

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

913B



FROM: TLMA – Code Enforcement Department

SUBMITTAL DATE:  
March 26, 2014

**SUBJECT:** Abatement of Public Nuisance [Substandard Structure, Excess Outside Storage & Accumulated Rubbish]  
 Case No: CV11-08309 [TOMSON]  
 Subject Property: 41035 Sunset Lane, Hemet; APN: 449-300-005  
 District: 3/3 [\$0]

**RECOMMENDED MOTION:** That the Board of Supervisors move that:

1. The substandard structure (dwelling) on the real property located at 41035 Sunset Lane, Hemet, Riverside County, California, APN: 449-300-005 be declared a public nuisance and a violation of Riverside County Ordinance No. 457 which does not permit substandard structures on the property.
2. Timothy N. Tomson, 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)

  
 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:

  
 Tina Grande

County Executive Office Signature

**MINUTES OF THE BOARD OF SUPERVISORS**
☐ A-30  
☐ Positions Added

☐ 4/5 Vote  
☐ Change Order

Prev. Agn. Ref.:

District: 3/3

Agenda Number:

9-2

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

## **FORM 11: Abatement of Public Nuisance [Substandard Structure, Excess Outside Storage & Accumulated Rubbish]**

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### **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 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 41035 Sunset Lane, Hemet, be declared a public nuisance and a violation of Riverside County Ordinance Nos. 348 and 541 which do not permit excess outside storage or accumulation of rubbish on the property.

5. Timothy N. Tomson, 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 actions 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, 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 are declared to be in violation of Riverside County Ordinance Nos. 457, 348 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 Code Enforcement Officer Carol Forrey on January 5, 2012. The inspection revealed excess outside storage and accumulated rubbish on the subject property in violation of Riverside County Ordinance Nos. 348 and 541. The excess outside storage and accumulated rubbish consisted of, but was not limited to the following: metal, wood, construction equipment, pallets, green waste and miscellaneous items.

2. On July 11, 2012, a follow up inspection was made on the subject property by Code Enforcement Officer Forrey. 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: Lack of or improper water closet, lavatory, bathtub, shower or kitchen sink, lack of hot and cold running water to plumbing fixtures, hazardous plumbing, lack of required electrical lighting, hazardous wiring, defective or deteriorated flooring or floor supports, members of walls, partitions or other vertical

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supports that split, lean, list or buckle due to defective material or deterioration, members of ceiling, roofs, ceiling, and roof supports or other horizontal members which sag, split, or buckle due to defective material or deterioration, general dilapidation or improper maintenance, public and attractive nuisance – abandoned/vacant.

3. There have been approximately 5 subsequent follow-up inspections, with the last inspection being December 10, 2013, revealed the property continues to be in violation of Riverside County Ordinance Nos. 457, 348 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 substandard structure, excess outside storage 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**