

Departmental Concurrence

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

104B



FROM: TLMA – Code Enforcement Department

SUBMITTAL DATE:
 October 23, 2014

SUBJECT: Abatement of Public Nuisance [Substandard Structures]
 Case No: CV10-05490 [RUIZ]
 Subject Property: 28990 Mapes Road, Romoland; APN:327-360-024
 District: 5/5 [\$0]

RECOMMENDED MOTION: That the Board of Supervisors move that:

1. The four (4) substandard structures (dwelling, carport, detached garage, and detached garage with carport) on the real property located at 28990 Mapes Road, Romoland, Riverside County, California, APN: 327-360-024 be declared a public nuisance and a violation of Riverside County Ordinance No. 457 which does not permit substandard structures on the property.
2. Francisco Ruiz and Agueda Ruiz, 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
 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: 5/5

Agenda Number:

9-4

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

FORM 11: Abatement of Public Nuisance [Substandard Structures]

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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. If the owners or whoever has possession or control of the real property do 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 owners or receipt of a Court Order authorizing entry onto the real property when necessary under applicable law, may abate the substandard structures by removing and disposing of the same from the real property.

5. 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.

6. County Counsel be directed to prepare the necessary Findings of Fact and Conclusions that the substandard structures on the real property are declared to be in violation of Riverside County Ordinance No. 457, and constitute a public nuisance. Further, County Counsel shall prepare an Order to Abate for approval by the Board.

BACKGROUND:

1. An inspection was made on the subject property pursuant to Inspection Warrant MISC 2011-056 by Code Enforcement Officer Edward Torres on April 19, 2011, wherein he observed a substandard structure (dwelling). Another inspection was conducted on January 8, 2013, during which Officer Torres observed (3) three additional substandard structures (carport, detached garage and detached garage with carport) 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, lack of required electrical lighting, hazardous wiring, deteriorated or inadequate foundation, defective or deteriorated flooring and floor support, members of ceiling, roofs, ceiling and roof supports or other horizontal members which sag, split, or buckle, due to defective material or deterioration, dampness or habitable rooms, faulty weather protection, general dilapidation or improper maintenance, public and attractive nuisance – abandoned / vacant, unpermitted construction.

2. There have been approximately 14 subsequent follow up inspections, with the last inspection being August 19, 2014, which revealed that the property continues to be in violation of Riverside County Ordinance No. 457.

3. 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.

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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

Declaration
Exhibits A-G