

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

929B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
January 16, 2009

SUBJECT: Abatement of Public Nuisances [Substandard Structure and Accumulation of Rubbish]
Case Nos.: CV 07-2621 and CV 08-02068
Subject Property: 24901 Lindsay Avenue, Ripley
APN: 872-302-023
District Four

RECOMMENDED MOTION: Move that:

Departmental Concurrence

- (1) The substandard structure (residence) on the real property located at 24901 Lindsay Avenue, Ripley, Riverside County, California, APN: 872-302-023, be declared a public nuisance and a violation of Riverside County Ordinance No. 457, which does not permit substandard structures on the property.
- (2) Owner, Pedro Rascon, or whoever has possession and control 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, in strict accordance with Riverside County Ordinance No. 457.

Julie A.K. Jarvi

JULIE A.K. JARVI Deputy County Counsel
for Pamela J. Walls, Interim 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*

Tina Grande

County Executive Office Signature

Policy Policy

Consent Consent

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

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

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- (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 Mojave Desert Air Quality Management District.
- (4) The accumulation of rubbish on the real property located at 24901 Lindsay Avenue, Ripley, Riverside County, California, APN: 872-302-023, 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) The owner, or whoever has possession and control of the subject real 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, or whoever has possession or control 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, the accumulated rubbish, substandard structure and contents therein shall be abated and disposed of by representatives of the Riverside County Code Enforcement Department, a contractor or the Sheriff's Department upon receipt of an owner's consent, or a Court Order, where necessary under applicable law, authorizing entry onto The Property.
- (7) The reasonable cost of abatement, after notice and 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 Riverside County Ordinance Nos. 457, 541 and 725.
- (8) County Counsel be directed to prepare the necessary Findings of Facts 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. 541 and 457, and a public nuisance, and further, to prepare an Order to Abate and Order and Findings for approval by the Board.

JUSTIFICATION:

- (1) An inspection was made of the subject real property by the Code Enforcement Officer on June 6, 2007. The inspection revealed an accumulation of rubbish and a substandard structure on the subject property, in violation of Riverside County Ordinance Nos. 541 and 457. The accumulated rubbish consisted of, but was not limited to: scrap wood, metal, discarded household items, dried vegetation and trash. The officer estimated that the accumulated rubbish covered approximately four thousand five hundred fifty-nine (4,559) square feet of the property. The inspection also revealed a substandard structure. The substandard conditions of the structure included but were not limited to: hazardous wiring; hazardous plumbing; faulty weather protection; defective or deteriorated flooring or floor supports; and public and attractive nuisance.

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- (2) Subsequent inspections of the above-described real property on July 23, 2007, September 27, 2007, November 14, 2007, January 2, 2008, March 5, 2008, March 27, 2008, May 19, 2008, October 3, 2008, December 8, 2008, December 29, 2008, revealed the property continues to be in violation of Riverside County Ordinance Nos. 457 and 541.
- (3) 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 the abatement of the substandard structure and accumulated rubbish.