

FORM APPROVED COUNTY COUNSEL  
BY: GREGORY P. PRIAMOS DATE 10/23/14

Departmental Concurrence

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

107B



**FROM:** TLMA – Code Enforcement Department

**SUBMITTAL DATE:**  
October 23, 2014

**SUBJECT:** Abatement of Public Nuisance [Substandard Structures and Accumulated Rubbish]  
Case No: CV13-03584 [HANKS / MORRIS]  
Subject Property: 40525 Mayberry Avenue, Hemet; APN:447-131-043  
District: 3/3 [\$0]

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

1. The substandard structures (dwelling, detached garage and deck) on the real property located at 40525 Mayberry Avenue, Hemet, Riverside County, California, APN: 447-131-043 be declared a public nuisance and a violation of Riverside County Ordinance No. 457 which does not permit substandard structures on the property.
2. Diana L. Hanks and Connie M. Morris, 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)

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  
☐ 4/5 Vote  
☐ Positions Added  
☐ Change Order

Prev. Agn. Ref.:

District: 3/3

Agenda Number:

9-3

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

**FORM 11: Abatement of Public Nuisance [Substandard Structures and Accumulated Rubbish]**  
**Case No: CV13-03584 [HANKS / MORRIS]**  
**Subject Property: 40525 Mayberry Avenue, Hemet; APN: 447-131-043**  
**District: 5/5**

**DATE:** October 23, 2014

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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 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 40525 Mayberry Avenue, 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. Diana L. Hanks and Connie M. Morris, 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 or whoever has possession 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 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 are declared to be in violation of Riverside County Ordinance Nos. 457 and 541, and constitute 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 Brett Pollard on September 18, 2013. The inspection revealed substandard structures (dwelling, detached garage, deck) on the subject property in violation of Riverside County Ordinance No. 457. The substandard conditions of the structures included, but were not limited to the following: lack of, or improper water closet, lavatory, bathtub, shower or kitchen sink, hazardous wiring, defective or deteriorated flooring or floor supports, dampness of habitable rooms, faulty weather protection, general dilapidation, or improper maintenance, fire hazard, public and attractive nuisance – abandoned, improper occupancy.

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: green waste, trash, fire hoses, camper shell, partially demolished above ground pool, furniture, cardboard, window frames and other miscellaneous items.

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3. Follow up inspections of the above-described real property on October 23, 2013, December 10, 2013, March 19, 2014, April 16, 2014 and August 7, 2014, revealed 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 substandard structures and accumulated rubbish.

**Impact on Citizens and Businesses**

Failure to abate will have a negative impact on citizens or businesses 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**

**EXHIBITS A-G**