

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

719 B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
June 16, 2008

SUBJECT: Abatement of Public Nuisance [Substandard Structure and Excess Outside Storage and Accumulation of Rubbish];
Case Nos.: CV 06-2434, CV 06-2435 and CV 06-2868
Subject Property: 61875 Crest Street, Desert Hot Springs; APN: 667-211-043
District Five

RECOMMENDED MOTION: Move that:

Departmental Concurrence

- (1) The substandard structure (fire damaged single story structure) on the real property located at 61875 Crest Street, Desert Hot Springs, Riverside County, California, APN 667-211-043 be declared a public nuisance and a violation of Riverside County Ordinance No. 457 which does not permit substandard structures on the property.
- (2) Eddie Lee Roach and Charles Roach, the owners of the subject real property, be directed to abate the substandard structure 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.

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:
Tina Grande

County Executive Office Signature

Policy Policy

Consent Consent

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

Prev. Agn. Ref.:

District: 5

Agenda Number:

9.1

- (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) The outside storage of materials in excess of two hundred (200) square feet and all accumulated rubbish on the real property located at 61875 Crest Street, Desert Hot Springs, be declared a public nuisance and a violation of Riverside County Ordinance Nos. 348 and 541 which do not permit the outside storage of materials in excess of two hundred (200) square feet and the accumulation of rubbish on the property.
- (5) Eddie Lee Roach and Charles Roach, the owners of the subject property, be directed to abate the outside storage in excess of two hundred (200) square feet and all accumulated rubbish on the property by removing 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, 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 structure, the outside storage of materials in excess of two hundred (200) square feet 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 structure, the excess outside storage of materials and accumulation of rubbish 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 May 18, 2006.
2. The inspection revealed a substandard structure (single story structure) on the subject real property in violation of Riverside County Ordinance No. 457. 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; 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; extensive fire damage; and public and attractive nuisance. The inspection also revealed the excess outside storage of materials in excess of two hundred (200) square feet and the accumulation of rubbish (approximately 54,883 square feet) on the subject property in violation of Riverside County Ordinance Nos. 348 and 541. The excess outside storage and accumulation of rubbish were intermingled throughout the property and consisted of, but were not limited to, the following materials: corrugated metal, wood, scrap metal, plastic bags, doors, swamp coolers, rusted pipes, wrought iron fencing, rubber, tires, rock, vegetative waste, plastic containers, appliances, furniture, air compressor, wheel barrel, wiring, chicken wire, large pieces of glass windows, vehicle parts, household trash, toys, cardboard, books, broken bathroom/kitchen sinks, carpet, window screens, wood pallets, and miscellaneous debris.

3. Subsequent inspections of the above-described real property on August 16, 2006, November 14, 2006, April 17, 2007, June 28, 2007, July 16, 2007, August 2, 2007, August 23, 2007, September 27, 2007, October 24, 2007, December 5, 2007, December 12, 2007, May 21, 2008 and May 29, 2008, revealed that the property continues to be in violation of Riverside County Ordinance Nos. 348, 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 excess outside storage and accumulated rubbish.