

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



207B

FROM: County Counsel/TLMA
Department of Building & Safety

SUBMITTAL DATE: February 1, 2005

SUBJECT: Abatement of Public Nuisance [Substandard Structures and Accumulation of Rubbish];
B&S Case No. CV 04-2142
Subject Property: 11028 Karen Drive, Beaumont; APN: 406-100-006
District Five

RECOMMENDED MOTION: Move that:

- (1) The substandard structures (one single-family dwelling and one shed) on the real property located at 11028 Karen Drive, Beaumont, Riverside County, California, APN: 406-100-006 be declared a public nuisance and a violation of Riverside County Ordinance No. 457 which does not permit substandard structures on the property.
- (2) John King, the owner of the subject real property, be directed to abate the substandard structures 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 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

Jim Stumpf

Policy
Policy

Consent
Consent

Department Recommendation:
Per Executive Office:

5002 FEB -8 AM 1:20
RECEIVED RIVERSIDE COUNTY
CLERK / BOARD OF SUPERVISORS

Prev. Agn. ref.

**ATTACHMENTS FILED
WITH THE CLERK OF THE BOARD**

Dist. 5

AGENDA NO.

9.5

- (4) The accumulation of rubbish on the real property located at 11028 Karen Drive, Beaumont, 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) John King, the owner of the subject property, be directed to abate the accumulation of rubbish 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 structures 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 structures 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 a Code Enforcement Officer on May 17, 2004.
2. The inspection revealed one substandard structure 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: faulty weather protection, windows and doors missing or broken; hazardous plumbing; hazardous electrical wiring; lack of heater; members of walls damaged by fire, missing drywall and insulation; extensive fire damage; 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: discarded construction material, auto parts and other trash and debris.
3. Subsequent inspections of the above-described real property on May 20, May 24, July 27, September 29 and December 29, 2004 revealed that 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 structures and accumulation of rubbish.