

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

203B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
Sept. 16, 2010

SUBJECT: Abatement of Public Nuisance [Substandard Structure, Excess Outside Storage and Accumulation of Rubbish];
Case Nos.: CV 08-04348 & CV 07-3256; KINION
Subject Property: 1 Lot South of 26500 Truelson Avenue, Hemet;
APN: 458-226-010; District Three

RECOMMENDED MOTION: Move that:

- (1) The substandard structure (mobile home addition) on the real property located at 1 Lot South of 26500 Truelson Avenue, Hemet, Riverside County, California, APN 458-226-010 be declared a public nuisance and a violation of Riverside County Ordinance No. 457 which does not permit substandard structures on the property.
- (2) The Estates of Bryan L. Kinion and G. Marie Kinion (AKA Marie G. Kinion), the owners 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)

[Signature]
L. ALEXANDRA FONG, 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: *[Signature]*
Tina Grande
County Executive Office Signature

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

Consent Policy

[Large empty space for comments or signatures]

Prev. Agn. Ref.: ATTACHMENTS FILED **District:** 3 **Agenda Number:**

WITH THE CLERK OF THE BOARD

9.4

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- (3) The owners 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 excess outside storage and accumulation of rubbish on the real property located at 1 Lot South of 26500 Truelson Avenue, 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 Estates of Bryan L. Kinion and G. Marie Kinion (aka Marie G. Kinion), the owners of the subject 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 structure 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 structure on the real property and the excess outside storage and 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. An initial inspection was made of the subject real property by the Code Enforcement Officer on August 1, 2007.
2. The inspection also revealed the excess outside storage and accumulation of rubbish (approximately 7,500 square feet) on the subject property in violation of Riverside County Ordinance No. 541. The excess outside storage and accumulation of rubbish consisted of, but was not limited to the following materials: household items, furniture, trash, tires, plastic, metal and wood.

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3. A subsequent inspection by the Code Enforcement Officer on April 25, 2008 revealed a substandard mobile home addition 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: deteriorated or inadequate foundation; defective or deteriorated flooring or floor supports; 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; general dilapidation or improper maintenance.
4. Subsequent inspections of the above-described real property on November 4, 2008, January 7, 2009, September 16, 2009, November 20, 2009, December 2, 2009, January 15, 2010, February 17, 2010, March 17, 2010, April 7, 2010, June 1, 2010 and July 16, 2010, 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 structure and excess outside storage and accumulation of rubbish.