ORDINANCE NO. 914

AN ORDINANCE PROVIDING FOR THE ABATEMENT AND REMOVAL AS PUBLIC NUISANCES OF ABANDONED, WRECKED, DISMANTLED OR INOPERATIVE VEHICLES OR PARTS THEREOF FROM PRIVATE PROPERTY OR PUBLIC PROPERTY, NOT INCLUDING HIGHWAYS, AND RECOVERY OF COSTS OF ADMINISTRATION THEREOF AS AUTHORIZED BY SECTION 22660, VEHICLE CODE

The Board of Supervisors of the County of Solano, State of California, does ordain as follows:

SECTION I. AUTHORITY.

WHEREAS, pursuant to the authority granted by the State of California under §22660 of the Vehicle Code to remove abandoned, wrecked, dismantled or inoperative vehicles, or parts thereof, as public nuisances, the Board of Supervisors of Solano County hereby makes 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 hereby 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 the 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 parts thereof, on private or public property, not including highways, except as expressly hereinafter permitted, is hereby declared to constitute a public nuisance which may be abated

SECTION II. DEFINITIONS.

The terms used in this Ordinance are defined as follows:

(a) "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.

(b) "Highway" means a way or place of whatever nature, publicly maintained and open to the use of the public for purposes of vehicular travel. Highway includes street.

(c) "Public property" does not include "Highway."

(d) "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.

(e) "Owner of the vehicle" means the last registered owner and legal owner of record.

(f) "Public works director" shall mean the Public Works Director of Solano County, or his authorized representative.

(g) "Public works department" shall mean the Public Works Department of Solano County.

SECTION III. POLICY.

It shall be unlawful and a misdemeanor for any person to abandon, park, store, leave or permit the abandonment, parking, storing or leaving of any licensed or unlicensed vehicle, or parts thereof, which is in an abandoned, wrecked, dismantled or inoperative condition upon any private property or public property, not including highways, within the County for a period in excess of TEN (10) DAYS unless such vehicle, or parts thereof, is completely enclosed within a building in a lawful manner.

SECTION IV. EXCLUSIONS.

This Ordinance shall not apply to:

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

(b) A vehicle, or parts thereof, which is stored or parked in a lawful manner on private property in connection with
the business of a licensed dismantler, licensed vehicle dealer, a junk dealer, or when such storage or parking is necessary to the operation of agricultural pursuits or a lawfully conducted business or commercial enterprise.

Nothing in this section shall authorize the maintenance of a public or private nuisance as defined under provisions of law other than Chapter 10 (commencing with §22650) of Division 11 of the Vehicle Code and this Ordinance.

SECTION V. CONCURRENT AUTHORITIES.

This Ordinance is not the exclusive regulation of abandoned, wrecked, dismantled or inoperative vehicles within the unincorporated area of 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.

SECTION VI. ADMINISTRATION.

Except as otherwise provided herein, the provisions of this ordinance shall be administered and enforced by the public works director. In the enforcement of this ordinance, such officer, or his authorized representatives, 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 ordinance.

SECTION VII. REMOVAL.

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 ordinance.
SECTION VIII. 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 parts thereof, under this ordinance.

SECTION IX. NOTICE TO ABATE NUISANCE.

A FIFTEEN (15) DAY NOTICE of intention to abate and remove the vehicle, or parts thereof, as a public nuisance shall be mailed by registered or certified mail with return receipt, 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.

SECTION X. REQUEST FOR HEARING.

Upon request by the owner of the vehicle, or parts thereof, or owner of the land on which the vehicle or parts thereof is located, received by the public works director within 15 days after the mailing of the notices of intention to abate and remove, a public hearing shall be held by the public works director 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.

If the owner of the land submits a sworn written statement denying responsibility for the presence of the vehicle on his land within such 15-day period, said statement shall be construed as a request for a hearing which does not require his presence. Notice of the hearing shall be mailed, by registered or certified mail, at least 15 days before the hearing, 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, in which
event notice to the owner of the vehicle will not be required.

SECTION XI. HEARING.

All hearings under this ordinance shall be held before the public works director, who shall hear all facts and testimony he deems pertinent. Said facts and testimony may include testimony on the condition of the vehicle, or parts thereof, and the circumstances concerning its location on the said private property or public property. The public works director shall not be limited by the technical rules of evidence. The owner of the land may appear in person at the hearing, or present a sworn statement in time for consideration at the hearing, and deny responsibility for the presence of the vehicle on the land, with his reasons for such denial.

The public works director may impose such conditions and take such other action as he deems appropriate under the circumstances to carry out the purpose of this ordinance. He may delay the time for removal of the vehicle, or parts thereof, if in his opinion the circumstances justify it. At the conclusion of the public hearing, the public works director may find that a vehicle, or parts thereof, has been abandoned, wrecked, dismantled, or is inoperative on private or public property and 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. 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.

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 has not subsequently acquiesced in its presence, the public works director 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 col-
lect such costs from such owner of the land.

If the owner of the land submits a sworn, written
statement denying responsibility for the presence of the ve-
Hicle on his land but does not appear, or if an interested
party makes a written presentation to the public works direc-
tor but does not appear, he shall be notified in writing of
the decision.

SECTION XII. APPEAL.

Any interested party may appeal the decision of the
hearing officer by filing a written notice of appeal with the
hearing officer within five (5) days after his decision.

Such appeal shall be heard by the board of supervi-
sors which may affirm, amend or reverse the order or take other
action deemed appropriate.

The clerk of the board shall give written notice of
the time and place of the hearing to the appellant and those per-
sons specified in Section IX.

In conducting the hearing, the board of supervisors
shall not be limited by the technical rules of evidence.

No appeal may be taken from an order issued pursuant
to Section XIV, Removal Without Hearing.

SECTION XIII. REMOVAL AND DISPOSITION.

FIVE (5) DAYS after adoption of the order declaring
the vehicle, or parts thereof, to be a public nuisance, five
(5) days from the date of mailing of notice of the decision, if
such notice is required, fifteen (15) days after such action of
the public works director authorizing removal, or five (5) days
after decision on 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 his-
torical vehicle license plates, pursuant to Section 5004, in
which case, the vehicle may be reconstructed or made operable.

SECTION XIV. REMOVAL WITHOUT HEARING.

If neither, vehicle or property owner, requests a
hearing within fifteen (15) days of mailing the notice of inten-
tion to abate and remove the vehicle, or part thereof, or if
both the legal owner of the vehicle and the owner of the property
sign waivers authorizing removal of the vehicle, or part thereof,
it may be abated by removal without a hearing. The public works
director shall direct such removal by issuance of an order, sub-
ject to conditions set forth in this ordinance, excepting only
the requirements of a hearing.

SECTION XV. NOTICE TO DEPARTMENT OF MOTOR VEHICLES.

Within five (5) days after the date of removal of the
vehicle, or parts thereof, notice shall be given to the depart-
ment of motor vehicles identifying the vehicle, or parts there-
of, removed. At the same time, there shall be transmitted to
the department of motor vehicles any evidence of registration
available, including, but not limited to, registration certifi-
cates, certificates of title, and license plates.

SECTION XVI. COLLECTION OF COSTS.

If the administrative costs and the cost of removal
which are charged against the owner of a parcel of land pursuant
to this ordinance are not paid within THIRTY (30) DAYS of the
date of the order, such costs shall be assessed against the par-
cel of land pursuant to §25845 of the Government Code, and shall
be transmitted to the tax collector for collection. Said assess-
ment shall have the same priority as other county taxes.

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SECTION XVII. LICENSED DISMANTLER AND COMMERCIAL ENTERPRISE.

Any licensed dismantler or commercial enterprise acquiring vehicles removed pursuant to this ordinance shall be excused from the reporting requirements of Section 11520 of the California Vehicle Code and any fees and penalties which would otherwise be due the Department of Motor Vehicles, are hereby waived, provided that a copy of the resolution or order authorizing disposition of the vehicle is retained in the dismantler's or commercial enterprise's business records.

SECTION XVIII. PENALTY.

Any person violating any provisions of this ordinance shall be guilty of a misdemeanor which is punishable by imprisonment in the county jail, not to exceed six (6) months, or by fine not to exceed FIVE HUNDRED DOLLARS ($500.00), or both such fine and imprisonment.

SECTION XIX. PUBLICATION.

This Ordinance shall be published once before the expiration of FIFTEEN (15) DAYS after its passage in the Valley Times-News, a newspaper of general circulation, printed and published in the County of Solano, and shall be in full force and effect THIRTY (30) DAYS after its passage.

ATTEST:

NEIL CRAWFORD, County Clerk and ex officio Clerk of the Board of Supervisors,

By

Deputy Clerk
I, NEIL CRAWFORD, County Clerk and ex officio Clerk of the Board of Supervisors of the County of Solano, State of California, do hereby certify that the above and foregoing Ordinance was introduced at a regular meeting thereof held on the 9 day of December, 1975.

On the motion of Supervisor Hillyard and the Second of Supervisor Scofield, this Ordinance was adopted at a regular meeting of said Board this 16 day of December, 1975, by the following vote:

AYES: SUPERVISORS: Brazelton, Hannigan, Hillyard, Scofield and Brann

NOES: SUPERVISORS: 

ABSENT: SUPERVISORS: 

WITNESS my hand and the Seal of said Board this 16 day of December, 1975.

NEIL CRAWFORD, County Clerk

By [signature]
Deputy Clerk