

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

301 B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
September 22, 2011

SUBJECT: Abatement of Public Nuisance [Substandard Structures & Accumulated Rubbish]
Case No: CV 07-9192, CV10-01209 & CV10-01283 [FALSKEN]
Subject Property: 33901 Stagecoach Rd., Nuevo; APN: 429-070-007
District: Five

RECOMMENDED MOTION: Move that:

1. The substandard structures (mobilehome on permanent foundation, shed, house and garage) on the real property located at 33901 Stagecoach Rd., Nuevo, Riverside County, California, APN: 429-070-007 be declared a public nuisance and a violation of Riverside County Ordinance No. 457 which does not permit substandard structures on the property.

(Continued)

[Signature]
PATRICIA MUNROE, 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

Consent
 Policy
 Consent
 Policy

Dept Recomm.:
 Per Exec. Ofc.:

9.5

Abatement of Public Nuisance

Case Nos.: CV 07-9192, CV 10-01209 and CV 10-01283 [Falsken]

33901 Stagecoach Rd., Nuevo

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2. Dennis Falsken and Cynthia M. Falsken, 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.
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 33901 Stagecoach Rd., 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. Dennis Falsken and Cynthia Falsken, 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, may abate the substandard structure 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 structure 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 inspection was made of the subject real property by the Code Enforcement Officer on February 16, 2010.

2. The inspection revealed substandard structures (mobilehome on permanent foundation, shed, house and garage) 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: lack of improper water closet, lavatory, bathtub, shower or kitchen sink; lack of hot and cold running water to plumbing fixtures; lack of required electrical lighting; hazardous wiring; 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 materials or deterioration; members of ceiling, roofs, ceiling and roof supports or other horizontal members which sag, split or buckle due to defective material or deterioration; dampness of habitable rooms; faulty weather protection – deteriorated or ineffective weather proofing of exterior walls, roof or floors including broken windows or doors, lack of paint or other approved wall covering; general dilapidation or improper maintenance; and public and attractive nuisance.

The inspection also revealed the accumulation of rubbish, approximately seven hundred sixty (760) 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: large and dead fallen trees, discarded lumber and plywood, discarded household items such as toilet, shoes, clothing, toys, tarp, roofing and tires.

3. Subsequent inspections of the above-described real property on April 27, 2010, May 12, 2010, June 18, 2010, July 20, 2010, January 5, 2011, February 28, 2011 and August 29, 2011, 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.