

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



231 B

FROM: County Counsel/TLMA
Department of Building & Safety

SUBMITTAL DATE: August 25, 2003

SUBJECT: Abatement of Public Nuisance [Substandard Structures, Excessive Outside Storage and Accumulation of Rubbish];
B&S Case No.: CV 02-5087
Subject Property: 32822 Highway 74, Hemet; APN: 458-050-030
District ~~Five~~ Three

RECOMMENDED MOTION: Move that:

- (1) The substandard structures (dwelling and accessory structure) on the real property located at 32822 Highway 74, Hemet, Riverside County, California, APN: 458-050-030, be declared a public nuisance and a violation of Riverside County Ordinance No. 457 which does not permit substandard structures on the property.
- (2) Kari D. Holmes, Garner F. Holmes and Donald L. Marlow, 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 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.

Shirvan Sherma Acosta
SHIRVAN SHERMA ACOSTA
Deputy County Counsel

C.E.O. RECOMMENDATION:

APPROVE

County Executive Office Signature

Jeffrey P. Buhart

Policy
 Policy

Consent
 Consent

Department Recommendation:
Per Executive Office:

- (4) The unpermitted outside storage of materials on the real property located at 32822 Highway 74, Hemet, be declared a public nuisance and a violation of Riverside County Ordinance Nos. 348 and 541 which does not permit the outside storage of materials in excess of two hundred square feet and accumulation of rubbish on the property.
- (5) Kari D. Holmes, Garner F. Holmes and Donald L. Marlow, the owners of the subject real property, be directed to abate the rubbish and 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 and rubbish 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 structures, excessive outside storage and accumulation of rubbish on the real property are declared to be in violation of Riverside County Ordinance Nos. 457, 348 and 541 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 Officers on December 10, 2002.
2. The inspection revealed two substandard structures (dwelling and accessory structure) on the subject real property in violation of Riverside County Ordinance No. 457. The substandard conditions consisted of, but were not limited to: damaged or missing plumbing fixture units; drain and water lines cut or damaged at sink area; damaged lighting receptacles; exposed electrical wires at ceiling and walls; no furnace or wall heater; drywall ceiling and walls damaged from water and public; open to the elements and the public; broken window and doors, dilapidated roof covering; fire hazard: junk, trash and debris inside and outside structure; abandoned, dilapidated, transient activity, water damage to wall framing (dry rot) and walls stripped ; water damage to ceiling and roof framing, roof covering is stripped; framing members exposed to elements; no maintenance on structure; vacant, public and attractive nuisance.
3. The inspection also revealed the outside storage of materials in excess of 200 square feet and the accumulation of rubbish on the subject property in violation of Riverside County Ordinance Nos. 348 and 541.
4. Subsequent inspections of the above-described real property on February and June 3 and 25, 2003, revealed the property continued to be in violation of Riverside County Ordinance Nos. 457, 348 and 541.
5. 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, excessive outside storage and accumulation of rubbish.