

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

762B



FROM: County Counsel
Code Enforcement Department

SUBMITTAL DATE:
07/31/07

SUBJECT: Abatement of Public Nuisance [Substandard Structure and Accumulation of Rubbish];
Case Nos.: CV 06-1143 and CV 07-1516
Subject Property: 64581 Dillon Road, North Palm Springs; APN: 666-220-009
District Five

RECOMMENDED MOTION: Move that:

1. The substandard structure (dwelling with detached garage) and accumulation of rubbish on the real property located at 64581 Dillon Road, North Palm Springs, Riverside County, California, APN: 666-220-009 be declared a public nuisance and a violation of Riverside County Ordinance No(s). 457 and 541.
2. Emil Kolesar and Louisa Kolesar, the owners of the subject real property or whoever has possession or control of the premises, be directed to abate the substandard structure and accumulation of rubbish on the property by removing or rehabilitating the substandard structure and by removing all accumulated rubbish from the real property 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

BY: *[Handwritten Signature]*
Tina Grande

County Executive Office Signature

- Policy
- Consent
- Policy
- Consent

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

Prev. Agn. Ref.:

District: 5

Agenda Number:

9.5

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 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 or receipt of a Court Order authorizing entry onto the real property when necessary under applicable law, shall abate the substandard structure and accumulation of rubbish 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 Fact and Conclusions that the substandard structure and accumulation of rubbish on the real property are declared to be in violation of Riverside County Ordinance Nos. 457 and 541, and a public nuisance, and further, to prepare an Order to Abate for approval by the Board.

JUSTIFICATION:

1. An initial inspection was made of the subject property by the Code Enforcement Officer on March 7, 2007. The inspection revealed the substandard structure and accumulation of rubbish on the subject property in violation of Riverside County Ordinance Nos. 457 and 541. 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; hazardous plumbing; lack of required electrical lighting; hazardous wiring; lack of adequate heating facilities; members of walls, partitions or other vertical supports that split, lean, list or buckle due to defective material or deterioration; dampness of habitable rooms; faulty weather protection; and general dilapidation or improper maintenance. The inspection also revealed the accumulation of rubbish. The rubbish included but was not limited to: household trash, tires, metal, tree and shrub trimmings, broken appliances, dilapidated furniture, wood and debris.
2. Subsequent re-inspections of the above-described real property on May 1, 2007 and July 11, 2007, revealed that the property continued to be in violation of Riverside County Ordinance Nos. 457 and 541.
3. Staff of 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 structure and the removal of accumulated rubbish.