

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



721 B

FROM: County Counsel/TLMA
Department of Building & Safety

SUBMITTAL DATE: April 23, 2003

SUBJECT: Abatement of Public Nuisance [Substandard Structure and Excess Outside Storage];
B&S Case No. CV 02-3312;
Subject Property: 17658 Mackay Avenue, Lake Elsinore; APN: 383-103-010 and 011
District One

RECOMMENDED MOTION: Move that:

- (1) The substandard structure (single family dwelling) on the real property located at 17658 Mackay Avenue, Lake Elsinore, Riverside County, California, APN: 383-103-010 be declared a public nuisance and a violation of Riverside County Ordinance No. 457 (RCC Title 15) which does not permit substandard structures on the property.
- (2) Patrick A. Callahan or Enrique Dulong, the owners of the subject real property, be directed to abate the substandard structure on the property by removing the same from the real property within ninety (90) days.
- (3) The owner be ordered to ascertain the existence or non-existence of asbestos containing materials in said structure 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

 SHIRVAN SHERMA ACOSTA
 Deputy County Counsel

C.E.O. RECOMMENDATION:

APPROVE

County Executive Office Signature

Jennifer L. Sauer

Policy

Consent

Department Recommendation:
Per Executive Office:

Prev. Agn. ref.

Dist. 1

AGENDA NO.

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- (4) The unpermitted outside storage of materials on the real property located at 17658 Mackay Avenue, Lake Elsinore be declared a public nuisance and a violation of Riverside County Ordinance No. 348 (RCC Title 17) which does not permit the outside storage of materials in excess of two hundred square feet on the property.
- (5) Patrick A. Callahan or Enrique Dulong, the owners of the subject property, be directed to abate the excess storage on the property by removing and disposing of the same from the real property within ninety (90) days.
- (6) 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 of the owner, receipt of a Court Order authorizing entry onto the real property, or other authorization as provided by law, shall abate the substandard structure and the excess outside storage by removing and disposing of the same from the real property
- (7) The reasonable cost of the 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 (RCC Title 1).
- (8) County Counsel be directed to prepare the necessary Findings of Fact and Conclusions of Law that the substandard structure on the real property and the excess outside storage 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 a Code Enforcement Officer on August 20, 2002.
2. The inspection revealed a substandard structure (single family residence) on the subject real property in violation of Riverside County Ordinance No. 457. The substandard conditions of the structure included, but were not limited to the following: sink missing, toilet broken and damaged plumbing, detached or missing electrical fixtures, unprotected wiring, decomposing damaged wood sub floor, siding damaged, loose or missing from structure, studs missing from partitions wall, drywall ceiling missing with deteriorated roof materials, sagging roof line, moldy walls, ceiling has water damage, missing windows, doors and exterior siding, roofing material deteriorated or missing, abandoned, vacant, open to the elements and the public, attractive and public nuisance. The inspection also revealed the outside storage of materials in excess of 200 square feet (approximately 7,414 square feet) on the subject property in violation of Riverside County Ordinance No. 348. Excess outside storage of materials consisted of, but was not limited to the following materials: green woody waste, furniture, appliances, scrap wood, clothing, tires and two dilapidated sheds that measured under 120 square feet.
3. Subsequent inspections of the above-described real property on October 25, 2002, February 3, and 10 and April 1, 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.