

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

1168



**FROM:** County Counsel/TLMA  
Department of Building & Safety

**SUBMITTAL DATE:**  
August 7, 2006

**SUBJECT:** Abatement of Public Nuisance [Substandard Structure, Excessive Outside Storage and Accumulation of Rubbish];  
B&S Case No.: CV 05-0003  
Subject Property: 49361 Blanche Avenue, Cabazon; APN: 519-372-023  
District Five

Departmental Concurrence

**RECOMMENDED MOTION:** Move that:

- (1) The substandard structure (detached metal shed) on the real property located at 49361 Blanche Avenue, Cabazon, Riverside County, California, APN: 519-372-023, be declared a public nuisance and a violation of Riverside County Ordinance No. 457 which does not permit substandard structures on the property.
- (2) Silvia Sue Kushner, 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.

(Continued)

TIFFANY N. NORTH, Deputy County Counsel  
for JOE S. RANK, County Counsel

|                         |                               |        |                         |   |
|-------------------------|-------------------------------|--------|-------------------------|---|
| <b>FINANCIAL DATA</b>   | Current F.Y. Total Cost:      | \$ N/A | In Current Year Budget: | N/A   |
|                         | Current F.Y. Net County Cost: | \$ N/A | Budget Adjustment:      | N/A   |
|                         | Annual Net County Cost:       | \$ N/A | For Fiscal Year:        | N/A   |
| <b>SOURCE OF FUNDS:</b> |                               |        |                         | Positions To Be Deleted Per A-30 <input type="checkbox"/> |
|                         |                               |        |                         | Requires 4/5 Vote <input type="checkbox"/>                |

**C.E.O. RECOMMENDATION:** **APPROVE**

**County Executive Office Signature**

Policy  
 Policy  
 Consent  
 Consent  
 Dep't Recomm.:  
 Per Exec. Ofc.:

Prev. Agn. Ref.:

District: 5

Agenda Number:

9.3

- (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 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.
- (4) The unpermitted outside storage of materials and accumulation of rubbish on the real property located at 49361 Blanche Avenue, Cabazon, 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) Silvia Sue Kushner, 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 also 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 be directed to 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 January 3, 2005.
2. Follow up inspections have revealed that one substandard structure remains on the subject real property in violation of Riverside County Ordinance No. 457. The substandard conditions consisted of, but were not limited to: members of walls, partitions or other vertical supports that buckle due to defective material or deterioration; members of ceilings, roofs, ceiling and roof supports or other horizontal members which sag, split or buckle due to defective material or deterioration; faulty weather protection-deteriorated or ineffective weather proofing of exterior walls, roof or floors including broken windows or doors, lack of paint or other approved wall covering; general dilapidation or improper maintenance (fire and smoke damaged interior, rusted interior and exterior); and extensive fire damage (blackened interior walls & ceiling; buckling walls and ceiling). 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 inspections of the above-described real property on January 4, 2005, January 4, 2006, March 16, 2006, April 11, 2006, May 1, 2006, and June 20, 2006 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.