

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



710B

FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
November 4, 2006

SUBJECT: Abatement of Public Nuisance [Substandard Structure];
Case No.: CV 05-3488; BERTRAND
Subject Property: 6303 Eucalyptus Ave., Riverside; APN: 163-152-022
District Two

RECOMMENDED MOTION: Move that:

- (1) The substandard structure (dwelling) on the real property located at 6303 Eucalyptus Ave., Riverside, Riverside County, California, APN: 163-152-022 be declared a public nuisance and a violation of Riverside County Ordinance No. 457 which does not permit substandard structures on the property.
- (2) Euclide Bertrand and Josephine Bertrand, the owners 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

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

Policy Policy

Consent Consent

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

Prev. Agn. Ref.:

District: 2

Agenda Number:

9.1

3008 DEC -2 VM 8:12
RECEIVED RIVERSIDE COUNTY

- (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 owners of the real property do 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 by removing and disposing of the same from the real property, including all structural debris.
- (5) 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.
- (6) County Counsel be directed to prepare the necessary Findings of Fact and Conclusions of Law that the substandard structure on the real property is declared to be in violation of Riverside County Ordinance No. 457 and constitutes 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 October 27, 2005.
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: Lack of or improper water closet, lavatory, bathtub, shower, or kitchen sink; Lack of hot and cold running water to plumbing fixtures; Lack of required electrical lighting; Hazardous wiring; Lack of adequate heating facilities; Dampness of habitable rooms; Faulty weather protection; General dilapidation or improper maintenance; Fire hazard; and Public and attractive nuisance-abandoned/vacant.
3. Subsequent inspections of the above-described real property on July 7, 2006, September 7, 2006, and November 6, 2006 and November 16, 2006 revealed the property continues to be in violation of Riverside County Ordinance No. 457.
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.