

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



414B

FROM: County Counsel/TLMA
Department of Building & Safety

SUBMITTAL DATE: December 2, 2004

SUBJECT: Abatement of Public Nuisance [Substandard Structures and Accumulation of Rubbish];
B&S Case No.: CV 02-3116
Subject Property: 21425 Cajalco Road, Perris; APN: 318-140-029
District One

RECOMMENDED MOTION: Move that:

- (1) The substandard structures (main structure and shed/accessory building) on the real property located at 21425 Cajalco Road, Perris, Riverside County, California, APN: 318-140-029 be declared a public nuisance and a violation of Riverside County Ordinance No. 457 which does not permit substandard structure on the property.
- (2) Donnie O. Turner, the owner of the subject real property, 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.

(continued)

Monica R. Romero

MONICA R. ROMERO
Deputy County Counsel

C.E.O. RECOMMENDATION:

APPROVE

County Executive Office Signature

James H. Sargent

Policy
 Policy

Consent
 Consent

Department Recommendation:
Per Executive Office:

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- (4) The accumulation of rubbish on the real property located at 21425 Cajalco Road, Perris, be declared a public nuisance and a violation of Riverside County Ordinance No. 541 which does not permit the accumulation of rubbish on the property.
- (5) Donnie O. Turner, the owner of the subject property, be directed to abate the excess storage on the property by removing and disposing of the same from the real property within ninety (90) days.
- (6) 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, receipt of a Court Order authorizing entry onto the real property, or other authorization as provided by law, shall abate the substandard structure and the accumulation of rubbish by removing and disposing of the same from the real property
- (7) The reasonable cost of the 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 Fact and Conclusions of Law that the substandard structure on the real property and the accumulation of rubbish are declared to be in violation of Riverside County Ordinance Nos. 457 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 Officer on July 30, 2003.
2. The inspection revealed substandard structures (main structure and shed/accessory building) on the subject real property in violation of Riverside County Ordinance No. 457. The substandard conditions of the structures included, but were not limited to the following: severe fire damage, hazardous wiring, lack of required electrical lighting, members of walls, partitions or other vertical supports that split, lean, list or buckle, members of ceilings, roofs, ceiling and roof supports, or other horizontal members which sag, split or buckle due to defective material or deterioration, dampness of habitable rooms, faulty weather protection, general dilapidation or improper maintenance, fire hazard, abandoned, vacant, public and attractive nuisance. The inspection also revealed the accumulation of rubbish on the subject property in violation of Riverside County Ordinance No. 541. Accumulation of rubbish consisted of, but was not limited to the following materials: wood, broken furniture, metal shelving and other miscellaneous debris.
3. Subsequent inspections of the above-described real property on November 25, 2003, March 11, March 16, May 21 and October 29, 2004 revealed the property continues to be in violation of Riverside County Ordinance Nos. 457 and 541.
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 structure and accumulation of rubbish.