

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

1168



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

**SUBMITTAL DATE:**  
October 23, 2006

**SUBJECT:** Abatement of Public Nuisance [Substandard Structure];  
Case No.: CV 06-1399; LEWIS  
Subject Property: 5426 35<sup>TH</sup> Street, Riverside; APN: 179-192-010  
District Two

**RECOMMENDED MOTION:** Move that:

- (1) The substandard structure on the real property located at 5426 35<sup>th</sup> Street, Riverside, Riverside County, California, APN: 179-192-010, be declared a public nuisance and a violation of Riverside County Ordinance No. 457 which does not permit substandard structures on the property.
- (2) Harry Eugene Lewis, 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 removing/demolishing or rehabilitating the same from the real property within ninety (90) days.

(Continued)

*[Signature]*  
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**  
*[Signature]*

Dept's Recomm.:  Policy  Consent  
Per Exec. Ofc.:  Policy  Consent

**Prev. Agn. Ref.:** | **District:** 2 | **Agenda Number:**

9.8

- (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) 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, contents therein, and all structural debris, by removing the same from the real property.
- (5) 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.
- (6) 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 No. 457 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 Officers on April 4, 2006. The inspection revealed a substandard structure on the subject property in violation of Riverside County Ordinance No. 457 (RCC Title 15). The substandard condition of the structure included, but were not limited to, the following: hazardous wiring; deteriorated or inadequate foundation; members of walls, partitions or other vertical supports that split, lean, list or 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 hazard; extensive fire damage; and public and attractive nuisance-abandoned/vacant.
2. Follow-up inspections on July 20, 2006 and September 22, 2006 revealed that the property continues to be in violation of Riverside County Ordinance No. 457.
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.