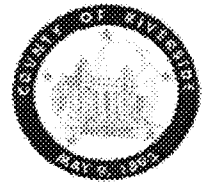


**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

262B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
June 15, 2009

SUBJECT: Abatement of Public Nuisance [Substandard Structure and Accumulation of Rubbish]
Case Nos.: CV 05-4324 & CV 05-4325
Subject Property: 19770 Cooper Road, North Palm Springs; APN: 668-390-065
District Five

RECOMMENDED MOTION: Move that:

Departmental Concurrence

- (1) The substandard structure (dwelling) on the real property located at 19770 Cooper Road, North Palm Springs, Riverside County, California, APN: 668-390-065 be declared a public nuisance and a violation of Riverside County Ordinance No. 457 which does not permit substandard structures on the property.
- (2) Juan G Duran, the owner 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.

(Continued)

J. D. Holub

JONATHAN D. HOLUB, Deputy County Counsel
for PAMELA J. WALLS, County Counsel

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

Consent
 Policy
 Consent
 Policy

Dept's Recomm.:
 Per Exec. Ofc.:

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

- (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 19770 Cooper Road, North Palm Springs, 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) Juan G. Duran, 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 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 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 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. An initial inspection was made of the subject real property by the Code Enforcement Officer on September 19, 2005.
2. The inspection revealed a substandard structure (dwelling) 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; missing pipes and faucets; lack of hot and cold running water to plumbing fixtures: the water had been disengaged; lack of required electrical lighting: exposed wires; Hazardous wiring: exposed wiring on the outside of the structure; lack of adequate heating facilities: no heater; deteriorated or inadequate foundation: patched over soft spots and holes; members of walls, partitions, or other vertical supports that split, buckle, lean, list or buckle due to defective material or deterioration: dry, rotten wood; members of ceilings, roofs, ceiling and roof supports or other horizontal members which

sag, split or buckle due to defective material or deterioration: ceiling splits and buckles down, roof supports sag; dampness of habitable rooms: open and exposed to elements; faulty weather protection: open and exposed to elements due to broken and open windows; general dilapidation or improper maintenance: vacant, semi-boarded windows; public and attractive nuisance: open and exposed to public, vandalized. The inspection also revealed the accumulation of rubbish 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: cans, bottles, paper, trash, litter, barrels, crates, clothing materials, furniture, cartons, containers, cardboard, packaging or construction waste, asphalt and concrete rubble, scrap metal, tires, vehicles parts and other miscellaneous debris.

3. Subsequent inspections of the above-described real property on March 16, 2006, May 25, 2006, September 28, 2006, October 11, 2006, January 23, 2007, March 12, 2007, April 10, 2007, August 2, 2007, October 4, 2007, August 21, 2008, November 5, 2008, April 1, 2009, April 4, 2009 and May 26, 2009, 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.