

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



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FROM: County Counsel/TLMA
Department of Building & Safety

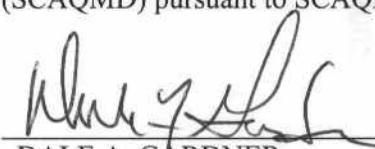
SUBMITTAL DATE: October 14, 2004

SUBJECT: Abatement of Public Nuisance [Substandard Structures and Excess Outside Storage];
B&S Case No.: CV 03-1107
Subject Property: 189 Highland Avenue, Riverside; APN: 247-044-019
District Five

RECOMMENDED MOTION: Move that:

- (1) The substandard structure (single family dwelling) on the real property located at 189 Highland Avenue, Riverside, Riverside County, California, APN: 247-044-019, be declared a public nuisance and a violation of Riverside County Ordinance No. 457 which does not permit substandard structures on the property.
- (2) Thomas M. Fitterer, the owner 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 owner 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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 DEPARTMENT OF BUILDING & SAFETY
 COUNTY OF RIVERSIDE, CALIFORNIA

- (4) The unpermitted outside storage of materials on the real property located at 189 Highland Avenue, Riverside, be declared a public nuisance and a violation of Riverside County Ordinance No. 348 which does not permit the outside storage of materials on the property.
- (5) Thomas M. Fitterer, the owners of the subject real property, be directed to abate the excess outside storage on the property by removing the same from the real property within ninety (90) days.
- (6) If the owner or whoever has possession or control of the real property does not take the above described actions 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 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 structure and excessive outside storage on the real property 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 Inspection was made of the subject real property by the Code Enforcement Officer on May 21, 2003.
2. That inspection revealed one substandard structure (single family dwelling) on the subject real property in violation of Riverside County Ordinance No. 457. The substandard conditions consisted of, but were not limited to: Defective or deteriorated flooring or floor supports – deteriorated floor supports; Members of walls, partitions or other vertical supports that split, lean, list or buckle due to defective material or deterioration – deteriorated members of walls, exposed framing, missing siding; Members of ceilings, roofs, ceiling and roof supports which sag, split or buckle due to defective material or deterioration – deteriorated roofing material; Dampness of habitable rooms; Faulty weather protection – missing siding, windows broken and doors unsecured; Missing water heater, exposed electrical wires; General dilapidation or improper maintenance; Fire hazard; Abandoned, vacant, public and attractive nuisance.
3. These inspections also revealed the outside storage of materials (approximately 220 square feet) on the subject property in violation of Riverside County Ordinance No. 348, which prohibits all outside storage on the subject property.
4. Subsequent inspection of the above-described real property on March 31, April 6, and September 30, 2004, revealed that the property continues to be in violation of Riverside County Ordinance Nos. 457 and 348.
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 and excessive outside storage.