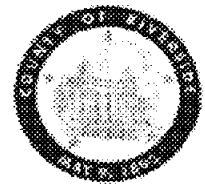


**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

415 B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
September 28, 2009

SUBJECT: Abatement of Public Nuisance [Substandard Structure and Accumulation of Rubbish]
Case No.: CV 08-05105; CV 08-06341
Subject Property: 16723 Palm Dr., Desert Hot Springs; APN: 657-060-005
District Five

RECOMMENDED MOTION: Move that:

- (1) The substandard structure (dwelling) on the real property located at 16723 Palm Dr., Desert Hot Springs, Riverside County, California, APN 657-060-005 be declared a public nuisance and a violation of Riverside County Ordinance No. 457 which does not permit substandard structures on the property.
- (2) Lee Family Partnership, 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)

Departmental Concurrence

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

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

Prev. Agn. Ref.:

District: 5

Agenda Number:

9.3

- (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 16723 Palm Dr., Desert Hot 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) Lee Family Partnership, 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 Nos. 541 and 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 October 22, 2008.
2. The inspection revealed a substandard structure 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: dampness of habitable rooms, general dilapidation, including broken windows and a general lack of maintenance, a lack of siding on the structure, and a possible biohazard. 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: broken furniture, scrap metal, scrap lumber, tires, trash, several fifty-five (55) gallon drums, and green waste.

3. Subsequent inspections of the above-described real property on November 22, 2008, December 16, 2008, and February 17, 2009, July 23, 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 structure and accumulation of rubbish.