

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

703B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
January 26, 2012

SUBJECT: Abatement of Public Nuisance [Substandard Structures & Accumulated Rubbish]
Case Nos. : CV 08-10147 & CV 09-02888 [SZANIAWSKI]
Subject Property: 9335 Reche Canyon Road, Colton; APN: 471-220-008
District Five / District Five

RECOMMENDED MOTION: Move that:

1. The substandard structures (four sheds) on the real property located at 9355 Reche Canyon Road, Colton, Riverside County, California, APN: 471-220-008 be declared a public nuisance and a violation of Riverside County Ordinance No. 457 which does not permit substandard structures on the property.
2. Virginia L. Szaniawski and Edward W. Szaniawski, 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.

(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.:

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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 9355 Reche Canyon Road, Colton, 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. Virginia L. Szaniawski and Edward W. Szaniawski, 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 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.

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BACKGROUND:

1. An initial inspection was made of the subject real property by the Code Enforcement Officer on April 29, 2009.
2. The inspection revealed four substandard structures (four sheds) on the subject real property in violation of Riverside County Ordinance No. 457. The substandard conditions of the four structures included, but were not limited to the following: members of walls, partitions or other vertical supports that split, lean, list or buckle due to deterioration; members of ceilings, roofs, ceiling and roof supports or other horizontal members which sag, split due to deterioration; faulty weather protection including 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; public and attractive nuisance. The inspection also revealed the accumulation of rubbish 25 x 40 square feet in the front of the main dwelling and 40 x 40 square feet in the rear 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: green waste wood piles, tires, large barrels, steel drums, black bags full of trash, wheel barrels and household trash.
3. Subsequent inspections of the above-described real property on, December 9, 2009, March 17, 2010, May 6, 2010, July 12, 2010, October 7, 2010, May 17, 2011 and recent inspections 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.

