

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

126B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
December 23, 2010

SUBJECT: Abatement of Public Nuisance [Substandard Structures & Accumulated Rubbish]
Case No: CV 06-1580 [MENDEZ]
Subject Property: 70615 Miramar Dr., Mecca; APNs: 723-071-017 and
723-071-019; Mendez
District: 4

RECOMMENDED MOTION: Move that:

1. The substandard structures on the real property located at 70615 Miramar Dr., Mecca, Riverside County, California, APNs: 723-071-017 and 723-071-019 be declared a public nuisance and a violation of Riverside County Ordinance No. 457 which does not permit substandard structures on the property.
2. Roman Mendez and Laura Mendez, 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.

L. Alexandra Fong

L. ALEXANDRA FONG, Deputy County Counsel
for PAMELA J. WALLS, County Counsel

(Continued)

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: *Jennifer L. Sargent*
County Executive Office Signature Jennifer L. Sargent

- Consent
- Policy
- Consent
- Policy

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

9.9

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 70615 Miramar Dr., Mecca, 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. Roman Mendez and Laura Mendez, 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 or receipt of a Court Order authorizing entry onto the real property when necessary under applicable law, shall abate the substandard structures and accumulation of rubbish by removing and disposing of the same from the real property.
7. The reasonable costs of 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 Riverside County Ordinance No. 725.
8. County Counsel be directed to prepare the necessary Findings of Fact and Conclusions that the substandard structures and accumulation of rubbish on the real property is declared to be in violation of Riverside County Ordinance Nos. 457 and 541, and constitutes a public nuisance. Further, County Counsel shall prepare an Order to Abate for approval by the Board.

BACKGROUND:

1. An initial inspection was made of the subject real property by the Code Enforcement Officer on June 21, 2007.

2. The inspection revealed four substandard structures (single family dwelling, shed, guest house and free standing carport) 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 – loose, exposed wires; defective or deteriorated flooring or floor supports – carpet is completely worn and torn in several areas, cement flooring only in part of the dwelling; faulty weather protection – broken windows and doors throughout the dwelling; general dilapidation or improper maintenance – substandard throughout; members of ceiling, roofs, ceiling and roof supports or other horizontal members which sag, split, or buckle due to defective material or deterioration – water damage to the carport appears to be causing the ceiling to split and buckle; public and attractive nuisance – the property appears to be abandoned/vacant. The inspection also revealed the accumulation of rubbish (approximately 3,500 square feet) 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: wood, plastic, two RV axle frames, rock, a 50 gallon drum of oil, camper shells, appliances, two couches, weight lifting bench, tires, auto parts, wheel barrow, and general household debris.

3. Subsequent inspections of the above-described real property on October 12, 2007, April 7, 2008, August 27, 2008, September 30, 2008, November 24, 2008, December 29, 2008, January 29, 2009, February 24, 2009, March 30, 2009, April 28, 2009, May 27, 2009, September 29, 2009, October 26, 2009, December 2, 2009, March 1, 2010, May 13, 2010, July 19, 2010 and December 20, 2010, 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 accumulated rubbish.