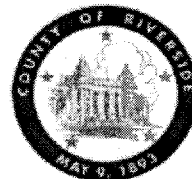


**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

329 B



FROM: County Counsel
Code Enforcement Department

SUBMITTAL DATE:
September 24, 2007

SUBJECT: Abatement of Public Nuisance [Substandard Structure];
Case No.: CV 07-1917
Subject Property: 16100 Desert Haven Road, Desert Hot Springs; APN: 645-231-002
District Four

RECOMMENDED MOTION: Move that:

- (1) The substandard structures (dwelling and outhouse) on the real property located at 16100 Desert Haven Road, Desert Hot Springs, Riverside County, California, APN: 645-231-002, be declared a public nuisance and a violation of Riverside County Ordinance No. 457 which does not permit substandard structures on the property.
- (2) Robert W. Powell and Maureen K. Powell, the owners of the subject real property or whoever has possession or control of the premises, be directed to abate the substandard structures on the property by rehabilitating or removing 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
BY:
Tina Grande

County Executive Office Signature

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

Prev. Agn. Ref.: **District:** 4 **Agenda Number:**

SUBMITTED SEP 24 11:30 AM

9.5

- (3) The owners 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, or whoever has possession or control 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, that representatives of the Code Enforcement Department, Sheriff's Department, and/or a contractor, upon consent of the owner or receipt of a Court Order authorizing entry onto the real property when necessary under applicable law, shall abate the substandard structures and contents therein, by removing and disposing of 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 Facts and Conclusions that the substandard structures on the real property are declared to be in violation of Riverside County Ordinance No. 457 and a public nuisance, and further, to prepare an Order to Abate for approval by the Board.

JUSTIFICATION:

1. An inspection was made of the subject property by the Code Enforcement Officer on March 17, 2007. The inspection revealed two substandard structures (dwelling and outhouse) on the subject property in violation of Riverside County Ordinance No. 457 (RCC Title 15). The substandard conditions of the structures included, but were not limited to, the following: Lack of proper lavatory; Lack of hot and cold running water; Hazardous plumbing; Lack of required electrical lighting; Lack of adequate heating facilities; Members of walls, partitions or other vertical supports that split, lean or buckle due to defective material or deterioration; General dilapidation and improper maintenance; and Faulty weather protection - deteriorated or ineffective weather proofing of exterior walls, roof or floors including broken windows or doors, lack of paint or other approved wall covering.
2. Follow-up inspections on May 15, 2007 and August 24, 2007 revealed that the property continues to be in violation of Riverside County Ordinance No. 457.
3. Staff and 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 structures.