

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

505 B



FROM: County Counsel/TLMA
Code Enforcement Department


SUBMITTAL DATE:
October 13, 2011

SUBJECT: Abatement of Public Nuisance [Substandard Structure]
Case Nos. : CV 10-03797 [MONTROYA and PINON]
Subject Property: 18871 Harness Road, Riverside; APN: 285-310-023
District: One

RECOMMENDED MOTION: Move that:

1. The one (1) substandard structure on the real property located at 18871 Harness Road, Riverside, Riverside County, California, APN: 285-310-023 be declared a public nuisance and a violation of Riverside County Ordinance No. 457 which does not permit a substandard structure on the property.
2. Jose P. Montoya and Enriqueta Pinon, the owners of the subject real property or whoever has possession or control of the premises, be directed to abate the substandard structure on the property by removing the same from the real property within ninety (90) days.

(Continued)



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: 
Tina Grande

County Executive Office Signature

- Consent
- Policy
- Consent
- Policy

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

ATTACHMENTS FILED WITH THE CLERK OF THE BOARD

Departmental Concurrence

Abatement of Public Nuisance

Case Nos.: CV 10-03797 [MONTOYA and PINON]

Address: 18871 Harness Road, Riverside

APN: 285-310-023

District 1

Page 2

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 one (1) 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. If the owners or whoever has possession or control 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 or receipt of a Court Order authorizing entry onto the real property when necessary under applicable law, may abate the substandard structure and contents therein, by removing the same from the real property.
5. 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 Ordinance No. 725.
6. County Counsel be directed to prepare the necessary Findings of Facts and Conclusions that the substandard structure on the real property is declared to be in violation of Riverside County Ordinance No. 457 and a public nuisance, and further, to prepare an Order to Abate for approval by the Board.

BACKGROUND:

1. An inspection was made of the subject property by Senior Code Enforcement Officer Cruz and Code Enforcement Officer Ron Welch on May 5, 2010. The inspections revealed one (1) substandard structure (an unpermitted barn) on the subject property in violation of Riverside County Ordinance No. 457 (RCC Title 15). The substandard conditions of the structure included, but were not limited to, the following: hazardous plumbing; hazardous wiring; 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; 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; improper occupancy (building is an unimproved barn).

Abatement of Public Nuisance
Case Nos.: CV 10-03797 [MONTROYA and PINON]
Address: 18871 Harness Road, Riverside
APN: 285-310-023
District 1
Page 3

2. Follow-up inspections on July 30, 2010, September 29, 2010, October 19, 2010, March 21, 2011 and September 29, 2011, revealed that the property continues to be in violation of Riverside County Ordinance No. 457.

3. Staff and the Code Enforcement Department have complied with the notice requirements set forth in the appropriate laws of this jurisdiction pertaining to the administrative abatement proceedings for substandard structure.