

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: December 15, 2003

SUBJECT: Abatement of Public Nuisance [Substandard Structure];
B&S Case No.: CV 00-1247
Subject Property: 40887 Acacia Avenue, Hemet; APN: 447-080-047
District Three

RECOMMENDED MOTION: Move that:

- (1) The substandard structure (residential dwelling) on the real property located at 40887 Acacia Avenue, Hemet, Riverside County, California, APN: 447-080-047, be declared a public nuisance and a violation of Riverside County Ordinance No. 457 which does not permit substandard structures on the property.
- (2) Fancy Visions International, Inc., the owner of the subject real property or whoever has possession or control of the premises, 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.

DALE ALLEN GARDNER,
Deputy County Counsel

C.E.O. RECOMMENDATION:

APPROVE

County Executive Office Signature

Policy
 Policy
 Consent
 Consent
 Department Recommendation:
 Per Executive Office:

- (4) If the owner or whoever has possession or control 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 structure and contents therein, by removing the same from the real property.
- (5) 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.
- (6) County Counsel be directed to prepare the necessary Findings of Facts and Conclusions that the substandard structure on the real property is declared to be in violation of Riverside County Ordinance No. 457 and a public nuisance, and further, to prepare an Order to Abate for approval by the Board.

JUSTIFICATION:

1. An inspection was made of the subject property by the Code Enforcement Officer on March 18, 2003. The inspection revealed a substandard structure (residential dwelling) on the subject property in violation of Riverside County Ordinance No. 457 (RCC Title 15). The substandard conditions of the structure included, but were not limited to, the following: holes in the ceiling, roof and windows broken out; walls splitting, damage to exterior fascia boards with opening into walls; faulty weather protection and dampness in rooms; poor maintenance, dilapidated condition; fire hazard because accessible to vandals; public and attractive nuisance.
2. Follow-up inspections on June 4, July 29, October 9 and November 17, 2003 revealed that the property continues to be in violation of Riverside County Ordinance No. 457.
3. Staff and 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 substandard structures.