

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

319B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
November 2, 2006

SUBJECT: Abatement of Public Nuisance [Substandard Structures and Accumulation of Rubbish];
Code Enforcement Case No.: CV 06-3148
Subject Property: 27560 Western Avenue, Desert Hot Springs; APN: 750-040-008
District Four

RECOMMENDED MOTION: Move that:

Departmental Concurrence

- (1) The substandard structures (dwelling and utility room) on the real property located at 27560 Western Avenue, Desert Hot Springs, Riverside County, California, APN: 750-040-008 be declared a public nuisance and a violation of Riverside County Ordinance No. 457 which does not permit substandard structures on the property.
- (2) Tehana A. Smith, the owner of the subject real property, be directed to abate the substandard structures on the property by rehabilitating, removing and/or demolishing the same from the real property, including the removal and disposal of all structural debris and materials, 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

Consent
 Policy
 Consent
 Policy

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

Prev. Agn. Ref.:

District: 4

Agenda Number:

ATTACHMENTS FILLED
WITH THE CLERK OF THE BOARD

9.3

- (3) The owner 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 accumulation of rubbish on the real property located at 27560 Western Avenue, Desert Hot Springs, 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) Tehana A. Smith, 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 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, receipt of a Court Order authorizing entry onto the real property, or other authorization as provided by law, shall abate the substandard structures 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 structures 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 May 18, 2006.
2. The inspection revealed two substandard structures (a dwelling and a utility room) on the subject real property in violation of Riverside County Ordinance No. 457. The substandard conditions of the structures included, but were not limited to the following: hazardous wiring, faulty weather protection, general dilapidation or improper maintenance, members of walls, faulty water protection, extensive fire damage, public and attractive nuisance. The inspection also revealed the accumulation of rubbish (approximately 2700 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, auto parts, discarded appliances, drywall, household trash, and used car tires.

(continued)

(continued)

Abatement of Public Nuisance

27560 Western Avenue, Desert Hot Springs

Case No.: CV 06-3148

Page 3

3. Subsequent inspections of the above-described real property on July 20, 2006, August 29, 2006, September 13, 2006 and October 18, 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 structure and accumulation of rubbish.

MINUTES OF THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA



9.2

9:30 a.m. being the time set for public hearing on the recommendation from County Counsel/Transportation & Land Management Agency/Building & Safety regarding Abatement of Public Nuisance (Substandard Structures and Accumulation of Rubbish) on Case No. CV 06-3148, located at 27560 Western Avenue, Desert Hot Springs, 4th District, the Chairman called the matter for hearing.

Tiffany North, Deputy County Counsel presented the matter asking it be continued to January 23, 2007.

On motion of Supervisor Wilson, seconded by Supervisor Ashley and duly carried by unanimous vote, IT WAS ORDERED that the above matter is continued to Tuesday, January 23, 2007 at 9:30 a.m.

I hereby certify that the foregoing is a full true, and correct copy of an order made and entered on
November 14, 2006 _____ of Supervisors Minutes.

WITNESS my hand and the seal of the Board of Supervisors

Dated November 14, 2006
Nancy Romero, Clerk of the Board of Supervisors, in and
for the County of Riverside, State of California.

(seal)

By: *Nancy Romero* Deputy

AGENDA NO.
9.2

xc: Building & Safety, COB
NR