

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



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FROM: County Counsel/TLMA
Department of Building & Safety

SUBMITTAL DATE: June 4, 2003

SUBJECT: Abatement of Public Nuisance [Substandard Structures and Open Well and Pit];
B&S Case No.: CV 03-0166
Subject Property: 33222 Wesley Street, Winchester, APN: 463-074-002
District Three

RECOMMENDED MOTION: Move that:

- (1) The substandard structures (single family residence and accessory structure for water tank) on the real property located at 33222 Wesley Street, Winchester, Riverside County, California, APN: 463-074-002 be declared a public nuisance and a violation of Riverside County Ordinance No. 457 which does not permit substandard structures on the property.
- (2) Ian S. Banwell and Ronald S. Mandelcorn, the owners of the subject real property, be directed to abate the substandard structures on the property by removing and disposing of 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 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
SHIRVAN SHERMA ACOSTA
Deputy County Counsel

C.E.O. RECOMMENDATION:

APPROVE

County Executive Office Signature

Jennifer S. Pugh

Policy

Consent

Department Recommendation:
Per Executive Office:

- (4) The open well and pit be condemned as a public and attractive nuisance and the owners be required to enclose, fill or demolish the open well and pit in accordance with the provisions of Riverside County Ordinance No. 421.
- (5) 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 or receipt of a Court Order authorizing entry onto the real property when necessary under applicable law shall abate the substandard structures and contents therein by removing and disposing of the same from the real property, and shall further abate the open well and pit by enclosing, filling or demolishing the same.
- (6) 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.
- (7) County Counsel be directed to prepare the necessary Findings of Facts and Conclusions of Law that the substandard structures and open well and pit on the real property are declared to be in violation of Riverside County Ordinance Nos. 457 and 421, respectively, and constitute a public nuisance. Further, County Counsel shall prepare an Order to Abate for approval by the Board

JUSTIFICATION:

1. Initial inspection was made of the subject real property by the Code Enforcement Officer on January 10, 2003.
2. The inspection revealed two substandard structures on the subject real property in violation of Riverside County Ordinance No. 457. The substandard condition of the structures included, but were not limited to the following: severe fire damage to the roof, floor, walls and electrical service, roof top bowing in; squatters known to be on site; no heating facilities, dampness, faulty weather protection; inadequate foundation; deteriorated flooring; members of walls and vertical supports split, lean, list or buckle; members of ceiling, roof and supports sag, split or buckle; general dilapidation, accessory storage structure is a fire hazard and filled with junk and debris; vacant, abandoned, public and attractive nuisance. The inspection also revealed an open well and pit in violation of Riverside County Ordinance No. 421.
3. Subsequent inspections of the above-described real property on February 7, March 17 and May 27, 2003 revealed the property continues to be in violation of Riverside County Ordinance Nos. 457 and 421.
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 open wells and pits.

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