

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



933B

FROM: County Counsel/TLMA
Department of Building & Safety

SUBMITTAL DATE: August 24, 2004

SUBJECT: Abatement of Public Nuisance [Substandard Structure]
B&S Case No.: CV 01-1501
Subject Property: 26900 Dollar Road, Desert Hot Springs; APN750-030-035
District Four

RECOMMENDED MOTION: Move that:

- (1) The substandard structure (stable) on the real property located at 26900 Dollar Road, Desert Hot Springs, Riverside County, California, APN: 750-030-035, be declared a public nuisance and a violation of Riverside County Ordinance No. 457 which does not permit substandard structures on the property.
- (2) Jose Jimenez and Esperanza Jimenez, 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 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)



 DALE A. GARDNER
 Deputy County Counsel

C.E.O. RECOMMENDATION:

APPROVE

County Executive Office Signature



Policy
 Policy

Consent
 Consent

Department Recommendation:
Per Executive Office:

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- (4) 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 Riverside County Ordinance No. 725.
- (5) County Counsel be directed to prepare the necessary Findings of Facts and Conclusions of Law that the substandard structure on the real property are declared to be in violation of Riverside County Ordinance No. 457 and a public nuisance. Further, County Counsel shall prepare an Order to Abate for approval by the Board.

JUSTIFICATION:

1. An inspection was made of the subject real property by the Code Enforcement Officer on February 19, 2003.
2. This inspection revealed one substandard structure (stable) 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, partitions, or other vertical supports that split, lean, list or buckle due to defective material or deterioration; members of ceilings, roofs, ceiling and roof supports or other horizontal members which sag, split, or buckle due to defective material or deterioration; faulty weather protection; general dilapidation due to lack of maintenance; constructed without permits using unsuitable materials; public and attractive nuisance.
3. Subsequent inspection of the above-described real property on May 8, September 24, and November 17, 2003, June 14 and July 15, 2004, revealed that the substandard structure (stable) on the property continues to be in violation of Riverside County Ordinance No. 457.
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.