

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



416B

FROM: County Counsel/TLMA
Department of Building & Safety

SUBMITTAL DATE: December 2, 2004

SUBJECT: Abatement of Public Nuisance [Substandard Structure, Excessive Outside Storage and Accumulation of Rubbish];
B&S Case No.: CV 03-3567
Subject Property: 61575 El Dorado Road, Whitewater; APN: 669-040-016
District Five

RECOMMENDED MOTION: Move that:

- (1) The substandard structures (woodshed, frame cabin, paint booth, brick/metal workshop) on the real property located at 61575 El Dorado Road, Whitewater, Riverside County, California, APN: 669-040-016, be declared a public nuisance and a violation of Riverside County Ordinance No. 457 which does not permit substandard structures on the property.
- (2) Lee Vinocur, 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 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.

(Continued)

Monica R. Romero
MONICA R. ROMERO
Deputy County Counsel

C.E.O. RECOMMENDATION:

APPROVE

County Executive Office Signature

George I. Siefert

Policy
 Policy

Consent
 Consent

Department Recommendation:
Per Executive Office:

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COUNTY OF RIVERSIDE
RECEIVED DISTRICT FIVE COUNTY

- (4) The unpermitted outside storage of materials and accumulation of rubbish on the real property located at 61575 El Dorado, Whitewater, be declared a public nuisance and a violation of Riverside County Ordinance Nos. 348 and 541 which do not permit the outside storage of materials and accumulation of rubbish on the property.
- (5) Lee Vinocur, the owner of the subject real property, be directed to abate the excess outside storage and accumulation of rubbish 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 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 and accumulation of 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 structure, 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 Officer on February 23 and 24, 2004.
2. The inspection revealed four substandard structures on the subject real property in violation of Riverside County Ordinance No. 457. The substandard conditions consisted of, but were not limited to: hazardous wiring, deteriorated or inadequate foundation, defective or deteriorated flooring, members of walls, partitions or other vertical supports which split, lean, list or buckle due to defective material or deterioration, improper water closet, lavatory, bathtub, shower or kitchen sink, lack of hot and cold running water to plumbing fixtures, hazardous plumbing, lack of required electrical lighting, lack of adequate heating facilities, faulty weather protection, public and attractive nuisance. 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.
3. Subsequent inspection of the above-described real property on November 11, 2004 revealed the property continues to be in violation of Riverside County Ordinance Nos. 457, 348 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 structures, excessive outside storage and accumulation of rubbish.