

1 **Section 2. Definitions.**

2 “Authorized public officer” shall mean a public officer authorized under Riverside
3 County Ordinance 556.

4 “Business day” shall mean any weekday other than a Saturday, Sunday, or a legal holiday which
5 falls on a day other than a Saturday or Sunday.

6 “County” shall mean the County of Riverside and its respective agencies and departments thereof.

7 “District Attorney” shall mean the District Attorney of the County of Riverside or that person’s
8 designated subordinate who shall be a licensed attorney.

9 “Claimant” shall mean any person claiming an interest in a nuisance vehicle subject to
10 impoundment under this chapter by properly requesting a post-storage hearing as set forth in Section 5.

11 “Illegal dumping” shall mean the willful or intentional depositing, dropping, dumping, placing, or
12 throwing of any waste matter onto that portion of public or private property located within the
13 unincorporated area of the County and which is not expressly designated by the County for the purpose of
14 disposal of waste matter. “Illegal dumping” does not include the discarding of small personal quantities of
15 waste matter related to consumer goods only and which are reasonably understood to be ordinarily carried
16 on or about the body of a living person, including but not limited to, beverage containers and closures,
17 packaging, wrappers, wastepaper, newspapers, magazines, or other similar waste matter that escapes or is
18 allowed to escape from a container, receptacle or package.

19 “Local law enforcement or governmental entities” means any city, charter city, county, charter
20 county, or city and county, or the respective agencies and departments thereof, in the State of California.

21 “Nuisance” shall have the same meaning as set forth in California Civil Code § 3479.

22 “Owner” shall mean the last registered owner; the last legal owner; and any, then-existing lien
23 holder; of record as shown on the records of the California Department of Motor vehicles or similar state or
24 federal agency, for any Vehicle used for any of the nuisance activities subject to this chapter.

25 “Potential Claimant” shall mean any owner or other party as determined by the investigation
26 referenced in Section 4, for any vehicle used for any of the nuisance activities subject to this chapter.

27 “Vehicle” shall mean a vehicle as that term is defined in California Vehicle Code § 670, and a
28 motor vehicle as that term is defined in California Vehicle Code § 415.

1 "Waste Matter" shall mean any form of tangible matter described by any of the following
2 categories:

- 3 1) all forms of trash, garbage, waste, debris, refuse matter, rocks, dirt or demolition materials as
4 those terms are used in Riverside County Ordinance 689;
- 5 2) all forms of rubbish as that term is used in Riverside County Ordinance 541;
- 6 3) soil, decomposed rock, gravel, sand, or other aggregate material;
- 7 4) abandoned or discarded furniture, tires, or commercial or industrial or agricultural machinery,
8 apparatus, or container; sports or athletic equipment; construction materials or supplies; or any
9 piece, portion or part thereof;
- 10 5) hazardous waste as that term is defined in California Health and Safety Code § 25117;
- 11 6) all forms of liquid waste not otherwise defined in or otherwise deemed to fall within the
12 coverage afforded by California Health and Safety Code § 25117; including but not limited to,
13 gray water, black water, water-based or oil-based paints; chemical solutions; non-potable water,
14 except as specifically used for irrigation or construction; non-potable water contaminated with
15 any substance rendering it unusable for irrigation or construction; oils, fuels, hydrocarbon
16 liquids, and other petroleum distillates or by-products; and
- 17 7) any form of biological waste not otherwise designated as hazardous waste; including but not
18 limited to, bodily fluids, body parts, carcasses, and any associated container, enclosure, or
19 wrapping material used to dispose of such matter.

20 **Section 3. Abatement of Nuisance Vehicles.**

- 21 **A.** Any vehicle used to illegally dump waste matter in violation of this Code or other applicable
22 state law is declared a nuisance.
- 23 **B.** Any vehicle used to transport waste matter for the purpose of illegal dumping in violation of
24 this Code or other applicable state law is declared a nuisance.
- 25 **C.** All such nuisance vehicles shall be abated through seizure and impoundment procedures as
26 provided in this chapter, subject to the exceptions set forth at Section 7.
- 27 **D.** Any person who owns, leases, borrows, possesses, maintains, or uses any vehicle for any of
28 the purposes or acts set forth in this section is responsible for creating a nuisance.

1 E. A nuisance vehicle shall be seized and impounded for 30 days each time such vehicle is
2 determined to be a nuisance under this chapter.

3 F. A criminal conviction shall not be required as a prerequisite to any proceeding brought
4 pursuant to the authority of this chapter.

5 G. Physical seizure of a nuisance vehicle subject to this chapter shall not be required as a
6 prerequisite to institution of impoundment proceedings.

7 **Section 4. Seizure of Vehicle.**

8 **A. Authority for Seizure.** A peace officer or authorized public officer of a local law
9 enforcement or governmental agency may seize a vehicle subject to impoundment under this chapter upon
10 the issuance of a seizure order by any court having jurisdiction over the vehicle. Seizure without court
11 order may be made in any of the following circumstances:

- 12 1. The seizure is incident to an arrest or search under a search warrant;
- 13 2. There is probable cause to believe that the vehicle was used in violation of this chapter
14 based upon a reasonable investigation of the facts.

15 **B. Receipts.** A peace officer or authorized public officer of a local law enforcement or
16 governmental agency seizing a vehicle under this chapter shall complete a receipt and deliver it to the
17 person from whose possession the vehicle was seized. Where such a possessor is arrested for a public
18 offense incidental to the vehicle's seizure, then the receipt shall be issued in accordance with California
19 Penal Code § 1412. For the purposes of this chapter, neither California Penal Code § 1412 nor any
20 provision of this chapter shall be construed as precluding the delivery of a completed Vehicle Report (CHP
21 180 Form) as the receipt required by this section. There shall be a presumption affecting the burden of
22 proof that a person to whom a receipt was issued is an owner of the seized vehicle. Said presumption may
23 be rebutted at the post-storage hearing specified in Section 5.

24 **C. Investigation.** A prompt investigation shall be made by the local law enforcement or
25 governmental agency making the seizure as to any potential claimant to a seized vehicle whose right, title,
26 interest or lien is of record in the Department of Motor Vehicles of this state or any other state or
27 appropriate federal agency.

1 **D. Towing and Storage – Costs a Lien on Vehicle.** The Riverside County Sheriff's
2 Department and/or Building & Safety Department shall make arrangements for the towing of a seized
3 vehicle and its storage at a facility selected by the Director of the Transportation and Land Management
4 Agency or that person's designee. Any costs of seizure, impounding, towing, storage and any other related
5 costs shall be obligations of the registered and legal owners of the vehicle and shall constitute a lien on the
6 vehicle.

7 **E. Seized Vehicles as Evidence.** A nuisance vehicle seized pursuant to this chapter, where
8 appropriate, may be held for evidence in any proceeding brought by the District Attorney.

9 **F. No Seizure; Potential Claimant Information.** In those instances where a nuisance vehicle
10 subject to this chapter is identified but not seized and the local law enforcement or governmental agency's
11 investigation reveals any potential claimants whose right, title, interest or lien existed prior to the
12 commission of the act giving rise to the nuisance; then the local law enforcement or governmental agency
13 shall provide the name, address, and other identifying information, if any, of each potential claimant to the
14 District Attorney.

15 **G. Seizure Order.**

16 1. Where sufficient reason under this chapter warrants the seizure and impoundment of a
17 nuisance vehicle and that vehicle has not been seized; the District Attorney may proceed by seeking a
18 seizure order in conjunction with the initiation of impoundment proceedings pursuant to this chapter. The
19 seizure order request shall be supported by appropriate affidavit(s) or declaration(s) detailing the factual
20 circumstances giving rise to a nuisance under this chapter. The supporting affidavit(s) or declaration(s)
21 shall be those of the investigating officers of the County who have personal knowledge of the factual
22 circumstances.

23 2. Where the District Attorney seeks a seizure order, the seizure order shall be sought as soon
24 as practicable, but in no event later than one year from the date of commission of the act giving rise to the
25 nuisance.

26 3. Upon sufficient showing of good cause, the court shall issue the seizure order.

27 4. A peace officer or authorized public officer shall serve the seizure order. Upon seizure of
28 the vehicle identified in the seizure order, the local law enforcement or governmental agency making the

1 seizure shall provide a copy of the seizure order to the person from whose possession the vehicle was
2 seized. In the event that no one is present at the time of seizure, the local law enforcement or governmental
3 agency making the seizure shall leave a copy of the seizure order at a conspicuous place at the premises
4 where the vehicle was seized.

5 **Section 5. Post-Storage Hearing Opportunity on Vehicles Subject to Impoundment.**

6 **A. Opportunity for Hearing.** The County shall provide any potential claimant whose vehicle
7 is subject to the 30-day impoundment period referenced in Section 3 with the opportunity for a post-storage
8 hearing to determine the validity of the seizure and impound as based on whether there was probable cause
9 to believe the vehicle was used in violation of this chapter.

10 **B. Notice of Seizure and Impounding.** The County shall provide a notice of seizure and
11 impounding with respect to any vehicle that is subject to the 30-day impoundment period referenced in
12 Section 3 according to the following procedure:

13 1. At the time a nuisance vehicle is seized pursuant to this chapter by a local law enforcement
14 or governmental agency, the seizing officer shall provide a notice of seizure and impounding to the person
15 from whose possession the vehicle was seized.

16 2. If the local law enforcement or governmental agency's investigation reveals any potential
17 claimants, other than the person from whom the nuisance vehicle was seized, and whose right, title, interest
18 or lien existed prior to the commission of the act giving rise to the nuisance; then the County shall send a
19 notice of seizure and impounding to each potential claimant within two business days following the date
20 the vehicle was seized and impounded. Said notice shall be served by regular 1st class mail to the potential
21 claimant's address appearing on the records of the Department of Motor Vehicles of this state or any other
22 state or appropriate federal agency.

23 3. The notice of seizure and impounding shall include the following:

24 a. The name, address, and telephone number of the County public agency providing the notice.

25 b. The location of the place of storage and description of the vehicle, which shall include, if
26 available, the name or make, model, manufacturer, license plate number, vehicle identification number
27 (V.I.N.), and mileage.

28 c. The authority and reason for the vehicle's seizure and impoundment by the County.

1 d. A statement that, in order to receive a post-storage hearing, a potential claimant shall request
2 the hearing in person, writing, or by telephone within ten business days of the date appearing on the notice.

3 e. A statement that all costs of seizure, impounding, towing, storage and any other related costs
4 shall be obligations of the registered and legal owners of the vehicle and shall constitute a lien on the
5 vehicle.

6 **C. Manner of Hearing.** The County shall conduct the post-storage hearing as provided in this
7 chapter and pursuant to California Vehicle Code § 22852.

8 **D. Hearing Officer.** The County may authorize its own officer or employee to act as a hearing
9 officer and conduct the post-storage hearing, provided that the officer so chosen is not the same person who
10 directed or participated in the seizure and impounding of the nuisance vehicle.

11 **E. Request for Hearing.** Any claimant who desires a post-storage hearing must make a
12 request to the County in person, writing, or by telephone as specified in the notice of seizure and
13 impounding. The request shall be made within ten business days of the date appearing on the notice.
14 Failure to make a timely request or to attend a scheduled hearing shall constitute the claimant's waiver of
15 any right to a post-storage hearing and satisfies the requirement for such a hearing.

16 **F. Time for hearing.** The post-storage hearing shall be conducted within two business days of
17 the date of the first request received by the County from any claimant.

18 **G. Multiple Claimants; Notice of Scheduled Hearing.**

19 1. If there are multiple claimants, then upon receipt of the first request for a post-storage
20 hearing, the County shall send written notice, by regular 1st class mail, of the date, time, and location of the
21 post-storage hearing to the remaining claimants.

22 2. The County shall not be required to conduct multiple post-storage hearings for each seized
23 and impounded vehicle.

24 3. Claimants who cannot attend the post-storage hearing as scheduled, and wish to be heard,
25 may send a written statement for the hearing officer's consideration to the County at the address specified
26 in the notice of seizure and impounding.

1 **H. Findings of Hearing Officer.**

2 1. If the hearing officer determines that no probable cause existed for the seizure, the vehicle
3 shall be released as soon as practicable to the appropriate claimant without imposing any towing, storage or
4 administrative charges. The District Attorney and each claimant shall be notified of the release.

5 2. If the hearing officer determines that probable cause existed for the seizure and that none of
6 the exceptions set forth in Section 7 are applicable, the vehicle shall be retained by the County for the
7 remainder of the 30-day impoundment period referenced in Section 3.

8 **Section 6. Impoundment Costs and Lien Sale.**

9 **A.** In addition to imposed towing and storage charges, there shall be imposed on the registered
10 and legal owner of any vehicle impounded and stored under this chapter an administrative charge in the
11 amount set by resolution adopted by the Riverside County Board of Supervisors to establish the
12 administrative costs relating to the seizure, removal, impound, storage and release of vehicles used in
13 violation of this chapter. All of the foregoing costs shall be paid to the County prior to the release of the
14 vehicle to the appropriate claimant and shall constitute a lien on the vehicle.

15 **B.** In the event that the costs are not paid as provided in this chapter, the County may exercise
16 its lien rights and cause the vehicle to be sold to recover its costs and expenses in accordance with the
17 applicable procedures set forth in the California Vehicle Code and Civil Code.

18 **Section 7. Exceptions to Impoundment of Nuisance Vehicles.**

19 **A. Seized vehicles.**

20 1. Notwithstanding the provisions of this chapter, the County shall return a seized vehicle, and
21 that vehicle shall not be subject to impoundment, upon the determination of any of the following
22 circumstances:

23 a. The vehicle was actually stolen, provided that:

24 (1) the theft was reported to a law enforcement agency prior to the vehicle's use in violation
25 of this chapter;

26 (2) the identity of the registered owner can be reasonably ascertained; and

27 (3) the registered owner redeems the vehicle within 60 days of the seizure.

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



FROM: Supervisor Ashley

SUBMITTAL DATE: May 24, 2005

SUBJECT: INTRODUCTION OF ORDINANCE 840, an Ordinance of the County of Riverside Regarding Seizure and Impoundment of Nuisance Vehicles

RECOMMENDED MOTION:

That the Board of Supervisors approve the introduction of Ordinance 840 and set it for a Public Hearing on June 14, 2005.

BACKGROUND:

The 5th District Trash Task Force has been working on a long term plan to reduce illegal dumping and burning of trash in Riverside County. The task force made a number of recommendations to the Board of Supervisors that the Board adopted.

As the next step toward reducing illegal dumping of trash, Ordinance 840 is being presented to the Board for introduction. This ordinance would provide for the seizure of vehicles involved in illegal dumping. Ordinance 840 has been drafted by County Counsel taking into consideration the latest court decisions regarding this matter. Under Ordinance 840 vehicles that are "used to illegally dump or transport waste matter for the purpose of illegally dumping it" would be declared "nuisance vehicles" and can be abated.

The adoption of this ordinance would give Code Enforcement and Law Enforcement an additional tool to combat the illegal dumping of trash in the County and provide a deterrent to persons involved in these activities.


With the approval of the Board, Ordinance 840 will be set for a Public Hearing on June 14, 2005.


MARION ASHLEY
5TH District Supervisor

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Ashley, seconded by Supervisor Stone and duly carried, IT WAS ORDERED that the above ordinance is approved as introduced and is scheduled for public hearing on June 14, 2005 at 9:30 a.m.

Ayes: Buster, Tavaglione and Stone
Nays: None
Absent: Wilson
Date: May 24, 2005
xc: Supv. Ashley, COB(2)
MA

Nancy Romero
Clerk of the Board
By: 
Deputy

Prev.Agn.ref. Dist. AGENDA NO.