

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

488



FROM: County Counsel
Code Enforcement Department

SUBJECT: Abatement of Public Nuisance [Substandard Structures, Excess Outside Storage and Accumulation of Rubbish];
Case Nos.: CV 05-5687 and CV 06-3065
Subject Property: 4930 Agate Street, Riverside; APN: 169-270-018
District Two

SUBMITTAL DATE:
April 23, 2007

RECOMMENDED MOTION: Move that:

- (1) The substandard structures (old barn and cabana) on the real property located at 4930 Agate Street, Riverside, Riverside County, California, APN: 169-270-018 be declared a public nuisance and a violation of Riverside County Ordinance No. 457 which does not permit substandard structures on the property.
- (2) John W. Alexander and Connie J. Alexander, the owners 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.

[Handwritten Signature]

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

(Continued)

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

[Handwritten Signature]

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

Prev. Agn. Ref.: _____ District: 2 Agenda Number: _____

- (3) The owners 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 excess outside storage and accumulation of rubbish on the real property located at 4930 Agate Street, Riverside, be declared a public nuisance and a violation of Riverside County Ordinance Nos. 348 and 541 which do not permit the excess outside storage of materials or accumulation of rubbish on the property.
- (5) John W. Alexander and Connie J. Alexander, the owners of the subject property, or whoever is in possession or control of the property be directed to abate the excess outside storage and accumulation of rubbish on the property by removing and disposing of the same from the real property within ninety (90) days.
- (6) If the owners of the real property do not take the above described action within ninety (90) days of the date of the Board's Order to Abate, then representatives of the Code Enforcement Department, Sheriff's Department, and/or a contractor, upon consent of the owners, receipt of a Court Order authorizing entry onto the real property, or other authorization as provided by law, shall abate the substandard structures, the excess outside storage 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, excess outside storage and the accumulation of rubbish on the real property are declared to be in violation of Riverside County Ordinance Nos. 457, 348, 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 January 17, 2006.
2. The inspection revealed two substandard structures (old barn and a cabana) 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: lack of connection to required sewage system; hazardous wiring; lack of adequate heating facilities; deteriorated or inadequate foundation; defective or deteriorated flooring or floor supports; 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; dampness of habitable rooms; faulty weather protection; general dilapidation or improper maintenance; and abandoned, vacant, public and attractive nuisance.

3. The inspection also revealed the excess outside storage of materials and the accumulation of rubbish (approximately 40,880 square feet) on the subject property in violation of Riverside County Ordinance Nos. 348 and 541. The accumulation of rubbish and excess outside storage consisted of, but was not limited to the following materials: scrap metal, scrap wood, old machinery, tires, pipes, 55 gallon drums, vehicle parts, truck parts, partially constructed metal building, and miscellaneous items.
4. Subsequent inspections of the above-described real property on March 20, 2006, July 7, 2006, September 25, 2006, December 19, 2006 and March 21, 2007 revealed the property continues to be in violation of Riverside County Ordinance Nos. 348, 457 and 541.
5. 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, excess outside storage and accumulated of rubbish.