

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

404B



FROM: TLMA – Code Enforcement Department

SUBMITTAL DATE:
February 5, 2014

SUBJECT: Abatement of Public Nuisance [Substandard Structure and Accumulated Rubbish]
Case No: CV12-03097 [VELASQUEZ]
Subject Property: 40765 Mayberry Ave., Hemet; APN: 447-101-001
District: 3/3 [\$0]

RECOMMENDED MOTION: That the Board of Supervisors move that:

1. The substandard structure (dwelling) on the real property located at 40765 Mayberry Ave., Hemet, Riverside County, California, APN: 447-101-001 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. Santa Emilleth Lara Velasquez, the owner of the subject real property, be directed to abate the substandard structure on the property by rehabilitating or by demolishing and removing the same from the real property within ninety (90) days.

[Signature]
GREG FLANNERY
Interim Code Enforcement Official

(Continued)

FORM APPROVED COUNTY COUNSEL
BY: *[Signature]* SOPHIA H. CHOI
DATE: 12/31/2013
Departmental Concurrence

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost:	POLICY/CONSENT (per Exec. Office)
COST	\$ N/A	\$ N/A	\$ N/A	\$ N/A	Consent <input type="checkbox"/> Policy <input checked="" type="checkbox"/>
NET COUNTY COST	\$ N/A	\$ N/A	\$ N/A	\$ N/A	

SOURCE OF FUNDS	Budget Adjustment:
	For Fiscal Year:

C.E.O. RECOMMENDATION: APPROVE
BY: *[Signature]*
Tina Grande
County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

- A-30
- 4/5 Vote
- Positions Added
- Change Order

Prev. Agn. Ref.: _____ District: 3/3 Agenda Number: _____

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

**FORM 11: Abatement of Public Nuisance [Substandard Structure and Accumulated Rubbish]
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PAGE: 2 of 3

RECOMMENDED MOTION (continued):

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 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 40765 Mayberry Ave., Hemet, 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. Santa Emilleth Lara Velasquez, the owner of the 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 owner 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 or receipt of a Court Order authorizing entry onto the real property, when necessary under applicable law, may abate the 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 are declared to be in violation of Riverside County Ordinance Nos. 457 and 541, and constitute a public nuisance, and further, to prepare an Order to Abate for approval by the Board.

BACKGROUND:

1. An initial inspection was made on the subject property by Code Enforcement Officer Carol Forrey on or about June 5, 2012. The inspection revealed a substandard structure (dwelling) on the subject real property in violation of Riverside County Ordinance No. 457. The substandard conditions on the structure included, but were not limited to the following: lack of hot and cold running water to plumbing fixtures, no water heater, dampness of habitable rooms, broken windows, faulty weather protection, missing windows, general dilapidation or improper maintenance, public and attractive nuisance – abandoned/vacant.

2. The inspection also revealed accumulation of rubbish 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 paper, plastic, wood, household trash, green waste, electronics, furniture and other miscellaneous items.

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PAGE: 3 of 3

3. There have been approximately 11 subsequent follow-up inspections, with the last inspection being October 30, 2013, which 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 notice requirements set forth in the appropriate laws of this jurisdiction pertaining to the administrative abatement proceedings for the removal of substandard structures and accumulation of rubbish.

Impact on Citizens and Businesses

Failure to abate will have a negative impact on citizens or business due to health and safety hazards, nuisance, and potential impact on real estate values.

SUPPLEMENTAL:

Additional Fiscal Information

N/A

Contract History and Price Reasonableness

N/A

ATTACHMENTS