

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

537B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
December 28, 2007

SUBJECT: Abatement of Public Nuisance [Substandard Structure];
Case No.: CV 07-4077
Subject Property: 33043 Wesley Street, Winchester; APN: 463-117-057
District Three

RECOMMENDED MOTION: Move that:

- (1) The substandard structure (dwelling with five (5) separate units) on the real property located at 33043 Wesley Street, Winchester, Riverside County, California, APN: 463-117-057, be declared a public nuisance and a violation of Riverside County Ordinance No. 457 which does not permit substandard structures on the property.
- (2) Jackson Willis Gerbl and Tambia Rae Gerbl, the owners of the subject real property or whoever has possession or control of the premises, be directed to abate the substandard structure on the property by removing or rehabilitating of the same 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 Policy

Consent Consent

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

Prev. Agn. Ref.: | **District: 3** | **Agenda Number:**

9.8

- (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 structure 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 structure on the real property is 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 of Supervisors.

JUSTIFICATION:

1. An inspection was made of the subject property by Code Enforcement Officers on May 30, 2007. The inspection revealed a substandard structure (dwelling with five (5) separate units) on the subject property in violation of Riverside County Ordinance No. 457 (RCC Title 15). The substandard conditions of the structure included, but were not limited to, the following: lack of or improper water closet, lavatory, bathtub or kitchen sink; lack of hot and cold running water to plumbing fixtures; lack of connection to required sewage system; hazardous plumbing; lack of required electrical lighting; hazardous wiring; lack of adequate heating facilities; defective or deteriorated flooring and floor supports; members of walls, partitions, or other vertical supports that split, lean, lost 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; fire hazard; abandoned, vacant, public and attractive nuisance.
2. Follow-up inspections on June 15, 2007, September 26, 2007, October 11, 2007 and November 26, 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.