

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

715B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
January 18, 2008

SUBJECT: Abatement of Public Nuisance [Substandard Structures and Accumulated Rubbish];
Case No.: CV 07-3271
Subject Property: 90801 and 90881 Avenue 66, Mecca;
APNs: 727-250-004 and 727-250-005
District Four

RECOMMENDED MOTION: Move that:

- (1) The substandard structures (dwelling and 3 structures) on the real property located at 90801 and 90881 Avenue 66, Mecca, Riverside County, California, APNs 727-250-004 and 727-250-005 be declared a public nuisance and a violation of Riverside County Ordinance No. 457 which does not permit substandard structures on the property.
- (2) James Farzad Hormozi, 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.

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

Prev. Agn. Ref.:

District: 4

Agenda Number:

9.5

- (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 90801 and 90881 Avenue 66, Mecca, 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) James Farzad Hormozi, 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 actions 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 owners, 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. Inspections were made of the subject real property by Code Enforcement Officers on April 30, 2007 and May 15, 2007.
2. These inspection revealed four (4) substandard structures (dwelling and 3 structures) 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 or improper water closet, lavatory, bathtub, shower or kitchen sink; lack of hot and cold running water to plumbing fixtures; lack of connection to required sewage; hazardous plumbing; lack of required electrical lighting, 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; faulty weather protection; dilapidation or improper maintenance; and abandoned, vacant, public and attractive nuisance. The inspections also revealed the accumulation of rubbish (approximately 75,049 square feet) on the subject property in violation of Riverside County Ordinance No. 541. The accumulation of rubbish consisted of, but was not limited to the following materials: wood, vegetation waste, furniture, tires, plastic, household trash, mattresses, concrete rubble, and miscellaneous debris.

3. Subsequent inspections of the above-described real property on September 13, 2007; October 12, 2007; and December 13, 2007, revealed that 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 structures and accumulated rubbish.