

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

615B



FROM: County Counsel/TLMA
Code Enforcement Department


SUBMITTAL DATE:
October 20, 2011

SUBJECT: Abatement of Public Nuisance [Substandard Structure, Excess Outside Storage & Accumulated Rubbish]
Case Nos. : CV10-04959 and CV10-04860 [TORRES]
Subject Property: 1 Parcel East of 43823 D Street., Hemet; APN: 549-161-009
District: Three

RECOMMENDED MOTION: Move that:

1. The substandard structure (detached accessory structure) on the real property located at 1 Parcel East of 43823 D Street, Hemet, Riverside County, California, APN: 549-161-009 be declared a public nuisance and a violation of Riverside County Ordinance No.457 which does not permit substandard structure on the property.
2. The Estate of Ludim Torres, Decedent, the owner 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)


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: 
Michael R. Shetler

County Executive Office Signature

- Policy
- Policy
- Consent
- Consent

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

ATTACHMENTS FILED WITH THE CLERK OF THE BOARD

Departmental Concurrence

Abatement of Public Nuisance

Case Nos.: CV10-04959 and CV10-04860 [TORRES]

1 Parcel East of 43823 D Street, Hemet

District Three

Page 2

3. The owner 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 Parcel East of 43823 D Street, 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 Estate of Ludim Torres, Decedent, the owner 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 owner 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 or receipt of a Court Order authorizing entry onto the real property when necessary under applicable law, may abate the substandard structure, excess outside storage 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, excess outside storage of materials and accumulation of rubbish on the real property is declared to be in violation of Riverside County Ordinance Nos. 348, 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 property by the Code Enforcement Officer on June 15, 2010.
2. The inspection revealed a substandard structure (detached accessory structure) 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; 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; fire hazard; and public and attractive nuisance.
3. The inspection also revealed the excess outside storage and accumulation of rubbish (approximately 702 square feet) on the subject property in violation of Riverside County Ordinance No. 348 and 541. The excess outside storage and accumulation of rubbish consisted of, but was not limited to the following materials: equipment, tools, crates, hardware, scrap metal, green woody waste, truck shell, tires, batteries, household furniture and rubbish.
4. Subsequent follow up inspections of the above-described real property on June 17, 2010, September 21, 2010, October 13, 2010, November 22, 2010, December 20, 2010, January 13, 2011 and October 5, 2011, revealed that the property continued to be in violation of Riverside County Ordinance Nos. 348, 457 and 541.
5. 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 the removal of substandard structures, excess outside storage and accumulated rubbish.