

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

907B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
October 16, 2006

SUBJECT: Abatement of Public Nuisance [Substandard Structure and Accumulation of Rubbish];
Case No.: CV 05-3642 and CV05-5534
Subject Property: 55241 (A.K.A. 55483) Highway 111, Thermal; APN: 763-340-004
District Four

RECOMMENDED MOTION: Move that:

- (1) The substandard structure (aluminum constructed commercial building) on the real property located at 55241 Highway 111, Thermal, Riverside County, California, APN: 763-340-004, be declared a public nuisance and a violation of Riverside County Ordinance No. 457 which does not permit substandard structures on the property.
- (2) Ann Wells, the owner of the subject real property or whoever has possession or control of the premises, be directed to abate the substandard structure on the property by rehabilitating, removing and/or demolishing the same from the real property within ninety (90) days, including the removal and disposal of all structural debris and materials.

(Continued)

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

FINANCIAL DATA	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

SOURCE OF FUNDS:	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

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

Prev. Agn. Ref.:

District: 4

Agenda Number:

9.3

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- (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.
- (4) The accumulation of rubbish on the real property located at 55241 Highway 111, Thermal, Riverside County, California, APN: 763-340-004, 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) Ann Wells, the owner of the subject real property or whoever has possession or control of the premises, be directed to abate the accumulated rubbish on the property by removing and disposing of 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 Code Enforcement Department, 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 and contents therein and accumulation of rubbish, by removing the same from the real property.
- (7) The reasonable costs 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 that the substandard structure on the real property is declared to be in violation of Riverside County Ordinance Nos. 457 and 541 and a public nuisance, and further, to prepare an Order to Abate for approval by the Board.

JUSTIFICATION:

1. An inspection was made of the subject property by the Code Enforcement Officer on November 2, 1005. The inspection revealed a substandard structure (aluminum constructed commercial building) on the subject property in violation of Riverside County Ordinance No. 457 (RCC Title 15). The substandard conditions of the structure included, but were not limited to, the following: fire hazard; extensive fire damage; abandoned, /vacant, public and attractive nuisance. The inspection also revealed an accumulation of rubbish on the property consisting of but not limited to: scrap wood, metal, debris, commercial air conditioner parts, and miscellaneous wood materials.
2. Follow-up inspections on December 28, 2005, March 30, 2006, July 17, 2006, and August 3, 2006 revealed that the property continues to be in violation of RCO Nos. 457 and 541.
3. Staff and the Code Enforcement Department have complied with the notice requirements set forth in the appropriate laws of this jurisdiction pertaining to the Administrative Abatement Proceedings for substandard structures and accumulated rubbish.