

FORM APPROVED COUNTY COUNSEL
BY: *[Signature]* 1/23/14
DATE: *[Signature]* PATRICIA MUNROE
Departmental Concurrence

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

603B



FROM: TLMA – Code Enforcement Department

SUBMITTAL DATE:

March 5, 2014

SUBJECT: Abatement of Public Nuisance [Substandard Structure and Accumulated Rubbish]

Case No: CV12-05107 [FABELA]

Subject Property: 31861 Date Garden Drive, Thousand Palms; APN: 650-102-015

District: 4/4 [\$0]

RECOMMENDED MOTION: That the Board of Supervisors move that:

1. The substandard structure (dwelling) on the real property located at 31861 Date Garden Drive, Thousand Palms, Riverside County, California, APN: 650-102-015 be declared a public nuisance and a violation of Riverside County Ordinance No. 457 which does not permit substandard structures on the property.
2. Juan M. Fabela and Norma A. Fabela, the owners 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)

[Signature]
GREG FLANNERY
Code Enforcement Official

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:

County Executive Office Signature

[Signature]
Tina Grande

MINUTES OF THE BOARD OF SUPERVISORS

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

Prev. Agn. Ref.:

District: 4/4

Agenda Number:

9-1

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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RECOMMENDED MOTION (continued):

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 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 31861 Date Garden Drive, Thousand Palms, 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. Juan M. Fabela and Norma A. Fabela, 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 of the owner 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 are 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 initial inspection was made on the subject property by Senior Code Enforcement Officer Hector Herrera on August 16, 2013. The inspection revealed a substandard structure (dwelling) on the subject property in violation of Riverside County Ordinance No. 457. The substandard conditions of the structure included, but were not limited to the following: Faulty weather protection, 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 materials: household trash, clothing and human waste.
3. Follow up inspections of the above-described real property on September 11, 2013 and November 4, 2013, revealed the property continues to be in violation of Riverside County Ordinance Nos. 457 and 541.

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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 substandard structure and accumulated 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