ORDINANCE NO. 221

AN ORDINANCE AMENDING SECTIONS 17-200, 17-209, 17-210 AND 17-211 OF THE SOLANO COUNTY CODE AND ADDING SECTION 17-208.5 TO THE SOLANO COUNTY CODE, CONCERNING STATUTORY AUTHORITY, NOTICE PROVISIONS AND OWNER ABATEMENT OF ABANDONED, WRECKED, DISMANTLED OR INOPERATIVE MOTOR VEHICLES

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

SECTION I.

Section 17-200, Chapter 17, Findings, Solano County Code, is amended to read as follows:

Section 17-200. Findings.

Pursuant to the authority granted by the state under Sections 22660 through 22664, inclusive, of the State Vehicle Code to remove abandoned, wrecked, dismantled or inoperative vehicles or parts thereof, as public nuisances, the Board of Supervisors of the 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 as such in accordance with the provisions of this article.
SECTION II

Section 17-208.5, Chapter 17, Abatement of Nuisance, Solano County Code, is added to read as follows:

Section 17-208.5. Same -- Abatement by Owner.

The owner of a vehicle may abate the nuisance himself, after receiving notice from the abatement authority. This may be accomplished by either (1) the owner delivering the vehicle to a licensed dismantler for dismantling or scrap, or (2) the owner storing the vehicle in a building or restoring the vehicle to a usable condition.

If the owner elects the first alternative, the abatement officer must obtain the name of the dismantler and include it on the abatement notice. The second method does not qualify for reimbursement for abatement.

SECTION III.

Section 17-209, Chapter 17, Abatement of Nuisance, Solano County Code, is amended to read as follows:

Section 17-209. Same -- Hearing -- Request.

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 ten (10) 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 ten (10) day period, such statement shall be construed as a request for a hearing which does not require his
presence. This hearing is only required if the owner of the land and the registered owner of the vehicle are not the same person, and if the registered owner of the vehicle can be identified. Notice of the hearing shall be mailed, by registered or certified mail, at least ten (10) 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 IV.

Section 17-210, Chapter 17, Abatement of Nuisance, Solano County Code, is amended to read as follows:

Section 17-210. Same -- Same -- By Public Works Director.

All hearings under this article 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 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 written 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 article. 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 collect 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 vehicle on his land but does not appear, or if an interested party makes a written presentation to the Public Works Director but does not appear, he shall be notified in writing of the decision.

SECTION V.

Section 17-212, Chapter 17, Abatement of Nuisance, Solano County Code, is amended to read as follows:

Section 17-212. Same -- Removal and Disposition of Vehicle After Hearing.

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, ten (10) 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 historical vehicle license plates, pursuant to Section 5004, in which case, the vehicle may be reconstructed or made operable.

If the hearing officer determines that the vehicle is a public nuisance and must be removed, costs may be assessed as provided in Government Code Section 25845. Where the California Highway Patrol has been delegated as the abatement authority, those costs of removal recovered under provisions of Government Code Section 25845, must be forwarded to that agency.

SECTION VI.

This Ordinance shall be published once before the expiration of FIFTEEN (15) DAYS after its final passage in the Vacaville Reporter, a newspaper of general circulation, printed and published in the County of Solano, State of California, 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 GARLAND DUNHAM, 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 22nd day of March, 1977.

On the motion of Supervisor

-5-
and the second of Supervisor ________, this
Ordinance was adopted at a regular meeting of said Board on the
29th day of March, 1977, by the following vote:

AYES: SUPERVISORS: ________
       ________

NOES: SUPERVISORS: ________

ABSENT: SUPERVISORS: ________

WITNESS my hand and the Seal of said Board this 29th day

NEIL CRAWFORD, County Clerk

By ________, Deputy Clerk