject Property, including the severity of the conditions
24 and the threat the Subject Property poses to potential occupants and the surrounding community have
25 not been challenged and should be confirmed.
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1 **2. The Interested Parties Were Given More Than Sufficient Time To Abate**
2 **The Dangerous And Substandard Conditions**

3 The N&O was issued to any interested parties, including Owner's Relatives on October 16, 2017.
4 Since that time, over 320 days, no permits have been sought to repair any of the dangerous and
5 substandard conditions. Moreover, the Subject Property has essentially remained in its current,
6 decaying status since the early 1990s. (See **Attachment C.**) Despite the notices of violations, warning
7 notices, notices of abatement proceeding, and other documents that were issued to Owner Mitchell over
8 the course of the City's code enforcement efforts, no actual rehabilitation has occurred and the Subject
9 Property remains boarded and dangerous to the public. As such, the City has provided all interested
10 parties a reasonable opportunity to cure the violations, of which they have utterly failed to take
11 advantage.

12 **2. All Of The Cited Code Sections Apply To The Subject Property**

13 The cited code sections have three sources: the LEMC; the California Building Standards Code
14 ("CBSC"); and the California Health and Safety Code ("HSC"). The LEMC applies throughout the
15 City.

16 The California Building Standards Code is a statewide set of regulations governing the
17 construction and maintenance of buildings throughout the state, which includes the CBC and CFC. The
18 CBC and the CFC apply to all buildings within the state. (CBC, § 1.1.3; CFC, § 1.1.3.) In addition, the
19 LEMC expressly adopts the CBSC, CBC, and CFC. (LEMC, §§ 15.02.010, 15.04.010, 15.56.010.) The
20 Uniform Housing Code ("UHC") and the Uniform Code for the Abatement of Dangerous Buildings
21 ("UCADB") are also statewide set of regulations that have been adopted by the LEMC. (LEMC, §§
22 15.08.010, 15.16.010.) A violation of one of these codes also constitutes a violation of the LEMC.

23 The California Health and Safety Code ("HSC") section 17920.3 is part of the State Housing
24 Law. (HSC §§ 17920(b), 17920.3.) The State Housing Law applies to "dwellings," and specifically
25 includes hotels and hotel units. (HSC §§ 17912, 17922(a); California Residential Code § 202.) Section
26 17920.3 was cited in the N&O in reference to the condition of the hotel on the Subject Property.
27 Violation of the State Housing Law also constitutes a violation of the LEMC.

1 All of the cited code sections in the N&O apply to the Subject Property. Therefore, the City had
2 the authority to issue the N&O with said violations.

3 C. Special Administrator Debra Mitchell Failed To Fulfill Her Duties As Ordered By
4 Probate Court To Preserve Subject Property

5 The City is informed that Owner Mitchell's estate is going through the probate process in the
6 case entitled *In re Estate of Harry Edward Mitchell*, case number 30-2017-00896904 in the Superior
7 Court of County of Orange. The City is also aware that one of Owner Mitchell's relatives, Debra
8 Mitchell, was appointed Special Administrator ("Special Administrator Mitchell") on December 4,
9 2017. Among her powers is the power "[t]o handle subject property" and "to negotiate" with the City.
10 Since her appointment, Special Administrator Mitchell has failed to provide the City with any plans for
11 rehabilitation or to work to abate any of the substandard conditions existing on the Subject Property.
12 Special Administrator Mitchell has suggested selling the Subject Property as-is in lieu of making
13 corrections, but a sale itself does not fix the violations and protect the community. Special Administrator
14 Mitchell, was given notice of the N&O and was one of the parties who requested the hearing. Also, the
15 request for hearing did not deny the existence of such conditions on the Subject Property. A true and
16 correct copy of the Order Appointing Special Administrator is attached as **Attachment P**, and is
17 incorporated herein.

18 The City has the duty to protect its citizens and is given such authority under the California
19 Constitution. (Cal. Const., art. XI, § 7.) The N&O was issued separately and apart from any probate
20 proceeding. As such, the probate proceeding has no bearing on the City's administrative actions.
21 Special Administrator Mitchell has failed to take the necessary steps to rehabilitate the Subject Property
22 to the detriment of the community and the City can no longer wait for a sale to materialize—especially
23 where there is no guarantee that the sale would result in compliance. Therefore, the City has no choice
24 but to seek to demolish the dangerous structure.

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26 **IV. CONCLUSION**

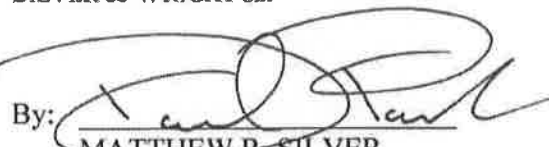
27 For years, the Subject Property has sat in a state of disrepair to the detriment of the community
28 and neighboring businesses. Over the past 30 years, the parties have been provided every opportunity

1 to either rehabilitate the hotel or demolish it, but have utterly failed to do so. The time for waiting and
 2 inaction has passed and now the task falls to the City to see through. As demonstrated by the City's
 3 exhibits, the Subject Property is one of the largest source of blight within the City and must be corrected.

4 Therefore, City staff respectfully request that the Nuisance Abatement Board deny this Appeal,
 5 uphold the N&O as issued, and confirm that the structures on the Subject Property may be demolished
 6 in order to protect public safety and health.

8 Dated: September 5, 2018

SILVER & WRIGHT LLP

By: 
 MATTHEW R. SILVER
 DANIEL J. PASEK
 Attorneys for City of Lake Elsinore

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ATTACHMENT A
REQUESTS FOR COMPLAINT INVESTIGATION
DATED JULY 25, 1991, AUGUST 27, 1991, AND MARCH 9, 1992



CITY HALL
139 S. Main Street
Lake Elsinore, CA 92530
(951) 874-3124

City of Lake Elsinore

CODE ENFORCEMENT DIVISION
REQUEST FOR
COMPLAINT INVESTIGATION

Case Number _____

Assessor's Parcel Number _____

1. Complainant:

[Redacted]

(Printed)

[Redacted]

(Address)

[Redacted]

(City)

(Telephone)

3. Complaint Received By:

Chloris

Date:

7-25-91

Time

2. Complaint Location:

1645 S. [Redacted]

(Complaint Address)

Colie, TN

(State of Property - If Applicable)

(County of Property Owner)

(Address)

(City)

(Telephone)

4. Describe Complaint:

STAINING POOL - NOISE PROBLEM

FOR OFFICE USE ONLY

Assigned To:

Date:

BIG INSPECTION

POOL NOISE PROBLEM

7-29-91 Closed



CITY HALL
130 S. Main Street
Lake Elsinore, CA 92530
(714) 674-3124

City of Lake Elsinore CODE ENFORCEMENT DIVISION

REQUEST FOR COMPLAINT INVESTIGATION

Case Number: _____

Assessor's Parcel Number: _____

1. Complainant: _____

2. Complaint Location: _____

164 S. _____
CALIFORNIA INN

3. Complaint Received By: _____

Date: 8-27-91 Time 9:15AM

4. Describe Complaint:

ODOR OF ELECTRICAL SHORT ON 3RD FLOOR
SPLIT POWER PENDING BUILDING INSPECTION

COULDN'T LOCATE SOURCE OF ODOR - CAUSES THROUGH
AIR CONDITIONING DUCTS WHEN TURNED ON

FOR OFFICE USE ONLY

Assigned To: _____

Date: _____

COULDN'T LOCATE SOURCE TOLD MANAGER
OF HOTEL TO CONTACT LIC ELEC. IN

RS 8/27/91

CITY OF LOS ANGELES
200 N. Main Street
Los Angeles, CA 90012
Tel: 213-480-1234

CITY OF LOS ANGELES
CODE ENFORCEMENT DIVISION

REQUEST FOR
COMPLAINT INVESTIGATION

Case Number

Complainant's Personal Number

373-153-041-5

1. Complainant:

[Redacted]

2. Complaint Location:

164 S. MAIN ST.

3. Complaint Received By:

Officer

HARRY MITCHELL

21600 CALLE DEL GAMA

Date: 3-9-92

Time: 11:00AM

YORBA LINDA 91066

Describe Complaint:

1. WEAK CONDITIONS AT CALIFORNIA INN

2. COLLAPSE DOWN ON 3RD FLOOR (LARGE DAMAGE)

3. NO PROTECTIVE LIVING AREA (CROWD AND CAR TAILGATE OFF) (4/12/92)

4. NO LIFES IN ENTIRE STRUCTURE (LARGE DAMAGE)

5. OPEN ACCESS FROM ROOF (NOT PERMITTED BY CODE)

FOR OFFICIAL USE ONLY

Assigned to: [Redacted]

Date: 3-9-92

OWNER'S SON JAMES MITCHELL ACTING AS MANAGER

See report for further details regarding complaint.

Done for investigation on 3-9-92

SEE REPORT ABOUT SCHEDULING A TIME TO GO IN

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EXHIBIT B
NOTICE TO VACATE
DATED MARCH 11, 1992



City of Lake Elsinore

FILE COPY

March 11, 1992

ORDER TO VACATE

TO ALL OCCUPANTS OF 164 S. MAIN STREET, YOU ARE HEREBY
ORDERED TO VACATE THE PROPERTY BY 5:00 PM MARCH 15TH, 1992. THE
BUILDING IS BEING ORDERED VACATED FOR THE FOLLOWING REASONS:

- ☒ (a) Inadequate Sanitation
- ☒ (b) Structural hazards
- ☒ (c) Nuisance
- ☒ (d) Hazardous wiring
- ☒ (e) Hazardous plumbing
- ☒ (f) Hazardous mechanical equipment
- ☒ (g) Faulty weather protection
- ☒ (h) Fire hazard
- ☒ (i) Faulty material of construction
- ☒ (j) Hazardous or unsanitary premises
- ☒ (k) Inadequate maintenance
- ☒ (l) Inadequate exits
- ☒ (m) Inadequate fire protection or firefighting equipment
- ☐ (n) Improper occupancy
- ☐ (o) Other _____

CITY OF LAKE ELSINORE


Kevin Shear
Community Development Manager

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ATTACHMENT C
NOTICE OF VIOLATION AND SPECIAL INVESTIGATION FINDINGS

SPECIAL INSPECTION

FILE COPY

CALIFORNIA INN
164 S. MAIN STREET

The following conditions were reported by Building Inspectors Robin Chipman and Paul Smith following a City-requested special inspection performed at this location on March 10th, 1992:

MAIN FLOOR

1. Water damage to drywall is causing material to fall down and false exposed beams are collapsing in the main lobby area.
2. Unsafe electrical conditions in the main lobby (hanging wires with no light attached.)
3. Water has damaged drywall at various locations on the kitchen ceiling.
4. Unsafe electrical conditions on the kitchen ceiling.
5. No traps were seen on the drain lines for the kitchen sinks.
6. Gas lines have been run through the cabinets without permits or inspections.
7. No exhaust hood was in place over the stove.
8. A new electrical J-box was installed above the ceiling in the kitchen area without permits.
9. The gate to the pool was not self-closing and allowed access to an empty pool.
10. There was some unsafe electrical conditions at the conduit on the wall near the pool.
11. Unsafe electrical conditions with pool equipment at various places.
12. The storage shed in the rear was not permitted nor does it meet code specifications.
13. The rear structure supporting the mechanical units was unsafe, having no footings under the posts.
14. Unsafe electrical conditions were also observed at various locations near the service panels.
15. Unsafe water heaters were located under the rear of the building, with unsafe P & Ts, no gas valves, no water shut-offs. The water piping was decayed and there was no combustion of air.
16. Unsafe electrical was also noted at the water heaters.

17. The platform for the swamp cooler at the rear of the structure was unsafe.

18. The retaining wall at the north side of the property at the rear appears to be failing due to poor workmanship.

19. Water damage at the rear of the hallway near the kitchen has caused drywall to fall down.

20. The elevator was non-operational. The control panel was hanging open with exposed wiring.

21. Both restrooms downstairs in the hallway have leaking and rotten plumbing.

22. Unsafe electrical at the J-box under the stairs near the telephone boards.

23. There was an open plumbing pipe at the hallway near the coke machine.

24. Unsafe electrical conditions and plumbing problems at various locations throughout the kitchen area used as a restaurant (now closed.)

25. No lighting observed in the stairway area.

FIRST FLOOR

26. Unsafe electrical conditions at various locations in the telephone room on the first floor.

27. The wall under the lavatory had open, exposed plumbing to Room 103.

28. The fire door at the first floor hallway was propped open.

29. The laundry room on the first floor had unsafe electrical conditions at various locations.

30. The floor of the laundry room appears to be rotten due to water damage.

31. The dryer vent exhausts into a hole in the floor between floor levels.

32. A 1 1/2 " drain was used for the water heater, with no vent. on the heater itself.

33. The tub room near the elevator had open plumbing at the rear of the tub.

34. The first floor elevator shaft had open electrical hazards.

SECOND FLOOR

- 35. The handrail at the second to third floors was falling down.
- 36. The fire doors were propped open with no closures.

THIRD FLOOR

- 37. Unsafe, loose handrail at the third to fourth floor stairs.
- 38. Unsafe electrical conditions at the west end of the hallway near the stairs.
- 39. Unit 306 had drywall down from the ceiling.
- 40. There appears to have been fire damage to the ceiling joists and roof structure.
- 41. The exit way to the fire escape was blocked at the west end of the floor.
- 42. Unit 307 had water damage to the ceiling, walls and floor.
- 43. The ceiling in the lobby on the third floor shows major water damage.
- 44. The door to the elevator was not secured, creating a hazardous three-story drop down the elevator shaft.
- 45. Unit 313 had water damage throughout the ceiling area.
- 46. The access hole to the ceiling on the third floor shows previous fire damage to the roof structure. Possible illegal work was done to cover up or repair the damage.
- 47. Open electrical was observed at the roof along with various repairs to roofing material due to fire and water damage.
- 48. An unsecured door allows roof access (hanging on hinges.)

ENTIRE BUILDING

- 49. Complete architectural and engineering reports will be required due to the extensive lack of maintenance and damage throughout the entire building.
- 50. This list contains only those conditions visible at the time of the inspection on March 10th, 1992. Additional violations may be discovered when portions of the building are opened up for repairs and/or further inspections.
- 51. No work or repairs shall be performed without the proper permits and inspections.



City of Lake Elsinore

DEPARTMENT OF BUILDING AND SAFETY

STATEMENT OF INTENT

DATE: March 11, 1992

TO: Harry Mitchell
21600 Calle Del Gada
Yorba Linda, Ca 92686

Property Address: 164 S. Main Street

Assessor's Parcel No.: 3-153-041-5

Legal Description: CONVEY 167190 06/88 STT PUI C14-000-0
.38 ACRES IN POR LOT 1 BLK 1 MB 001/032 SD
HEALDS 2ND ADD AND POR LOTS 1, 15 & 16
BLK 3 MB 001/032 SD HEALDS 2ND ADD

An inspection of the above referenced property in Lake Elsinore, California reveals the presence of building (s) in violation of the City of Lake Elsinore Municipal Code, Chapter 15.08.01 and 15.16.010, declared to be a Public Nuisance. It is the intention of this Department to condemn and abate the nuisance as herein described. A preliminary Title/Lot Book Report has been ordered to determine all parties with an interest in the property and the cost therefore shall be assessed against the property owner(s).

Fifteen (15) days from receipt of this statement, a First Notice regarding condemnation and abatement shall be issued.

Sincerely,

CITY OF LAKE ELSINORE

Carol Gordon
Carol Gordon
Code Enforcement Officer

Kevin Shear
Kevin Shear
Community Development Manager

Case No.: CB-190
Certified Mail Receipt No: P 944 719 675

CITY OF LAKE ELSINORE
130 South Main Street
Lake Elsinore, California 92530
(714) 674-3124

NOTICE OF VIOLATION

Location: 164 S. MAIN ST Case # 373-153-641-5
AP#

An inspection of this property has revealed the following violations of the Municipal Code:

- ☐ Vehicle or trailer parked on vacant property.
- ☐ Vehicle or trailer not parked in an approved parking space or screened from view.
- ☐ Occupancy or habitation of trailer, camper, or recreational vehicle.
- ☐ Abandoned or inoperative vehicle visible from public or private property.
- ☐ Trash, litter or waste on private property.
- ☐ Signs without a permit.
- ☐ Public nuisance. (Sec. 8.18.020)

X Other CALIFORNIA LAW IS IN CITY
STRUCTURE ABATEMENT. REPAIRS
AND REHABILITATION MAY ONLY
BE DONE WITH PROPER PERMITS
FROM BUILDING & SAFETY.

Corrective actions to be completed by 3-25-92 Failure to correct these violations by this date could result in a citation or other legal action. For information or questions please call Code Enforcement at 674-3124.

Officer Blawie

Date 3-25-92

ACTIVITY RECORD

Name Harry Mitchell

Address 21600 CALLE DEL GADA
YORBA LINDA 92681

DATE _____

COMMENTS

3-25 HAND-DELIVERED TO HARRY MITCHELL
BY R. DROWNELL

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ATTACHMENT D
NOTICES OF ABATEMENT PROCEEDING
DATED APRIL 20, 1992



FILE COPY

4-2092

City of Lake Elsinore

Harry Mitchell
21600 Calle Del Gado
Yorba Linda, Ca 92686

FIRST NOTICE

NOTICE OF ADMINISTRATIVE PROCEEDING

Dear Owner:

The Tax Rolls list you as owner of building(s) located at:

Property Address: 264 S. Main Street

Assessor's Parcel #: 373-153-041-5

Legal Description: Convey 167190 06/88 STT PUI C14-000-0
1.88 ACRES IN FOR LOT 1 BLK 1 MB 001/032 SD
HEALDS 2ND ADD AND FOR LOTS 1, 15 & 16
BLK 3 MB 001/032 SDHEALDS 2ND ADD

in the City of Lake Elsinore, Riverside County, California. In accordance with the Municipal Code of the City of Lake Elsinore, California and/or the Uniform Building Code (1988 Edition), the Uniform Housing Code (1988 Edition) (hereinafter referred to as the Minimum Housing Code), and the Uniform Code for the Abatement of Dangerous Buildings (1988 Edition), you are hereby notified that the buildings you own were inspected on March 10, 1992 and the following listed conditions exist to an extent that the life, health, property, safety, and/or welfare of the public is endangered. The buildings are hereby declared to be substandard due to the following conditions:

- ☒ (a) Inadequate sanitation
- ☒ (b) Structural hazards
- ☒ (c) Nuisance
- ☒ (d) Hazardous wiring
- ☒ (e) Hazardous plumbing
- ☒ (f) Hazardous mechanical equipment
- ☒ (g) Faulty weather protection
- ☒ (h) Fire hazard
- ☒ (i) Faulty material of construction
- ☒ (j) Hazardous or unsanitary premises
- ☒ (k) Inadequate maintenance
- ☒ (l) Inadequate exits
- ☒ (m) Inadequate fire protection or firefighting equipment

Page Two
RE: First Notice

You are requested by the Building Official in accordance with the Minimum Housing Code, the Uniform Building Code, and the Code to correct such conditions by repair, renovation, demolition, or removal within thirty (30) days of service of the notice. Occupancy of the property is prohibited until you obtain written approval from the Building Official.

If you decide to repair or renovate the structure, you will need to obtain one or more permits for work that is required, such as a building, electrical, plumbing, and/or a mechanical permit. These permits are available at the Building and Safety Department, 130 South Main Street, Lake Elsinore, California, 92530. If you decide to demolish the structures, you must obtain a demolition permit from the Building Official at the above address.

You may appeal the determination or requirements made by the Building Official within thirty (30) days after the service of this notice. If such an appeal is properly filed within the thirty (30) day period, compliance with this notice shall not be required pending a hearing of such appeal by the City Council, unless an emergency (as determined by the Building Official and as defined by the applicable law) exists.

Please contact me within the next ten (10) days if:

1. You are not the owner of the property, or
2. You know someone else owns or has a partial interest in this property, or
3. You know that the owner(s) of the property is (are) attempting to sell the property.

If any of the above exist, please contact the owners and any interested person(s) to inform them of this notice of condemnation.

If you fail to appeal within the thirty (30) day period, my determination and requirements, if any, are final except as to any building that I have ordered removed or altered.

Sincerely,

CITY OF LAKE ELSINORE



Carol Gordon
Code Enforcement Officer



Kevin Shear
Community Development Manager

Date: April 20, 1992 Case No.: CB-190
Certified Mail: P 872 354 209

CITY OF LAKE ELSINORE
APPEAL REQUEST

I hereby request to appear before the Board of Appeals of the City of Lake Elsinore on _____.

REGARDING: _____
(address or location)

APPEAL OF: _____
(name)

(name)

(address)

(city & state)

Appellant/s do further protest the following order and/or action:

In support of this protest, appellant/s submit the following material facts:

Appellant/s request such modification for the following reason/s:

I certify that I/we have read the statements contained in this application, that they are true and correct, and that I/we make this statement under penalty of perjury.

An appeal fee of \$300.00 is enclosed with this request.

(signature of at least one applicant)

NOTE: If this appeal is in conjunction with condemnation proceedings failure of any person to file an appeal with the Building and Safety Department within thirty (30) days shall constitute a waiver of his/her rights to an Administrative Hearing and adjudication of the Notice and Order, or to any portion thereof. (Section 15.08.020(G), City of Lake Elsinore Municipal Code.)

DEPARTMENTAL USE ONLY

Date Appeal Received: _____
By Whom: _____
Date Scheduled to Appear before
Board: _____



City of Lake Elsinore
130 SOUTH MAIN STREET
LAKE ELSINORE, CA 92530

WINE ENFORCEMENT

CERTIFIED

P 944 719 675

MAIL

APR -1 1992



RETURNED TO SENDER
SUNNY CHECKED
As per return
Insufficient address
No return office in state
No return receipt in this envelope

Harry Martinez
21600 Calle Del Gato
Torba Linda, CA 92586

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City of Lake Elsinore
130 SOUTH MAIN STREET
LAKE ELSINORE, CA 92550

CERTIFIED

P 872 354 201

MAIL

209
-229

Leach and Edith Deck
628 N. Crescent Heights Blvd.
Los Angeles, Ca 90048

CODE ENFORCEMENT



Handwritten address: 628 N. Crescent Heights Blvd.



City of Lake Elsinore

Leon & Edith Beck
628 N. Crescent Heights Blvd
Los Angeles, CA 90048

FILE COPY

FIRST NOTICE

NOTICE OF ADMINISTRATIVE PROCEEDING

Dear Owner:

The Tax Rolls list you as owner of building(s) located at:

Property Address: 164 S. Main Street

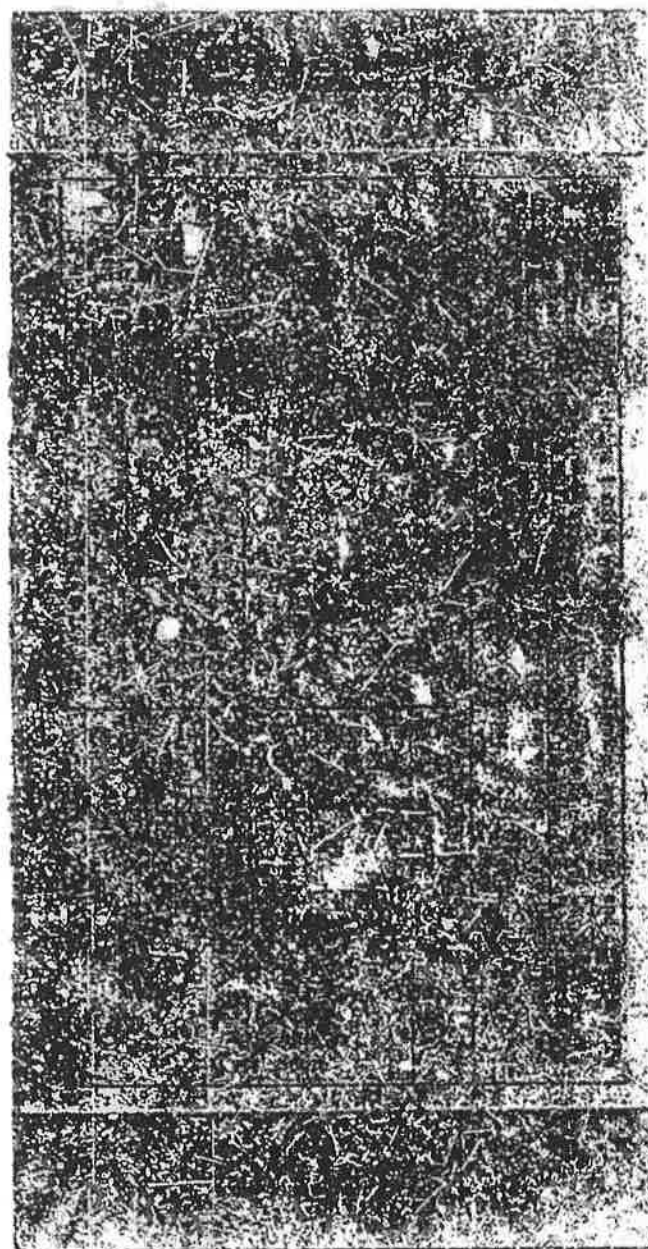
Assessor's Parcel #: 373-153-041-5

Legal Description: Convey 167190 06/88 STT PUI C14-000-0
.38 ACRES IN POR LOT 1 BLK 1 MB 001/032 SD
HEALDS 2ND ADD AND POR LOTS 1, 15 & 16
BLK 3 MB 001/032 SDHEALDS 2ND ADD

in the City of Lake Elsinore, Riverside County, California. In accordance with the Municipal Code of the City of Lake Elsinore, California and/or the Uniform Building Code (1988 Edition), the Uniform Housing Code (1988 Edition) (hereinafter referred to as the Minimum Housing Code), and the Uniform Code for the Abatement of Dangerous Buildings (1988 Edition), you are hereby notified that the buildings you own were inspected on March 10, 1992 and the following listed conditions exist to an extent that the life, health, property, safety, and/or welfare of the public is endangered. The buildings are hereby declared to be substandard due to the following conditions:

- ☒ (a) Inadequate sanitation
- ☒ (b) Structural hazards
- ☒ (c) Nuisance
- ☒ (d) Hazardous wiring
- ☒ (e) Hazardous plumbing
- ☒ (f) Hazardous mechanical equipment
- ☒ (g) Faulty weather protection
- ☒ (h) Fire hazard
- ☒ (i) Faulty material of construction
- ☒ (j) Hazardous or unsanitary premises
- ☒ (k) Inadequate maintenance
- ☒ (l) Inadequate exits
- ☒ (m) Inadequate fire protection or firefighting equipment

150 South Main Street, Lake Elsinore, CA 92530 • Telephone (714) 674-3100 Fax (714) 674-2302





City of Lake Elsinore
130 SOUTH MAIN STREET
LAKE ELSINORE, CA 92530

CODE ENFORCEMENT

CERTIFIED

P 872 354 210

MAIL



Notice
4-21

Charles T. Hindley
315 West 3rd Street, Suite 204
Long Beach, CA 90802

NAME LA
1st Notice
2nd Notice
Return 5/1



FILE COPY

City of Lake Elsinore

Charles T. Hindley
315 West 3rd Street, Suite 204
Long Beach, CA 90802

FIRST NOTICE

NOTICE OF ADMINISTRATIVE PROCEEDING

Dear Owner:

The Tax Rolls list you as owner of building(s) located at:

Property Address: 164 S. Main Street

Assessor s Parcel #: 373-153-041-5

Legal Description: Convey 167190 06/88 STT PUI C14-000-0
.38 ACRES IN POR LOT 1 BLK 1 MB 001/032 SD
HEALDS 2ND ADD AND POR LOTS 1,15 & 16
BLK 3 MB 001/032 SDHEALDS 2ND ADD

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- ☒ (l) Inadequate exits
- ☒ (m) Inadequate fire protection or firefighting equipment



City of Lake Elsinore
130 SOUTH MAIN STREET
LAKE ELSINORE, CA 92530

CODE ENFORCEMENT



SEARCHED ☐ INDEXED ☐
SERIALIZED ☐ FILED ☐
APR 21 1992
FBI - LAKE ELSINORE

CERTIFIED

P 872 354 204

MAIL

Frank, Esther and Elmo Baroni
P.O. Box 695
Lake Elsinore, Ca 92530

APR 21 1992

NOTICE

NOTICE

RETURN



City of Lake Elsinore

FILE COPY

Frank & Esther & Elmo Baroni
PO Box 695
Lake Elsinore, CA 92530

FIRST NOTICE

NOTICE OF ADMINISTRATIVE PROCEEDING

Dear Owner:

The Tax Rolls list you as owner of building(s) located at:

Property Address: 164 S. Main Street

Assessor's Parcel #: 373-153-041-5

Legal Description: Convey 167190 C6/88 STT PUJ C14-000-0
.38 ACRES IN POR LOT 1 BLK 1 MB 001/032 SD
HEALDS 2ND ADD AND POR LOTS 1, 15 & 16
BLK 3 MB 001/032 SDHEALDS 2ND ADD

in the City of Lake Elsinore, Riverside County, California. In accordance with the Municipal Code of the City of Lake Elsinore, California and/or the Uniform Building Code (1988 Edition), the Uniform Housing Code (1988 Edition) (hereinafter referred to as the Minimum Housing Code), and the Uniform Code for the Abatement of Dangerous Buildings (1988 Edition), you are hereby notified that the buildings you own were inspected on March 10, 1992 and the following listed conditions exist to an extent that the life, health, property, safety, and/or welfare of the public is endangered. The buildings are hereby declared to be substandard due to the following conditions:

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- ☒ (k) Inadequate maintenance
- ☒ (l) Inadequate exits
- ☒ (m) Inadequate fire protection or firefighting equipment

164 South Main Street, Lake Elsinore, CA 92530 • Telephone (714) 674-3100 Fax (714) 674-2502



City of Lake Elsinore
130 SOUTH MAIN STREET
LAKE ELSINORE, CA 92530

1st of 1st. 1st. 1st.

CODE ENFORCEMENT

Grace Heiser
225 W. Ramsey St.
Banning, Ca 92220

CERTIFIED

P 872 354 202

MAIL

U.S. POSTAGE

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Nov 8



City of Lake Elsinore

Grace Heiser
225 West Ramsey Street
Banning, CA 92220

FILE COPY

FIRST NOTICE

NOTICE OF ADMINISTRATIVE PROCEEDING

Dear Owner:

The Tax Rolls list you as owner of building(s) located at:

Property Address: 164 S. Main Street

Assessor's Parcel #: 373-153-041-5

Legal Description: Convey 167190 06/88 STT PUI C14-000-0
.38 ACRES IN POR LOT 1 BLK 1 MB 001/032 SD
HEALDS 2ND ADD AND POR LOTS 1, 15 & 16
BLK 3 MB 001/032 SDHEALDS 2ND ADD

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- ☒ (h) Fire hazard
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- ☒ (j) Hazardous or unsanitary premises
- ☒ (k) Inadequate maintenance
- ☒ (l) Inadequate exits
- ☒ (m) Inadequate fire protection or firefighting equipment

150 South Main Street, Lake Elsinore, CA 92530 • Telephone: (714) 674-3124 Fax: (714) 674-2392



FILE COPY

City of Lake Elsinore

Dana Andrus, Attorney
5029 La Mart Drive, Suite G
Riverside, CA 92507
RE: Gonzalez vs Mitchell

FIRST NOTICE

NOTICE OF ADMINISTRATIVE PROCEEDING

Dear Owner:

The Tax Rolls list you as owner of building(s) located at:

Property Address: 164 S. Main Street

Assessor's Parcel #: 373-153-041-5

Legal Description: Convey i67190 06/88 STT PUI C14-000-0
.38 ACRES IN POR LOT 1 BLK 1 MB 001/032 SD
HEALDS 2ND ADD AND POR LOTS 1,15 & 16
BLK 3 MB 001/032 SDHEALDS 2ND ADD

in the City of Lake Elsinore, Riverside County, California. In accordance with the Municipal Code of the City of Lake Elsinore, California and/or the Uniform Building Code (1988 Edition), the Uniform Housing Code (1988 Edition) (hereinafter referred to as the Minimum Housing Code), and the Uniform Code for the Abatement of Dangerous Buildings (1988 Edition), you are hereby notified that the buildings you own were inspected on March 10, 1992 and the following listed conditions exist to an extent that the life, health, property, safety, and/or welfare of the public is endangered. The buildings are hereby declared to be substandard due to the following conditions:

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- ☒ (j) Hazardous or unsanitary premises
- ☒ (k) Inadequate maintenance
- ☒ (l) Inadequate exits
- ☒ (m) Inadequate fire protection or firefighting equipment

CITY OF LAKE ELSINORE
APPEAL REQUEST

I hereby request to appear before the Board of Appeals of the City of Lake Elsinore on _____.

REGARDING: _____

(address or location)

APPEAL OF: _____

(name)

(name)

(address)

(city & state)

Appellant/s do further protest the following order and/or action:

In support of this protest, appellant/s submit the following material facts:

Appellant/s request such modification for the following reason/s:

I certify that I/we have read the statements contained in this application, that they are true and correct, and that I/we make this statement under penalty of perjury.

An appeal fee of \$300.00 is enclosed with this request.

(signature of at least one applicant)

NOTE: If this appeal is in conjunction with condemnation proceedings failure of any person to file an appeal with the Building and Safety Department within thirty (30) days shall constitute a waiver of his/her rights to an Administrative Hearing and adjudication of the Notice and Order, or to any portion thereof. (Section 15.08.020(G), City of Lake Elsinore Municipal Code.)

DEPARTMENTAL USE ONLY

Date Appeal Received: _____

By Whom: _____

Date Scheduled to Appear before

Board: _____

Page Two
RE: First Notice

You are requested by the Building Official in accordance with the Minimum Housing Code, the Uniform Building Code, and the Code to correct such conditions by repair, renovation, demolition, or removal within thirty (30) days of service of the notice. Occupancy of the property is prohibited until you obtain written approval from the Building Official.

If you decide to repair or renovate the structure, you will need to obtain one or more permits for work that is required, such as a building, electrical, plumbing, and/or a mechanical permit. These permits are available at the Building and Safety Department, 130 South Main Street, Lake Elsinore, California, 92530. If you decide to demolish the structures, you must obtain a demolition permit from the Building Official at the above address.

You may appeal the determination or requirements made by the Building Official within thirty (30) days after the service of this notice. If such an appeal is properly filed within the thirty (30) day period, compliance with this notice shall not be required pending a hearing of such appeal by the City Council, unless an emergency (as determined by the Building Official and as defined by the applicable law) exists.

Please contact me within the next ten (10) days if:

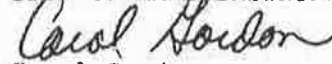
1. You are not the owner of the property, or
2. You know someone else owns or has a partial interest in this property, or
3. You know that the owner(s) of the property is (are) attempting to sell the property.

If any of the above exist, please contact the owners and any interested person(s) to inform them of this notice of condemnation.

If you fail to appeal within the thirty (30) day period, my determination and requirements, if any, are final except as to any building that I have ordered removed or altered.

Sincerely,

CITY OF LAKE ELSINORE


Carol Gordon
Code Enforcement Officer


Kevin Shear
Community Development Manager

Date: April 20, 1992 Case No.: CB-190
Certified Mail: P 872 354 209



FILE COPY

City of Lake Elsinore

Marsh, Graves & Bender Attorneys at Law
505 North Mollison, Suite 1101
El Cajon, CA 92081

FIRST NOTICE

NOTICE OF ADMINISTRATIVE PROCEEDING

Dear Owner:

The Tax Rolls list you as owner of building(s) located at:

Property Address: 164 S. Main Street

Assessor's Parcel #: 373-153-041-5

Legal Description: Convey 167190 06/88 STT PUI C14-000-0
.38 ACRES IN POR LOT 1 BLK 1 MB 001/032 SD
HEALDS 2ND ADD AND POR LOTS 1, 15 & 16
BLK 3 MB 001/032 SDHEALDS 2ND ADD

in the City of Lake Elsinore, Riverside County, California. In accordance with the Municipal Code of the City of Lake Elsinore, California and/or the Uniform Building Code (1988 Edition), the Uniform Housing Code (1988 Edition) (hereinafter referred to as the Minimum Housing Code), and the Uniform Code for the Abatement of Dangerous Buildings (1988 Edition), you are hereby notified that the buildings you own were inspected on March 10, 1992 and the following listed conditions exist to an extent that the life, health, property, safety, and/or welfare of the public is endangered. The buildings are hereby declared to be substandard due to the following conditions:

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- ☒ (f) Hazardous mechanical equipment
- ☒ (g) Faulty weather protection
- ☒ (h) Fire hazard
- ☒ (i) Faulty material of construction
- ☒ (j) Hazardous or unsanitary premises
- ☒ (k) Inadequate maintenance
- ☒ (l) Inadequate exits
- ☒ (m) Inadequate fire protection or firefighting equipment

164 South Main Street, Lake Elsinore, CA 92530 • Telephone (714) 674-3124 Fax: (714) 674-2392

CITY OF LAKE ELSINORE
APPEAL REQUEST

I hereby request to appear before the Board of Appeals of the City of Lake Elsinore on _____.

REGARDING:

(address or location)

APPEAL OF:

(name)

(name)

(address)

(city & state)

Appellant/s do further protest the following order and/or action:

In support of this protest, appellant/s submit the following material facts:

Appellant/s request such modification for the following reason/s:

I certify that I/we have read the statements contained in this application, that they are true and correct, and that I/we make this statement under penalty of perjury.

An appeal fee of \$300.00 is enclosed with this request.

(signature of at least one applicant)

NOTE: If this appeal is in conjunction with condemnation proceedings failure of any person to file an appeal with the Building and Safety Department within thirty (30) days shall constitute a waiver of his/her rights to an Administrative Hearing and adjudication of the Notice and Order, or to any portion thereof. (Section 15.08.020(G), City of Lake Elsinore Municipal Code.)

DEPARTMENTAL USE ONLY

Date Appeal Received: _____

By Whom: _____

Date Scheduled to Appear before

Board: _____

Page Two
RE: First Notice

You are requested by the Building Official in accordance with the Minimum Housing Code, the Uniform Building Code, and the Code to correct such conditions by repair, renovation, demolition, or removal within thirty (30) days of service of the notice. Occupancy of the property is prohibited until you obtain written approval from the Building Official.

If you decide to repair or renovate the structure, you will need to obtain one or more permits for work that is required, such as a building, electrical, plumbing, and/or a mechanical permit. These permits are available at the Building and Safety Department, 130 South Main Street, Lake Elsinore, California, 92530. If you decide to demolish the structures, you must obtain a demolition permit from the Building Official at the above address.

You may appeal the determination or requirements made by the Building Official within thirty (30) days after the service of this notice. If such an appeal is properly filed within the thirty (30) day period, compliance with this notice shall not be required pending a hearing of such appeal by the City Council, unless an emergency (as determined by the Building Official and as defined by the applicable law) exists.

Please contact me within the next ten (10) days if:

1. You are not the owner of the property, or
2. You know someone else owns or has a partial interest in this property, or
3. You know that the owner(s) of the property is (are) attempting to sell the property.

If any of the above exist, please contact the owners and any interested person(s) to inform them of this notice of condemnation.

If you fail to appeal within the thirty (30) day period, my determination and requirements, if any, are final except as to any building that I have ordered removed or altered.

Sincerely,

CITY OF LAKE ELSINORE

Carol Gordon
Carol Gordon
Code Enforcement Officer

Kevin Shear
Kevin Shear
Community Development Manager

Date: April 20, 1992 Case No.: CE-190
Certified Mail: P 872 354 211

CITY OF LAKE ELSINORE
APPEAL REQUEST

I hereby request to appear before the Board of Appeals of the City
of Lake Elsinore on _____.

REGARDING:

(address or location)

APPEAL OF:

(name)

(name)

(address)

(city & state)

Appellant/s do further protest the following order and/or action:

In support of this protest, appellant/s submit the following
material facts:

Appellant/s request such modification for the following reason/s:

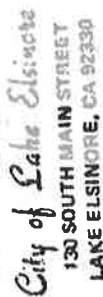
I certify that I/we have read the statements contained in this
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An appeal fee of \$300.00 is enclosed with this request.

(signature of at least one applicant)

NOTE: If this appeal is in conjunction with condemnation
proceedings failure of any person to file an appeal with the
Building and Safety Department within thirty (30) days shall
constitute a waiver of his/her rights to an Administrative Hearing
and adjudication of the Notice and Order, or any portion
thereof. (Section 15.08.020(G), City of Lake Elsinore Municipal
Code.)

DEPARTMENTAL USE	
Date Appeal Received:	_____
By Whom:	_____
Date Scheduled to Appear before	_____
Board:	_____



City of Lake Elsinore
130 SOUTH MAIN STREET
LAKE ELSINORE, CA 92530

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CERTIFIED

P 872 E54 Z05

MAIL

Elsinore Ambassador Villa Corp.
4081 Meadbrook Street
Orange, CA 92665



FILE COPY

4-20-92

City of Lake Elsinore

Elsinore Ambassador Villa Corp.
4081 Meadowbrook Street
Orange, CA 92665

FIRST NOTICE

NOTICE OF ADMINISTRATIVE PROCEEDING

Dear Owner:

The Tax Rolls list you as owner of building(s) located at:

Property Address: 164 S. Main Street

Assessor's Parcel #: 373-153-041-5

Legal Description: Convey 167190 06/88 STT PUI C14-000-0
.38 ACRES IN POR LOT 1 BLK 1 MB 001/032 SD
HEALDS 2ND ADD AND POR LOTS 1,15 & 16
BLK 3 MB 001/032 SDHEALDS 2ND ADD

in the City of Lake Elsinore, Riverside County, California. In accordance with the Municipal Code of the City of Lake Elsinore, California and/or the Uniform Building Code (1988 Edition), the Uniform Housing Code (1988 Edition) (hereinafter referred to as the Minimum Housing Code), and the Uniform Code for the Abatement of Dangerous Buildings (1988 Edition), you are hereby notified that the buildings you own were inspected on March 10, 1992 and the following listed conditions exist to an extent that the life, health, property, safety, and/or welfare of the public is endangered. The buildings are hereby declared to be substandard due to the following conditions:

- ☒ (a) Inadequate sanitation
- ☒ (b) Structural hazards
- ☒ (c) Nuisance
- ☒ (d) Hazardous wiring
- ☒ (e) Hazardous plumbing
- ☒ (f) Hazardous mechanical equipment
- ☒ (g) Faulty weather protection
- ☒ (h) Fire hazard
- ☒ (i) Faulty material of construction
- ☒ (j) Hazardous or unsanitary premises
- ☒ (k) Inadequate maintenance
- ☒ (l) Inadequate exits
- ☒ (m) Inadequate fire protection or firefighting equipment

Page Two
RE: First Notice

You are requested by the Building Official in accordance with the Minimum Housing Code, the Uniform Building Code, and the Code to correct such conditions by repair, renovation, demolition, or removal within thirty (30) days of service of the notice. Occupancy of the property is prohibited until you obtain written approval from the Building Official.

If you decide to repair or renovate the structure, you will need to obtain one or more permits for work that is required, such as a building, electrical, plumbing, and/or a mechanical permit. These permits are available at the Building and Safety Department, 130 South Main Street, Lake Elsinore, California, 92530. If you decide to demolish the structures, you must obtain a demolition permit from the Building Official at the above address.

You may appeal the determination or requirements made by the Building Official within thirty (30) days after the service of this notice. If such an appeal is properly filed within the thirty (30) day period, compliance with this notice shall not be required pending a hearing of such appeal by the City Council, unless an emergency (as determined by the Building Official and as defined by the applicable law) exists.

Please contact me within the next ten (10) days if:

1. You are not the owner of the property, or
2. You know someone else owns or has a partial interest in this property, or
3. You know that the owner(s) of the property is (are) attempting to sell the property.

If any of the above exist, please contact the owners and any interested person(s) to inform them of this notice of condemnation.

If you fail to appeal within the thirty (30) day period, my determination and requirements, if any, are final except as to any building that I have ordered removed or altered.

Sincerely,

CITY OF LAKE ELSINORE


Carol Gordon
Code Enforcement Officer


Kevin Shear
Community Development Manager

Date: April 20, 1992 Case No.: CB-190
Certified Mail: P 872 354 205



FILE COPY

City of Lake Elsinore

State of California Employment Development Department
Central Collection Division, MIC 92
PO Box 828880
Sacramento, CA 94280-0001

FIRST NOTICE

NOTICE OF ADMINISTRATIVE PROCEEDING

Dear Owner:

The Tax Rolls list you as owner of building(s) located at:

Property Address: 164 S. Main Street

Assessor's Parcel #: 373-153-041-5

Legal Description: Convey 167190 06/88 STT PUI C14-000-0
.38 ACRES IN POR LOT 1 BLK 1 MB 001/032 SD
HEALDS 2ND ADD AND POR LOTS 1, 15 & 16
BLK 3 MB 001/032 SDHEALDS 2ND ADD

in the City of Lake Elsinore, Riverside County, California. In accordance with the Municipal Code of the City of Lake Elsinore, California and/or the Uniform Building Code (1988 Edition), the Uniform Housing Code (1988 Edition) (hereinafter referred to as the Minimum Housing Code), and the Uniform Code for the Abatement of Dangerous Buildings (1988 Edition), you are hereby notified that the buildings you own were inspected on March 10, 1992 and the following listed conditions exist to an extent that the life, health, property, safety, and/or welfare of the public is endangered. The buildings are hereby declared to be substandard due to the following conditions:

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- ☒ (k) Inadequate maintenance
- ☒ (l) Inadequate exits
- ☒ (m) Inadequate fire protection or firefighting equipment

164 South Main Street, Lake Elsinore, CA 92530 • Telephone: (714) 674-3124 Fax: (714) 674-2302

Page Two
RE: First Notice

You are requested by the Building Official in accordance with the Minimum Housing Code, the Uniform Building Code, and the Code to correct such conditions by repair, renovation, demolition, or removal within thirty (30) days of service of the notice. Occupancy of the property is prohibited until you obtain written approval from the Building Official.

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1. You are not the owner of the property, or
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If any of the above exist, please contact the owners and any interested person(s) to inform them of this notice of condemnation.

If you fail to appeal within the thirty (30) day period, my determination and requirements, if any, are final except as to any building that I have ordered removed or altered.

Sincerely,

CITY OF LAKE ELSINORE



Carol Gordon
Code Enforcement Officer



Kevin Shear
Community Development Manager

Date: April 20, 1992 Case No.: CE-190
Certified Mail: P 872 354 206



FILE COPY

City of Lake Elsinore

R. Wayne Watts, Tax Collector
PO Box 946
Riverside, CA 92502-0946

FIRST NOTICE

NOTICE OF ADMINISTRATIVE PROCEEDING

Dear Owner:

The Tax Rolls list you as owner of building(s) located at:

Property Address: 164 S. Main Street

Assessor's Parcel #: 373-153-041-5

Legal Description: Convey 167190 06/88 STT PUI C14-000-0
.38 ACRES IN POR LOT 1 BLK 1 MB 001/032 SD
HEALDS 2ND ADD AND POR LOTS 1, 15 & 16
BLK 3 MB 001/032 SDHEALDS 2ND ADD

in the City of Lake Elsinore, Riverside County, California. In accordance with the Municipal Code of the City of Lake Elsinore, California and/or the Uniform Building Code (1988 Edition), the Uniform Housing Code (1988 Edition) (hereinafter referred to as the Minimum Housing Code), and the Uniform Code for the Abatement of Dangerous Buildings (1988 Edition), you are hereby notified that the buildings you own were inspected on March 10, 1992 and the following listed conditions exist to an extent that the life, health, property, safety, and/or welfare of the public is endangered. The buildings are hereby declared to be substandard due to the following conditions:

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- ☒ (h) Fire hazard
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- ☒ (j) Hazardous or unsanitary premises
- ☒ (k) Inadequate maintenance
- ☒ (l) Inadequate exits
- ☒ (m) Inadequate fire protection or firefighting equipment

Page Two
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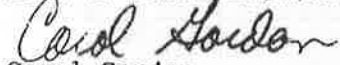
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Sincerely,

CITY OF LAKE ELSINORE


Carol Gordon
Code Enforcement Officer


Kevin Shear
Community Development Manager

Date: April 20, 1992 Case No.: CB-190
Certified Mail: P 872 354 207



City of Lake Elsinore

R. Wayne Watts, Tax Collector
PO Box 946
Riverside, CA 92502-0946

FIRST NOTICE

NOTICE OF ADMINISTRATIVE PROCEEDING

Dear Owner:

The Tax Rolls list you as owner of building(s) located at:

Property Address: 164 S. Main Street

Assessor's Parcel #: 373-153-041-5

Legal Description: Convey 167190 06/98 STT PUI C14-090-0
.38 ACRES IN POR LOT 1 BLK : MB 001/032 SD
HEALDS 2ND ADD AND POR LOTS 1, 15 & 16
BLK 3 MB 001/032 SDHEALDS 2ND AED

in the City of Lake Elsinore, Riverside County, California. In accordance with the Municipal Code of the City of Lake Elsinore, California and/or the Uniform Building Code (1988 Edition), the Uniform Housing Code (1988 Edition) (hereinafter referred to as the Minimum Housing Code), and the Uniform Code for the Abatement of Dangerous Buildings (1988 Edition), you are hereby notified that the buildings you own were inspected on March 10, 1992 and the following listed conditions exist to an extent that the life, health, property, safety, and/or welfare of the public is endangered. The buildings are hereby declared to be substandard due to the following conditions:

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- ☒ (g) Faulty weather protection
- ☒ (h) Fire hazard
- ☒ (i) Faulty material of construction
- ☒ (j) Hazardous or unsanitary premises
- ☒ (k) Inadequate maintenance
- ☒ (l) Inadequate exits
- ☒ (m) Inadequate fire protection or firefighting equipment

CITY OF LAKE ELSINORE
APPEAL REQUEST

I hereby request to appear before the Board of Appeals of the City of Lake Elsinore on _____.

REGARDING:

(address or location)

APPEAL OF:

(name)

(name)

(address)

(city & state)

Appellant/s do further protest the following order and/or action:

In support of this protest, appellant/s submit the following material facts:

Appellant/s request such modification for the following reason/s:

I certify that I/we have read the statements contained in this application, that they are true and correct, and that I/we make this statement under penalty of perjury.

An appeal fee of \$300.00 is enclosed with this request.

(signature of at least one applicant)

NOTE: If this appeal is in conjunction with condemnation proceedings failure of any person to file an appeal with the Building and Safety Department within thirty (30) days shall constitute a waiver of his/her rights to an Administrative Hearing and adjudication of the Notice and Order, or to any portion thereof. (Section 15.08.020(G), City of Lake Elsinore Municipal Code.)

DEPARTMENTAL USE ONLY

Date Appeal Received: _____

By Whom: _____

Date Scheduled to Appear before

Board: _____



FILE COPY

City of Lake Elsinore

Desert Escrow Co
PO Box 607
Banning, CA 92220

FIRST NOTICE

NOTICE OF ADMINISTRATIVE PROCEEDING

Dear Owner:

The Tax Rolls list you as owner of building(s) located at:

Property Address: 164 S. Main Street

Assessor's Parcel #: 373-153-041-5

Legal Description: Convey 167190 06/28 STT PUI C14-000-C
.38 ACRES IN POR LOT 1 BLK 1 MB 001/032 SD
HEALDS 2ND ADD AND POR LOTS 1, 15 & 16
BLK 3 MB 001/032 SDHEALDS 2ND ADD

in the City of Lake Elsinore, Riverside County, California. In accordance with the Municipal Code of the City of Lake Elsinore, California and/or the Uniform Building Code (1988 Edition), the Uniform Housing Code (1988 Edition) (hereinafter referred to as the Minimum Housing Code), and the Uniform Code for the Abatement of Dangerous Buildings (1988 Edition), you are hereby notified that the buildings you own were inspected on March 10, 1992 and the following listed conditions exist to an extent that the life, health, property, safety, and/or welfare of the public is endangered. The buildings are hereby declared to be substandard due to the following conditions:

- ☒ (a) Inadequate sanitation
- ☒ (b) Structural hazards
- ☒ (c) Nuisance
- ☒ (d) Hazardous wiring
- ☒ (e) Hazardous plumbing
- ☒ (f) Hazardous mechanical equipment
- ☒ (g) Faulty weather protection
- ☒ (h) Fire hazard
- ☒ (i) Faulty material of construction
- ☒ (j) Hazardous or unsanitary premises
- ☒ (k) Inadequate maintenance
- ☒ (l) Inadequate exits
- ☒ (m) Inadequate fire protection or firefighting equipment

164 South Main Street, Lake Elsinore, CA 92530 • Tel: (951) 661-2222 Fax: (951) 661-2222

CITY OF LAKE ELSINORE
APPEAL REQUEST

I hereby request to appear before the Board of Appeals of the City of Lake Elsinore on _____.

REGARDING: _____

(address or location)

APPEAL OF: _____

(name)

(name)

(address)

(city & state)

Appellant/s do further protest the following order and/or action:

In support of this protest, appellant/s submit the following material facts:

Appellant/s request such modification for the following reason/s:

I certify that I/we have read the statements contained in this application, that they are true and correct, and that I/we make this statement under penalty of perjury.

An appeal fee of \$300.00 is enclosed with this request.

(signature of at least one applicant)

NOTE: If this appeal is in conjunction with condemnation proceedings failure of any person to file an appeal with the Building and Safety Department within thirty (30) days shall constitute a waiver of his/her rights to an Administrative Hearing and adjudication of the Notice and Order, or to any portion thereof. (Section 15.08.020(G), City of Lake Elsinore Municipal Code.)

DEPARTMENTAL USE ONLY

Date Appeal Received: _____

By Whom: _____

Date Scheduled to Appear before

Board: _____

Page Two
RE: First Notice

You are requested by the Building Official in accordance with the Minimum Housing Code, the Uniform Building Code, and the Code to correct such conditions by repair, renovation, demolition, or removal within thirty (30) days of service of the notice. Occupancy of the property is prohibited until you obtain written approval from the Building Official.

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Please contact me within the next ten (10) days if:

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2. You know someone else owns or has a partial interest in this property, or
3. You know that the owner(s) of the property is (are) attempting to sell the property.


If any of the above exist, please contact the owners and any interested person(s) to inform them of this notice of condemnation.

If you fail to appeal within the thirty (30) day period, my determination and requirements, if any, are final except as to any building that I have ordered removed or altered.

Sincerely,

CITY OF LAKE ELSINORE


Carol Gordon
Code Enforcement Officer


Kevin Shear
Community Development Manager

Date: April 17, 1992
Case No.: CB-190 Certified Mail: P 872 354 201

CITY OF LAKE ELSINORE
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I hereby request to appear before the Board of Appeals of the City of Lake Elsinore on _____.

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Sincerely,

CITY OF LAKE ELSINORE


Carol Gordon
Code Enforcement Officer


Kevin Shear
Community Development Manager

Date: April 17, 1992
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CITY OF LAKE ELSINORE


Carol Gordon
Code Enforcement Officer


Kevin Shear
Community Development Manager

Date: April 17, 1992
Case No.: CB-190 Certified Mail: P 872 354 202

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Sincerely,

CITY OF LAKE ELSINORE

Carol Gordon
Carol Gordon
Code Enforcement Officer

Kevin Shear
Kevin Shear
Community Development Manager

Date: April 20, 1992 Case No.: CB-190
Certified Mail: P 872 354 210

CITY OF LAKE ELSINORE
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Sincerely,

CITY OF LAKE ELSINORE

Carol Gordon
Carol Gordon
Code Enforcement Officer

Kevin Shear
Kevin Shear
Community Development Manager

Date: April 17, 1992
Case No.: CB-190 Certified Mail: P 872 354 204

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Sincerely,

CITY OF LAKE ELSINORE

Carol Gordon
Carol Gordon
Code Enforcement Officer

Kevin Shear
Kevin Shear
Community Development Manager

Date: April 8, 1992

Case No.: CB-190 Certified Mail: P 872 354 152

CITY OF LAKE ELSINORE
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ATTACHMENT E
ASBESTOS INSPECTION REPORT
DATED JANUARY 13, 1993

Scott Morrison & Associates

13626 Holmes Street, Unit #19
Yucaipa, California 92399
Phone/Fax: (714) 795-8294

BULK SAMPLE ANALYSIS REPORT

Completed On
January 13, 1993
PLM0112#6027

Client: City of Lake Elsinore
Code Enforcement Dept.
130 S. Main St.
Lake Elsinore, CA 92530

Project: California Inn
164 S. Main St.
Lake Elsinore, CA 92530

On January 12 and 13, 1993, an asbestos inspection and bulk sampling was conducted at the above address. Samples were taken of all suspect asbestos containing building materials at the request of the client named above. The removed samples were examined using a Nikon Labophot-2 polarized light microscope and a Swift stereo microscope to estimate the percentage of asbestos by volume and determine the type present.

Scott Morrison & Associates determines percentages and type of asbestos by using NIOSH approved method 7403, the principles of polarized light microscopy and dispersion staining. Asbestos is quantified by using the visual arena estimation technique and can only determine the approximate percentage of asbestos present.

After a thorough search is conducted and no asbestos is detected none detected will be noted in the report. The essence of polarized light microscopy is not to emphatically determine that no asbestos is present, merely that none was detected or, if it was, it was likely to be less than 1% of the sample.

When findings reveal less than 1% present contained, further analysis may be called for on additional samples to confirm or denounce the initial findings. The South Coast Air Quality Management District (SCAQMD) recommends three or more samples from a homogeneous area be analyzed before any building material is determined to be non-hazardous.

The samples listed and described below were taken from reasonably accessible areas of the building. Any materials located in areas of the building that are inaccessible were not tested. Such areas include, but are not limited to, narrow crawl spaces and unstable/dangerous roof or floor areas.

ASBESTOS INSPECTION BY: SCOTT MORRISON & JOSEPH BOJANEK
BULK SAMPLES ANALYZED BY: SCOTT MORRISON

The results on the following pages indicate that asbestos was detected in 24 of the 60 samples analyzed.

Scott Morrison & Associates

13625 Holmes Street, Unit #10
Yucaipa, California 92389
Phone/Fax: (714) 795-8294

PLM011206027

Sample #1 was taken of the 530 sq. ft. of grey & white vinyl 12"x12" floor tile (top layer) from the kitchen eating area (S. side of 1st floor).

Test results indicate that no asbestos was detected.

Sample #2 was taken of the green linoleum (2nd layer) under sample #1.

Test results indicate that asbestos was detected:
20-25% Chrysotile asbestos.

Sample #3 was taken of the wall stucco (white) from the south wall of the kitchen eating area.

Test results indicate that no asbestos was detected.

Sample #4 was taken of the wall plaster (green coat) behind sample #3.

Test results indicate that no asbestos was detected.

Sample #5 was taken of the 530 sq. ft. of ceiling acoustic from the ceiling of the kitchen eating area.

Test results indicate that no asbestos was detected.

Sample #6 was taken of the 730 sq. ft. of ceiling acoustic from the front desk/reception area ceiling.

Test results indicate that asbestos was detected:
10-15% Chrysotile asbestos.

Sample #7 was taken of the ceiling acoustic from the 1st floor hallway (approx 280 sq. ft.).

Test results indicate that asbestos was detected:
10-15% Chrysotile asbestos.

Sample #8 was taken of the 960 sq. ft. of ceiling acoustic from the cafeteria eating area*.

Test results indicate that asbestos was detected:
5-10% Chrysotile asbestos.

*note: There was approx. 250 sq. ft. of ceiling acoustic above 1st floor stairs that was assumed to be asbestos containing, and was not sampled.

Sample #9 was taken of the 1,200 sq. ft. of red floor tile under the rug on the 1st floor.

Test results indicate that asbestos was detected:
3-10% Chrysotile asbestos.

Scott Morrison & Associates

13826 Holmes Street, Unit #10
Yucaipa, California 92399
Phone/Fax: (714) 795-8294

PLM0112#6027

Sample #10 was taken of the black mastic under sample #9.
Test results indicate that asbestos was detected:
6-8% Chrysotile asbestos.

Sample #11 was taken of the 50 sq. ft. of blue linoleum (top layer) from the men's room, next to the kitchen. The women's room contained the same materials, and therefore was not sampled.
Test results indicate that no asbestos was detected.

Sample #12 was taken of the 50 sq. ft. of yellow linoleum (2nd layer) under sample #11.
Test results indicate that asbestos was detected:
20-25% Chrysotile asbestos.

Sample #13 was taken of the red tile (3rd layer) under sample #12.
Test results indicate that asbestos was detected:
10-12% Chrysotile asbestos.

Sample #14 was taken of the 730 sq. ft. of yellow & brown linoleum (top layer) from the kitchen.
Test results indicate that asbestos was detected:
15-20% Chrysotile asbestos.

Sample #15 was taken of the red tile (2nd layer) under sample #14.
Test results indicate that asbestos was detected:
10-12% Chrysotile asbestos.

Sample #16 was taken of the ceiling plaster from above the refrigerator in the kitchen.
Test results indicate that no asbestos was detected.

Sample #17 was taken of the wall plaster (granular) from the south wall of the cafeteria dining room.
Test results indicate that no asbestos was detected.

Sample #18 was taken of the blue & white 12"x12" vinyl from behind the cafeteria bar (east side).
Test results indicate that no asbestos was detected.

Scott Morrison & Associates

13626 Holmes Street, Unit #18
Yucaipa, California 92399
Phone/Fax: (714) 795-8294

PLM0112#6027

Sample #19 was taken of the yellow & brown linoleum from the cafeteria
bar (west side).
Test results indicate that no asbestos was detected.

Sample #20 was taken of the 35 sq. ft. of tan linoleum from the east laundry
room on the 2nd floor*.
Test results indicate that no asbestos was detected.

*note: samples 20-25 were all taken from the 2nd floor.

Sample #21 was taken of the approximately 3,000 sq. ft. of dark red floor tile
from under the carpet.
Test results indicate that asbestos was detected:
6-8% Chrysotile asbestos.

Sample #22 was taken of the mastic under sample #21.
Test results indicate that asbestos was detected:
4-6% Chrysotile asbestos.

Sample #23 was taken of the brown & orange linoleum from the stairwell
landing (located on all stairs).
Test results indicate that no asbestos was detected.

Sample #24 was taken of the tan & white linoleum from the bathroom (located in
all 12 bathrooms on the 2nd floor). There is approx. 30 sq. ft. in each bathroom.
Test results indicate that asbestos was detected:
20-25% Chrysotile asbestos.

Sample #25 was taken of the white wall plaster from the SW bathroom wall.
Test results indicate that no asbestos was detected.

Sample #26 was taken of the drywall (off-white) from the SW bathroom wall.
Test results indicate that no asbestos was detected.

Sample #27 was taken of the grey wall plaster from room #209 (3rd floor)*.
Test results indicate that no asbestos was detected.

*Note: Samples 27-35 were all taken from the 3rd floor.

Scott Morrison & Associates

13826 Holmes Street, Unit #19

Yucaipa, California 92399

Phone/Fax: (714) 795-8294

PLM0112#6027

Sample #28 was taken of the white drywall behind sample #27 (2nd layer).

Test results indicate that no asbestos was detected.

Sample #29 was taken of the orange & white linoleum located in each of the 12 bathrooms on the 3rd floor.

Test results indicate that asbestos was detected:

15-20% Chrysotile asbestos.

Sample #30 was taken of the wall plaster from room #201.

Test results indicate that no asbestos was detected.

Sample #31 was taken of the approximately 3,000 sq. ft. of dark red floor tile from under the carpet on the 3rd floor.

Test results indicate that asbestos was detected:

10-12% Chrysotile asbestos.

Sample #32 was taken of the black mastic under sample #31.

Test results indicate that asbestos was detected:

6-8% Chrysotile asbestos.

Sample #33 was taken of the blue & yellow linoleum (top layer) from the east lobby bathroom.

Test results indicate that no asbestos was detected.

Sample #34 was taken of the brown & white linoleum (2nd layer) under sample #33 (approx. 40 sq. ft.).

Test results indicate that asbestos was detected:

20-25% Chrysotile asbestos.

Sample #35 was taken of the fire hose material, from the lobby.

Test results indicate that no asbestos was detected.

Sample #36 was taken of the ceiling acoustic from the lobby of the 4th floor.

Test results indicate that no asbestos was detected.

Sample #37 was taken of the ceiling acoustic from room #303.

Test results indicate that no asbestos was detected.

Sample #38 was taken of the ceiling acoustic from room #307.

Test results indicate that no asbestos was detected.

Scott Morrison & Associates

13626 Holmes Street, Unit #18
Yucaipa, California 92399
Phone/Fax: (714) 795-8294

PLM0112#6027

Sample #39 was taken of the approx. 3,000 sq. ft. of dark red floor tile from under the carpet on the 4th floor.

Test results indicate that asbestos was detected:
8-10% Chrysotile asbestos.

Sample #40 was taken of the granular plaster cement from the floor of the attic above the 4th floor.

Test results indicate that no asbestos was detected.

Sample #41 was taken of the white, non-granular plaster from the debris on the floor of the attic.

Test results indicate that no asbestos was detected.

Sample #42 was taken of the brown drywall debris from the attic floor.

Test results indicate that no asbestos was detected.

Sample #43 was taken of the bright grey rolled roofing (top layer) from the NE corner of the roof.

Test results indicate that no asbestos was detected.

Sample #44 was taken of the brown cap sheet (2nd layer) under sample #43.

Test results indicate that no asbestos was detected.

Sample #45 was taken of the white cap sheet (3rd layer) under sample #44.

Test results indicate that no asbestos was detected.

Sample #46 was taken of the black roofing felts (bottom roof layers).

Test results indicate that asbestos was detected:
20-25% Chrysotile asbestos.

Sample #47 was taken of the black mastic located between the rolled roof seams on the roof. (approx. 500 total sq. ft.).

Test results indicate that asbestos was detected:
10-15% Chrysotile asbestos.

Sample #48 was taken of the grey rolled roofing (top layer) from the SW corner of the roof.

Test results indicate that no asbestos was detected.

Scott Morrison & Associates

13626 Holmes Street, Unit #10
Yucaipa, California 92390
Phone/Fax: (714) 795-8294

PLM0112#6027

Sample #49 was taken of the white cap sheet (2nd layer) under sample #48.
Test results indicate that no asbestos was detected.

Sample #50 was taken of the green & black cap sheet (3rd layer) under sample #49.

Test results indicate that no asbestos was detected.

Sample #51 was taken of the roofing felts (bottom layers) from the SW corner of the roof. Note: The entire roof measured approx. 3,500 sq. ft.

Test results indicate that asbestos was detected:

25-30% Chrysotile asbestos.

Sample #52 was taken of the silver cap sheet (top layer) around the parapet walls on the roof.

Test results indicate that no asbestos was detected.

Sample #53 was taken of the roofing felts (3 layers thick) around the parapet walls (under sample #52). There was a total of approx. 250 sq. ft. of roof parapet.

Test results indicate that asbestos was detected:

25-30% Chrysotile asbestos.

Sample #54 was taken of the exterior stucco from the east side of the hotel (next to boiler room).

Test results indicate that asbestos was detected:

1-2% Chrysotile asbestos.

Sample #55 was taken of the exterior wall plaster (grey) behind sample #54.

Test results indicate that asbestos was detected:

1-2% Chrysotile asbestos.

Sample #56 was taken of the wall felt paper behind sample #55 (core sample).

Test results indicate that no asbestos was detected.

Sample #57 was taken of the exterior stucco plaster from the north wall of the hotel.

Test results indicate that asbestos was detected:

1-2% Chrysotile asbestos.

Sample #58 was taken of the exterior wall stucco plaster from the west side of the hotel (next to the front entrance way).

Test results indicate that asbestos was detected: 1-2% Chrysotile asbestos.

Scott Morrison & Associates

13626 Holmes Street, Unit #19
Yucaipa, California 92399
Phone/Fax: (714) 795-8294

PLM0112#6027

Sample #59 was taken of the air duct wrap above the boiler in the boiler room (east exterior of the hotel).

Test results indicate that no asbestos was detected.

Sample #60 was taken of the foundation plaster in the boiler room.

Test results indicate that no asbestos was detected.

Note: Square footages indicated in report are approximate figures

Note: There were 2 transite pipes located above the boiler room that ran the entire length of the hotel, all the way to the roof on the east exterior of the building. The transite pipes were assumed to be asbestos containing, and therefore were not sampled.

Note: All grey roofing mastic was assumed to be asbestos containing, and therefore was not sampled.

Post-it brand
Fax Transmittal Memo 7672

No of Pages 3

Date 11/15/93

Time

FILE COPY

To Carol Gordon
Company City of Lake Elsinore, Code Enforcement

From Scott Morrison

Company

Location

Dept Charge

Telephone #

Fax #

(714) 674-2392

Telephone #

Fax # (714) 795-8244

Original
of original☐ Desktop☐ Rescan☐ Callgraph up

Comments Hi Carol,

Here's a list of all the asbestos containing building materials that I found in the California Inn. Hopefully this will satisfy insuring contractors till I do more testing. I'll call you as soon as you receive the bulk sample results so I can go over it with you. The completed report will be ready Monday.

CLIENT: <u>City of Lake Elsinore</u>		PROJECT NO. _____		OTHER: _____	
SITE ADDRESS: <u>164 S. Main (California Inn)</u>		CN = <u>Chrysotile asbestos</u>			
#	SAMPLE TAKEN FROM	TYPE OF MATERIAL/COLOR	AREA (SQ. FT.)		
<u>1st Floor</u>					
1	kitchen eating area	linoleum / green (2nd layer)	530		
2	above front desk / reception area	ceiling acoustic spray*	730		
3	hallway - 1st floor lobby stairs	ceiling acoustic spray*	2804 approx.		
4	cafeteria dining room	ceiling acoustic spray*	960		
*Note: ceiling acoustic above kitchen eating area did not contain asbestos					
*Note: ceiling acoustic over entire 4th floor also did not contain asbestos					
5	hallway - 1st floor (under rug)	9x9 floor tile / red	1200		
6	"	mastic under #5	1200		
7	bathroom (men's & women's)	linoleum / yellow (2nd layer)	50 sq. ft. each		
8	"	tile / red (3rd layer)	"		
9	kitchen	linoleum / yellow / blue (1st layer)	730		
10	kitchen	tile / red (2nd layer)	730		
<u>2nd Floor</u>					
11	entire 2nd floor under rug	tile / dark red	approx. 3600		
12	"	mastic under #11	approx. 3600		
13	bathrooms (12 total)	linoleum / tan / white**	30 sq. x 12		
**Note: brown / orange linoleum around stairwell landing doors not ranked					
Page 1 of 3		Date: 11/14/93			

Scott Morrison and Associates
15506 Holmes Street, Unit 19
Van Nuys, CA 91411

Not on

Scott Morrison and Associates
3535 Holmes Street, Unit 10
Van Nuys, CA 91411

Net an official report

CLIENT: City of Lake Elsinore

SITE ADDRESS: 164 S Main (Colburn's Linn)

PROJECT NO. _____ OTHER: _____ CH = Chrysotile asbestos

1	SAMPLE TAKEN FROM	TYPE OF MATERIAL/COLOR	AREA (SQ. FT.)	RESULTS
14	bathrooms (12 total)	linoleum / orange / white	30 sq. x 12 bathrooms	15-20% Chrysotile asbestos
15	entire 3rd floor under rug	tile / dark red	approx. 3,000	10-12% CH
16	"	mashtic under #15	approx. 3,000	6-8% CH
17	bathroom in east lobby	linoleum / brown (2nd layer)	40	20-25% CH
18	entire 4th floor under rug	red floor tile and mashtic	approx. 3,000	8-10% CH
	Note: Ceiling acoustical over entire 4th floor does not contain asbestos			
19	roof NE corner	roofing felt (bottom layer)	approx. 3,500	20-25% CH
20	roof parapet	roofing felt (bottom layer)	approx. 250	25-30% CH
	* Note: Only the roofing felt contains asbestos. (The rolled cap sheets, 3-4 layers, did not contain asbestos)			
21	between rolled roof seams	black mashtic	approx. 500	10-15% CH
	** Note: All grey mashtic around perimeter of roof was assumed to be asbestos containing			
		(See pg. 3 for exterior samples)		

Asai an official report

SITR ADDRESS: 164 S. Main (Calikane Zm)

CH = Chrysotile asbestos

Page 3 of 3

Date: 1/14/93

Not an official report

asbestos		RESULTS
AREA (SQ. FT.)		
530	20-25% Chrysotile asbestos	
730	10-15% CH	
2804 approx. 250	10-15% CH	
960	5-10% CH	
not containing asbestos		
not containing asbestos		
12000	8-10% CH	
1000	6-8% CH	
50% ft. each bathroom	20-25% CH	
"	10-12% CH	
730	15-20 CH	
730	10-12% CH	
approx. 300	6-8% CH	
approx. 300	4-6% CH	
30 sq. x 12	20-25% CH	
not containing asbestos		

Date: 11/14/93

1st floor ceiling spray
tile under rug all 4 floors
acoustic in shower (sprayed on)

4th - SKIPPED ON CEILING ACoustic - NO ASBESTOS
FLOOR - REMOVED LINOLEUM REMOVED
FLOOR - REMOVED FLOOR PAINT ON BOTTOM

FLOOR 3004 LAYERS
"GAP SHEETS"
FLOOR REMOVED FLOORING (NO ASB.)
NON-HAZARDOUS

Air bva. will be on this one
NEW LAB. JAN. 1ST
NEW LAB. CHAUVOT CLEAR OWN WORK NEEDS
NO. COU. CHAUVOT CONSULT. TO CLEAR AIR
CERT. H.S. CONSULT. TO CLEAR AIR

MAIN CONCERN - EXTERIOR STUCCO
2 TO 10 IN EXTERIOR (STUCCO. FLOORING)
IF AIR OR REMOVED CONTAMINANT
MORE THAN LOW LEVEL (IN) 20,000 POSSIBLE ONLY

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ATTACHMENT F
NOTICE OF LIEN
DATED FEBRUARY 8, 1995

RECORDING REQUESTED BY:
The City of Lake Elsinore

WHEN RECORDED, RETURN TO:

CITY OF LAKE ELSINORE
Attn: Bob Boone Administrative Services Director
130 South Main Street
Lake Elsinore, California 92530

COPY of Document Recorded
on MAY - 4 1995 as No. 141338
has not been compared with
original.
FRANK K. JOHNSON
County Recorder
RIVERSIDE COUNTY, CALIFORNIA

FILE COPY

NOTICE OF LIEN
(Claim of the City of Lake Elsinore)

Pursuant to the authority vested by the provisions of Chapter 8.18.050 of the Lake Elsinore Municipal Code, the City of Lake Elsinore did on or about May, 1993 caused the property hereinafter described to be rehabilitated or the building, structure or fence on the property be repaired or demolished in order to abate a public nuisance on the real property. The City Council of the City of Lake Elsinore did on August 10, 1993 assess the cost of such abatement upon the property and the same has not been paid or any part thereof. The City of Lake Elsinore does hereby claim a lien for such rehabilitation, repair or demolition in the amount of the assessment, to wit the sum of \$8,265.00 by the same shall be a lien upon the real property until paid in full and discharged of record.

The real property hereinabove mentioned and upon which the lien is claimed, is that certain parcel of land lying and being in the City of Lake Elsinore, County of Riverside, State of California, particularly described as follows:

LEGAL DESCRIPTION: (Attachment Exhibit "A")
PROPERTY ADDRESS: 164 South Main Street, Lake Elsinore, CA 92530
Assessor's Parcel No. 373-153-041-5
PROPERTY OWNER(S): Harry Mitchell, 21600 Calle Del Gada
Yorba Linda, CA 92686

Executed on February 8, 1995 at Lake Elsinore, California.

By:

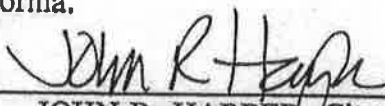

JOHN R. HARPER, City Attorney
City of Lake Elsinore

EXHIBIT A

Convey 167190 06/88 STT PUI C14-000-0 .38
Acres in Por Lot 1 Blk 1 MB 001-032 SD Healds 2nd
Add and Por Lots 1, 15, & 16 Blk 3 MB 001/032 SD Healds 2nd Add

State of California
County of Riverside
On 3/20/95 before me, Vicki Kasad, Notary Public
DATE NAME, TITLE OF OFFICER - E.G., "JANE DOE, NOTARY PUBLIC"

personally appeared John R. Harper
NAME(S) OF SIGNER(S)

☒ personally known to me - OR - ☐ proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



WITNESS my hand and official seal.

Vicki Kasad
SIGNATURE OF NOTARY

THIS CERTIFICATE MUST BE ATTACHED TO THE DOCUMENT DESCRIBED AT RIGHT:

Though the data requested here is not required by law, it could prevent fraudulent reattachment of this form.

OPTIONAL SECTION
TITLE OR TYPE OF DOCUMENT Notice of Lien - Mitchell
NUMBER OF PAGES 2 DATE OF DOCUMENT 2/8/95
SIGNER(S) OTHER THAN NAMED ABOVE _____

OPTIONAL SECTION

CAPACITY CLAIMED BY SIGNER

Though statute does not require the Notary to fill in the data below, doing so may prove invaluable to persons relying on the document.

☐ INDIVIDUAL
☒ CORPORATE OFFICER(S)
City Attorney
TITLE(S)
☐ PARTNER(S) ☐ LIMITED
☐ GENERAL
☐ ATTORNEY-IN-FACT
☐ TRUSTEE(S)
☐ GUARDIAN/CONSERVATOR
☐ OTHER: _____

SIGNER IS REPRESENTING:

NAME OF PERSON(S) OR ENTITY(IES)

©1993 NATIONAL NOTARY ASSOCIATION • 8236 Remmet Ave., P.O. Box 7184 • Canoga Park, CA 91309-71

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

No. 51

State of _____
County of _____
On _____ before me, _____
DATE NAME, TITLE OF OFFICER - E.G., "JANE DOE, NOTARY PUBLIC"

personally appeared _____
NAME(S) OF SIGNER(S)

☐ personally known to me - OR - ☐ proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

SIGNATURE OF NOTARY

THIS CERTIFICATE MUST BE ATTACHED TO THE DOCUMENT DESCRIBED AT RIGHT:

Though the data requested here is not required by law, it could prevent fraudulent reattachment of this form.

OPTIONAL SECTION
TITLE OR TYPE OF DOCUMENT _____
NUMBER OF PAGES _____ DATE OF DOCUMENT _____
SIGNER(S) OTHER THAN NAMED ABOVE _____

OPTIONAL SECTION

CAPACITY CLAIMED BY SIGNER

Though statute does not require the Notary to fill in the data below, doing so may prove invaluable to persons relying on the document.

☐ INDIVIDUAL
☐ CORPORATE OFFICER(S)

TITLE(S)
☐ PARTNER(S) ☐ LIMITED
☐ GENERAL
☐ ATTORNEY-IN-FACT
☐ TRUSTEE(S)
☐ GUARDIAN/CONSERVATOR
☐ OTHER: _____

SIGNER IS REPRESENTING:

NAME OF PERSON(S) OR ENTITY(IES)

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ATTACHMENT G
LETTER FROM CITY TO OWNER HARRY MITCHELL RE
DILAPIDATED AWNING
DATED SEPTEMBER 3, 1997



City of Lake Elsinore

"Home of the 'Diamond Stadium'"

October 9, 1997

Harry Mitchell
c/o Grace Massey
21600 Calle Del Gada
Yorba Linda Ca 92686

Re: The California Inn

Dear Mr. Mitchell:

Several events involving your building have necessitated the writing of this letter so you may remain informed of actions affecting your property.

First, the condition and location of the awning structure was declared a nuisance at an abatement hearing on September 3rd, 1997. In addition to being in the public right-of-way, part of the framework had come loose, hanging down to where it could injure pedestrians. A city crew temporarily wired it back up, but it has come loose again. Code Enforcement is making arrangements to completely remove the awning structure and all costs associated with that removal will be placed against the property.

Second, a report was received that transients have entered the building from a broken window near the pool area. A full can of gasoline was also found in the area where the transient activity was occurring, leading to some serious concerns about their intentions. The window needs to be boarded up again to prevent any further unauthorized entry and to stop the City from pursuing more action to secure the building.

Finally, inquiries have been received at City Hall about the status of the building by individuals interested in speaking with you about the possible sale of the property. Having been unable to reach you, they have contacted City Hall for assistance.

Please contact the Code Enforcement office at (909) 674-3124 x228 so the above matters can be discussed in more detail. You have always been responsive in the past and it is hoped there are no current problems that would keep you from responding again.

Sincerely,

City of Lake Elsinore

Carol Gordon

Carol Gordon
Code Enforcement Officer

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ATTACHMENT H
FIRST NOTICE OF ADMINISTRATIVE PROCEEDING
DATED JANUARY 19, 2012



Harry E. Mitchell
c/o Grace Massey
21600 Calle Del Gada
Yorba Linda, CA 92886

FIRST NOTICE

NOTICE OF ADMINISTRATIVE PROCEEDING

Dear Owner/Interested Party:

The Tax Rolls lists you as owner(s) or interested part(ies) of building(s) located at:

Property Address: 164 S. Main Street, Lake Elsinore, CA 92530

Assessor's Parcel No: 373-153-041

Legal Description: .38 Acres in Por Lot 1 Blk 1 MB 001/032 SD Healds 2nd Add
and Por Lots 1, 15 & 16 Blk 3 MB 001/032 SD Healds 2nd
Add

In the City of Lake Elsinore, Riverside County, California. In accordance with the Municipal Code of the City of Lake Elsinore, California and/or the Uniform Building Code (2010 Edition), the Uniform Housing Code (2010 Edition) (hereinafter referred to as the Uniform Housing Code), and the Uniform Code for the Abatement of Dangerous Buildings (2010 Edition), you are hereby notified that the buildings you own were inspected on November 22, 2011, and the following listed conditions exist to an extent that the life, health, property, safety, and/or welfare of the public is endangered. The buildings are hereby declared to be substandard due to the following conditions:

- Inadequate Sanitation
- Structural Hazard
- Nuisance
- Hazardous Wiring
- Hazardous Plumbing
- Hazardous Mechanical Equipment
- Faulty Weather Protection
- Fire Hazard
- Faulty Material of Construction
- Hazardous or Unsanitary Premises
- Inadequate Maintenance
- Inadequate Fire Protection or Firefighting Equipment

951.674.3124

130 S. MAIN STREET

LAKE ELSINORE, CA 92530

WWW.LAKE-ELSINORE.ORG

You are requested by the Building Official in accordance with the Uniform Housing Code, the Uniform Building Code, and the Code to correct such conditions by repair, renovation, demolition, or removal within thirty (30) days of service of the notice. Occupancy of the property is prohibited until you obtain written approval from the Building Official.

If you decide to repair or renovate the structure, you will need to obtain one or more Permits for work that is required, such as a building, electrical, plumbing, and/or a mechanical Permit. These Permits are available at the Building and Safety Division, 130 South Main Street, Lake Elsinore, California, 92530. If you decide to demolish the structures, you must obtain a demolition Permit from the Building Official at the above address.

You may appeal the determination or requirements made by the Building Official within thirty (30) days after the service of this notice. If such an appeal is properly filed within the thirty (30) day period, compliance with this notice shall not be required pending a Hearing of such appeal by the City Council, unless an emergency (as determined by the Building Official and as defined by the applicable law) exists.

Please contact me within the next ten (10) days if:

1. You are not the owner of the property, or
2. You know someone else owns or has a partial interest in this property, or
3. You know that the owner(s) of the property is (are) attempting to sell the property.

If any of the above exists, please contact the owners and any interested person(s) to inform them of this notice of condemnation.

If you fail to appeal within the thirty (30) day period, my determination and requirements, if any, are final except as to any building that I have ordered removed or altered.

Sincerely,

CITY OF LAKE ELSINORE

www.lake-elsinore.org



Robin K. Chipman, CBO
Building & Safety / Code Enforcement Manager
Certificate Number: 7011 0470 0001 8102 9791
Date: January 19, 2011

Appeal attached



City Clerk's Office
130 S. Main Street, Lake Elsinore, CA
(951) 674-3124, Ext. 269

For Official Use Only

Date Received: _____

Received By: _____

Date Fee Paid: _____

APPEAL OF STRUCTURE ABATEMENT FORM

► **Policy 100-8:** The purpose of this Policy is to provide a standardized procedure for consideration of appeals from Structure Abatement decisions. Within 30 days of a Structure Abatement decision, any person may appeal a decision to the City Council by filing this form and submitting a \$200 fee. A copy of this policy is attached with further important information.

Applicant Information

Name: _____ Date: _____

Mailing Address: _____

City: _____ State: _____ Zip Code: _____

Phone No.: _____ Fax No.: _____

Subject of Appeal Information

Subject of Appeal: _____

Project No.(s): _____

Project Applicant: _____

Project Location: _____

Date of Structure Abatement Action: _____

I, the undersigned, hereby appeal the above action of approval/denial by the Lake Elsinore Structure Abatement, for the following reasons: (Please cite specific action being appealed.) Attach additional pages as needed.

Signature: _____



BUILDING & SAFETY
130 S. MAIN STREET
LAKE ELSINORE, CA 92530
(951) 674-3124
www.lake-elsinore.org

POSTED ON PROPERTY

BUILDING & SAFETY DIVISION STATEMENT OF INTENT

Property Owners: Harry F. Mitchell c/o Grace Massey
Property Address: 164 S. Main Street, Lake Elsinore, CA 92530
Assessor's Parcel No: 373-153-041
Description: .38 Acres in Por Lot 1 Blk 1 MB 001/032 SD Healds 2nd Add
and Por Lots 1, 15 & 16 Blk 3 MB 001/032 SD Healds 2nd
Add

An inspection of the above referenced property in Lake Elsinore, California reveals the presence of building(s) in violation of the City of Lake Elsinore Municipal Code, Chapter 15.08.010 and 15.16.010, which have rendered the property to be declared to be a Public Nuisance. It is the intention of this Division to condemn and abate the nuisance as herein described. A preliminary Title/Lot Book Report will be ordered to determine all parties with an interest in the property and the cost therefore shall be assessed against the property owner(s).

Fifteen (15) days from receipt of this statement, a First Notice regarding condemnation and abatement shall be issued.

Sincerely,

CITY OF LAKE ELSINORE
www.lake-elsinore.org

Robin Chipman
Building & Safety/Code Enforcement Manager
Date: November 29, 2011
Case No. CB 190
Certified Mail Number: 7011 0470 0001 8102 9579

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ATTACHMENT I
SECOND NOTICE OF ADMINISTRATIVE PROCEEDING
DATED FEBRUARY 26, 2012



SECOND NOTICE NOTICE TO ABATE NUISANCE

Name of Owners: Harry F. Mitchell

You are listed as owner(s) or interested party(s) of the structure(s) located at:

Property Address: 164 S. Main Street, Lake Elsinore, CA 92530

Assessor's Parcel No: 373-153-041

Legal Description: ..38 Acres in Por Lot 1 Blk 1 MB 001/032 SD Healds 2nd Add and Por Lots 1, 15 & 16 Blk 3 MB 001/032 SD Healds 2nd Add

In the City of Lake Elsinore, Riverside County, California. In accordance with the Municipal Code of the City of Lake Elsinore, CA and/or the Uniform Building Code (2010 Edition), the Uniform Housing Code (2010 Edition) (hereinafter referred to as the Minimum Housing Code), and the Uniform Code for the Abatement of Dangerous Buildings (2010 Edition), you are hereby notified as the owner(s) or interested party(s) of the buildings or structures to effect all necessary abatement within thirty (30) days from receipt of this notice or show cause why such building or structures should not be condemned as a nuisance and abated.

If you fail to abate within the thirty (30) day period, the City shall have jurisdiction to abate such nuisance.

Sincerely,

CITY OF LAKE ELSINORE

Robin Chipman

Building & Safety/Code Enforcement Manager

Date: February 26, 2012

Case No.: CB 190

Certified Mail Number: 7011 0470 0001 8102 9999

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ATTACHMENT J
NOTICES OF VIOLATION, WARNING NOTICE, FIRST AND SECOND NOTICE OF
ADMINISTRATIVE PROCEEDINGS
DATED AUGUST 23, 2013 TO MARCH 7, 2014



City of Lake Elsinore
Code Enforcement Division
130 S. Main Street
Lake Elsinore, CA 92530
Tel: (951) 674-3124 ext. 227
Fax: (951) 471-1418

NOTICE OF VIOLATION

APN: 373-153-041 Code Enforcement Case #: 13-522 Complaint/Field
Subject Property: 164 S. MAIN ST. Lake Elsinore, CA 92530
Owner/Occupant Name: MITCHELL, HARRY E.
Mailing Address: 21600 CALLE DEL GADIA, YORBA LINDA CA 92886

An inspection of your property has revealed the following violations of the Lake Elsinore Municipal Code section(s):

- ☒ 8.36.110 Inoperable vehicle(s) or parts in public view (expired registration, mechanical deficiencies, abandoned, wrecked, dismantled or any inoperative conditions). Inoperable vehicle must be stored inside a garage, made operable or completely removed from the property. Vehicles with "non-operational status" cannot be stored on driveways. Call (951) 674-3124 ext. 227 for information on the City's free towing program relating to inoperative vehicles.

Item No.	VEHICLE CONDITION	YR	MAKE / MODEL / COLOR	VIN	LICENSE NO. / STATE
1	POOR	UNK	MULTI. MAKES & MODELS		
2			14 VEHICLES TOTAL		
3					
4					
5					
6					

Check Appropriate Boxes:

☐ Public Property

☒ Private Property

☐ Registered Owners Notified / Date: _____

☐ Property Owner Notified / Date: _____

☐ Voluntary Abatement / Date: _____

☐ Vehicle Towed / Date: _____

Corrective actions to be completed by 04-22-13. Failure to correct any of these violations within the time given could result in a citation, other legal action or the vehicle(s) being abated. All cost associated with further action may be recovered through assessments or liens. For further information or to request an extension, please contact the Code Enforcement Division.

Code Enforcement Officer: R. HERNANDEZ

Date Issued: 3-21-13

Method of Delivery:

☐ Personal

☐ Posted at Property

☒ 1st Class Mail

☐ Certified Mail



WARNING NOTICE

August 23, 2013

Harry E. Mitchell
c/o Grace Massey
21600 Calle Del Gada
Yorba Linda, CA 92886

Location: 164 S. Main Street, Lake Elsinore, CA

Case No: 13-522

This Warning Notice has been issued to the owner that conditions existing on the affected property or actions taken by the owner constitute a violation of the City's Municipal Code.

This Warning Notice will be followed by an Administrative Citation if the corrections on the attached Notice of Violation are not made within five (5) days of receipt of this Warning Notice. The fines for an Administrative Citation are as follows:

- \$100 per violation for the 1st offense
- \$200 per violation for the 2nd offense if not in compliance
- \$500 per violation for the 3rd offense if still not in compliance

For more information on bringing your property into compliance before an Administrative Citation is administered, please contact the Code Enforcement Division at (951) 674-3124 extension 227.

Posted by: _____
Mailed : 8/23/2013



WARNING NOTICE

August 23, 2013

Harry E. Mitchell
c/o Grace Massey
21600 Calle Del Gada
Yorba Linda, CA 92886

Location: 164 S. Main Street, Lake Elsinore, CA

Case No: 13-522

This Warning Notice has been issued to the owner that conditions existing on the affected property or actions taken by the owner constitute a violation of the City's Municipal Code.

This Warning Notice will be followed by an Administrative Citation if the corrections on the attached Notice of Violation are not made within five (5) days of receipt of this Warning Notice. The fines for an Administrative Citation are as follows:

- \$100 per violation for the 1st offense
- \$200 per violation for the 2nd offense if not in compliance
- \$500 per violation for the 3rd offense if still not in compliance

For more information on bringing your property into compliance before an Administrative Citation is administered, please contact the Code Enforcement Division at (951) 674-3124 extension 227.

Posted by: _____
Mailed : 8/23/2013



Harry E. Mitchell
21600 Calle Del Gada
Yorba Linda, CA 92886

FIRST NOTICE

NOTICE OF ADMINISTRATIVE PROCEEDING

Dear Owner/Interested Party:

The Tax Rolls lists you as owner(s) or interested part(ies) of building(s) located at:

Property Address: 164 S. Main Street, Lake Elsinore, CA 92530

Assessor's Parcel No: 373-153-041

Legal Description: .38 Acres in Por Lot 1 Blk 1 MB 001/032 SD Healds 2nd Add
and Por Lots 1, 15 & 16 Blk 3 MB 001/032 SD Healds 2nd
Add

In the City of Lake Elsinore, Riverside County, California. In accordance with the Municipal Code of the City of Lake Elsinore, California and/or the Uniform Building Code (2010 Edition), the Uniform Housing Code (2010 Edition) (hereinafter referred to as the Uniform Housing Code), and the Uniform Code for the Abatement of Dangerous Buildings (2010 Edition), you are hereby notified that the buildings you own were inspected on January 13, 2014, and the following listed conditions exist to an extent that the life, health, property, safety, and/or welfare of the public is endangered. The buildings are hereby declared to be substandard due to the following conditions:

- Inadequate Sanitation
- Structural Hazard
- Nuisance
- Hazardous Wiring
- Hazardous Plumbing
- Hazardous Mechanical Equipment
- Faulty Weather Protection
- Fire Hazard
- Hazardous or Unsanitary Premises
- Inadequate Maintenance
- Inadequate Fire Protection or Firefighting Equipment

951.674.3124

130 S. MAIN STREET

LAKE ELSINORE, CA 92530

WWW.LAKE-ELSINORE.ORG

You are requested by the Building Official in accordance with the Uniform Housing Code, the Uniform Building Code, and the Code to correct such conditions by repair, renovation, demolition, or removal within thirty (30) days of service of the notice. Occupancy of the property is prohibited until you obtain written approval from the Building Official.

If you decide to repair or renovate the structure, you will need to obtain one or more Permits for work that is required, such as a building, electrical, plumbing, and/or a mechanical Permit. These Permits are available at the Building and Safety Division, 130 South Main Street, Lake Elsinore, California, 92530. If you decide to demolish the structures, you must obtain a demolition Permit from the Building Official at the above address.

You may appeal the determination or requirements made by the Building Official within thirty (30) days after the service of this notice. If such an appeal is properly filed within the thirty (30) day period, compliance with this notice shall not be required pending a Hearing of such appeal by the City Council, unless an emergency (as determined by the Building Official and as defined by the applicable law) exists.

Please contact me within the next ten (10) days if:

1. You are not the owner of the property, or
2. You know someone else owns or has a partial interest in this property, or
3. You know that the owner(s) of the property is (are) attempting to sell the property.

If any of the above exists, please contact the owners and any interested person(s) to inform them of this notice of condemnation.

If you fail to appeal within the thirty (30) day period, my determination and requirements, if any, are final except as to any building that I have ordered removed or altered.

Sincerely,

CITY OF LAKE ELSINORE
www.lake-elsinore.org



William A. Belvin
Building Official / Code Enforcement Manager
Certificate Number: 7012 1640 0000 5013 3805
Date:

Appeal attached



City Clerk's Office
130 S. Main Street, Lake Elsinore, CA
(951) 674-3124, Ext. 269

For Official Use Only

Date Received: _____

Received By: _____

Date Fee Paid: _____

APPEAL OF STRUCTURE ABATEMENT FORM

► **Policy 100-8:** The purpose of this Policy is to provide a standardized procedure for consideration of appeals from Structure Abatement decisions. Within 30 days of a Structure Abatement decision, any person may appeal a decision to the City Council by filing this form and submitting a \$200 fee. A copy of this policy is attached with further important information.

Applicant Information

Name: _____ Date: _____

Mailing Address: _____

City: _____ State: _____ Zip Code: _____

Phone No.: _____ Fax No.: _____

Subject of Appeal Information

Subject of Appeal: _____

Project No.(s): _____

Project Applicant: _____

Project Location: _____

Date of Structure Abatement Action: _____

I, the undersigned, hereby appeal the above action of approval/denial by the Lake Elsinore Structure Abatement, for the following reasons: (Please cite specific action being appealed.) Attach additional pages as needed.

Signature: _____



SECOND NOTICE NOTICE TO ABATE NUISANCE

Name of Owners: Harry E. Mitchell

You are listed as owner(s) or interested party(s) of the structure(s) located at:

Property Address: 164 S. Main Street, Lake Elsinore, CA 92530

Assessor's Parcel No: 373-153-041

Legal Description: .38 Acres in Por Lot 1 Blk 1 MB 001/032 SD Healds 2nd Add and Por Lots 1, 15 & 16 Blk 3 MB 001/032 SD Healds 2nd Add

In the City of Lake Elsinore, Riverside County, California. In accordance with the Municipal Code of the City of Lake Elsinore, CA and/or the Uniform Building Code (2010 Edition), the Uniform Housing Code (2010 Edition) (hereinafter referred to as the Minimum Housing Code), and the Uniform Code for the Abatement of Dangerous Buildings (2010 Edition), you are hereby notified as the owner(s) or interested party(s) of the buildings or structures to effect all necessary abatement within thirty (30) days from receipt of this notice or show cause why such building or structures should not be condemned as a nuisance and abated.

If you fail to abate within the thirty (30) day period, the City shall have jurisdiction to abate such nuisance.

Sincerely,

CITY OF LAKE ELSINORE

William A. Belvin
Building & Safety/Code Enforcement Manager

Date: March 7, 2014

Case No.: CB 190

Certified Mail Number: 7013 2250 0001 2062 1109

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ATTACHMENT K
NOTICE OF ABATEMENT HEARING AND NUISANCE ABATEMENT ORDER
DATED FEBRUARY 21, 2014 AND MARCH 11, 2014



City of Lake Elsinore
Code Enforcement Division
130 S. Main Street
Lake Elsinore, CA 92530
Tel: (951) 674-3124 ext. 227
Fax: (951) 471-1418

02/21/2014

HARRY MITCHELL
21600 DEL GADA
YORBA LINDA CA 92686

RE: APN 373153041

NOTICE OF HEARING ON ABATEMENT OF NUISANCE

A hearing will be held at the Cultural Center located at 183 N. Main Street, Lake Elsinore, CA on at before the Nuisance Abatement Board to determine if the property located at:

164 MAIN St
LAKE ELSINORE, CA 92530

(APN: 373153041)

constitutes a public nuisance. The conditions constituting the public nuisance include the following:

Municipal Code	Description	Corrective Action
8.36.010	The accumulation and storage of abandoned, wrecked, dismantled, or inoperative vehicles or parts thereof on private or public property not including highways is found to create a condition tending to reduce the value of private property, to promote blight and deterioration, to invite plundering, to create fire hazards, to constitute an attractive nuisance creating a hazard to the health and safety of minors, to create a harborage for rodents and insects and to be injurious to the health, safety and general welfare. Therefore, the presence of an abandoned, wrecked, dismantled, or inoperative vehicle or parts thereof, on private or public property not including highways, except as expressly hereinafter permitted, is declared to constitute a public nuisance which may be abated as such in accordance with the provisions of this chapter.	Remove all abandoned and/or inoperative vehicles from public view or properly screen them behind a 6' wall or fence

A public hearing may be avoided if the listed corrective actions are made at

least two days before the date set for the hearing.

If it is determined that the property constitutes a public nuisance, the following abatement action may be taken by the City if the owner has not taken corrective action:

- The same will be removed and abated by the municipal authorities of the City of Lake Elsinore or its contractor(s) in which case the cost of such removal shall be assessed upon the lot(s) and land on which said condition(s) are removed or corrected, and such cost will constitute a lien and special assessment upon such lot(s) or land until paid.

In addition to facing additional Criminal and or Civil penalties, the City may obtain an abatement warrant to remove and abate the conditions which are found to be in violation.

If abatement action is taken by the City the costs of the abatement, including an administrative charge of \$427.92 for the hearing, will be assessed against the property and will attach as a lien and special assessment until paid. All persons having an interest in this matter may attend the hearing and give testimony and evidence which will be given due consideration.

If you have any questions, please contact the Code Enforcement Division at (951) 674-3124 ext.227, for more information.

William A. Belvin
Code Enforcement Manager

Mailed Certified #: 7013 2250 0001 2062 0928



March 11, 2014

Via Certified: 7013 2250 0001 2062 1253
and Regular US Mail

Harry E. Mitchell
21600 Calle Del Gada
Yorba Linda, CA 92886

**NUISANCE ABATEMENT ORDER
CASE: NA 14-224**

At the Nuisance Abatement Hearing held on March 4, 2014, before the Nuisance Abatement Board, the Board motioned to declare premises at 164 S. Main Street, Lake Elsinore, CA 92530 APN 373-153-041, .38 Acres in Por Lot 1 Blk 1 MB 001/032 SD Healds 2nd Add and Por Lots 1, 15 & 16 Blk 3 MB 001/032 SD Healds 2nd Add, a public nuisance pursuant to the attached Declaration of Public Nuisance No.14-224.

The property shall be abated twenty-one (21) days from the date of this order pursuant to provisions contained in the Declaration of Public Nuisance No. 09-920 as follows:

- A) Remove all abandoned and/or inoperative vehicles from public view or properly screen them behind a 6' wall or fence.
- B) Remove all nuisance conditions from property.

An administrative fee of \$427.92 will be charged for the hearing. If abatement action is taken by the City the costs of the abatement will also be assessed against the property and will attach as a lien and/or special assessment until paid.

The owner or persons occupying or controlling such lot or premises affected may appeal to the City Council. Such appeal shall be in writing, accompanied by the \$200.00 appeal fee, and shall be filed with the City Clerk of said City within ten (10) days from the date of this Order of Abatement.

951.674.3124

130 S. MAIN STREET

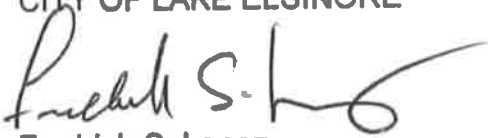
LAKE ELSINORE, CA 92530

WWW.LAKE-ELSINORE.ORG

Mr. Harry Mitchell
Nuisance Abatement Order
Page Two

If you have any questions, please contact the Code Enforcement Division
at (951) 674-3124 ext.227, for more information.

CITY OF LAKE ELSINORE

A handwritten signature in black ink, appearing to read "Fredrich S. Lopez", with a long horizontal flourish extending to the right.

Fredrich S. Lopez
Code Enforcement Supervisor



City of Lake Elsinore
Code Enforcement Division
130 S. Main Street
Lake Elsinore, CA 92530
Tel: (951) 674-3124 ext. 227
Fax: (951) 471-1418

Certified Mail # 70132250000120621253

Case #: 14-224

HARRY MITCHELL
21600 DEL GADA
YORBA LINDA CA 92686

**NOTICE OF INTENT
TO ABATE AND REMOVE AN
ABANDONED, WRECKED, DISMANTLED OR INOPERATIVE
VEHICLE OR PARTS THEREOF AS A PUBLIC NUISANCE**

As owner shown on the first equalized assessment roll of the land at **164 S. Main Street (APN 373153041), Lake Elsinore, CA 92530**, you are hereby notified that the undersigned, pursuant to Section 8.36.090 of the Lake Elsinore Municipal Code, has determined that there exists upon said land an abandoned, wrecked, dismantled, or inoperative vehicle, or parts thereof as described in the enclosed Vehicle Worksheet(s), which constitute a public nuisance pursuant to the provisions of Chapter 8.36 of the Lake Elsinore Municipal Code.

YOU ARE HEREBY NOTIFIED TO ABATE SAID NUISANCE BY THE REMOVAL OF SAID VEHICLE(S) OR PARTS THEREOF OR STORE THE VEHICLE(S) OR PARTS WITHIN A COMPLETELY ENCLOSED BUILDING WITHIN TEN (10) CALENDAR DAYS FROM THE DATE OF THIS NOTICE, AND UPON YOUR FAILURE TO DO SO, THE SAME WILL BE ABATED AND REMOVED BY THE CITY AND THE COSTS THEREOF, TOGETHER WITH ADMINISTRATIVE COSTS, WILL BE ASSESSED TO YOU AS OWNER OF THE LAND ON WHICH SAID VEHICLE(S) OR PARTS THEREOF IS/ARE LOCATED.

As the owner of the land on which said vehicle or parts thereof is/are located, you are hereby notified that you may, within ten (10) days after the mailing of this Notice of Intent, request a public hearing before the Nuisance Abatement Board and if such a request is not received by the Code Enforcement

Division, City of Lake Elsinore at the above referenced address, the City shall have the authority to abate and remove said vehicle(s) or parts thereof as a public nuisance and assess the costs as stated above, without a public hearing. You may submit a sworn written statement within such ten (10) day period denying responsibility for the presence of said vehicle or parts thereof on said land, with your reasons for denial, and such statement shall be construed as a request for hearing at which your presence is not required. You may appear in person at the hearing requested by you or the owner of the vehicle, or in lieu thereof, may present a sworn written statement as stated above in time for consideration at such hearing.

As a public service, the City of Lake Elsinore is offering FREE vehicle removal. If you would like to participate, please sign and return the enclosed Release of Liability/Waiver form to this office within ten (10) calendar days.

If you have any questions concerning this matter, please contact the Code Enforcement Division at (951) 674-3124 ext..227.

Notice mailed on: 03/11/2014

Hernandez, Ruben
Code Enforcement Officer

**CITY OF LAKE ELSINORE
CODE ENFORCEMENT DIVISION**

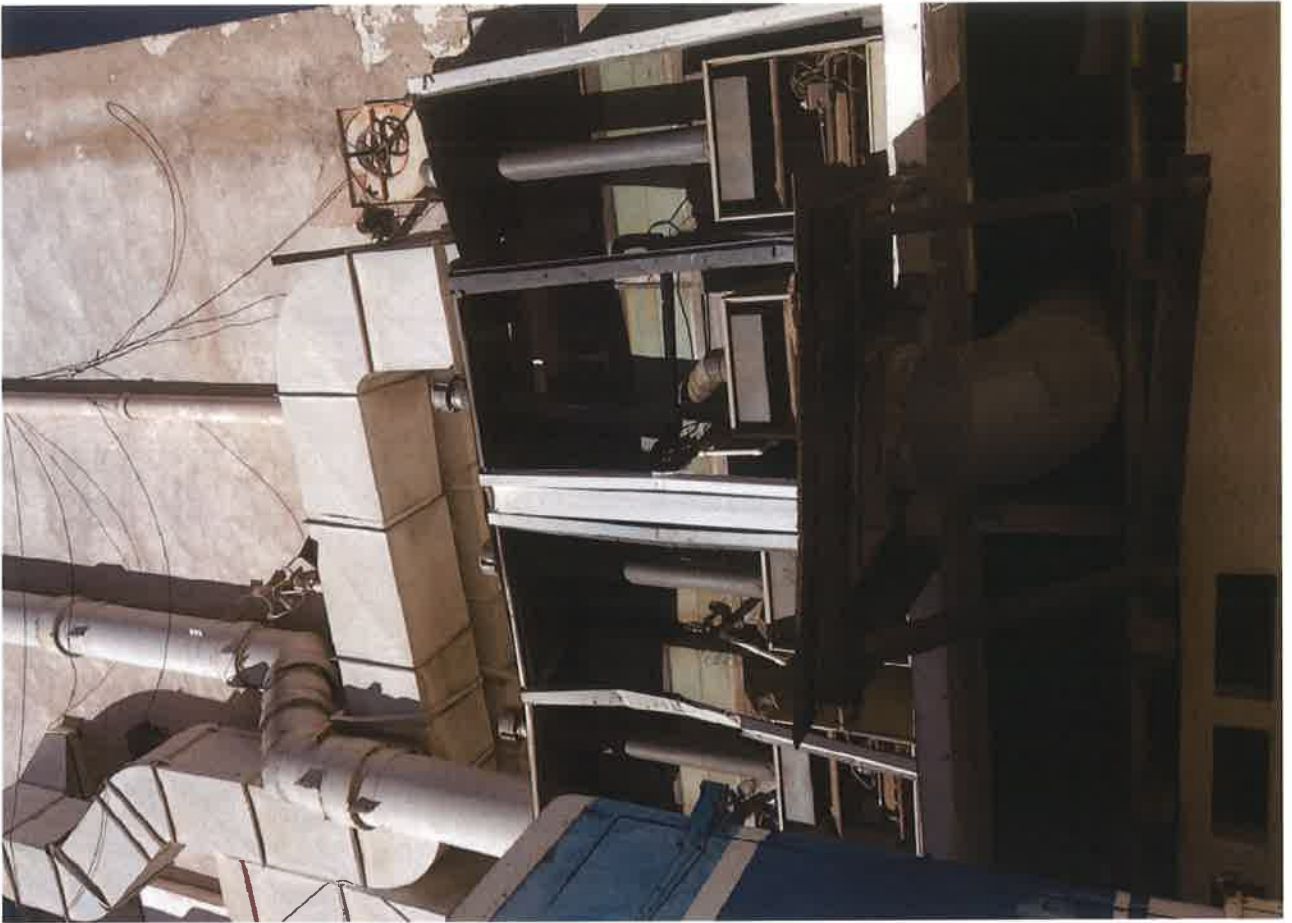
**VEHICLE WORKSHEET
RELEASE OF LIABILITY/WAIVER**

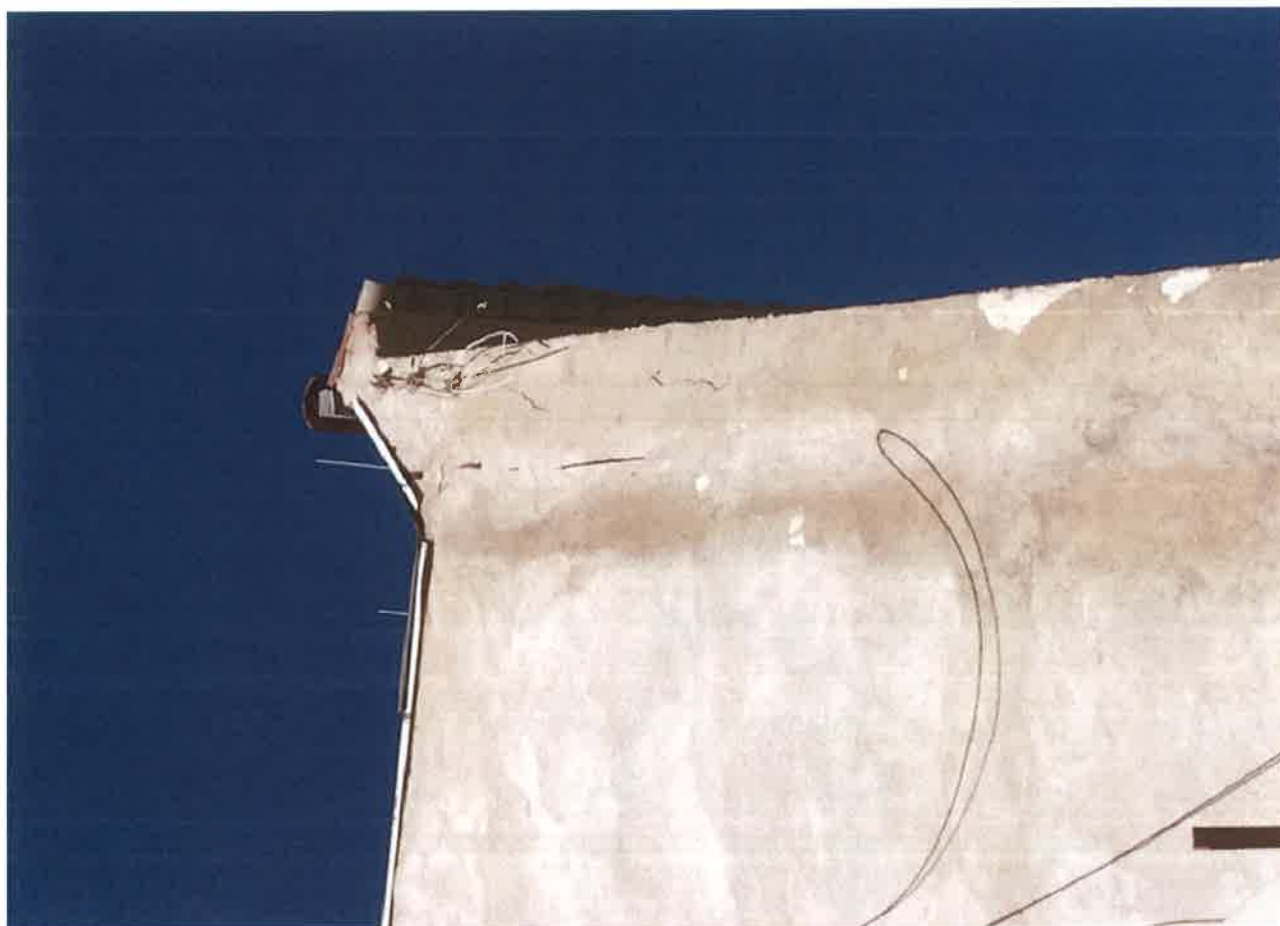
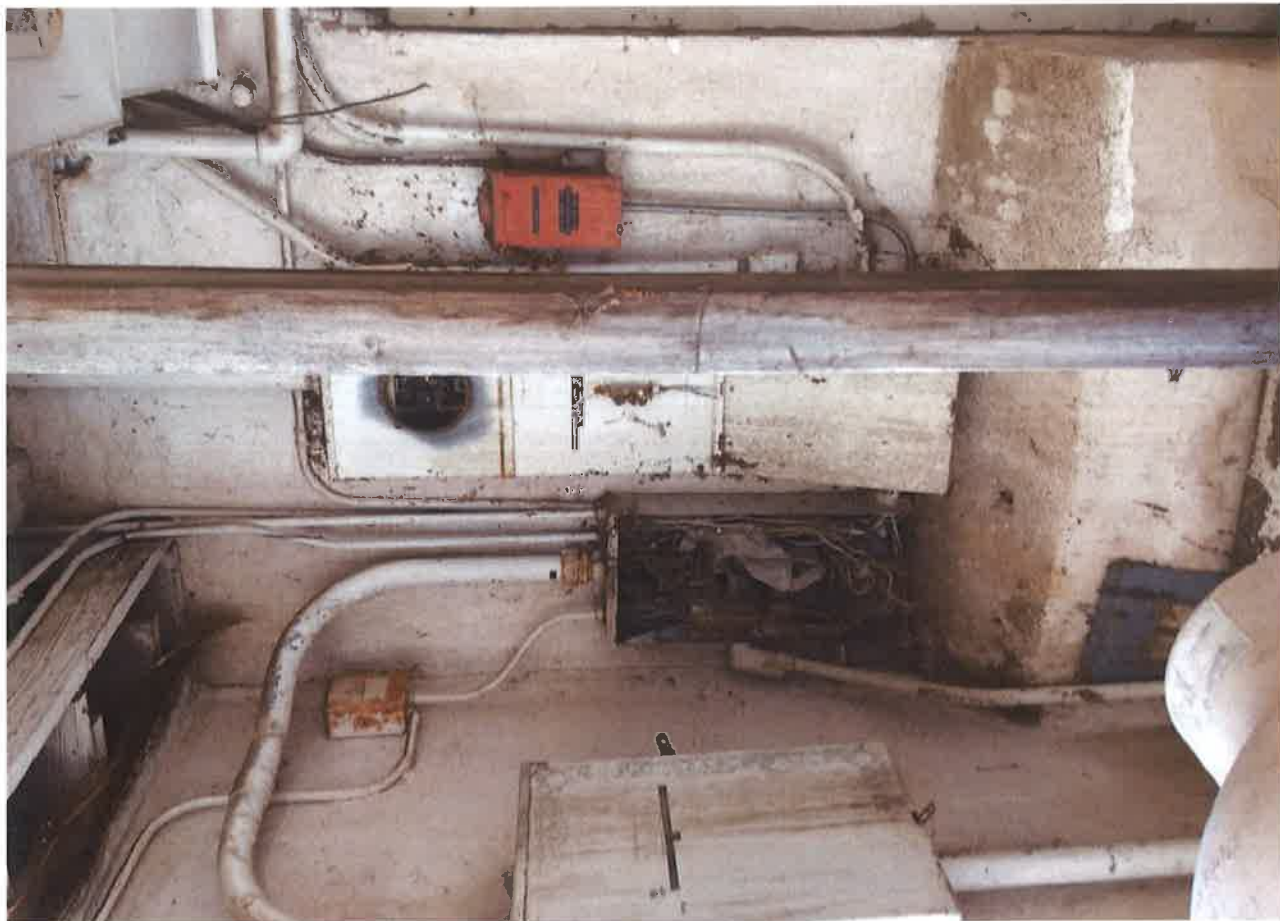
**AUTHORIZATION TO ABATE ABANDONED, WRECKED, DISMANTLED, OR
INOPERATIVE VEHICLE OR PARTS THEREOF AS A PUBLIC NUISANCE**

VEHICLE DISCRIPTION AND OWNERSHIP INFORMATION (TO BE COMPLETED BY CITY)									
<u>VEHICLE LICENSE NO.</u>			<u>EXP. DATE</u>		<u>STATE</u>		<u>VEHICLE IDENTIFICATION NO.</u>		
<u>COLOR</u>		<u>YEAR MADE</u>		<u>MAKE</u>		<u>MODEL</u>		<u>BODY TYPE</u>	
YES	NO	UTL				<u>VEHICLE CONDITION</u>			
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	DOES VIN COMPARE TO REGISTRATION CARD?			COMPLETE	<input type="checkbox"/>	INOPERATIVE	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	DOES VIN APPEAR ALTERED?			NO ENGINE	<input type="checkbox"/>	DISMANTLED	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	IS VIN IN CLEAR VIEW?			NO TRANSMISSION	<input type="checkbox"/>	HULK	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	IS LICENSE PLATE NUMBER IN CLEAR VIEW?			WRECKED	<input type="checkbox"/>	OTHER:	<input type="checkbox"/>
<u>REGISTERED OWNER</u>			<u>ADDRESS</u>				<u>PHONE (IF AVAILABLE)</u>		
<u>LEGAL OWNER</u>			<u>ADDRESS</u>				<u>PHONE (IF AVAILABLE)</u>		
<u>LOCATION</u>									
<u>LOCATION OF VEHICLE (ADDRESS/PROPERTY DESCRIPTION)</u>									
<u>PROPERTY OWNER</u>				<u>MAILING ADDRESS</u>				<u>PHONE (IF AVAILABLE)</u>	
(Property Owner) REQUEST FOR REMOVAL/WAIVER OF LIABILITY TO ABATE									
<i>I, the undersigned, present that I am the <u>property owner, authorized agent, or person in lawful possession</u> of the above-referenced property (the "Property"), and as such I am authorized to execute this Release of Liability, Waiver and Authorization to Abate (the "Release"). I do hereby agree to allow the City of Lake Elsinore, its officers, employees, agents and contractors (collectively the "City") to enter the Property to remove and otherwise abate said vehicle or parts thereof at NO CHARGE to me. In exchange, I expressly agree to indemnify, defend, and hold harmless the City, in every way, means or manner, from liability claims or actions of any kind that might arise out of this Release or the City's reliance on the representations contained therein.</i>									
Sign, date and check appropriate box below									
<u>SIGNATURE</u>		<input checked="" type="checkbox"/>					<u>DATE</u>		
Property Owner		Agent		Occupant		Other (explain):			
(Vehicle Owner) REQUEST FOR REMOVAL/WAIVER OF LIABILITY TO ABATE									
<i>I, the undersigned, present that I am the last <u>registered and/or legal owner</u> of the above-referenced vehicle or parts (the "Vehicle"), and as such I am authorized to execute this Release of Liability, Waiver and Authorization to Abate (the "Release"). I do hereby release title and interest of said Vehicle and agree to allow the City of Lake Elsinore, its officers, employees, agents and contractors (collectively the "City") to remove, dispose of and otherwise abate said Vehicle or parts thereof at NO CHARGE to me. In exchange, I expressly agree to indemnify, defend, and hold harmless the City, in every way, means or manner, from liability claims or actions of any kind that might arise out of this Release or the City's reliance on the representations contained therein.</i>									
Sign, date and check appropriate box below									
<u>SIGNATURE</u>		<input checked="" type="checkbox"/>					<u>DATE</u>		
Registered Owner		Legal Owner		I am no longer the owner of this vehicle. Sold on: / /					
INVESTIGATING/REMOVING AGENCY OR PERSON AND DISPOSITION									
<u>NAME OF OFFICER (PRINT)</u>							<u>ID/BADGE#</u>		
<u>DISPOSITION</u>									
<input type="checkbox"/> Sent to Dismantler/Tow Agency <input type="checkbox"/> Made Operable <input type="checkbox"/> Enclosed in Bldg. <input type="checkbox"/> Owner Removed <input type="checkbox"/> Other									
<u>CONTRACT DISMANTLER/TOW AGENCY</u>								<u>PHONE</u>	
Signature of Officer Authorizing Removal/Abatement <input checked="" type="checkbox"/>					Signature of Abatement Contractor Removing Vehicle <input checked="" type="checkbox"/>				
Date:					Date:				
<u>COMMENTS:</u>									

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ATTACHMENT L
INSPECTION PHOTOGRAPHS
DATED FEBRUARY 9, 2017

















































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ATTACHMENT M
NOTICE AND ORDER TO REPAIR OR DEMOLISH
DATED OCTOBER 13, 2017



NOTICE AND ORDER TO REPAIR OR DEMOLISH

[Lake Elsinore Municipal Code, Chapter 8.18.]

DELIVERED VIA POSTING ON SUBJECT PROPERTY AND
CERTIFIED MAIL RETURN RECEIPT TO PROPERTY AND INTERESTED PARTIES

Date: October 13, 2017

Subject Property:

164 Main Street
Lake Elsinore, California 92530
APN 373-153-041

Vacate Structure Deadline: Immediately

Hearing Request Deadline: October 28, 2017 (15 Days)

Interested Parties:

Debra Mitchell
Proposed Administrator
c/o Margaret A.M. Heine, attorney of
record
Heine Law Group
2209 E. Chapman Ave., Ste. A
Fullerton, California 92831

Jack Winer
909 North Harwood
Orange, California 92667

Annette Mitchell
Proposed Administrator
4442 Avenida del Este
Yorba Linda, California 92886

Harry E. Mitchell
21600 Calle Del Gada
Yorba Linda, California 92686

All Persons Unknown Claiming An
Interest In The Property Located At 164
Main Street, Lake Elsinore, California
92530
21600 Calle Del Gada
Yorba Linda, California 92686

Roy S. Mitchell
9700 Perry Highway
Pittsburg, Pennsylvania 15237

Joan Graybill
Proposed Administrator
20470 Via Habana
Yorba Linda, California 92887

LEGAL NOTICE AND ORDER TO REPAIR OR ABATE

To All Interested Parties:

This Notice and Order to Repair or Abate ("N&O") is issued pursuant to Health and Safety Code sections 17980 *et seq.*, Lake Elsinore Municipal Code section 8.18.070, and other applicable laws. It has been determined by the City of Lake Elsinore ("City") that the parcel of real property located at the address and Assessor's Parcel Number ("APN") identified above ("Subject Property") contains unlawful conditions that constitute public nuisances and pose a substantial danger to the health, safety, and general welfare of the occupants, the surrounding community, and the public. These unlawful conditions are in violation of multiple provisions of law, including, but not limited to, the California Health and Safety Code ("HSC"), the California Building Standards Code ("CBSC") codified in Title 24 of the California Code of Regulations, the California Building Code ("CBC"), the California Residential Code ("CRC"), the California Fire Code ("CFC"), the California Electrical Code ("CEC"), the California Plumbing Code ("CPC"), the California Mechanical Code ("CMC"), the Uniform Housing Code ("UHC"), the Uniform Code for the Abatement of Dangerous Buildings ("UCADB"), and the Lake Elsinore Municipal Code ("LEMC").

The following unlawful conditions were identified during an inspection of the Subject Property on or around February 8, 2017 (this may not be an exhaustive list of all violations and the City retains the right to identify further violations as they are discovered):

1. **Substandard Building.** (H&S, §§ 17920.3(b)(4), (b)(5); CBC, § 116.1; CFC, §§ 110.1.1, 701.2; UHC, § 1001.3; LEMC, §§ 15.02.010, 15.16.010, 15.56.010.) **Immediate Collapse Hazard.** The entire Subject Property is manifestly unsafe and based on the violations noted below, is likely to collapse in the near future. Either make extensive repairs to the main structure, which will include major alterations to the superstructure and ADA compliance, or safely demolish the complex.
2. **Substandard Building.** (H&S, §§ 17920.3(b)(6), (b)(7); CBC, § 116.1; CFC, §§ 110.1.1, 701.2; UHC, § 1001.3; LEMC, §§ 15.02.010, 15.16.010, 15.56.010.) **Extensive Water Damage.** Entire floors of the Subject Property show extensive signs of water damage. The damage caused by water intrusion has resulted in flooring and ceilings collapsing and disintegrating.
3. **Substandard Building.** (H&S, § 17920.3(a); CBC, § 116.1; UHC, § 1001.2; LEMC, §§ 15.02.010, 15.16.010.) **Inadequate Sanitation. Bathroom.** Repair and clean the unit bathrooms to meet building code standards, including repainting all walls, repairing all bathroom tiling and grouting, and removing human waste from all areas.

LEGAL NOTICE AND ORDER TO REPAIR OR ABATE

4. **Substandard Building.** (H&S, § 17920.3(a)(13); CBC, § 116.1; LEMC, §§ 15.02.010, 15.16.010.) **General Dilapidation and Improper Maintenance.** The entire Subject Property is manifestly unsafe due to general dilapidation and improper maintenance. Exposed electrical wiring; lack of utilities; dilapidated floors, walls, roof and ceilings; unsanitary conditions; fire hazards; and lack of proper kitchen and bathroom facilities make the Subject Property uninhabitable. Once all repairs are made, the building needs to be properly maintained.
5. **Substandard Building.** (H&S, § 17920.3(a); UHC, § 1001.2; LEMC, § 15.16.010.) **Inadequate Kitchen Facility.** The kitchen on the first floor has been destroyed due to looting and vandalism. Appliances are inoperable, furnishings and plates are destroyed, and the entire area is generally unsanitary.
6. **Substandard Building.** (H&S, § 17920.3(d); CBC, § 116.1; UHC, § 1001.5; LEMC, §§ 15.02.010, 15.16.010.) **Electrical Wiring.** Exposed wiring poses a significant risk of electrical shock or fire. Abate all exposed wiring and replace missing light fixtures.
7. **Substandard Building.** (H&S, § 17920.3(a); CBC, § 116.1; UHC, § 1001.5; LEMC, §§ 15.02.010, 15.16.010.) **Missing Light Fixtures.** Replace all missing light fixtures and components to meet building code standard.
8. **Substandard Building.** (H&S, § 17920.3(a); CBC, § 116.1; UHC, § 1001.2; LEMC, §§ 15.02.010, 15.16.010.) **Lack of Running Water.** The building lacks hot and cold running water to plumbing fixtures.
9. **Substandard Building.** (H&S § 17920.3(a); CBC § 116.1; UHC, § 1001.2; LEMC, §§ 15.02.010, 15.16.010.) **Lack of Electricity.** The building lacks required electrical lighting.
10. **Substandard Building.** (H&S, § 17920.3(d); CBC, § 116.1; CFC, § 406.6; UHC, § 1001.5; LEMC, §§ 15.02.010, 15.16.010, 15.56.010.) **Hazardous Electrical Panel.** The electrical panels on the Subject Property are hazardous, missing wiring, and missing a dead-front panel. Properly repair and maintain the electrical panel.
11. **Substandard Building.** (H&S, § 17920.3(a); CBC § 116.1; UHC, § 1001.2; LEMC, §§ 15.02.010, 15.16.010.) **Lack of Adequate Heating.** The building lacks adequate heating.
12. **Substandard Building.** (H&S, §§ 17920.3(b)(1), (b)(2); CBC, § 116.1; CFC, §§ 110.1.1, 701.2; UHC, § 1001.3; LEMC, §§ 15.02.010, 15.16.010, 15.56.010.) **Structural Hazards. Flooring.** The building contains inadequate, damaged or missing flooring that needs to be repaired or replaced to meet building code standards.
13. **Substandard Building.** (H&S, §§ 17920.3(b)(1), (b)(2); CBC, § 116.1; CFC, §§ 110.1.1, 701.2; UHC, § 1001.3; LEMC, §§ 15.02.010, 15.16.010, 15.56.010.) **Structural Hazards. Destroyed/Deteriorated Flooring.** Numerous units on the

LEGAL NOTICE AND ORDER TO REPAIR OR ABATE

third and fourth floor are missing flooring creating a catastrophic fall hazard. Numerous other units contain flooring extensively damaged by moisture and likely to collapse in the near future. Extensive repairs must be made the Subject Property to repair the damaged flooring and prevent future deterioration.

14. **Substandard Building.** (H&S, §§ 17920.3(b)(4), (b)(5); CBC, § 116.1; CFC, §§ 110.1.1, 701.2; UHC, § 1001.3; LEMC, §§ 15.02.010, 15.16.010, 15.56.010.) **Interior Wall.** Interior walls are extremely dilapidated and show signs of cracking, contain holes, and are generally unmaintained. All walls need to be repaired or replaced sufficient to building code standards, including but not limited to, restoration of missing or damaged baseboards, abating exposed insulation and repainting.
15. **Substandard Building.** (H&S, §§ 17920.3(b)(4), (b)(5); CBC, § 116.1; CFC, §§ 110.1.1, 701.2; UHC, § 1001.3; LEMC, §§ 15.02.010, 15.16.010, 15.56.010.) **Exterior Walls.** Exterior walls on the Subject Property show extensive damage from previous earthquakes and bricks appear to be crumbling. This places the Subject Property in immediate danger of collapse. Repair the exterior walls or demolish the structure.
16. **Substandard Building.** (H&S, §§ 17920.3(b)(6), (b)(7); CBC, § 116.1; CFC, §§ 110.1.1, 701.2; UHC, § 1001.3; LEMC, §§ 15.02.010, 15.16.010, 15.56.010.) **Structural Hazards. Ceiling.** Ceilings in all floors are showing signs of extensive damage, deterioration, and water intrusion. In numerous units there are no ceilings remaining, allowing individuals to view the interior of units above them.
17. **Substandard Building.** (H&S, §§ 17920.3(b)(6), (b)(7); CBC, § 116.1; CFC, §§ 110.1.1, 701.2; UHC, § 1001.3; LEMC, §§ 15.02.010, 15.16.010, 15.56.010.) **Structural Hazards. Dilapidated Roof.** Repair or replace missing or damaged roof elements to meet building code standards, including missing tiling.
18. **Substandard Building.** (H&S, §§ 17920.3(a), (c), CBC, § 116.1; UHC, § 1001.3; LEMC, §§ 15.02.010, 15.16.010.) **Electrical Switches and Outlets.** Replace all missing or damaged electrical switch and outlet covers to meet building code standards.
19. **Substandard Building.** (H&S, §§ 17920.3(a), (c).) **Vent Covers.** Replace missing vent covers throughout the building.
20. **Substandard Building.** (H&S, § 17920.3(e); CBC, § 116.1; UHC, § 1001.6; LEMC, §§ 15.02.010, 15.16.010.) **Plumbing.** Abate all exposed or damaged plumbing inside and outside the main building.
21. **Substandard Building.** (H&S, § 17920.3(f); CBC, § 116.1; CFC, § 703.1; UHC, § 1001.7; LEMC, §§ 15.02.010, 15.16.010.) **Mechanical Equipment.** All mechanical equipment, including vents and vent covers, must be repaired or installed and maintained in a good and safe condition and working properly.

LEGAL NOTICE AND ORDER TO REPAIR OR ABATE

22. **Substandard Building.** (H&S, § 17920.3(f); CBC, § 116.1; CFC, § 703.1; UHC, § 1001.7; LEMC, §§ 15.02.010, 15.16.010.) **Unsafe Elevator.** The elevator is inoperable and manifestly unsafe. Furthermore, the elevator shaft is easily accessible and poses a danger to inquisitive trespassers. It appears that these individuals have proceeded to have thrown several toilets into the elevator shaft and onto the top of the inoperable elevator car.
23. **Substandard Building.** (H&S, § 17920.3(g)(1); CBC, § 116.1; UHC, § 1001.8; LEMC, §§ 15.02.010, 15.16.010.) **Faulty Weather Protection.** The exterior of the building lacks proper weather protection, which has allowed dry rot to damage multiple portions of the exterior. Repair all weather-proofing, including by repainting, all exterior walls to meet building code standards.
24. **Substandard Building.** (H&S, §§ 17920.3(a), (c).) **Exposed Insulation.** All exposed insulation must be abated. Repair walls and other components to prevent insulation exposure.
25. **Substandard Building.** (H&S, §§ 17920.3(a), (c)) **Missing Insulation.** Insulation is missing throughout the Subject Property. Replace all missing insulation.
26. **Substandard Building.** (H&S, § 17920.3(c); CBC, § 116.1; UHC, § 1001.8; LEMC, §§ 15.02.010, 15.16.010.) **Faulty Weather Protection. Damaged Window Sills.** Repair all damaged exterior and interior window sills to meet building code standards.
27. **Substandard Building.** (H&S, § 17920.3(c); CBC, § 116.1; UHC, § 1001.8; LEMC, §§ 15.02.010, 15.16.010.) **Faulty Weather Protection. Missing Window Screening.** Replace all missing window screening to meet building code standards.
28. **Substandard Building.** (H&S, § 17920.3(c); CBC, § 116.1; UHC, § 1001.8; LEMC, §§ 15.02.010, 15.16.010.) **Faulty Weather Protection. Broken Windows.** Replace all broken or missing windows.
29. **Substandard Building.** (H&S, § 17920.3(g)(3); CBC, § 116.1; UHC, § 1001.8; LEMC, §§ 15.02.010, 15.16.010.) **Faulty Weather Protection. Paint.** The exterior of the building lacks proper weather protection and needs to be repainted and free from chips or cracks. Repair all weather-proofing, including by repainting all wood trimming and exterior elements, all exterior elements to meet building code standards.
30. **Substandard Building.** (H&S, § 17920.3(f); CBC, § 116.1; UHC, § 1001.9; LEMC, §§ 15.02.010, 15.16.010.) **Unsafe Water Heaters.** Water heaters are extremely dilapidated and are an immediate hazard.
31. **Substandard Building.** (H&S, § 17920.3(i); CBC, § 116.1; UHC, § 1001.10; LEMC, §§ 15.02.010, 15.16.010.) **Material of Construction.** All materials of construction must be repaired and maintained in good and safe condition sufficient to meet building code standards.

LEGAL NOTICE AND ORDER TO REPAIR OR ABATE

32. **Substandard Building.** (H&S, § 17920.3(l); CBC, § 116.1; LEMC, §§ 15.02.010, 15.16.010.) **Exit Facilities.** Doors and/or doorframes are missing or damaged and must be repaired or replaced to meet building code standards. In addition, ingress and egress routes are significantly blocked by a high amount of clutter.
33. **Substandard Building.** (H&S, § 17920.3(j); CBC, § 116.1; CFC, § 304.1; UHC, §§ 1001.9; 1001.11; LEMC, §§ 15.02.010, 15.16.010, 15.56.010.) **Interior Junk and Debris.** The interior of the Subject Property is full of junk and debris including garbage, debris, clothing, and fecal matter. All junk and debris must be cleared from the Subject Property to reduce fire and health hazards.
34. **Substandard Building.** (H&S, § 17920.3(j); CBC, § 116.1; CFC, § 304.1; UHC, §§ 1001.9; 1001.11; LEMC, §§ 15.02.010, 15.16.010, 15.56.010.) **Exterior Junk and Debris.** The exterior of the Subject Property is full of junk and debris including garbage, clothing, discarded furniture, inoperable vehicles, discarded wiring and discarded construction materials. All junk and debris must be cleared from the Subject Property to reduce fire and health hazards.
35. **Substandard Building.** (H&S, § 17920.3(h); CBC, § 116.1; CFC, § 315.3; 1001.11; LEMC, §§ 15.02.010, 15.16.010, 15.56.010.) **Combustibles Stored Near Property Line.** Remove storage lesser than 6' in height from within 3' of the property line. Combustibles stored so close to the property line risk spreading fire to adjacent properties.
36. **Substandard Building.** (H&S, § 17920.3(h); CBC, § 116.1; CFC, §§ 110.1.1, 701.2; UHC, § 1001.9; LEMC, §§ 15.02.010, 15.16.010, 15.56.010.) **Fire Hazards.** The Subject Property contains a large amount of combustible debris and fire debris that need to be cleared. Fire hazards from combustible debris, exposed electrical wiring and overgrown or dead/dry vegetation must be abated.
37. **Substandard Building.** (H&S, § 17920.3(a); CBC, § 116.1; UHC, § 1001.2; LEMC, §§ 15.02.010, 15.16.010.) **Boarded Windows.** The Subject Property contains boarded windows. Remove boarded windows and replace missing or broken windows to allow natural light to enter the Subject Property.
38. **Substandard Building.** (H&S, § 17920.3(a); CBC, § 116.1; UHC, § 1001.2; LEMC, §§ 15.02.010, 15.16.010.) **Missing Windows.** Numerous windows are either broken or missing, which is allowing the elements to freely enter the Subject Property. Replace all missing or broken windows.
39. **Substandard Building.** (H&S, § 17920.3(a); UHC, §§ 1001.2, 1001.11; LEMC, §§ 15.02.010, 15.16.010.) **Insect and Rodent Infestation.** The Subject Property shows signs of insect and rodent infestation likely due to the lack of proper weatherproofing and unsanitary conditions inside. Exterminate all pests and properly maintain the Subject Property to prevent future infestation.

LEGAL NOTICE AND ORDER TO REPAIR OR ABATE

40. **Substandard Building.** (H&S, § 17920.3(a); UHC, §§ 1001.2, 1001.11; LEMC, §§ 15.02.010, 15.16.010.) **Pigeon Infestation.** The top floor of the Subject Property has become a den for a large flock of pigeons who now reside in the rafters and between walls. The top floor is covered in pigeon feces which is a health hazard. Remove the pigeons and properly secure the Subject Property to prevent them from returning.
41. **Substandard Building.** (H&S, § 17920.3(a); UHC, §§ 1001.2, 1001.11; LEMC, §§ 15.02.010, 15.16.010.) **Bee Hive.** A large hive of bees has been located in the rear exterior area of the Subject Property and will need to be removed.
42. **Substandard Building.** (H&S, § 17920.3(n); UHC, § 1001.14; LEMC, §§ 15.02.010, 15.16.010.) **Illegal Occupancy.** The Subject Property has been found to be uninhabitable, yet it is apparent that people are continuing to occupy the structure.
43. **Dangerous Building.** (UCADB, § 302(2); LEMC, § 15.08.010.) **Unsafe Walking Surface.** The walkway and steps at the outdoor of the building are damaged and must be replaced to meet building code standards. Furthermore, numerous areas are major fall hazards due to missing flooring. Most alarming is the flooring on the top floor which is an immediate collapse hazard.
44. **Dangerous Building.** (UCADB, § 302(9); LEMC, § 15.08.010.) **Building Manifestly Unsafe.** The entire building is manifestly unsafe for habitation due to structural issues, sanitation concerns, a lack of utilities, and other significant safety issues.
45. **Dangerous Building.** (UCADB, § 302(12); LEMC, § 15.08.010.) **Attractive Nuisance.** The building has become so dilapidated and deteriorated as to become an attractive nuisance to children with large amounts of debris.
46. **Dangerous Building.** (UCADB, § 302(13); LEMC, § 15.08.010.) **Building Code Violations.** Numerous conditions in the building violate state and local building laws.
47. **Dangerous Building.** (UCADB, § 302(16); LEMC, § 15.08.010.) **Fire Hazard.** Due to dilapidation, deterioration, damage, faulty electrical wiring and other reasons, the building has been determined to be a fire hazard.
48. **Dangerous Building.** (UCADB, § 302(8); LEMC, § 15.08.010.) **Unsafe Interior Stairs.** The interior stairs are so dilapidated that they are likely to collapse in the immediate future.
49. **Dangerous Building.** (UCADB, § 302(17); LEMC, § 15.08.010.) **Public Nuisance.** The building is in such a condition as to constitute a public nuisance.
50. **Dangerous Building.** (UCADB, § 302(15); LEMC, § 15.08.010.) **Illegal Occupancy.** The Subject Property has been found to be uninhabitable, yet it is apparent that people are continuing to occupy the structure.

LEGAL NOTICE AND ORDER TO REPAIR OR ABATE

51. **Nuisance.** (LEMC, § 8.18.020(C).) **Exterior Paint.** The paint on the building is in such a condition as to permit decay, cracking, peeling, chalking and warping so as to render the building unsightly and in a state of disrepair.
52. **Nuisance.** (LEMC, § 8.18.020(H).) **Unsightly Building.** The building exterior, walls, fences, driveways, sidewalks and walkways are maintained in such condition as to become so defective and unsightly, and are in such a state of deterioration or disrepair that the same causes depreciation of the values of surrounding property and is materially detrimental to nearby properties and improvements.
53. **Nuisance.** (LEMC, § 8.18.020(K).) **Attractive Nuisances.** The exterior of the building contains numerous attractive nuisances dangerous to children, including abandoned, broken, or neglected construction materials and dangerous debris.
54. **Nuisance.** (LEMC, § 8.36.010.) **Abandoned Vehicle.** The vehicles in the rear of the Subject Property are inoperable and abandoned. Remove the vehicle immediately.
55. **Nuisance.** (LEMC, § 8.18.020(O).) **Property Maintenance.** Maintenance of the property is so out of conformity with the maintenance standards of adjacent properties as to cause substantial diminution of the enjoyment, use or property values of such adjacent properties.
56. **Nuisance.** (LEMC, § 8.18.020(Q).) **Property Maintenance.** The lack of maintenance of the property is detrimental to the public health, safety, or general welfare or in such manner as to constitute a public nuisance as defined in California Civil Code Section 3480, including, but not limited to, anything dangerous to human life or detrimental to human health, or any habitation that lacks adequate ventilation, sanitation or plumbing facilities, or that constitutes a fire hazard.
57. **Nuisance.** (LEMC, § 8.18.020(S).) **Dead Vegetation.** Dead, decayed, diseased, overgrown or hazardous trees, weeds and vegetation, cultivated or uncultivated, constitute an unsightly appearance and detrimental to neighboring properties or property values.
58. **Nuisance.** (LEMC, §§ 8.18.020(H), (U).) **Fencing.** Deteriorated or broken fencing on the side yards constitute a hazard to persons or property and causes depreciation in the value of any adjacent or neighboring property. Repair fencing.
59. **Nuisance.** (LEMC, § 8.18.020(W).) **Lack of Landscaping.** Install and maintain proper landscaping in all yards.
60. **Nuisance.** (LEMC, § 8.18.020(I), (J).) **Accumulation of Junk.** A large amount of junk and storage is stored within view of public areas and must be removed.

LEGAL NOTICE AND ORDER TO REPAIR OR ABATE

61. **Nuisance.** (LEMC, § 8.18.020(L).) **Discarded Household Appliances and Furniture.** The rear area contains abandoned or discarded household appliance in view of neighbors and the public.
62. **Nuisance.** (CBC, § 907.2.11; LEMC, § 15.02.010.) **Lack of Smoke Detectors.** Install and maintain missing or inoperable smoke alarms and smoke detectors.
63. **Nuisance.** (CBC, § 420; LEMC, § 15.08.020.) **Lack of Carbon Monoxide Detectors.** Install and maintain missing or inoperable carbon monoxide detectors.
64. **Nuisance.** (CFC, § 304.1.2; LEMC, § 15.56.010.) **Vegetation Fire Hazard.** Dead or overgrown vegetation constitutes a fire hazard and must be abated.
65. **Nuisance.** (LEMC, § 9.52.060.) **Graffiti.** Graffiti is found throughout all floors of the Subject Property and must be removed.

Pursuant to LEMC section 8.18020, the structures on the Nuisance Property are dangerous and constitute a public nuisance.

Order to Vacate

The structure is unsafe to enter and must be vacated immediately. The structure is hereby ordered vacated pending correction of the conditions making it dangerous to the life, limb, property, and safety of its occupants. The structure must be vacated immediately.

It is a misdemeanor for any person to defy an order of the enforcement official to vacate a structure. The Nuisance Property must remain unoccupied until the defects are corrected, except to inspect, repair, demolish, or remove the violations pursuant to a permit obtained from the City. No person shall remove or deface any such notice after it is posted until the required corrections have been completed and a certificate of occupancy is issued by the City.

Notice of Intent To Immediately Demolish

You are hereby notified that the City intends to immediately demolish the structure located on the Subject Property and abate all violations of State and local law found thereon. Pursuant to LEMC section 8.18.090, you are liable for all expenses incurred for the repair or demolition work. These costs include but are not limited to inspection costs, investigation costs, enforcement costs, abatement costs, court costs, litigation costs, prosecution costs, and attorneys' fees incurred by the City in inspecting, identifying, investigating, enforcing, prosecuting, and abating all unlawful conditions on the Nuisance Property ("Costs").

These Costs may be collected from you as a personal obligation, a real property lien, a Franchise Tax Board intercept, or a special assessment, or by any other available legal means. Further, you may be subject to a legal enforcement action to collect the Costs as a judgment against you via attachments, garnishments, charging orders, or any other available remedy.

LEGAL NOTICE AND ORDER TO REPAIR OR ABATE


Request for Hearing

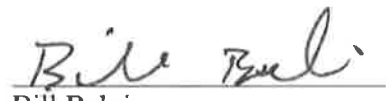
Any person having any record title or legal interest in the Nuisance Property may request a hearing concerning the issuance of this notice, provided the request for hearing is made in writing pursuant to LEMC section 8.18.040 and filed with the office of the City Clerk 15 days from the date of service of this notice. Pursuant to LEMC section 8.18.040(D), failure to request a hearing in accordance with will constitute a failure to exhaust your administrative remedies, a waiver of your right to an administrative hearing, and a waiver of your right to dispute this notice.

Statutory Orders

Pursuant to H&S section 17980(d), you are hereby notified that, in accordance with Revenue and Taxation Code sections 17274 and 24436.5, a tax deduction may not be allowed for interest, taxes, depreciation, or amortization paid or incurred in this taxable year for the Nuisance Property. Pursuant to H&S section 17980.6(c), you are hereby notified that you cannot retaliate against lessees of the Nuisance Property pursuant to Civil Code section 1942.5.

If you have any questions regarding this N&O, you may contact the undersigned.


Fred Lopez
Code Enforcement Supervisor
City of Lake Elsinore
(951) 674-3124 ext. 227


Bill Belvin
Building Official
City of Lake Elsinore
(951) 674-3124 ext. 285

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ATTACHMENT N
LETTERS REQUESTING APPEAL

Heine Law Group

1 November 2017

City of Lake Elsinore
Attn: Enforcement
130 S. Main St.
Lake Elsinore, CA 92530

via: facsimile 951-674-2392 and U.S. Mail

Subject Property 164 Main Street, Lake Elsinore, CA 92530 APN 373-153-041

Re: Notice and Order to Repair or Demolish

Dear Enforcement:

We requested a hearing in the above matter on October 26, 2017. My clients indicate that they have received a lawsuit with regard to abatement of the nuisance. We have not had any response to our request for a hearing.

This property belongs to Harry Mitchell who is now deceased. This property is in probate and no administrator has been appointed as of this date. Administration is taking place in Orange County Superior Court. Our trial date in that matter is January 8, 2018 to appoint an administrator.

We have several offers pending to purchase the property and would like to work with the City to get this property taken care of. We have received no prior notices from the city within the last year. Further, the court will have to approve all actions taken by the administrator, including hiring of independent counsel if required.

My client did not receive notice of this Order until last week, and 15 days had not yet passed for request of a hearing. Today is the fifteenth day from when our office received the notice.

We would appreciate working with the city on this matter. Please feel free to contact me at 714-578-2942 ext. 244 or email at mamheine@att.net with a cc: mamheine@heinelawgroup.com.

We would appreciate a hearing date any time after November 13, 2017.

Regards,

Margaret Heine

Margaret A.M. Heine
Attorney for Proposed Administrator, Debra Mitchell

2209 E. CHAPMAN AVE., SUITE A, FULLERTON, CA 92831
Phone (714) 578-2942 Fax (714) 449-0316 Email: mamheine@heinelawgroup.com

October 25, 2017

City of Lake Elsinore

130 South Main Street

Lake Elsinore, CA 92530

Attn: Fred Lopez and Bill Belvin c/o Matt Silver of Silver & Wright LLP

Via email, as requested October 26, 2017: msilver@silverwrightlaw.com

Re: LEMC, section 8.18 (including 8.18.040)

Subject Property: 164 Main Street, Lake Elsinore, CA 92530

APN-373-153-041

Dear Mr. Lopez and Mr. Belvin,

Thank you, for including my sister, Joann and I in the N&O dated October 13, 2017 that was delivered via certified mail October 19, 2017. As you may have learned from any other named party you had listed, our father passed away. It is quickly approaching a year since he left us but even during his illness he had continued with plans, as he had discussed with you last.

I contacted Mr. Al Ricci, who had participated with Dad in various efforts and city meetings on the property and understand it last left off with anticipated plans that Dad would produce. Regarding these plans I also met with Mr. Jim Langston of Langston & Associates Structural Consultants knowing our Dad had been working with him for over a year. At first hired to assess and present very pre-preliminary plans and then followed up requesting Mr. Langston draw up plans for your review before he passed.

Mr. Langston only learned our Dad was no longer with us when he tried reaching him at home, as he had not heard back from Dad for what had been more than a few months, even considering the holidays. In February 2017, Mr. Langston called Dad's home and Debra answered and was less than helpful, although she did relay Dad was deceased. From the negative tone and communication Mr. Langston had received during this call, he filed the plans away and considered the project closed. He is working to retrieve the project file to have it available upon request, since it was meant to be shared with you, as Dad expressed in your communication with him.

Personally, I remember the day he came home and told us at the dinner table that we were buying a hotel and restaurant. He loved the history and wanted to be a part of it. He used to talk about how 'old Hollywood' enjoyed the lake and city, way before Palm Springs became the place to be. To the end, Dad told stories of these years and memories we made there. I had my 13th birthday party there for an overnight stay. My childhood girlfriends still bring up the memory of the diner style restaurant and the curved shaped suite we stayed in that overlooked Main Street. Everyone still giggles how Dad had one of the cooks hide behind the door that went to the roof (it was right outside the suite we stayed) with rattling chains and haunting moans; I think it would have stayed in anyone's memory, but for us, 13 girls, all 13 years or near, it still brings to us such joy, decades later. As a family we have so many memories, so much sweat equity that bonds our loyalty to his dream. Our youngest brother, Jim and Dad had many plans to make this once important part of Main Street and Lake Elsinore an ongoing story. Although the list of issues defined is extensive, from a layperson's perspective, it all seems to read within the scope of what would be expected to bring it back to its glory or a reminiscent version of Lake Elsinore's history.

I write this response to the N&O, to reply with the same interest our Dad had, while we sort through the probate process and let the court determine who will be administrator and have authority to move forward with the requested compliance vs. any other aforementioned forceful actions against a property no one potential heir has current legal designation assigned, this includes the cars and other items he had on the property at the time of his death. This all means something to us Mitchell children, although it doesn't look like anyone cares, it is just that our hands are currently, legally tied.

If this reply still requires a hearing request to consider extending the terms you had in place with our Dad, Harry E. Mitchell, the deceased property owner, then please consider this letter to do so on the behalf of his children.

Please keep us informed of what you require in addition to this written request while we wait for the probate process and Superior Court of California to determine the Administrator of Dad's estate.

Thank you, again for including us and please keep the communication open.

Respectfully,

Annette Mitchell

Mitch's youngest daughter as Proposed Co-Administrator, with eldest daughter, Joann Graybill

Cc: Joann Graybill, Proposed Co-Administrator

James Mitchell, son along with Chris Adams and Nick Adams, grandsons, as other Interested Parties

Jim Langston of Langston & Associates Structural Consultants

Heine Law Group, for Debra Mackey Mitchell, C/o Margaret Heine

October 26, 2017

OCT 30 2:05

Subject:

I would like to request a hearing for property at 164 Main Street, Lake Elsinore, California 92503 APN 373-153-041

To whom it may concern,

I James Edward Mitchell would like to request that the office of the City Clerk file this request for a hearing concerning the Notice and Order to Repair or Demolish said building at 164 S. Main Street, Lake Elsinore California 92530. Pursuant to LEMC section 8.18.040 I am requesting this by mail because I am one of the parties involved in my father Harry Edward Mitchell's estate. I have been involved with the hotel as an adult in sharing responsibility and help running it since the '90's. I am currently incarcerated in Orange County Jail and would like to do all I can to save the hotel. My siblings should be contacting your office as well. We look forward to working with the city to get the hotel in compliance for said violations, and restore the hotel to its original beauty as one of the founding buildings of the city.

Thank you for your time and consideration

James Mitchell
BK# 2948582
501 City Drive South
Orange, Ca 92668

James Mitchell
 10-26-2017

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ATTACHMENT O
HEARING NOTICE

August 27, 2018

Debra Mitchell, as an individual and as special administrator of the estate of Harry Edward Mitchell

c/o Margaret A.M. Heine
2209 East Chapman Avenue, Suite A,
Fullerton, California 92381

Served via certified mail, return receipt requested

NOTICE OF HEARING ON ABATEMENT OF NUISANCE

The hearing on this, previously scheduled for September 10, 2018, has been rescheduled and will be held at the Cultural Center located at 183 N. Main Street, Lake Elsinore, CA on **Wednesday, September 12, 2018 at 6:00 p.m.** before the Nuisance Abatement Board to determine if the premises at **164 Main Street, Lake Elsinore, CA 92530 (APN 373-153-041)**, constitute a public nuisance and must be abated by demolition pursuant to the Notice and Order to Repair or Demolish issued on October 13, 2017. The conditions constituting the public nuisance include the following:

SEE ATTACHED NOTICE AND ORDER TO REPAIR OR DEMOLISH.

A public hearing may be avoided if the following corrections are made at least two days before the date set for the hearing and confirmed by the City:

All violations in the Notice and Order to Repair or Demolish and under the Lake Elsinore Municipal Code and adopted Codes are properly abated or the property is demolished with permit(s) and materials removed.

If the corrective action is not completed and it is determined that the property constitutes a public nuisance, the City may take abatement action, including demolition of the property by City forces pursuant to an abatement warrant, and/or seek other legal relief, including receivership, injunctive relief or other relief may be taken by the City.

If abatement action or other legal action is taken by the City the costs of the abatement, including but not limited to, an administrative charge of \$427.92 for the hearing, staff costs, abatement costs and attorney's fees will be assessed against the property and will attach as a lien and special assessment until paid. All appellants and lienholders may attend the hearing and give testimony and evidence which will be given due consideration.

If you have any questions, please contact the Code Enforcement Division at (951) 674-3124 ext.227, for more information.

CITY OF LAKE ELSINORE

August 27, 2018

Jack Winer
909 North Harwood
Orange, California 92667

Served via certified mail, return receipt requested

NOTICE OF HEARING ON ABATEMENT OF NUISANCE

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If the corrective action is not completed and it is determined that the property constitutes a public nuisance, the City may take abatement action, including demolition of the property by City forces pursuant to an abatement warrant, and/or seek other legal relief, including receivership, injunctive relief or other relief may be taken by the City.

If abatement action or other legal action is taken by the City the costs of the abatement, including but not limited to, an administrative charge of \$427.92 for the hearing, staff costs, abatement costs and attorney's fees will be assessed against the property and will attach as a lien and special assessment until paid. All appellants and lienholders may attend the hearing and give testimony and evidence which will be given due consideration.

If you have any questions, please contact the Code Enforcement Division at (951) 674-3124 ext.227, for more information.

CITY OF LAKE ELSINORE

August 27, 2018

Joann Graybill
20470 Via Habana,
Yorba Linda, California 92887

Served via certified mail, return receipt requested

NOTICE OF HEARING ON ABATEMENT OF NUISANCE

The hearing on this, previously scheduled for September 10, 2018, has been rescheduled and will be held at the Cultural Center located at 183 N. Main Street, Lake Elsinore, CA on **Wednesday, September 12, 2018 at 6:00 p.m.** before the Nuisance Abatement Board to determine if the premises at **164 Main Street, Lake Elsinore, CA 92530 (APN 373-153-041)**, constitute a public nuisance and must be abated by demolition pursuant to the Notice and Order to Repair or Demolish issued on October 13, 2017. The conditions constituting the public nuisance include the following:

SEE ATTACHED NOTICE AND ORDER TO REPAIR OR DEMOLISH.

A public hearing may be avoided if the following corrections are made at least two days before the date set for the hearing and confirmed by the City:

All violations in the Notice and Order to Repair or Demolish and under the Lake Elsinore Municipal Code and adopted Codes are properly abated or the property is demolished with permit(s) and materials removed.

If the corrective action is not completed and it is determined that the property constitutes a public nuisance, the City may take abatement action, including demolition of the property by City forces pursuant to an abatement warrant, and/or seek other legal relief, including receivership, injunctive relief or other relief may be taken by the City.

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CITY OF LAKE ELSINORE

August 27, 2018

Annette Mitchell
4442 Avenida del Este,
Yorba Linda, California 92886

Served via certified mail, return receipt requested

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CITY OF LAKE ELSINORE

August 27, 2018

Roy S. Mitchell
9700 Perry Highway
Pittsburg, Pennsylvania 15237

Served via certified mail, return receipt requested

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CITY OF LAKE ELSINORE

August 27, 2018

James Edward Mitchell
BK# 2948582
501 The City Drive South,
Orange, California 92868

Served via certified mail, return receipt requested

NOTICE OF HEARING ON ABATEMENT OF NUISANCE

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CITY OF LAKE ELSINORE

U.S. Postal Service
Certified Mail Receipt

OUTBOUND TRACKING NUMBER
9414 7118 9922 3178 3620 36
RETURN RECEIPT TRACKING NUMBER
9490 8118 9922 3178 3620 78

FEES

Postage per piece \$0.890
Certified Fee \$3.450
Return Receipt Fee \$2.750
Total Postage & Fees: \$7.090

ARTICLE ADDRESS TO:

Jack Winer
909 North Harwood St
Orange CA 92867-5742

Postmark
Here



U.S. Postal Service
Certified Mail Receipt

OUTBOUND TRACKING NUMBER
9414 7118 9922 3178 3672 46

RETURN RECEIPT TRACKING NUMBER
9490 8118 9922 3178 3672 88

ARTICLE ADDRESS TO:

Roy S. Mitchell
9700 Perry Highway
Pittsburgh PA 15237

FEEES

Postage per piece	\$0.890
Certified Fee	\$3.450
Return Receipt Fee	\$2.750
Total Postage & Fees:	\$7.090

Postmark
Here



U.S. Postal Service
Certified Mail Receipt

OUTBOUND TRACKING NUMBER

9414 7118 9922 3178 3686 70

RETURN RECEIPT TRACKING NUMBER

9490 8118 9922 3178 3681 17

FEES

Postage per piece

\$0.890

Certified Fee

\$3.450

Return Receipt Fee

\$2.750

Total Postage & Fees:

\$7.090

ARTICLE ADDRESS TO:

Annette Mitchell
4442 Avenida del Este
Yorba Linda CA 92886-3001

Postmark
Here



OUTBOUND TRACKING NUMBER

9414 7118 9922 3178 3608 96

RETURN RECEIPT TRACKING NUMBER

9490 9118 9922 3178 3608 45

ARTICLE ADDRESS TO:

Joann Graybill
20470 Via Habana,
Yorba Linda CA 92887-3109

FEES

Postage per piece

\$0.890

Certified Fee

\$3.450

Return Receipt Fee

\$2.750

Total Postage & Fees:

\$7.090



Postmark
Here

U.S. Postal Service
Certified Mail Receipt

OUTBOUND TRACKING NUMBER
9414 7118 9922 3178 3674 13
RETURN RECEIPT TRACKING NUMBER
9490 8118 9922 3178 3674 55

ARTICLE ADDRESS TO:

James Edward Mitchell (BK# 2948582)
501 The City Dr S
Orange CA 92868-3305

FEES	
Postage per piece	\$0.890
Certified Fee	\$3.450
Return Receipt Fee	\$2.750
Total Postage & Fees:	\$7.090

Postmark
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U.S. Postal Service
Certified Mail Receipt

OUTBOUND TRACKING NUMBER
9414 7118 9922 3178 3629 82

RETURN RECEIPT TRACKING NUMBER
9490 8118 9922 3178 3629 31

ARTICLE ADDRESS TO:

Debra Mitchell
c/o Margaret A.M. Heine
2209 E. Chapman Ave., Ste. A
Fullerton CA 92831-4201

FEES

Postage per piece \$0.890
Certified Fee \$3.450
Return Receipt Fee \$2.750
Total Postage & Fees: \$7.090

Postmark
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ATTACHMENT P
ORDER APPOINTING SPECIAL ADMINISTRATOR
DATED DECEMBER 4, 2017

ELECTRONICALLY RECEIVED

PHONE AND FAX NOS

(California) 714-78-2942

11/22/2017 at 09:15:05 AM

Clerk of the Superior Court

By eClerk, Deputy Clerk

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address) - Superior Court of California

4790034 Margaret A.M. Heine
Heine Law Group
2209 E. Chapman Ave., Ste. A
Fullerton, CA 92381

ATTORNEY FOR (Name): Debra Mitchell

SUPERIOR COURT OF CALIFORNIA, COUNTY OF Orange

STREET ADDRESS: 700 Civic Center Drive West

MAILING ADDRESS

CITY AND ZIP CODE: Santa Ana, CA 90702

BRANCH NAME: Central Justice Center

ESTATE OF (Name):

Harry Edward Mitchell

DECEDENT

FOR COURT USE ONLY

FILEDSUPERIOR COURT OF CALIFORNIA
COUNTY OF ORANGE
CENTRAL JUSTICE CENTER

DEC 04 2017

DAVID H. YAMASAKI, Clerk of the Court

BY: J. GAMBOA, DEPUTY

CASE NUMBER:

30-2017-00896904-PR-PL-CJC

ORDER FOR PROBATE

- ORDER ☐ Executor
APPOINTING ☐ Administrator with Will Annexed
☐ Administrator ☒ Special Administrator
☐ Order Authorizing Independent Administration of Estate
☐ with full authority ☐ with limited authority

WARNING: THIS APPOINTMENT IS NOT EFFECTIVE UNTIL LETTERS HAVE ISSUED.

1. Date of hearing: 11/27/2017 Time: 1:30 p.m. Dept./Room: C08 Judge:

THE COURT FINDS

2. a. All notices required by law have been given.
b. Decedent died on (date): 11/05/2016
(1) ☒ a resident of the California county named above.
(2) ☐ a nonresident of California and left an estate in the county named above.
c. Decedent died To be determined by trial 1.8.18
(1) ☐ Intestate
(2) ☐ testate
and decedent's will dated: and each codicil dated:
was admitted to probate by Minute Order on (date):

THE COURT ORDERS

3. (Name): Debra Mitchell

is appointed personal representative: Ex Parte

- a. ☐ executor of the decedent's will
b. ☐ administrator with will annexed
c. ☐ administrator
d. ☒ special administrator
(1) ☐ with general powers
(2) ☒ with special powers as specified in Attachment 3d(2)
(3) ☐ without notice of hearing
(4) ☒ letters will expire on (date): 1-8-18

and letters shall issue on qualification.

4. a. ☐ Full authority is granted to administer the estate under the Independent Administration of Estates Act.
b. ☐ Limited authority is granted to administer the estate under the Independent Administration of Estates Act (there is no authority, without court supervision, to (1) sell or exchange real property or (2) grant an option to purchase real property or (3) borrow money with the loan secured by an encumbrance upon real property).
5. a. ☐ Bond is not required.
b. ☒ Bond is fixed at: \$ 1,000,000.00 to be furnished by an authorized surety company or as otherwise provided by law.
c. ☐ Deposits of: \$ are ordered to be placed in a blocked account at (specify institution and location):
and receipts shall be filed. No withdrawals shall be made without a court order. ☐ Additional orders in Attachment 5c.
d. ☐ The personal representative is not authorized to take possession of money or any other property without a specific court order.
6. ☐ (Name): is appointed probate referee.

Date:

DEC 04 2017

7. ☐ Number of pages attached: 1☐ SIGNATURE FOLLOWS

JUDGE OF THE SUPERIOR COURT

JUDGE KIM R. HUBBARD

1 SPECIAL POWERS: ATTACHMENT 3(d)(2)

2 The special administrator may perform the following acts:

- 3 1) To Handle subject property: 164 Main Street, Lake Elsinore,
4 California 92530, APN: 373-153-041, and to negotiate with the City of
5 Lake Elsinore regarding the Notice of Repair, Demolish and Abatement,
6
7 2) To continue the contract with Ricci Realty for the listing and sale
8 of the subject property, and to take offers for sale on the real
9 property,
10
11 3) To move, register, or otherwise handle the abandoned cars located
12 at 164 Main Street, Lake Elsinore, California;
13
14 4) To continue the gas station business, known as Mitch's Pit Stop at
15 700 W. Chapman Ave., Orange, CA, including collecting sales, making
16 deposits, payment of all expenses, bills, gas deliveries, taxes,
17 payroll, and other necessities in running the business;
18
19 3) To hire counsel to represent and defend the estate in two legal
20 actions arising from actions of Mr. James Mitchell on gas station
21 property: Orange County Case numbers 30-2017-00927656-CU-PO-CJC and
22 30-2017-00927656-CU-PO-CJC;
23
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Any proposed sale of The Lake Elsinore property
must be court approved. Any retainer Agreements
with counsel for case numbers 30-2017-00927656-CU-
PO-CJC and 30-2017-00927656-CU-PO-CJC must
be court approved

LMH

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ATTACHMENT Q
LAKE ELSINORE MUNICIPAL CODES

Chapter 1.16 VIOLATIONS

Sections:

- 1.16.010 Misdemeanor/infraction penalty.
- 1.16.020 Disposition of fines and forfeitures.
- 1.16.030 Treble costs of abatement.
- 1.16.040 Civil penalty.
- 1.16.050 Violations deemed public nuisances.
- 1.16.060 Enforcement.
- 1.16.070 Recovery of attorney's fees and staff costs.

1.16.010 Misdemeanor/infraction penalty.

A. Any violation of any provision of this code and adopted codes constitutes a misdemeanor unless specifically designated as an infraction by this code or prosecuted as an infraction in the discretion of the City Attorney or City Prosecutor in the interest of justice. Such misdemeanor shall be punishable by a fine not exceeding \$1,000 or imprisonment for a term not exceeding six months, or by both such fine and imprisonment. Any person convicted of an infraction under the provisions of this code shall be punishable by a fine not exceeding \$100.00 for a first violation, a fine not exceeding \$200.00 for a second violation of the same provision within one year, and a fine not exceeding \$500.00 for each additional violation of the same provision within one year. Subject to the foregoing, the amount of any fine to be assessed may be established by resolution of the City Council (Council).

B. Each and every day during any portion of which any violation of any provisions of this code or adopted codes is committed, continued, maintained or permitted shall constitute a separate and distinct violation and public nuisance, and shall be subject to abatement, and punishable accordingly. [Ord. 1375 § 1, 2017; Ord. 1333 § 2, 2015; Ord. 814 § 1, 1987; Ord. 541 § 1, 1975].

1.16.020 Disposition of fines and forfeitures.

All fines and forfeitures collected upon conviction or upon the forfeiture of bail of any person charged with a violation of any provision of this code or any other ordinance of the City shall be paid into the City treasury. [Ord. 1333 § 2, 2015; Ord. 814 § 1, 1987; Ord. 25 § 2].

1.16.030 Treble costs of abatement.

Upon entry of a second or subsequent civil or criminal judgment within a two-year period finding that an owner of property or a person responsible for graffiti, including a minor, is responsible for causing, creating, maintaining or allowing any condition constituting a nuisance, as defined in this code, the City may recover treble the costs of abatement of the nuisance(s). "Costs" shall be as defined in LEMC 8.18.090. "Judgment," as used herein, shall include any order issued by

a court, plea agreement, conviction, settlement or agreement that resolves a cause of action or case. [Ord. 1333 § 2, 2015].

1.16.040 Civil penalty.

In addition to any other penalty and enforcement authority provided in this code, every violation of a provision of this code or adopted codes shall be subject to a civil penalty not to exceed \$1,000 subject to the foregoing, the amount of the civil penalty to be assessed may be established by resolution of the Council. A penalty may be imposed for each violation of this code and each day a violation exists. Such penalty may be imposed against any person or entity causing, permitting, or maintaining any violation of this code, adopted codes or State law the City is authorized to enforce. [Ord. 1375 § 1, 2017; Ord. 1333 § 2, 2015].

1.16.050 Violations deemed public nuisances.

In addition to other penalties provided by law, any condition maintained, caused or permitted to exist in violation of any provision of this code or any code adopted by reference by this code or any ordinance of the City not included within this code, or any such threatened violation, shall be deemed a public nuisance that may be abated by the City. [Ord. 1333 § 2, 2015].

1.16.060 Enforcement.

Any violation of this code, codes adopted by the City, or provisions of State law that may be enforced by the City, or any rules, regulations, permits or approvals issued by or applicable to the City may be enforced by any means authorized by law, including, but not limited to, criminal prosecution, civil action for restraining order and injunctive relief, receivership, administrative or abatement proceeding. The remedies provided in this code are intended to be cumulative and not exclusive, and may be pursued individually, consecutively, or in conjunction with each other. [Ord. 1333 § 2, 2015].

1.16.070 Recovery of attorney's fees and staff costs.

A. The prevailing party in any judicial action, administrative proceeding, or special proceeding to abate a nuisance may recover its reasonable attorney's fees; provided, that the City elected, at the initiation of such individual action or proceeding, to recover its own attorney's fees. In no judicial action or administrative or special proceeding shall an award of attorney's fees to a prevailing party exceed the amount of reasonable attorney's fees incurred by the City in the action or proceeding. A "judicial action" includes, but is not limited to, any civil or criminal action, inspection or abatement warrant or appeal. An "administrative proceeding" includes, but is not limited to, any public nuisance hearing, administrative citation or appeal(s) therefrom, revocation of permits by the City, or cost recovery hearing. Any recovery of attorney's fees for abatement of a nuisance shall be in accordance with this section.

B. In addition to recovery of any other costs as provided by this code, in any action to abate a nuisance, the City shall be entitled to recover from the property on which the nuisance exists and against the property owner and any other violators, jointly and severally, all staff and administrative costs, including, but not limited to, those incurred in investigations, inspections, enforcement and providing any notice required by this code or State law. [Ord. 1333 § 2, 2015].

Chapter 8.18 NUISANCE ABATEMENT

Sections:

- 8.18.010 Purpose.
- 8.18.020 Declaration of nuisance.
- 8.18.030 City investigation and abatement.
- 8.18.040 Notice to abate and appeal.
- 8.18.050 Service.
- 8.18.060 Voluntary abatement.
- 8.18.070 Failure to voluntarily abate a nuisance.
- 8.18.080 Abatement of an imminently dangerous nuisance.
- 8.18.090 Abatement costs.
- 8.18.100 Appeal of abatement costs – Hearing procedures.
- 8.18.110 Collection of abatement costs.
- 8.18.120 Nuisance abatement lien.
- 8.18.130 Special assessment alternative.
- 8.18.140 Owner's personal obligation.
- 8.18.150 Abandoned, wrecked, dismantled or inoperative vehicles and parts.
- 8.18.152 Hazardous vegetation and rubbish abatement program.
- 8.18.160 Additional violations.
- 8.18.170 Cumulative remedies.

Prior legislation: Ords. 844, 994, 1025 and 1194.

8.18.010 Purpose.

A. The City Council has determined it necessary to protect citizens and property from conditions offensive or annoying to the senses, detrimental to property values or community appearance or injurious to the health, safety or welfare of the public in such ways as to be a nuisance.

B. The purposes of this chapter are to set forth guidelines for determining what conditions constitute a nuisance; establish a method for giving notice of the conditions and an opportunity

to correct them; in the event a nuisance is not properly and timely corrected, to provide a procedure for obtaining correction; and finally, to implement cost recovery methods for City nuisance abatement efforts. [Ord. 1333 § 4, 2015].

8.18.020 Declaration of nuisance.

Each of the following acts or conditions, when created, caused, allowed, permitted or maintained upon any lot, piece or parcel of land within the City by any person or entity owning, leasing, occupying or having charge or possession thereof, is defined as and declared to constitute a public nuisance that may be abated by the City:

- A. Any public nuisance known in law or in equity.
- B. Buildings or structures that are abandoned, partially destroyed, unsafe or substandard, or left in an unreasonable state of partial construction. An "unreasonable state of partial construction" is defined as any unfinished building or structure in the course of construction which has not requested or had conducted an inspection under a valid building permit within the prior six months, and where the appearance and other conditions of the unfinished building or structure detracts from the appearance of the immediate neighborhood or reduces the property values in the immediate neighborhood.
- C. Unpainted buildings and those having dry rot, warping or termite infestation. Buildings on which the condition of the paint has become so deteriorated as to permit decay, checking, cracking, peeling, chalking, dry rot, warping or termite infestation so as to render the buildings unsightly and in a state of disrepair.
- D. Buildings, structures, or fences in violation of the City's zoning regulations as set forth in LEMC Title 17 or building regulations as set forth in LEMC Title 15.
- E. Land uses in violation of the City's zoning regulations as set forth in LEMC Title 17.
- F. A violation of any condition of approval, permit or authorization issued by the City.
- G. Broken windows.
- H. Building exteriors, walls, fences, driveways, sidewalks, and walkways which are defective, unsightly, or in such condition of deterioration or disrepair so as to threaten depreciation of the values of surrounding property or is materially detrimental to nearby properties or improvements.
- I. The accumulation of dirt, litter or debris in vestibules, doorways, or the adjoining sidewalks of a building.
- J. Lumber, junk, trash, salvage materials, rubble, broken asphalt, concrete, water containers, scrap metal or other debris stored on a property and visible from a public street, alley or adjoining property.
- K. Attractive nuisances dangerous and inviting to children, including, but not limited to, abandoned, broken, or neglected equipment and machinery; hazardous pools, ponds, and

excavations; abandoned wells, shafts or basements; abandoned refrigerators or motor vehicles; any structurally unsound fence or structure; or any other lumber, trash, garbage, rubbish, refuse, fence, debris, or vegetation which may prove a hazard for inquisitive minors.

L. Abandoned, discarded or unused furniture, stoves, sinks, toilets, cabinets, or other household appliances or fixtures or equipment stored so as to be visible at ground level from a public street or alley or from adjoining property.

M. Construction or automotive equipment, supplies, materials, or machinery of any type or description parked or stored on property, except while excavation, construction or demolition operations covered by an active building permit are in progress on the subject property or an adjoining property, or otherwise as allowed by this code or a permit issued by the City.

N. Signs in disrepair or without required permits.

O. Maintenance of property so out of harmony or conformity with the maintenance standards of adjacent properties as to cause diminution of the enjoyment, use or property values of such adjacent properties.

P. Vehicles parked in required front setbacks in a residential zone except when such vehicles are operative, have current licensing and are parked on a paved drive approach to a required garage or other permitted driveway.

Q. Property maintained in relation to others so as to establish a prevalence of depreciated values, impaired investments, and social and economic maladjustments to such an extent that the capacity to pay taxes is reduced and tax receipts from such particular areas are inadequate for the cost of public services rendered therein.

R. Maintenance of property in such condition as to be detrimental to the public health, safety, or general welfare or in such manner as to constitute a public nuisance as defined in California Civil Code Section 3480, including, but not limited to, anything dangerous to human life or detrimental to human health, or any habitation that is overcrowded with occupants or that lacks adequate ventilation, sanitation or plumbing facilities, or that constitutes a fire hazard.

S. Dead, decayed, diseased, overgrown or hazardous trees, weeds and vegetation, cultivated or uncultivated, which is likely to harbor rats or vermin, or constitute an unsightly appearance, or is detrimental to neighboring properties or property values.

T. Clotheslines in front yard areas and in side yard areas of corner lots unless screened from view by a solid fence.

U. Any wall, fence, or hedge maintained in such condition of deterioration or disrepair as to constitute a hazard to persons or property or to cause depreciation in the value of any adjacent or neighboring property.

V. Any property with pooled oil accumulation, oil or other hazardous material flowing onto public rights-of-way, or excessive accumulations of grease, oil or other hazardous material on paved or unpaved surfaces, buildings, walls or fences, or on any public street or property.

W. Any landscaped setback areas which lack appropriate turf or plant material so as to cause excessive dust, allow the accumulation of debris, or to threaten depreciated values of adjacent or neighborhood properties.

X. Any condition of vegetation overgrowth which encroaches into, over or upon any public right-of-way including, but not limited to, streets, alleys, or sidewalks, so as to constitute either a danger to the public safety or property or an impediment to public travel.

Y. The outside storage of camper shells in any required front yard other than on an operable and licensed pickup truck parked in a lawful manner.

Z. The outside storage of boats, catamarans, dinghies, vessels, or other watercraft in any required front yard in other than a parking space which conforms to City standards or in a side or rear yard not screened from view by a permitted six-foot-high solid fence on a validly licensed trailer parked in a lawful manner.

AA. A swimming pool or pond which is unfiltered, or not otherwise maintained, which contains bacterial growth, algae, remains of insects, remains of deceased animal life, rubbish, refuse, dirt, debris, papers, chemicals or other matter or material which, because of the magnitude, nature or location, constitutes an unhealthy or unsafe condition.

BB. Camper shells, boats, watercraft or trailers, or wrecked, abandoned or inoperable vehicles stored on property and not screened from view by a permitted six-foot-high solid fence, or otherwise stored out of view of the public or neighboring properties.

CC. Any condition or use of any building, structure or property that violates this code, provisions of State or Federal law enforceable by the City or any rules, regulations, permits or approvals issued by or applicable to the City.

DD. Lumber, junk, trash, rubbish, salvage materials, rubble, broken asphalt, concrete, water containers, scrap metal or other debris stored on a property and visible from a public street, alley or adjoining property.

EE. Dead, decayed, diseased, overgrown or hazardous trees, weeds and vegetation, cultivated or uncultivated, upon streets, sidewalks, parking, or private property within the City, which may harbor rats or vermin, or constitute an unsightly appearance, or which is detrimental to neighboring properties or property values, or which is a fire hazard, or which otherwise adversely affects the public health, safety or general welfare. [Ord. 1349 § 2, 2016; Ord. 1333 § 4, 2015].

8.18.030 City investigation and abatement.

City staff is authorized to investigate any public nuisance, the property on which such nuisance is located, the identity of the owner or person or entity in control of such property, or the identity of the person or entity, or agent thereof, and cause such nuisance to be abated. [Ord. 1333 § 4, 2015].

8.18.040 Notice to abate and appeal.

A. Upon the determination a public nuisance exists on a property, the City Manager or designee is authorized to issue a notice to abate to any person who or entity that creates, causes, permits or maintains any public nuisance and give a reasonable time to abate said public nuisance. Such notice shall be given in substantially the following form, although failure to follow such form shall not invalidate the City's notice or enforcement action:

NOTICE AND DEMAND FOR ABATEMENT

Please take notice the City of Lake Elsinore has determined the following public nuisance(s) exists at (address or property description) in violation of (citation): (description of public nuisance). The City requires you to abate the public nuisance.

If you fail to completely abate said public nuisance within (time) calendar days from the date of this notice, the City shall proceed to take enforcement action or cause abatement of said public nuisance(s) and require you to pay the costs of the abatement. The City may cause such costs to become a lien or special assessment against the property, and will recover from you the costs for recording and collecting the same.

This notice is given without prejudice to any other right or remedy of the City.

B. The recipient of the notice to abate, or the owner of the property on which the nuisance is located, may request a hearing on the notice to abate by filing a written appeal with the City Manager or designee within 15 calendar days of the date of the notice to abate. The appeal shall state the reasons why the notice to abate is incorrect.

C. If a request for hearing is not timely and properly filed, or if a hearing is held and a nuisance is confirmed, City personnel or contractors may enter the property, subject to requirements of law, to abate the nuisance.

D. Failure to timely and properly appeal constitutes a waiver of the right to appeal and a failure to exhaust administrative remedies.

E. Hearing. If a request for hearing is timely and properly filed, a hearing shall be conducted to hear the appeal and render a determination on the existence of the public nuisance(s) identified in the notice to abate. The City Manager shall appoint three hearing officers to be selected from members of the Planning Commission or any other persons deemed appropriate and neutral, which shall constitute the Nuisance Abatement Board.

F. Notice of Hearing. A notice of the hearing date, time and location shall be served on the person requesting the hearing and the owner of the property on which the violation occurred in accordance with LEMC 8.18.050.

G. Conduct of the Hearing. On the date and time stated in the notice of the hearing, the Nuisance Abatement Board shall hear and consider all relevant evidence relating to the conditions on the property as identified in the notice to abate. The hearing may be continued from time to time at the discretion of the City or upon a written request from the appellant based on good cause. The appealing party shall have the opportunity to present relevant evidence and testimony on his or her behalf, and shall have the opportunity to examine relevant City witnesses. The rules of evidence shall not apply.

H. Determination. Within a reasonable time following conclusion of the hearing, the Nuisance Abatement Board shall issue a written determination as to whether the conditions identified in the notice to abate constitute a public nuisance. If the Nuisance Abatement Board determines that a public nuisance exists, it shall declare such premises to be a public nuisance, uphold the notice to abate in full or in part, and order complete abatement within a specified time. If the Nuisance Abatement Board determines that none of the conditions identified in the notice to abate constitute a public nuisance, then the notice to abate shall be withdrawn. The determination of the Nuisance Abatement Board is final.

I. Notice of Determination. Notice of the determination of the Nuisance Abatement Board shall be served on the appealing party and the owner of the property on which the violation occurred in accordance with LEMC 8.18.050. [Ord. 1349 § 3, 2016; Ord. 1333 § 4, 2015].

8.18.050 Service.

Unless otherwise specified, any notice, order or statement issued pursuant to this chapter may be served by personal service or by certified mail to the violator's last known address or address as shown on the County's Assessor's most recent tax rolls. Service shall be completed at the time of deposit in the U.S. mail. [Ord. 1333 § 4, 2015].

8.18.060 Voluntary abatement.

Any person or entity owning, leasing, occupying or having charge or possession of a property where a public nuisance exists may abate the nuisance within the period provided in a notice to abate by rehabilitation, repair, removal or demolition, subject to obtaining any required permits or approvals from the City. The City shall be advised of any such abatement and City staff is authorized to inspect the property to ensure the nuisance has been properly abated. [Ord. 1333 § 4, 2015].

8.18.070 Failure to voluntarily abate a nuisance.

If a nuisance is not properly abated within the period provided by a notice to abate, the City shall be entitled to take any enforcement action allowed by law to cause the abatement of said nuisance, including but not limited to abatement of the nuisance by City forces or contractors. [Ord. 1333 § 4, 2015].

8.18.080 Abatement of an imminently dangerous nuisance.

Whenever the City Manager or designee determines a public nuisance is so imminently dangerous to life or property that such condition must be immediately removed, abated, repaired or isolated, the following procedures may be followed:

A. Notice. The City Manager or designee shall attempt to contact in person or by telephone the owner of the property or the person, if any, occupying or otherwise in real or apparent charge and control thereof. In the event contact is made, the City Manager or designee shall notify such person(s) or entity of the imminent danger and require such condition be immediately removed, repaired or isolated so as to preclude harm to person or property.

B. Abatement. If the City Manager or designee is unable to make contact, or if the appropriate person(s) or entity after notification do not take action within such time as may be specified, then

the City may take all actions deemed necessary to remove, repair or isolate such imminently dangerous condition, with the use of City forces or a contractor engaged by the City.

C. Costs. The City Manager shall keep an itemized accounting of all costs incurred by the City to abate the nuisance. All abatement costs incurred by the City may be recovered pursuant to procedures set forth in this chapter.

D. Hearing. After the City conducts an abatement of an imminently dangerous public nuisance, the City shall serve on the occupant of the property and the property owner, if different, a notice of said emergency abatement and a statement of costs. The notice shall include an opportunity to request an appeal hearing on the same. Service of the notice shall be in accordance with LEMC 8.18.050, and the appeal procedures shall be governed by LEMC 8.18.100. [Ord. 1333 § 4, 2015].

8.18.090 Abatement costs.

A. The City Manager or designee shall keep an itemized accounting of all costs incurred by the City to abate a public nuisance. The term "costs" includes, but is not limited to, those incurred in:

1. Preparation of notices, specifications and contracts;
2. Inspection and other staff enforcement activities;
3. Printings and mailings;
4. Recordings and court costs;
5. Hearings;
6. Actual costs of abatement; and
7. Attorney's fees, whether through civil, criminal or administrative action, or otherwise.

The term "abate" or "abatement," for purposes of this code, includes, but is not limited to, any action by the City to cause or compel compliance with any provision of this code, adopted codes, or applicable State or Federal laws. This specifically includes any civil or criminal action, inspection or abatement warrant, appeal from a City notice or enforcement action, any public nuisance hearing, administrative citation or appeal(s) therefrom, revocation of permits by the City, or cost recovery hearing.

B. Costs shall begin to accrue at the time the City first receives a complaint regarding a nuisance and may be recovered by the City even if the nuisance is voluntarily abated, in which case the City shall be deemed the prevailing party.

C. Costs shall be assessed at the conclusion of the abatement; provided, however, if an abatement by any method takes more than six months, costs may be assessed at any time after six months, but not more than two times a year.

D. The City Manager or designee shall serve the person who or entity that created, caused, permitted or maintained the public nuisance, as well as the record property owner, with a

statement of costs of abatement.

E. The person receiving the statement of costs of abatement, and the owner of the property on which the nuisance existed, if different, may file with the City Manager or designee an appeal of said costs within 15 calendar days of the date of the statement. Failure to timely appeal shall constitute a waiver of the right to appeal and a failure to exhaust administrative remedies.

F. Service of the statement of costs of abatement shall be made by sending a copy of the statement of costs via certified mail to the property owner and, if different, to the address of the person who or entity that created, caused, permitted or maintained the public nuisance. Notice shall be deemed complete regardless of actual receipt.

G. Payment of the costs of abatement shall be due on the date of the statement of costs, unless timely and properly appealed, in which case said costs shall be stayed until the hearing officer's written decision is made, but shall not be stayed pending any subsequent appeal.

H. Costs shall become a debt against the property upon which the nuisance existed, as well as a debt in favor of the City, and jointly and severally, against each person who or entity that created, caused, permitted or maintained the public nuisance. [Ord. 1333 § 4, 2015].

8.18.100 Appeal of abatement costs – Hearing procedures.

A. If, pursuant to LEMC 8.18.090, an appeal is timely filed, the City Manager or designee shall set a hearing not more than 30 days from receipt of the appeal. If no such appeal is filed, the right to appeal is deemed waived and the statement of abatement costs shall be final.

B. The City Manager or designee shall notify the appealing party of the hearing pursuant to LEMC 8.18.050 at least 10 days prior to the hearing date.

C. At the hearing, a neutral hearing officer designated by the City Manager shall consider all relevant evidence, including, but not limited to, applicable staff reports and any objections or protests raised by any of the persons or entities liable to be assessed for abatement costs. Thereupon, the hearing officer shall confirm, reverse or modify the statement of abatement costs, and such decision shall be final and conclusive, except for judicial review. The rules of evidence shall not apply to this hearing.

D. The hearing officer shall, within 10 days of the hearing, send a copy of the written notice of decision to the appealing party pursuant to LEMC 8.18.050. [Ord. 1349 § 4, 2016; Ord. 1333 § 4, 2015].

8.18.110 Collection of abatement costs.

The City may collect the debts owed pursuant to this chapter by any means authorized by law, including, but not limited to, the procedures set forth in this chapter, or filing an action in any court of competent jurisdiction. [Ord. 1333 § 4, 2015].

8.18.120 Nuisance abatement lien.

A. If abatement costs are not paid when due, the City shall notify the owner of record of the parcel of land on which the nuisance is created, caused, permitted or maintained, based on the

last equalized assessment roll or the supplemental roll, whichever is more current, that a nuisance abatement lien will be recorded. The notice shall specify the amount of the lien, the name of the City, the date of the abatement order, if any, the street address, the legal description and the Assessor's parcel number of the parcel on which the lien is imposed, and the name and address of the recorded owner of the parcel. The notice shall be served in accordance with LEMC 8.18.050 but if the owner of record, after diligent search, cannot be found, notice may be served by posting a copy thereof in a conspicuous place upon the property for a period of 10 days and publication thereof in a newspaper of general circulation in the County of Riverside.

B. After the notice of lien is served pursuant to this section, the notice of lien shall be recorded in the Riverside County Recorder's office and shall thereafter constitute a lien on the property for the expense of the abatement, the related administrative costs and any applicable interest charges.

C. In the event the lien is discharged, released or satisfied, either through payment or foreclosure, notice of the discharge containing the same information as the notice of lien shall be recorded in the Riverside County Recorder's office.

D. The City may foreclose on the nuisance abatement lien as provided by law.

E. Such notice of lien for recordation shall be in the form substantially as follows:

NOTICE OF LIEN

Claim of the City of Lake Elsinore

Pursuant to Chapter 8.18 of the Lake Elsinore Municipal Code, the City of Lake Elsinore did on or about the _____ day of _____, 20__, take action to abate a public nuisance on the real property described below. The City has assessed the cost of such abatement upon the property, and the same has not been fully paid. The City hereby claims a lien in the amount of \$_____, and the same shall be a lien upon the real property until paid in full and discharged of record.

The real property hereinabove mentioned, and upon which a lien is claimed, is that certain parcel of land lying and being in the City of Lake Elsinore, County of Riverside, State of California, particularly described as follows:

(Legal Description)

Dated this _____ day of _____, 20__

City Manager, City of Lake Elsinore

(ACKNOWLEDGEMENT)

[Ord. 1333 § 4, 2015].

8.18.130 Special assessment alternative.

A. As an alternative to a nuisance abatement lien as set forth in LEMC 8.18.120, the City Council may declare the costs of abatement a special assessment against the parcel of land on which the nuisance is created, caused, permitted or maintained. The total cost for abating such nuisance shall then constitute a special assessment against the respective parcel of land to which it relates, and upon recordation in the office of the County Recorder of a notice of lien, as

so made and confirmed, shall constitute a lien on said property for the amount of such assessment.

B. The City shall notify the owner of record of the parcel of land on which the nuisance is created, caused, permitted or maintained, based on the last equalized assessment roll or the supplemental roll, whichever is more current, of the special assessment. The notice shall specify the amount of the assessment, the name of the City, the date of the abatement order, if any, the street address, the legal description and the Assessor's parcel number of the parcel on which the assessment is imposed, and the name and address of the recorded owner of the parcel. The notice shall specify that the property may be sold after three years by the tax collector for the unpaid delinquent assessments. The notice shall be served by certified mail to the property owner, if the owner's identity can be determined from the County Assessor's or County Recorder's records.

C. After recordation, a copy of the notice may be turned over to the tax collector for the County, whereupon the tax collector shall add the amounts of the respective assessments to the next regular tax bills levied against said respective lots and parcels of land for municipal purposes, and thereafter said amounts shall be collected at the same time and in the same manner as ordinary municipal taxes are collected, and shall be subject to the same penalties and the same procedure under foreclosure and sale in case of delinquency as provided for ordinary municipal taxes.

D. After such recordation, such lien may be foreclosed by judicial or other sale in the manner and means provided by law. [Ord. 1349 § 5, 2016; Ord. 1333 § 4, 2015].

8.18.140 Owner's personal obligation.

A. The confirmed cost of abatement of a nuisance upon any lot or parcel of land shall constitute a personal obligation of the property owner and the City is authorized to commence an action in any court of competent jurisdiction to collect the cost of abatement from the property owner.

B. Upon entry of a second or subsequent civil or criminal judgment within a two-year period finding that an owner of property is responsible for a condition that may be abated in accordance with this chapter, except for conditions abated pursuant to Section 17980 of the California Health and Safety Code, the court may order the owner to pay triple the costs of the abatement. [Ord. 1349 § 6, 2016; Ord. 1333 § 4, 2015].

8.18.150 Abandoned, wrecked, dismantled or inoperative vehicles and parts.

A. The notice shall contain a statement that the owner of the property on which the vehicle is located and the owner of the vehicle may appeal the notice within 15 calendar days of the date of the notice by filing an appeal with the City Manager or designee. The appeal procedures shall be governed by LEMC 8.18.100. Failure to timely file an appeal shall constitute a waiver of the right to appeal and a failure to exhaust administrative remedies.

B. At least 10 days' notice of intent to abate and remove the vehicle shall be sent to the owner of the property on which the vehicle is located and to the last registered or legal owner of record of

the vehicle, if able to be determined, by certified mail, unless the vehicle is in such condition that identification numbers are not available to determine ownership.

C. The notice shall include a description of the vehicle, the correct identification number and license number of the vehicle insofar as they are available.

D. The notice shall contain a statement that the owner of the property on which the vehicle is located and the owner of the vehicle may appeal the notice within 15 calendar days of the date of the notice by filing an appeal with the City Manager or designee. The appeal procedures shall be governed by LEMC 8.18.100. Failure to timely file an appeal shall constitute a waiver of the right to appeal and a failure to exhaust administrative remedies.

E. The owner of the land on which the vehicle is located may appear in person at the hearing or present a written statement in time for consideration at the hearing, and deny responsibility for the presence of the vehicle on the land along with his reasons for such denial. If it is determined at the hearing that the vehicle was placed on the land without the consent of the land owner and that he has not subsequently acquiesced in its presence, then the City shall not assess costs of administration or removal of the vehicle against the property upon which the vehicle is located or otherwise attempt to collect such costs from the owner. It shall be land owner's burden to prove that he or she did not consent or acquiesce to the presence of the vehicle or part thereof on their land.

F. Vehicles or parts thereof may be disposed of by removal to a scrap yard, automobile dismantler's yard or any suitable site operated by the City for processing scrap or by any other final disposition consistent with these provisions.

G. Any person authorized by the City to administer this chapter may enter upon private property, subject to requirements of the law, for the purposes specified in this chapter to examine vehicles or parts thereof, obtain information as to the identity of the vehicle and to remove or cause the removal of any vehicle or part thereof declared to be a nuisance pursuant to this chapter.

H. A certified copy of the order of disposition of the vehicle or parts thereof shall be given to and retained by any person or commercial organization making a final disposition of the vehicle or parts thereof and said order shall be retained by them in their business records.

I. After a vehicle has been removed as a public nuisance, it shall be destroyed and under no circumstances shall the vehicle be reconstructed or made operable.

J. This chapter shall not apply to a vehicle or other personal property mentioned herein which is completely enclosed within a building in a lawful manner where it is not visible from the street or other public or private property, or a vehicle or other personal property which is stored or parked in a lawful manner on private property in connection with the business of a licensed dismantler, licensed vehicle dealer or a junkyard; provided, however, that this exception shall not authorize the maintenance of a public or private nuisance as defined under the provisions of this chapter or any other law.

K. This chapter shall be administered by regularly salaried, full-time employees of the City except that actual abatement of the nuisance and removal of any and all items constituting a nuisance hereunder may be by any other duly authorized person.

L. Within five days after removal of any motor vehicle under this chapter, notice shall be given to the Department of Motor Vehicles of the date of removal, disposition thereof and identity of the vehicle or parts. In addition, all evidence of registration available including registration certificate, license plates and certificates of title shall be forwarded to the Department of Motor Vehicles as soon as possible.

M. The City may recover any costs incurred in enforcing these provisions in the manner provided in LEMC 8.18.110 through 8.18.130. [Ord. 1349 § 7, 2016; Ord. 1333 § 4, 2015].

8.18.152 Hazardous vegetation and rubbish abatement program.

A. Pursuant to Government Code Sections 39501 and 39502, the City of Lake Elsinore adopts the following procedures making it the responsibility and duty of the owners, lessees, and occupants of real property within the City to prevent and abate public nuisances caused by weeds or rubbish on or about their property.

B. The following definitions apply to the City's hazardous vegetation and rubbish abatement program:

1. "Weeds" include (a) any vegetation or plants which when mature bear seeds of a downy or wingy nature; (b) sagebrush, chaparral and any other brush or weeds which attain such large growth as to become, when dry, a fire menace; (c) poison oak and poison ivy when the conditions of growth are such as to constitute a menace to the public health, and weeds that are otherwise noxious or dangerous; (d) overgrown vegetation which is likely to harbor rats or vermin, or which constitutes a fire hazard; (e) dry grass, stubble, brush, or other flammable material which endangers the public safety by creating a fire hazard; (f) large amounts of dead, dying or diseased vegetation; and (g) any other brush, vines, trees, grass, plants, or vegetation that is injurious to public health, safety, welfare or is otherwise hazardous or unsightly to the community.

2. "Rubbish" includes, but is not limited to, trash or refuse consisting of uncontained paper, cardboard, wood, dry grass or brush, dirt, plastic, rubber, metal or ceramic wreckage, glass, junk, disassembled automobiles, machinery, or parts thereof, or any other discarded material which may be combustible or deleterious to the public health, safety, or welfare, or any material which by reason of its location and/or character may hamper or interfere with the prevention or suppression of fire upon the premises or adjacent premises.

C. It shall be unlawful, and is hereby declared a public nuisance, for the owner(s), lessee(s), or occupant(s) of real property within the City to maintain, permit, or allow such premises to be maintained in such a condition where weeds or rubbish negatively affect the public health, safety, or welfare. It is also hereby declared the duty and responsibility of the owner(s), lessee(s), and occupant(s) of real property within the City to prevent and abate any and all conditions of weeds or rubbish that negatively affect the public health, safety, or welfare.

D. The City Manager or designee shall adopt standards consistent with this section for the maintenance, prevention, and abatement of weeds and rubbish on all lots and parcels of real property within the City and make the same reasonably available to the public.

E. The City Manager or designee shall have authority to declare violations of this section and the standards adopted pursuant hereto, and to enforce the same against the owner(s), lessee(s) and occupant(s) of the property upon which such conditions exist.

F. The City Manager or designee shall cause a 45-day notice to be issued to the owner(s) of the lot or parcel of real property and any other lessee(s) or occupant(s) against whom enforcement of this section is sought and/or from whom cost recovery will be made. The notice shall contain (1) a reasonable description of the lot or parcel of real property upon which the violation exists, (2) a reasonable description of the violating conditions constituting the nuisance, (3) the relevant standards for maintenance, prevention, and abatement of weeds and rubbish adopted pursuant to this section, the City Manager or designee, (4) reference to this section, (5) an order to remove the violating conditions and bring the property into compliance in no less than 45 days, (6) a description of the consequences of failure to comply as prescribed in this section, and (7) a statement that a written appeal may be filed with the City Manager or designee thereof.

G. The notice required shall be served upon the owner(s) and any lessee(s) or occupant(s), or the authorized agents thereof, by any of the following methods:

1. By personal service; or
2. By mail sent to the address as reflected on the last equalized assessment roll of the County or agent thereof, or as otherwise known to the City; or
3. By posting the notice conspicuously on or in front of the property upon which the violation exists.

H. After the initial 45-day notice, if the property has not been brought into compliance and no written appeal has been filed in accordance with LEMC 8.18.040, a 15-day notice shall be issued. This notice shall be made in accordance with subsection (F) of this section except that it shall order the property be brought into compliance in no less than 15 days and shall state that any written appeal must be filed in no less than 15 calendar days with the City Manager or designee thereof. The 15-day notice shall be served by certified mail addressed to the owner(s) and any lessee(s) or occupant(s) as reflected on the last equalized assessment roll of the County or agent thereof, or as otherwise known to the City. An administrative fee shall also be assessed upon issuance of the 15-day notice.

I. All appeal and hearing procedures shall be governed by LEMC 8.18.040. Failure to file a timely and proper written appeal shall constitute a waiver of the right to appeal and a failure to exhaust administrative remedies.

J. If, after 15 days since the second notice was issued, the nuisance upon the property has not been abated and no written appeal has been filed in accordance with LEMC 8.18.040, City

personnel and/or contractors may enter the property, subject to requirements of law, and take such action as is reasonably necessary to abate the nuisance.

K. The City shall keep an itemized accounting of the associated costs incurred by the City to abate the nuisance. All abatement and administrative costs incurred by the City, including all fees and costs as defined in LEMC 8.18.090(A), may be recovered by any manner authorized by law, including by lien or assessment pursuant to the procedures set forth in LEMC 8.18.110.

L. Abatement of any nuisance under this section may, in the discretion of the City Manager or designee, be contracted to an outside contractor. Should the City contract the abatement process, the City may assign its interest in collecting payment for the work to the contractor which performed the work, as payment to the contractor. [Ord. 1349 § 8, 2016].

8.18.160 Additional violations.

A. Any violation of this chapter shall constitute a misdemeanor punishable in accordance with Chapter 1.16 LEMC, and each day or portion thereof on which a violation occurs or is maintained shall constitute a separate and distinct violation.

B. Any occupant of any building or structure who fails to vacate the building or structure in accordance with a notice given as provided in this chapter is guilty of a misdemeanor.

C. Any person who removes any notice or order posted pursuant to this chapter without authorization from the City is guilty of a misdemeanor.

D. Any person who obstructs, impedes or interferes with any representative of the City in carrying out a lawful inspection, abatement or enforcement activity pursuant to this code, adopted code or State law is guilty of a misdemeanor. [Ord. 1333 § 4, 2015].

8.18.170 Cumulative remedies.

A. Nothing in this chapter shall be deemed to prevent the City from commencing any appropriate criminal, civil, administrative or other action to abate a nuisance in addition to, as an alternative to, or in conjunction with the proceedings set forth in this chapter. These remedies are intended to be cumulative of each other.

B. If the City commences any action to abate a nuisance, the City may recover its costs and attorney's fees as part of the judgment which may be recorded as a lien or special assessment against the property and constitute a lien thereon. This section grants specific authority to any court of competent jurisdiction to grant an award of costs pursuant to law, and award attorney's fees pursuant to Chapter 1.16 LEMC. Failure of a court to award attorney's fees as part of a judgment or enforcement action does not preclude the City from placing a lien or assessing costs against the property pursuant to procedures set forth in this chapter. [Ord. 1333 § 4, 2015].