

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



631 B

FROM: County Counsel/TLMA
Department of Building & Safety

SUBMITTAL DATE: February 10, 2003

SUBJECT: Abatement of Public Nuisance [Excess Outside Storage];
B&S Case No.: CV 02-4252
Subject Property: 43955 D Street, Hemet; APN: 549-165-002
District Three

RECOMMENDED MOTION: Move that:

1. The excess outside storage of materials on the real property located at 43955 D Street, Hemet, Riverside County, California, APN: 549-165-002 be declared a public nuisance and a violation of Riverside County Ordinance No. 348.
2. Donald G. Austin, the owner of the subject real property, be directed to abate the excess outside storage on the property by removing the same from the real property within ninety (90) days.
3. If the owner of the real property does not take the above described action within ninety (90) days of the date of the Board's Order to Abate, that representatives of the Department of Building & Safety, Sheriff's Department, and/or a contractor, upon consent or receipt of a Court Order authorizing entry onto the real property when necessary under applicable law, shall abate the excess outside storage by removing the same from the real property.

(Continued)

Shirvan Sherma Acosta

 SHIRVAN SHERMA ACOSTA,
 Deputy County Counsel

C.E.O. RECOMMENDATION:

APPROVE

County Executive Office Signature

Barbara Hummer

Policy

Consent

Department Recommendation:

Per Executive Office:

Prev. Agn. ref.

Dist. 3

AGENDA NO.

9.4

Abatement of Public Nuisances

B&S Case No. CV 02-4252

43955 D Street, Hemet

Page 2

4. The reasonable costs of abatement, after notice and an opportunity for hearing, shall be imposed as a lien on the real property, which may be collected as a special assessment against the real property pursuant to Government Code Section 25845 and Ordinance No. 725.
5. County Counsel be directed to prepare the necessary Findings of Fact and Conclusions that the excess outside storage of materials on the real property is declared to be in violation of Riverside County Ordinance No. 348, and a public nuisance, and further, to prepare and Order to Abate for approval by the Board.

JUSTIFICATION:

1. An initial inspection was made of the subject property by the Code Enforcement Officer on October 9, 2002.
2. The inspection revealed the excess outside storage of materials or junkyard on the subject property in violation of Riverside County Ordinance No. 348. The items included but were not limited to: plywood, dead branches, leaves, metal pipes, auto parts, old lawn equipment, scrap metal and miscellaneous debris.
3. Subsequent re-inspections of the above-described real property on December 5, 2002 and February 7, 2003, revealed that the property continued to be in violation of Riverside County Ordinance No. 348.
4. Staff of the Department of Building and Safety have complied with the notice requirements set forth in the appropriate laws of this jurisdiction pertaining to the Administrative Abatement Proceedings for the removal of excess outside storage.