



*County of Lassen*  
Department of Planning and Building Services

• Planning • Building Permits • Code Enforcement • Surveyor • Surface Mining

May 5, 2017

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TO: Board of Supervisors  
Agenda Date: May 16, 2017

FROM: Maurice L. Anderson, Director

Zoning & Building  
Inspection Requests  
Phone: 530 257-5263

SUBJECT: Proposed ordinance to revise Chapter 1.19 (Abandoned Vehicles) of the Lassen County Code to define "screened from ordinary view," amend abatement procedures, delete a portion of Section 1.19.070 and to consider adoption of a resolution to fix the administrative costs for the abatement of abandoned, wrecked, dismantled or inoperative vehicles. The addition of Chapter 2.14 of the Lassen County Code will also be considered to define the Planning and Building Services Director. File: 319.04

ACTION REQUESTED:

1. Receive Report; and
2. Introduce the Ordinance and Read (or Waive);
3. Adopt the Resolution

SUMMARY

The purpose of this Board letter is to describe the attached ordinance, proposed by staff and to introduce a resolution also proposed by staff. The proposed ordinance, proposed resolution, and a copy of County Code Chapter 1.19, as it currently exists, is attached.

***Ordinance:***

In summary, the proposed ordinance would do the following:

- 1) The proposed ordinance would add a definition for the term "screened for ordinary view" to section 1.19.030. Currently in the Code, there is an exemption for a small number of inoperative vehicles, provided said vehicles are "screened from ordinary view." However there is no definition of "screened from ordinary view." The proposed ordinance would provide the following definition:

"(g) "Screened from ordinary view" means enclosed entirely behind a fence of at least six feet minimum height, constructed of opaque, uniform nonreflective material, maintained plumb and level in structurally sound condition, which shall completely prevent any inoperative vehicle from being seen from any location off of the parcel upon which the vehicle is located."

- 2) At Section 1.19.040 of County Code, the Community Development Director is removed as one of the two possible hearing officers for an appeal (the County Administrative Officer is the primary hearing officer). This is appropriate, as the Director of Planning and Building Services is responsible for administration of the program. The County Administrative Officer is retained as the appeals hearing officer. It is also recommended that this section be amended to allow the County Administrative Officer to appoint a designee, provided said designee is a public official (the California Vehicle Code requires a public official).
- 3) The proposed ordinance would remove the language shown below in strikethrough from Lassen County Code Section 1.19.070:
  - a) Except as otherwise provided herein, the provisions of this chapter shall be administered and enforced by the director of community development or designee. ~~and upon approval of the appointment by the board of supervisors, a written confirmation of appointment shall be filed with the county clerk.~~ In the enforcement of this chapter, such persons charged with administration and enforcement may enter upon private or public property to examine a vehicle or parts thereof, or obtain information as to the identity of a vehicle and to remove or cause the removal of a vehicle or parts thereof declared to be a nuisance pursuant to this chapter.
- 4) The proposed ordinance would add Chapter 2.14 to the Lassen County Code, to provide a definition of the Director of Planning and Building Services. Multiple names are used throughout various titles in Lassen County Code for the Planning and Building Services Director. This Chapter would make it clear that Planning and Building Services Department Director, Planning Director and Community Development Director are synonymous.

***Resolution:***

Section 1.19.090 of the Lassen County Code allows the Board of Supervisors to determine and fix the administrative costs of the program, excluding the actual cost of removal of any vehicle or part thereof. The proposed resolution would establish said administrative costs.

MLA:gfn  
Attachment

Pla/admin/files/319.04/Bdltr

ORDINANCE NO. \_\_\_\_\_

Ordinance Amending Chapter 1.19 and adding Chapter 2.14 to the Lassen County Code

The following ordinance, consisting of four sections, was duly and regularly passed and adopted by the Board of Supervisors of the County of Lassen, State of California, at a regular meeting of the Board of Supervisors held on the \_\_\_\_th day of \_\_\_\_\_, 20\_\_, by the following vote:

AYES: \_\_\_\_\_

NOES: \_\_\_\_\_

ABSTAIN: \_\_\_\_\_

ABSENT: \_\_\_\_\_

\_\_\_\_\_  
Chairman of the Board of Supervisors,  
County of Lassen, State of California

Attest: JULIE BUSTAMANTE  
Clerk of the Board

By: \_\_\_\_\_  
MICHELE J. YDERRAGA, Deputy Clerk of the Board

I, MICHELE J. YDERRAGA, Deputy Clerk of the Board of the Board of Supervisors, County of Lassen, do hereby certify that the foregoing ordinance was adopted by the said Board of Supervisors at a regular meeting thereof held on the \_\_\_\_th day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
MICHELE J. YDERRAGA, Deputy Clerk of the Board



THE BOARD OF SUPERVISORS OF THE COUNTY OF LASSEN,  
STATE OF CALIFORNIA, DOES ORDAIN AS FOLLOWS:

SECTION ONE: This ordinance shall take effect thirty (30) days after its passage, and before the expiration of fifteen (15) days after its passage a summary shall be published with the names of the members voting for and against the same, once in a local newspaper of the County of Lassen, State of California.

SECTION TWO: The following Sections and Subsections of Chapter 1.19 (Abandoned Vehicles) of the Lassen County Code are amended as follows:

Subsection (g) is hereby added to Section 1.19.030, to read as follows:

“(g) “Screened from ordinary view” means enclosed entirely behind a fence of at least six feet minimum height, constructed of opaque, uniform nonreflective material, maintained plumb and level in structurally sound condition, which shall completely prevent any inoperative vehicle from being seen from any location off of the parcel upon which the vehicle is located.”

Section 1.19.040 is hereby repealed and replaced with the following:

**“1.19.040 Abandoned vehicles hearing officer established—Membership.**

The county administrative officer shall serve as the hearing officer for appeals under this chapter. The county administrative officer may appoint an alternate hearing officer, provided said hearing officer is a public official of Lassen County.”

Section 1.19.070 is hereby repealed and replaced with the following:

**“1.19.070 Administration and enforcement.**

Except as otherwise provided herein, the provisions of this chapter shall be administered and enforced by the director of planning and building services or designee. In the enforcement of this chapter, such persons charged with administration and enforcement may enter upon private or public property to examine a vehicle or parts thereof, or obtain information as to the identity of a vehicle and to remove or cause the removal of a vehicle or parts thereof declared to be a nuisance pursuant to this chapter.”

SECTION THREE: Chapter 2.14 is hereby added to the Lassen County Code to read as follows:

**“Chapter 2.14**

**2.12.010 Creation of office.**

There is created within the county of Lassen, state of California, the office of director of planning and building services. As used in Lassen County Code, director of planning and building services also means “planning director” or “community development department director.” Said director is responsible for the tasks and responsibilities provided for in the Lassen County Code and by state regulation and statute.”

**“2.12.020 Appointment/term.**

The director of planning and building services shall be appointed by the county administrative officer and shall serve at the will of the county administrative officer, or as otherwise provided by contract.”

**“2.12.030 Duties.**

The duties of the director of planning and building services shall be as otherwise prescribed by law.”

**“2.12.040 Compensation.**

The compensation of the director of planning and building services shall be fixed by the board of supervisors.”

SECTION FOUR: If any section, subsection, sentence, clause, or phase of this ordinance is for any reason held to be unconstitutional and invalid, such decision shall not affect the validity of the remaining portion of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and every section, subsection, sentence, clause or phrase thereof, irrespective of the fact any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

RESOLUTION NO. \_\_\_\_\_

RESOLUTION OF THE LASSEN COUNTY BOARD OF SUPERVISORS FIXING  
THE ADMINISTRATIVE COSTS FOR THE REMOVAL OF ABANDONED,  
WRECKED, DISMANTLED, OR INOPERATIVE VEHICLES, OR PARTS  
THEREOF.

WHEREAS, Lassen County has authority, under its Police power, to operate a program to remove abandoned, wrecked, dismantled, or inoperative vehicles or parts thereof; and

WHEREAS, California Vehicle Code Section 22660 through 22668 authorizes adoption of an ordinance to establish a procedure for abating and removing abandoned, wrecked, dismantled, or inoperative vehicles or parts thereof from public and private property, excluding highways; and

WHEREAS, the Board of Supervisors finds that an Abandoned Vehicle Abatement Program is needed to provide for the proper removal and disposal of abandoned, wrecked, dismantled, or inoperative vehicles or parts thereof and to assist law enforcement and code enforcement personnel in abatement of abandoned vehicles; and

WHEREAS, the Board of Supervisors has adopted a vehicle abatement program, codified at Lassen County Code Chapter 1.19 et seq; and

WHEREAS, Section 1.19.090 of the Abandoned Vehicle Chapter of the Lassen County Code authorizes the Board of Supervisors to determine and fix an amount to be assessed as administrative costs, excluding the actual cost of removal of any vehicle or part thereof.

NOW, THEREFORE BE IT RESOLVED AS FOLLOWS:

1. The foregoing recitals are true and correct.
2. The Board of Supervisors further finds, determines and fixes the following amount to be assessed as the administrative costs for the removal of abandoned, wrecked, dismantled, or inoperative vehicles or parts thereof, excluding the actual cost of removal of any vehicle or part thereof.

The amount assessed will be calculated by multiplying the weighted rate of the identified staff member times the number of hours (or portion of an hour) identified below for each staff member:

- a. Code Enforcement Officer – one hour (60 minutes)
- b. Fiscal Officer – ½ hour (30 minutes)
- c. Code Enforcement Officer Supervisor – ½ hour (30 minutes)
- d. Director – ¼ hour (15 minutes)



RESOLUTION \_\_\_\_\_

3. If an appeal is filed the following additional administrative costs shall be assessed:
  - a. Code Enforcement Officer – two hours (120 minutes)
  - b. Fiscal Officer – ½ hour (30 minutes)
  - c. Code Enforcement Officer Supervisor – two hours (120 minutes)
  - d. Director – ½ hour (30 minutes)
4. No charges shall be assessed if the appeal is sustained.

The foregoing resolution was adopted at a regular meeting of the Lassen County Board of Supervisors of the County of Lassen, State of California, held on the \_\_\_\_th day of \_\_\_\_\_ 20\_\_ by the following vote:

AYES: \_\_\_\_\_

NOES: \_\_\_\_\_

ABSTAIN: \_\_\_\_\_

ABSENT: \_\_\_\_\_

\_\_\_\_\_  
Chairman of the Board of Supervisors  
County of Lassen, State of California

ATTEST:  
JULIE BUSTAMANTE, Clerk of the Board

BY \_\_\_\_\_  
MICHELE J. YDERRAGA, Deputy Clerk of the Board

I, MICHELE J. YDERRAGA, Deputy Clerk of the Board of Supervisors, County of Lassen, do hereby certify that the foregoing resolution was adopted by the said Board of Supervisors at a regular meeting thereof held on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Deputy Clerk of the County of Lassen  
Board of Supervisors

# EXISTING COUNTY CODE

Lassen County Code			
Up	Previous	Next	Ma

Title 1 GENERAL PROVISIONS

## Chapter 1.19 ABANDONED VEHICLES

### 1.19.010 Scope of chapter.

This chapter deals with the abatement and removal of abandoned, wrecked, dismantled or inoperative vehicles on private or public property, not including highways, and adopts a vehicle abatement program pursuant to Vehicle Code Sections 22660 through 22668. The authority and procedure for abating and removing abandoned vehicles from highways is contained in the Vehicle Code. (Ord. 527-D § 1, 2008).

### 1.19.020 Findings and declarations.

In addition to and in accordance with the determination made and the authority granted by the state under Section 22660 of the Vehicle Code to remove abandoned, wrecked, dismantled or inoperative vehicles or parts thereof as public nuisances, the board of supervisors make the following findings and declarations:

The accumulation and storage of abandoned, wrecked, dismantled, or inoperative vehicles or parts thereof on private or public property, not including highways, is found to create a condition tending to reduce the value of private property, to promote blight and deterioration, to invite plundering, to create fire hazards, to constitute an attractive nuisance creating a hazard to health and safety of minors, to create a harborage for rodents and insects and to be injurious to the health, safety and general welfare. Therefore the presence of an abandoned, wrecked, dismantled or inoperative vehicle or part thereof, on private or public property not including highways, except as expressly hereinafter permitted, is declared to constitute a public nuisance which may be abated as such in accordance with the provisions of this chapter. (Ord. 527-D § 1, 2008).

### 1.19.030 Definitions.

As used in this chapter:

- (a) "Highway" means a way or place of whatever nature, publicly maintained or open to the use of the public for purposes of vehicular traffic. "Highway" includes "street."
- (b) "Inoperative" includes, but is not limited to, a vehicle which is not currently and validly registered for operation or use on the highways and streets in the state as required under the provisions of Division 3 (commencing at Section 4000 et seq.) of the Vehicle Code.
- (c) "Owner of the land" means the owner of the land on which the vehicle, or parts thereof, is located, as shown on the last equalized assessment roll.
- (d) "Owner of the vehicle" means the last registered owner and the last legal owner of record.
- (e) "Public property" does not include "highway."
- (f) "Vehicle" means a device by which any person or property may be propelled, moved, or drawn upon a highway except a device moved by human power or used exclusively upon stationary rails or tracks. (Ord. 527-D § 1, 2008).

### 1.19.040 Abandoned vehicles hearing officer established—Membership.



The county administrative officer shall serve as the hearing officer for appeals under this chapter. If the county administrative officer is unavailable, for any reason, the director of community development shall act as the hearing officer. (Ord. 527-D § 1, 2008).

#### **1.19.050 Exceptions.**

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This chapter shall not apply to:

(a) In any residential or commercial zoning district designated R-1, R-2, R-3, A-2, C-H, C-L, C-G, C-T, C-1 and C-2, or general agricultural zoning district (A-1) on parcels of one acre or less, up to two inoperative vehicles may be stored in an enclosed garage or rear yard screened from ordinary view, provided that the property has been improved with a permitted dwelling or business;

(b) In zoning districts other than residential or commercial and in general agricultural districts on parcels larger than one acre, one inoperative vehicle may be stored where screened from ordinary view, for each one-half acre contained within said parcel provided that:

(1) No more than ten inoperative vehicles may be stored on any one parcel, and

(2) The parcel has been improved with a permitted dwelling or business;

(c) A vehicle or part thereof that is completely enclosed within a building in a lawful manner where it is not visible from the street or other public or private property;

(d) A vehicle or part thereof which is stored or parked in a lawful manner on private property in connection with the business of a licensed dismantler, junkyard, a licensed vehicle dealer, or when such storage or parking is permitted in conjunction with the operation of a lawfully conducted business or commercial enterprise; provided, however, that this exception shall not authorize the maintenance of a public or private nuisance as defined under provisions of law other than Chapter 10 (commencing with Section 22650) of Division 11 of the Vehicle Code, and this chapter. (Ord. 2011-005 § 2; Ord. 527-D § 1, 2008).

#### **1.19.060 Regulations supplemental to other state and local provisions.**

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This chapter is not the exclusive regulation of abandoned, wrecked, dismantled or inoperative vehicles within the county. It shall supplement and be in addition to the other regulatory codes, statutes and ordinances heretofore or hereafter enacted by the county, the state, or any other legal entity or agency having jurisdiction. (Ord. 527-D § 1, 2008).

#### **1.19.070 Administration and enforcement.**

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Except as otherwise provided herein, the provisions of this chapter shall be administered and enforced by the director of community development or designee, and upon approval of the appointment by the board of supervisors, a written confirmation of appointment shall be filed with the county clerk. In the enforcement of this chapter, such persons charged with administration and enforcement may enter upon private or public property to examine a vehicle or parts thereof, or obtain information as to the identity of a vehicle and to remove or cause the removal of a vehicle or parts thereof declared to be a nuisance pursuant to this chapter. (Ord. 527-D § 1, 2008).

#### **1.19.080 Right to enter on private property.**

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When the board of supervisors has contracted with or granted a franchise to any person or persons, such

person or persons shall be authorized to enter upon private property or public property to remove or cause the removal of a vehicle or parts thereof declared to be a nuisance pursuant to this chapter. (Ord. 527-D § 1, 2008).

#### **1.19.090 Fixing administrative costs.**

The board of supervisors shall from time to time, determine and fix an amount to be assessed as administrative costs, excluding the actual cost of removal of any vehicle or part thereof, under this chapter. (Ord. 527-D § 1, 2008).

#### **1.19.100 Abatement and removal—Authority.**

Upon discovering the existence of an abandoned, wrecked, dismantled or inoperative vehicle, or parts thereof, on private property or public property within the county, the director of community development or his or her designated representative shall have the authority to cause the abatement and removal thereof in accordance with the procedure prescribed herein. (Ord. 527-D § 1, 2008).

#### **1.19.110 Abatement and removal—Notice of intention.**

(a) A ten-day notice of intention to abate and remove the vehicle or parts thereof, as a public nuisance, shall be mailed by the director of community development or his or her designated representative via certified mail to the owner of the land as shown on the last equalized assessment roll and to the last registered and legal owner of record of the vehicle, unless the vehicle is in such condition that identification numbers are not available to determine ownership. The form of the notice shall be in substantially the following form:

Notice to Landowner:

NOTICE OF INTENTION TO ABATE AND REMOVE AN ABANDONED, WRECKED,  
DISMANTLED, OR INOPERATIVE VEHICLE OR PARTS THEREOF AS A PUBLIC NUISANCE

(Name and address of owner of the land)

As owner shown on the last equalized assessment roll of the land located at (address), you are hereby notified that the undersigned, pursuant to Lassen County Code Section 1.19.070, has determined that there exists upon said land an (or parts of an) abandoned, wrecked, dismantled, or inoperative vehicle registered to \_\_\_\_\_ license or vin number, which constitutes a public nuisance pursuant to the provision of Lassen County Code Section 1.19.020.

You are hereby notified to abate said nuisance by the removal of said vehicle (or said parts of a vehicle) within 10 days from the date of mailing of this notice, and upon your failure to do so the same will be abated and removed by the county and the costs thereof, together with administrative costs, assessed to you as owner of the land on which said vehicle (or said parts of a vehicle) is located.



As owner of the land on which said vehicle (or said parts of a vehicle) is located, you are hereby notified that you may, within 10 days after the mailing of this notice of intention, request a public hearing and if such a request is not received by the Director of Community Development within such 10-day period, the Director of Community Development shall have the authority to abate and remove said vehicle (or said parts of a vehicle) as a public nuisance and assess the costs as aforesaid without a public hearing. You may submit a sworn written statement within such 10-day period denying responsibility for the presence of said vehicle (or said parts of a vehicle) on said land, with your reasons for denial, and such statement shall be construed as a request for a hearing at which your presence is not required. You may appear in person at any hearing requested by you or the owner of the vehicle or, in lieu thereof, may present a sworn written statement as aforesaid in time for consideration at such hearing.

NOTICE MAILED:

Director of Community Development

Notice to Vehicle Owner:

NOTICE OF INTENTION TO ABATE AND REMOVE AN ABANDONED, WRECKED,  
DISMANTLED, OR INOPERATIVE VEHICLE OR PARTS THEREOF AS A PUBLIC NUISANCE

(Name and address of last registered and/or legal owner of record of vehicle - notice should be given to both if different.)

As the last registered (and/or legal) owner of record of (description of vehicle -make, model, license, etc.), you are hereby notified that the undersigned, pursuant to Lassen County Code Section 1.19.070, has determined that said vehicle (or parts of a vehicle) exists as an abandoned, wrecked, dismantled, or inoperative vehicle at (describe location on public or private property) and constitutes a public nuisance pursuant to the provision of Lassen County Code Section 1.19.020.

You are hereby notified to abate said nuisance by removing said vehicle (or said parts of a vehicle) within 10 days from the date of the mailing of this notice.

As the registered (and/or legal) owner of record of said vehicle (or said parts of a vehicle), you are hereby notified that you may, within 10 days after the mailing of this notice of intention, request a public hearing or may submit a sworn written statement denying responsibility for the presence of the vehicle on the land, with his or her reasons for such denial, in lieu of appearing. If such request is not received by the Director of Community Development or his/her designated representative, of within such 10-day period, the Director of Community Development shall have the authority to abate and remove said vehicle (or said parts of a vehicle) without a hearing.



Notice Mailed

Director of Community Development

(b) A notice of intention to abate shall not be required if:

(1) The property owner and the owner of the vehicle have signed releases authorizing removal and waive further interest in the vehicle or part thereof, or

(2) All the following conditions are satisfied:

(A) The vehicle or part thereof is inoperable due to the absence of a motor, transmission, or wheels and is incapable of being towed;

(B) The vehicle or part thereof is valued at less than three hundred dollars by the director of community development or his or her designee;

(C) The director of community development or designee has determined that the vehicle or part thereof is a public nuisance presenting an immediate threat to public health or safety;

(D) The property owner has signed a release authorizing the removal and waiving further interest in the vehicle or part thereof; and

(E) The vehicle is located upon a parcel that is either zoned for agricultural use or is not improved with a residential structure containing one or more dwelling units.

(c) If a vehicle is removed pursuant to subsection (b)(2) of this section, prior to final disposition, the registered or legal owner shall be notified of the intent to dispose of the vehicle or parts thereof. If the vehicle or part thereof is not claimed and removed from the scrapyard, automobile dismantler's yard or public disposal area within twelve days after the notice to dispose of vehicle is mailed, final disposition may proceed. (Ord. 527-D § 1, 2008).

#### **1.19.120 Abatement and removal—Request for public hearing.**

(a) Upon request by the owner of the vehicle or owner of the land received by the director of community development or his or her designated representative within ten days after the mailing of the notices of intention to abate and remove, a public hearing shall be held by the abandoned vehicle hearing officer established pursuant to Section 1.19.040 on the question of abatement and removal of the vehicle or parts thereof as an abandoned, wrecked, dismantled or inoperative vehicle, and the assessment of the administrative costs and the cost of removal of the vehicle or parts thereof against the property on which it is located.

(b) If the owner of the land submits a sworn, written statement denying responsibility for the presence of the vehicle on his or her land within such ten day period, said statement shall be construed as a request for a hearing which does not require his or her presence. Notice of the hearing shall be mailed by the director of community development or his or her designated representative via certified mail at least ten days before the hearing date to the owner of the land and to the owner of the vehicle, unless the vehicle is in such condition that identification numbers are not available to determine ownership. If such request for a hearing is not received within ten days after mailing of the notice of intention to abate and remove, the county shall have the authority to abate and remove the vehicle, or parts thereof, as a public nuisance without holding a public hearing, upon the written order of the director of community development or his or her designated representative, a copy of which order shall be filed with the county clerk. (Ord. 527-D § 1, 2008).

#### **1.19.130 Abatement and removal—Conduct of public hearing—Decision.**



(a) All hearings under this chapter shall be held before the abandoned vehicle hearing officer established pursuant to Section 1.19.040, who shall hear all facts and testimony he/she deems pertinent. Said facts and testimony may include the testimony on the condition of the vehicle or parts thereof and the circumstances concerning its location on the private property or public property. The hearing officer shall not be limited by the technical rules of evidence. The owner of the land on which the vehicles is located may appear in person at the hearing or present a written statement in time for consideration at the hearing, and deny responsibility for the presence of the vehicle on the land, with his or her reasons for such denial.

(b) The abandoned vehicle hearing officer may impose such conditions and take such other action as he/she deems appropriate under the circumstances to carry out the purpose of this chapter. The hearing officer may delay the time for removal of the vehicle or parts thereof if, in his/her opinion, the circumstances justify it. At the conclusion of the public hearing, the hearing officer shall issue written findings of fact regarding the vehicle or part thereof and the location of said vehicle or part thereof. If the hearing officer finds that a vehicle, or parts thereof, has been abandoned, wrecked, dismantled or is inoperative on private or public property, he or she may, order the same removed from the property as a public nuisance and disposed of as hereinafter provided and determine the administrative costs and the cost of removal to be charged against the owner of the land on which the vehicle, or part thereof, is located. The order requiring removal shall include a description of the vehicle, or parts thereof, and the correct identification number and license number of the vehicle, if available at the site, and a copy shall be filed with the county clerk.

(c) If it is determined at the hearing that the vehicle was placed on the land without the consent of the owner of the land and that he or she has not subsequently acquiesced in its presence, the hearing officer shall not assess the costs of administration or removal of the vehicle against the property upon which the vehicle is located or otherwise attempt to collect such costs from such owner of the land.

(d) If the owner of the land submits a sworn, written statement denying responsibility for the presence of the vehicle on his or her land but does not appear, or if an interested party makes a written presentation to the hearing officer but does not appear, he or she shall be notified in writing of the decision. (Ord. 527-D § 1, 2008).

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#### **1.19.140 Abatement and removal—Appeal.**

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(a) Any interested party may appeal the decision of the abandoned vehicle hearing officer established pursuant to Section 1.19.040 by filing a written notice of the appeal with the hearing officer within ten days after his/her decision.

(b) Such appeal shall be heard by the board of supervisors which may affirm, amend or reverse the order and take other action deemed appropriate.

(c) The county clerk shall give written notice of the time and place of the hearing to the appellant and those persons specified in Section 1.19.120.

(d) In conducting the hearing, the board of supervisors shall not be limited by the technical rules of evidence. The decision of the board of supervisors shall be final and conclusive. (Ord. 527-D § 1, 2008).

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#### **1.19.150 Abatement and removal—When.**

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Ten days after the adoption of the order declaring the vehicle or parts thereof to be a public nuisance, or ten days from the date of mailing of notice of the decision of the abandoned vehicle hearing officer as required by Section 1.19.130, or five days after such action of the board of supervisors authorizing removal following appeal, the vehicle or parts thereof may be disposed of by removal to a scrapyard or automobile dismantler's yard. After a vehicle has been removed, it shall not thereafter be reconstructed or made operable, unless it is a

vehicle which qualifies for either horseless carriage license plates or historical vehicle license plates pursuant to California Vehicle Code Section 5004, in which case the vehicle may be reconstructed or made operable. (Ord. 527-D § 1, 2008).

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**1.19.160 Abatement and removal—Notice and transmittals to Department of Motor Vehicles.**

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Within five days after the date of removal of the vehicle or parts thereof, notice shall be given by the director of community development or designee to the Department of Motor Vehicles identifying the vehicle or parts thereof removed. At the same time there shall be transmitted to the Department of Motor Vehicles any evidence of registration available, including registration certificates, certificates of title and license plates. (Ord. 527-D § 1, 2008).

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**1.19.170 Abatement and removal—Assessment of costs to landowners.**

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If the administrative costs and the cost of removal which are charged against the owner of a parcel of land pursuant to Section 1.19.130 are not paid within thirty days of the date of the order or the final disposition of an appeal therefrom, such costs shall be assessed against the parcel of land pursuant to Section 38773.5 of the Government Code and shall be transmitted to the tax collector for collection. Said assessment shall have the same priority as other county taxes. (Ord. 527-D § 1, 2008).

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**1.19.180 Penalties.**

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(a) It is unlawful and an infraction for any person to abandon, park, store, or leave or permit the abandonment, parking, storing or leaving of any licensed or unlicensed vehicle or part thereof, which is in an abandoned, wrecked, dismantled or inoperative condition upon any private property or public property including highways within the county in excess of seventy-two or more consecutive hours, unless such vehicle or part thereof is completely enclosed within a building in a lawful manner where it is not plainly visible from the street or other public or private property, or unless such vehicle is stored or parked in a lawful manner on private property in conjunction with a business of a licensed dismantler, licensed vehicle dealer, or a junkyard.

(b) It is unlawful and an infraction for any person to fail or to refuse to remove an abandoned, wrecked, dismantled or inoperative vehicle, or part thereof, or to refuse to abate such nuisance when ordered to do so in accordance with the abatement provisions of this chapter. (Ord. 527-D § 1, 2008).

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