

CHAPTER 6.5

ABANDONED, WRECKED, DISMANTLED OR INOPERATIVE VEHICLES

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Sec. 6.5-10. Findings

Pursuant to the authority granted under California Vehicle Code sections 22660 through 22660, inclusive, to remove abandoned, wrecked, dismantled, hazardous or inoperable vehicles, or their parts, as public nuisances, the board of supervisors finds and declares that (1) the accumulation and storage of abandoned, wrecked, dismantled, hazardous or inoperable vehicles, or their parts, on private or public property, including highways, is found to create a condition tending to reduce the value of private and public property, to promote

blight and deterioration, to invite plundering and vandalism, to create fire hazards, to constitute an attractive nuisance creating a hazard to the health and safety of minors, to create a harborage for insects, rodents and vermin, and to be injurious to the health, safety and general welfare; therefore, (2) the presence of an abandoned, wrecked, dismantled, hazardous or inoperable vehicles, or their parts, is declared a public nuisance which may be abated as such in accordance with the provisions of this article.

(Ord. No.1598; §42)

Sec. 6.5-11. Purpose

(a) The provisions of this article are intended to provide a procedure for the abatement of nuisances consisting of abandoned, wrecked, dismantled or inoperative vehicles, and are enacted under the authority granted by the state, under section 22660 through 22664 of the state vehicle code.

(b) It is the intent of the board of supervisors to provide that the abatement of public nuisances consisting of abandoned, wrecked, dismantled and inoperative vehicles may be carried on either concurrently with or separately from the abatement of other conditions, if any, constituting a public nuisance on any premises within the county, as deemed appropriate under the circumstances.

Sec. 6.5-12. Scope

The provisions specified in this article shall be used in the case of a nuisance which consists solely of abandoned, wrecked, dismantled or inoperable vehicles or parts thereof.

Sec. 6.5-13. Definitions

For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

(a) **Abandoned Vehicle.** A vehicle is considered to be abandoned if it is left on a highway, public property, or private property in such inoperable or neglected condition that the owner's intention to relinquish all further rights or interests in it may be reasonably concluded.

(1) In reaching a reasonable conclusion the following will be considered:

(A) The amount of time the vehicle has been there without being moved.

(B) The condition of the vehicle.

(C) Statements from the owner and witnesses if available.

(2) In reference to highways or public rights-of-way, abandonment is presumed to have occurred if a vehicle is parked, resting, or otherwise

immobilized on any highway or public right-of-way; and lacks an engine, transmission, wheels, tires, doors, windshield, or any other part or equipment necessary to operate safely on the highway in this state. Such vehicles are presumed to be a hazard to public health, safety, and welfare and may be removed immediately upon discovery by a peace officer or other designated employee of the state, county, or city.

(b) **Dismantled Vehicle.** Any vehicle that is partially or wholly disassembled.

(c) **Environmental Management Department.** The Environmental Management Department of the county.

(d) **Environmental Management Director.** For the purposes of this article whenever the Environmental Management director of the county is mentioned it shall mean his/her designee, or his/her authorized representative.

(e) **Hearing Officer.** The Environmental Management Director or his/her designee.

(f) **Highway.** 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.

(g) **Inoperative Vehicle.** Any motor vehicle that cannot be moved under its own power.

(h) **Owner of the Land.** The owner of the land on which the vehicle, or parts thereof, is located, as shown on the last equalized assessment roll.

(i) **Owner of the vehicle.** The last registered owner and legal owner of record.

(j) **Private Property.** Such property as belongs absolutely to an individual, corporation, partnership or other legal entity, excluding public entities, and of which he, she or it has the exclusive rights of disposition. Property of a specific, fixed and tangible nature, capable of being in possession and transmitted to another, such as houses, lands, vehicles, etc.

(k) **Public Nuisance Vehicle.** Any vehicle that is abandoned, wrecked, dismantled, or any inoperative parts thereof; that is on public or private property, including highways; and that creates a condition tending: to reduce the value of private and or public 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, or to be injurious to the health, safety and general welfare is a public nuisance.

(l) **Public Property.** This term is commonly used as a designation of those things which are considered as being owned by "the public", the entire state or community, and not restricted to dominion of a private person. It may also apply to any property owned by the state, nation, county, municipality, or other public entity. Public Property includes highways, roadways, roads and streets.

(m) **Vehicle.** 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.

(n) **Wrecked Vehicle.** Any vehicle that is damaged to such an extent that it cannot be operated upon the highway is termed a wrecked vehicle.

(1) A vehicle which has been wrecked in a traffic accident, and which has been removed from the roadway to a storage facility, but which has not been claimed by its owner will not be considered an abandoned vehicle for the purposes of this program.

Sec. 6.5-14. Abandonment, Etc., of wrecked, dismantled, etc., vehicles prohibited

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, within the county for a period in excess of ten days unless such vehicle, or parts thereof, is completely enclosed within a building in a lawful manner.

Sec. 6.5-15. Applicability of article

This article 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 conducting 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 section 20650, of division 11 of the state Vehicle Code and this article.

Sec. 6.5-16. Concurrent authorities

This article 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.

Sec. 6.5-17. Administration and enforcement of article

Except as otherwise provided herein, the provisions of this article shall be administered and enforced by the Environmental Management Director or his/her designee. In the enforcement of this article, such officer, or his/her 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 article.

Sec. 6.5-18. Authority to remove vehicles

(a) When the board of supervisors has contracted with or granted a franchise to any person, such person is authorized to enter upon private or public property to remove vehicles, or their parts, declared to be a nuisance pursuant to this ordinance.

(b) The board of supervisors designates the environmental management director and his or her designee, who have reasonable grounds to believe that a vehicle has been abandoned, as determined pursuant to California Vehicle Code section 22523, to remove abandoned vehicles from a highway or from public or private property as authorized under California Vehicle Code section 22660, subdivision (a). These county officers are further authorized to remove hazardous motor vehicles as defined and authorized under section 22669, subdivision (d).

(c) No person shall obstruct, impede or interfere with the environmental management director or any designee or representative, or with any person who owns or holds any interest or estate in a vehicle located on public or private land.

(Ord. No.1598, §43)

Sec. 6.5-19. Administrative and other abatement costs

(a) The administrative costs incurred by the County for abandoned vehicle abatement are those set forth in the department's fee schedule, Exhibit III-C to section 11-110.4(c).

(b) The County will also seek recovery for all other costs directly related to the abatement, including, but not limited to, towing services, vehicle impound facilities and property title searches, at their actual cost.

(Ord. No. 1644, §44)

Sec. 6.5-20. Notification of Department Of Motor Vehicles

(a) Within five days after the county or any officer thereof removes, pursuant to this chapter, any vehicle or any part thereof, the Environmental Management Director or his/her designee shall so notify the Department of Motor Vehicles identifying the vehicle or part thereof.

(b) Registration of Vehicle. If any vehicle is removed pursuant to this chapter, the Environmental Management Director shall forward to the Department of Motor Vehicles any evidence of registration available, including registration certificates, certificates of title and license plates.

Sec. 6.5-21. Notification of Highway Patrol

Not less than ten days before the hearing provided for in Section 17-215 the Environmental Management Director or his/her designee shall notify the California Highway Patrol thereof identifying the vehicle or part to be removed.

Sec. 6.5-21.1. Notification to Department of Justice

Whenever notification, as required by Section 22852 of the Vehicle Code, cannot be given to the owner, the Environmental Management Director, or his designee, shall cause immediate notification to be given to the California Department of Justice, Stolen Vehicle System, of its pending removal. This notification shall be in accordance with all provisions of Section 22853 of said Vehicle Code and Section 6.5-34 of this code.

(Ord. No. 1441, §I.)

Sec. 6.5-22. Not to be reconstructed

A person shall not reconstruct or make operable any vehicle which has been removed by the County pursuant to this Chapter.

Sec. 6.5-23. Notice to abate public nuisance

When the Director of Environmental Management or designated representative, determines pursuant to an inspection of the property, that conditions existing on the premises constituting a violation of the provisions of this article are the result of the existence on such premises of any abandoned, wrecked, dismantled or inoperative vehicles the director may issue a fifteen day notice of intention to abate and remove the vehicle, or parts thereof, as a public nuisance. The notice 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.

(a) This notice shall contain:

(1) The street address and such other description as are required to identify the premises on which the vehicles or parts thereof are located.

(2) The identity of the vehicles or parts thereof to be abated.

(3) A statement that the Director of Environmental Management has found the vehicles or parts thereof to be a public nuisance as specified in this code with a reference to the applicable section hereof, and to other sections of the County Code if applicable, including sufficient detail to provide the owner with information as to the conditions constituting the alleged nuisance.

(4) A statement of the action required to be taken as determined by the department head, and that such action is to be completed within ten days after the mailing of the notice.

(5) A statement providing for a hearing by the hearing examiner upon written request to the Environmental Management Director by the owner of the premises on which the vehicles or parts thereof are located or by the owner of the vehicles or parts thereof within ten days after the mailing of the notice.

(b) The notice shall be sent certified mail, postage prepaid, to the owner of the premises as shown on the latest equalized assessment roll of the county using such address as may be shown by such assessment roll or such other address as may be known by the director and to the last registered and legal owner of record of the vehicle unless the vehicles or parts thereof are in such condition that identification numbers are not available to determine ownership. The failure of the director to serve any person required herein to be served shall not invalidate any proceedings hereunder as to any other person duly served or relieve any such person duly served from any duty or obligation imposed on him by the provisions of this chapter.

(c) Upon issuance of the notice, the director of environmental management may provide additional notice by posting a copy thereof conspicuously on the vehicles or parts to be abated.

(d) Provided, however, a notice of intention to abate is not required for removal of a vehicle or part thereof which is inoperable due to the absence of a motor, transmission, or wheels and incapable of being towed, from a parcel that is zoned for agricultural use or not improved with a residential structure, if the vehicle or part is valued at less than two hundred dollars (\$200) by a person specified in vehicle code section 22855, and is determined by the Director of Environmental Management to be a public nuisance presenting an immediate threat to public health and safety, provided further that the property owner has signed a release authorizing removal and waiving further interest in the vehicle or part thereof. Prior to final disposition under Vehicle Code section 22662 of such a low-valued vehicle or part for which evidence of registration was recovered

pursuant to section 6.5-30 of the this article, notice shall be given by the Director of Environmental Management to the registered and legal owners of intent to dispose of the vehicle or part, and if the vehicle or part is then not claimed or removed within 12 days after the notice is mailed, disposition may proceed without further notice or administrative proceedings. Neither the county nor its contractor shall be liable for damage to a vehicle or part thereof caused by removal pursuant to this subsection.

Sec. 6.5-24. Abatement by owner

The owner of a vehicle may abate the nuisance himself/herself, 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 lawfully within a building or restoring the vehicle to a usable condition.

If the owner elects the first alternative, prior to removing the vehicle, the owner must provide, the county abatement officer with the name of the dismantler.

Sec. 6.5-25. Hearing--request

Upon written 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 Environmental Management Director within ten days after the mailing of the notices of intention to abate and remove, a public hearing shall be held by the Environmental Management Director on the question of abatement and removal of the vehicle, or parts thereof, as an abandoned, wrecked, dismantled or inoperative vehicles, 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 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 owner of the vehicle can be identified. Notice of the hearing shall be mailed, by registered or certified mail, at least ten 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.

Sec. 6.5-26. Hearing by Environmental Management Director

(a) All hearings under this article shall be held before the Environmental Management Director or his/her designee, who shall hear all facts and testimony he/she deems pertinent. Such 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 Environmental

Management Director shall not be limited to 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/her reasons for such denial.

(b) The Environmental Management Director may impose such conditions and take such other action as he/she deems appropriate under the circumstances to carry out the purpose of this article. He/she 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 Environmental Management 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.

(c) If it is determined at the hearing that the vehicle was placed on the land without consent of the owner of the land, and that he/she has not subsequently acquiesced in its presence, the Environmental Management 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.

(d) If the owner of the land submits a sworn written statement denying responsibility for the presence of the vehicle on his/her land but does not appear, or if an interested party makes a written presentation to the Environmental Management Director but does not appear, he/she shall be notified in writing of the decision.

Sec. 6.5-27. Appeal from decision

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

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

(c) The clerk of the board shall give written notice of the time and place of the hearing to the appellant and those persons specified in section 6.5-25.

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

(e) No appeal may be taken from an order issued pursuant to section 6.5-29.

Sec. 6.5-28. Removal and disposition of vehicle after hearing

(a) The vehicle, or parts thereof, may be disposed of by removal to a scrap yard or automobile dismantler's yard upon or after occurrence of any one or more of the following:

(1) Five days after adoption of the order declaring the vehicle, or parts thereof, to be a public nuisance.

(2) Five days from the date of mailing of notice of the decision, if such notice is required.

(3) Ten days after such action of the Environmental Management Director authorizing removal.

(4) Five days after a decision from an appeal which requires removal as part of the action.

(b) After a vehicle has been removed, it shall not thereafter be reconstructed or made operative, unless it is a vehicle which qualifies for either horseless carriage license plates or historical vehicle license plates, pursuant to section 5004 of California Vehicle Code, in which case, the vehicle may be reconstructed or made operable.

(c) 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 and this article.

Sec. 6.5-29. Removal of vehicle without hearing

If neither vehicle nor property owner requests a hearing within fifteen days of mailing the notice of intention 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 Environmental Management Director shall direct such removal by issuance of an order, subject to conditions set forth in this article, excepting only the requirements of a hearing.

Sec. 6.5-30. Notice to department of motor vehicles; transfer of registration, title, etc

Within five days after the date of removal of the vehicle, or parts thereof, notice shall be given 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, but not limited to, registration certificates, certificates of title, and license plates.

Sec. 6.5-31. Collection of administration and removal costs

If the administrative costs and the cost of removal which are charged against the owner of a parcel of land pursuant to this article; are not paid within thirty days of the date of the order, such costs shall be assessed against the parcel of land pursuant to section 25845 of the state Government Code, and shall be transmitted to the County Tax Collector for collection. Such assessment shall have the same priority as other county taxes.

Sec. 6.5-32. Licensed dismantler and commercial enterprise

Any licensed dismantler or commercial enterprise acquiring vehicles removed pursuant to this article shall be excused from the reporting requirements of section 11520 of the state 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.

Sec. 6.5-33. Penalty

Any person violating any provisions of this article shall be guilty of a misdemeanor which is punishable by imprisonment in the county jail, not to exceed six months, or by fine not to exceed five hundred dollars, or both such fine and imprisonment.

Sec. 6.5-34. Vehicles

(a) Adoption by Reference to Section 22660 of the Vehicle Code. All of the provisions of Section 22660 of the Vehicle Code are hereby adopted by reference as a part of this ordinance. In the case of any conflict between the provisions of this article and the provisions of said Section 22660, the provisions of said Section 22660 shall prevail.

Sec. 6.5-35. Other abatement procedures

The provisions of this Chapter shall not in any manner limit or restrict the County or the District Attorney from enforcing County ordinances or abating public nuisances in any other manner provided by law.

Sec. 6.5-36. No parking for more than seventy-two hours

No person shall park or leave standing, or cause to be left parked or left standing, any vehicle, upon any street, highway, public road or thoroughfare, in the unincorporated area of Solano County for a period of seventy-two (72) or more consecutive hours.

(Ord. No. 1634, §1)

Sec. 6.5-37. Removal of abandoned vehicles

In the event any vehicle is parked or left standing on any street, highway, public road or thoroughfare, in the unincorporated area of Solano County for a period of seventy-two (72) or more consecutive hours, any member of the California

Highway Patrol or any regularly employed and salaried deputy of the Sheriff's Office may remove such vehicle from such street, highway, public road or thoroughfare, and may store such vehicle with the nearest keeper of a garage or other storage place of safety, under the provisions of this chapter.

(Ord. No. 1634, §2)

Sec. 6.5-38. Notices, garage lien

In the event any officer removes a vehicle from a street, highway, public road or thoroughfare, under section 6.5-35 of this chapter, such officer shall give notices provided for in Vehicle Code section 22852 et seq., and the keeper of any garage in which any such vehicle is stored may have a lien on the vehicle for his or her compensation for towage and for caring for and for keeping such vehicle and may satisfy such lien upon compliance with and under the conditions stated in Vehicle Code section 22852.

(Ord. No. 1634, §3)