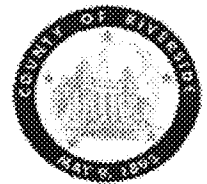


**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

341 B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
September 21, 2009

SUBJECT: Abatement of Public Nuisance [Substandard Structures and Excess Outside Storage and Accumulation of Rubbish];
Case Nos.: CV 07-10665 & CV 08-07682
Subject Property: 27640 Smith Road, Hemet; APN: 465-280-017
District Three

RECOMMENDED MOTION: Move that:

Departmental Concurrence

- (1) The substandard structures (single story structures) on the real property located at 27640 Smith Road, Hemet, Riverside County, California, APN 465-280-017 be declared a public nuisance and a violation of Riverside County Ordinance No. 457, which does not permit substandard structures on the property.
- (2) Larry L. Lamb and Jenell Lamb, 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)

JULIE AK JARVI, 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

County Executive Office Signature

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

Prev. Agn. Ref.: | District: 3 | Agenda Number:

9.4

- (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 excess outside storage and accumulation of rubbish on the real property located at 27640 Smith Road, Hemet, be declared a public nuisance and a violation of Riverside County Ordinance Nos. 348 and 541, which do not permit the excess outside storage and accumulation of rubbish on the property.
- (5) The owners, or whoever has control of the property, be directed to abate the excess outside storage and 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 of the real property do 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 structures and the excess outside storage and 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, the excess outside storage and the accumulation of rubbish are declared to be in violation of Riverside County Ordinance Nos. 348, 457 and 541 and constitute a public nuisance. Further, County Counsel shall prepare an Order to Abate for approval by the Board.

JUSTIFICATION:

1. Initial inspections were made of the subject real property by the Code Enforcement Officer on August 21, 2008 and August 30, 2008.
2. The inspections revealed two (2) substandard structures on the subject real property in violation of Riverside County Ordinance No. 457. The substandard conditions of the structures included, but were not limited to the following: members of walls, partitions or other vertical supports that split, lean, list or buckle due to defective material or deterioration; members of ceilings, roofs, ceiling and roof supports or other horizontal members which sag, split or buckle due to defective material or deterioration; faulty weather protection; general dilapidation or improper maintenance; extensive fire damage; and abandoned, vacant, public and attractive nuisance.

The inspection also revealed the excess outside storage and accumulation of rubbish (approximately 5,512 square feet) on the subject property in violation of Riverside County Ordinance Nos. 348 and 541. The excess outside storage and accumulation of rubbish consisted of, but were not limited to the following materials: metal, wood boards, old windows, pallets of bricks, and miscellaneous items.

3. Subsequent inspections of the above-described real property on January 27, 2009, March 11, 2009, May 20, 2009, and July 15, 2009, revealed that the property continues to be in violation of Riverside County Ordinance Nos. 457, 348, 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 structure and excess outside storage and accumulation of rubbish.