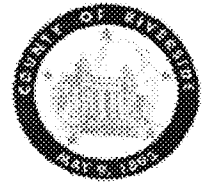


**SUBMITTAL TO THE BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

704B



**FROM:** County Counsel/TLMA  
Code Enforcement Department

**SUBMITTAL DATE:**  
October 22, 2009

**SUBJECT:** Abatement of Public Nuisance [Substandard Structures & Accumulation of Rubbish]  
Case Nos.: CV 07-4034 and CV 07-4576 (PREWITT)  
Subject Property: 21925 Wine Lane, Nuevo; APN: 307-180-019  
District Five

**RECOMMENDED MOTION:** Move that:

- (1) The substandard structures on the real property located at 21925 Wine Lane, Nuevo, Riverside County, California, APN 307-180-019 be declared a public nuisance and a violation of Riverside County Ordinance No. 457, which does not permit substandard structures on the property
- (2) Robert W. Prewitt Sr. and Marcie L. Prewitt, 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)

Departmental Concurrence

*Julie A. Jarvi*  
\_\_\_\_\_  
JULIE A. JARVI, Deputy County Counsel  
for PAMELA J. WALLS, County Counsel

<b>FINANCIAL DATA</b>	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

<b>SOURCE OF FUNDS:</b>	<b>Positions To Be Deleted Per A-30</b>	<input type="checkbox"/>
	<b>Requires 4/5 Vote</b>	<input type="checkbox"/>

**C.E.O. RECOMMENDATION:**

APPROVE

BY: *Tina Grande*  
\_\_\_\_\_  
Tina Grande

**County Executive Office Signature**

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

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 21925 Wine Lane, Nuevo, 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) Robert W. Prewitt Sr. and Marice L. Prewitt, 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 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 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 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. The initial inspections were made on the subject real property by the Code Enforcement Officers on June 11, 2007 (accumulated rubbish) and November 13, 2007 (substandard structure/storage shed) and October 17, 2008 (substandard structure/main dwelling).
2. The inspections revealed substandard structures (storage shed and main dwelling) on the subject real property in violation of Riverside County Ordinance No. 457. The substandard conditions of the storage shed included, but were not limited to: hazardous wiring, wires are exposed; members of walls, partitions or other vertical supports that split, lean, list or buckle due to defective material or deterioration, frames are exposed; faulty weather protection including broken and missing windows and doors; general dilapidation or improper maintenance; and public and attractive nuisance, the structure is abandoned. The substandard conditions of the main dwelling included but were not limited to: lack of required electrical lighting; hazardous wiring; members of walls, partitions or other vertical supports that split, lean, list or buckle due to defective material or deterioration; faulty weather protection including broken and missing windows and doors; general dilapidation or improper maintenance; and public and attractive nuisance, the structure is occupied by squatters and is easily

accessible. The inspections 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: sofas, a spa, green waste, tires, spent wood, household trash, and furniture. The amount of accumulated rubbish totaled approximately six thousand, two hundred and ten (6,210) square feet.

3. Subsequent inspections of the above-described real property on August 2, 2007, January 5, 2009, May 26, 2009 and September 24, 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 accumulation of rubbish.