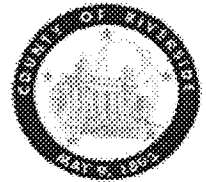


**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

711B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
May 11, 2009

SUBJECT: Abatement of Public Nuisance [Substandard Structure and Accumulation of Rubbish]

Case Nos.: CV08-01676 and CV08-01678 (SMITH)
Subject Property: 31764 Wakefield Avenue, Homeland
APN: 459-172-015

RECOMMENDED MOTION: Move that:

Departmental Concurrence

- (1) The substandard structure (detached 2-car garage) on the real property located at 31764 Wakefield Avenue, Homeland, Riverside County, California, APN: 459-172-015, be declared a public nuisance and a violation of Riverside County Ordinance Nos. 457 which does not permit substandard structures on the property, and 541 which prohibits the accumulation of rubbish.

(Continued)

Elena M. Boeva

ELENA M. BOEVA, 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: *Tina Grande*
Tina Grande

County Executive Office Signature

- Policy
- Consent
- Policy
- Consent

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

Prev. Agn. Ref.: _____ District: 5 Agenda Number:

9.3

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

Case Nos.: CV 08-01676 and 08-01678 (SMITH)

Subject Property: 31764 Wakefield Avenue, Homeland

APN: 459-172-015

District Five

- (2) Owner, Donald K. Smith, 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
- (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 South Coast Air Quality Management District (SCAQMD) pursuant to SCAQMD Rule No. 1403.
- (4) The accumulation of rubbish on the real property located at 31764 Wakefield Avenue, Homeland, Riverside County, California, APN: 459-172-015, 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 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.
- (8) County Counsel be directed to prepare the necessary Findings of Facts and Conclusions that the accumulation of rubbish and substandard structure on the real property are declared to be in violation of Riverside County Ordinance Nos. 457 and 541, and a public nuisance, and further, to prepare an Order to Abate and Order and Findings for approval by the Board.

Abatement of Public Nuisance [Substandard Structure and Accumulation of Rubbish]
Case Nos.: CV 08-01676 and 08-01678 (SMITH)
Subject Property: 31764 Wakefield Avenue, Homeland
APN: 459-172-015
District Five

JUSTIFICATION:

1. An inspection was made of the subject real property by a Code Enforcement Officer on February 25, 2008. The inspection revealed the accumulation of rubbish and substandard structure on the subject property in violation of Riverside County Ordinance Nos. 457 and 541. The accumulated rubbish consisted of, but was not limited to: plastic, miscellaneous boxes, a propane tank and furniture. The inspection also revealed a detached 2-car substandard garage. The substandard conditions of the structure included but were not limited to: faulty weather protection (broken windows and doors), graffiti, general dilapidation or improper maintenance and public and attractive nuisance.
2. Subsequent inspections of the above-described real property on June 12, 2008, June 30, 2008, September 11, 2008, November 26, 2008, March 11, 2009 and April 15, 2009 revealed that 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 structure and accumulated rubbish.