

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



219B

**FROM:** County Counsel/TLMA  
Code Enforcement Department

**SUBMITTAL DATE:**  
October 30, 2006

**SUBJECT:** Abatement of Public Nuisance [Substandard Structure and Accumulation of Rubbish];  
Case No.: CV 06-3773  
Subject Property: 24024 Palomas Avenue, Blythe; APN: 872-242-020  
District Four

**RECOMMENDED MOTION:** Move that:

Departmental Concurrence

- (1) The substandard structure (dwelling) on the real property located at 24024 Palomas Avenue, Blythe, Riverside County, California, APN: 872-242-020 be declared a public nuisance and a violation of Riverside County Ordinance No. 457 which does not permit substandard structures on the property.
- (2) Chester Whitney, the owner of the subject real property, be directed to abate the substandard structure on the property by removing or rehabilitating 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>	<b>Positions To Be Deleted Per A-30</b>	<input type="checkbox"/>
	<b>Requires 4/5 Vote</b>	<input type="checkbox"/>

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

**APPROVE**

**County Executive Office Signature**

Consent  
 Policy  
 Consent  
 Policy

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

SOOP OCT 31 AM 8:10  
 RECEIVED RIVERSIDE COUNTY

**Prev. Agn. Ref.:**

**District: 4**

**Agenda Number:**

9.3

- (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 24024 Palomas Avenue, Blythe, 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) Chester Whitney, 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 actions 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, receipt of a Court Order authorizing entry onto the real property, or other authorization as provided by law, shall abate the substandard structure 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 structure 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 the Code Enforcement Officer on June 15, 2006.
2. The inspection revealed a substandard structure (dwelling) on the subject real property in violation of Riverside County Ordinance No. 457. The substandard conditions of the structure included, but were not limited to the following: 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, broken and/or missing windows, deteriorated roofing material; general dilapidation or improper maintenance, siding is chipping off and/or missing, interior filled with rubbish, holes in walls, lack of flooring material, lack of kitchen fixtures; abandoned, vacant, attractive and public nuisance and is located near a local community church. The inspection also revealed the accumulation of rubbish (approximately 1,612 square feet) 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: metal, wood, appliances, household trash, barrels and broken glass.

(Continued)

3. Subsequent inspections of the above-described real property on August 31, 2006 and October 13, 2006 revealed the property continues to be in violation of Riverside County Ordinance Nos. 457 and 541.
  
4. Staff and the Code Enforcement Department 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.