

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



105 B

FROM: County Counsel/TLMA
Department of Building & Safety

SUBMITTAL DATE: February 27, 2003

SUBJECT: Abatement of Public Nuisance [Substandard Structure and Excessive Outside Storage];
B&S Case No.: CV 00-3420
Subject Property: 82800 Avenue 54, Thermal; APN: 767-230-016
District Four

RECOMMENDED MOTION: Move that:

- (1) The substandard structure (detached garage) on the real property located at 82800 Avenue 54, Thermal, Riverside County, California, APN: 767-230-016, be declared a public nuisance and a violation of Riverside County Ordinance No. 457 which does not permit substandard structures on the property.
- (2) Arthur L. Seay and Nancy A. Seay, the owners of the subject real property, be directed to abate the substandard structure on the property by removing and disposing of the same from the real property within ninety (90) days.
- (3) The owners or whoever has possession or control of the premises be ordered to ascertain the existence or non-existence of asbestos containing materials in said structures by survey and materials sample testing through the Industrial Hygiene Specialist of the County Health Department, Division of Special Services; and, prior to the abatement ordered in paragraph number two (2) above, to secure the removal and disposal of all asbestos containing materials discovered through such survey and testing by contract with a duly certified and licensed contractor for the handling of such materials to avoid citations and/or fines imposed by the South Coast Air Quality Management District (SCAQMD) pursuant to SCAQMD Rule No. 1403.

(Continued)

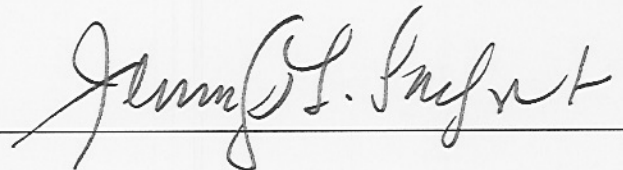


 SHIRVAN SHERMA ACOSTA
 Deputy County Counsel

C.E.O. RECOMMENDATION:

APPROVE

County Executive Office Signature



Policy

Consent

Department Recommendation:
Per Executive Office:

- (4) The unpermitted outside storage of materials on the real property located at 82800 Avenue 54, Thermal, be declared a public nuisance and a violation of Riverside County Ordinance No. 348 which does not permit the outside storage of materials in excess of two hundred square feet on the property.
- (5) Arthur L. Seay and Nancy A. Seay, the owners 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.
- (6) If the owners or whoever has possession or control of the real property do 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 of the owner or receipt of a Court Order authorizing entry onto the real property, when necessary under applicable law, shall abate the substandard structure by removing and disposing of the structure and contents therein from the real property and shall further abate any outside storage in excess of two hundred square feet by removing and disposing of the same from the real property.
- (7) The reasonable cost 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.
- (8) County Counsel be directed to prepare the necessary Findings of Facts and Conclusions of Law that the substandard structure and excessive outside storage on the real property are declared to be in violation of Riverside County Ordinance Nos. 457 and 348 and constitute a public nuisance. Further, County Counsel shall prepare an Order to Abate for approval by the Board

JUSTIFICATION:

1. An initial inspection was made of the subject real property by the Code Enforcement Officer on November 13, 2000.
2. The inspection revealed one substandard structure on the subject real property in violation of Riverside County Ordinance No. 457. The substandard conditions consisted of, but were not limited to: members of walls split, and buckle; deteriorated and ineffective weatherproofing; broken windows and roofing material is completely removed; overhead garage door has all the wood covering removed, only the frames remain; general dilapidation and improper maintenance; interior is full of clothes, broken boxes, furniture and trash; public and attractive nuisance. The inspection also revealed the outside storage of materials in excess of 200 square feet (approximately 2,688 square feet) on the subject property in violation of Riverside County Ordinance No. 348.
3. Subsequent inspection of the above-described real property on May 3, December 26, 2001, August 13, 2002, January 6 and February 11, 2003, revealed the property continues to be in violation of Riverside County Ordinance Nos. 457 and 348.
4. Staff and the Department of Building and Safety have complied with the requirements set forth in the appropriate laws of this jurisdiction pertaining to the Administrative Abatement Proceedings for substandard structures and excessive outside storage.