

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



501 B

FROM: County Counsel/TLMA
Department of Building & Safety

SUBMITTAL DATE: March 8, 2005

SUBJECT: Abatement of Public Nuisance [Substandard Structure, Excessive Outside Storage and Accumulation of Rubbish];
B&S Case No.: CV 04-2723
Subject Property: 21340 River Road, Perris; APN: 345-220-036
District Five

RECOMMENDED MOTION: Move that:

- (1) The substandard structures (2 sheds) on the real property located at 21340 River Road, Perris, Riverside County, California, APN: 345-220-036, be declared a public nuisance and a violation of Riverside County Ordinance No. 457 which does not permit substandard structures on the property.
- (2) Donald F. McDiarmid, 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
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 unpermitted outside storage of materials and accumulation of rubbish on the real property located at 21340 River Road, Perris, 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) Donald F. McDiarmid, 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 Officers on July 2, 2004.
2. The inspection revealed two 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: lack of plumbing; exposed electrical wiring; deteriorated plywood floor; rotted and water damaged ceilings; missing doors; lack of adequate structural support; partial construction; improper maintenance; abandoned, vacant, 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 July 12, September 30, October 18, 2004, January 11 and January 27, 2005 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.