

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

629B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
March 9, 2009

SUBJECT: Abatement of Public Nuisance [Substandard Structures and Accumulation of Rubbish]
Case No.: CV 08-04519
Subject Property: 82770 Avenue 62, Thermal
APN: 764-300-014
District Four

RECOMMENDED MOTION: Move that:

Departmental Concurrence

- (1) The three substandard structures (main house, guest house and garage) on the real property located at 82770 Avenue 62, Thermal, Riverside County, California, APN: 764-300-014, 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, Green Hills Development Group, or whoever has possession and control 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, in strict accordance with Riverside County Ordinance No. 457.

[Signature]

JULIE A.K. JARVI, Deputy County Counsel
for PAMELA J. WALLS, 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: *[Signature]*
Tina Grande

County Executive Office Signature

Policy Policy

Consent Consent

Dept Recomm.:
Per Exec. Ofc.:

Prev. Agn. Ref.:

District: 4

Agenda Number:

9.3

Abatement of Public Nuisance [Substandard Structures and Accumulation of Rubbish]

Case No.: CV 08-04519

Subject Property: 82770 Avenue 62, Thermal

APN: 764-300-014

District Four

- (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 82770 Avenue 62, Thermal, Riverside County, California, APN: 764-300-014, 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, three substandard structures 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 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 Riverside County Ordinance Nos. 457, 541 and 725.
- (5) County Counsel be directed to prepare the necessary Findings of Facts and Conclusions that the accumulation of rubbish and substandard structures 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 Officers on May 22, 2008. The inspection revealed the accumulation of rubbish and three substandard structures on the subject property to be in violation of Riverside County Ordinance Nos. 541 and 457. The inspection revealed a substandard main dwelling, a substandard guest house and substandard garage. The conditions of the structures included but were not limited to: faulty weather protection; improper maintenance; and public and attractive nuisance. The inspection also revealed accumulated rubbish consisting of, but not limited to: cut/dead vegetation, wood, insulation, drywall, and household items. The officer estimated that the accumulated rubbish covered approximately six thousand nine hundred (6900) square feet inside the three substandard structures and approximately one hundred (100) square feet on the property.

Abatement of Public Nuisance [Substandard Structures and Accumulation of Rubbish]

Case No.: CV 08-04519

Subject Property: 82770 Avenue 62, Thermal

APN: 764-300-014

District Four

2. Subsequent inspections of the above-described real property on July 31, 2008, September 3, 2008, October 14, 2008, November 13, 2008, December 29, 2008 and February 28, 2009, 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 substandard structures and accumulated rubbish.