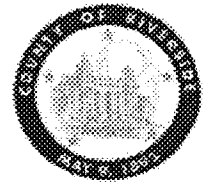


**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

204 B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
June 15, 2009

SUBJECT: Abatement of Public Nuisance [Substandard Structures & Accumulation of Rubbish];
Case Nos.: CV 06-7631 and CV 07-3176
Subject Property: 64641 Dillon Road, North Palm Springs; APN: 666-280-013
District Five

RECOMMENDED MOTION: Move that:

Departmental Concurrence

- (1) The substandard structures (main dwelling and detached garage) on the real property located at 64641 Dillon Road, North Palm Springs, Riverside County, California, APN 666-280-013 be declared a public nuisance and a violation of Riverside County Ordinance No. 457 which does not permit substandard structures on the property.
- (2) Mariano M. Pasamonte and Zenya Pasamonte, the owners 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.

(Continued)

Elena M. Boeva

ELENA M. BOEVA, 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
 Consent Policy
 Consent Policy

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

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

- (3) The owners 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 64641 Dillon 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) Mariano M. Pasamonte and Zenya Pasamonte, the owners 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 owners, or whoever has possession or control, of the real property do not take the above described actions 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 structures 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 structures 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 Code Enforcement Officers on December 14, 2006.
2. The inspection revealed two substandard structures (main dwelling and detached garage) 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: hazardous wiring; lack of or improper water closet – lavatory, bathtub; lack of hot and cold running water to plumbing fixtures; hazardous plumbing – missing pieces; lack of required electrical lighting – missing fixtures; hazardous wiring –

exposed wires; lack of adequate heating facilities – open and exposed; holes in the walls; members of walls, partitions or other vertical supports that split, lean, list or buckle due to defective material or deterioration – holes in the walls; members of ceilings, roofs, ceiling and roof supports or other horizontal members which sag, split or buckle due to defective material or deterioration – holes in main roof support, holes in roof; dampness of habitable rooms – open to the elements; faulty weather protection; general dilapidation or improper maintenance; public and attractive nuisance – abandoned and vacant. The inspection also revealed accumulated 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: bags of trash, pieces of metal, wood, trimmings, green waste, debris, tires and rusted piping.

4. Subsequent inspections of the above-described real property on February 1, 2007, May 1, 2007, February 25, 2008, May 20, 2008, July 7, 2008, August 8, 2008, December 8, 2008, and April 29, 2009, revealed that the property continues to be in violation of Riverside County Ordinance Nos. 457 and 541.
5. 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.