

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

925



FROM: TLMA, Code Enforcement

SUBMITTAL DATE:
October 14, 2008

SUBJECT: Ordinance No. 520.7 Amending Ordinance No. 520, an Ordinance of the County of Riverside Relating to Abandonment and Removal of Abandoned Vehicles.

RECOMMENDED MOTION: That the Board of Supervisors:

Introduce, and on the following week, adopt Riverside County Ordinance No. 520.7 amending Ordinance No. 520, an Ordinance of the County of Riverside amending Ordinance No. 520 relating to abandonment and removal of abandoned vehicles.

BACKGROUND: Ordinance No. 520 prohibits wrecked, dismantled, abandoned or inoperative vehicles or parts from being stored on public or private property for more than ten (10) days. The ordinance further authorizes the abatement of such vehicles and the assessment of abatement costs against the property owner. The current ordinance exempts "highways" and, as a result, Code Enforcement has not been able to abate such vehicles from the County highways.

(Continued on Page 2)

John Boyd

JOHN BOYD, Director
Code Enforcement

FINANCIAL DATA	Current F.Y. Total Cost:	\$ 0	In Current Year Budget:	Yes
	Current F.Y. Net County Cost:	\$ 0	Budget Adjustment:	No
	Annual Net County Cost:	\$ 0	For Fiscal Year:	06/07

SOURCE OF FUNDS:	Positions To Be Deleted Per A-30	<input type="checkbox"/>
	Requires 4/5 Vote	<input type="checkbox"/>

C.E.O. RECOMMENDATION: APPROVE

County Executive Office Signature BY: *Tina Grande*
Tina Grande

FORM APPROVED COUNTY COUNSEL
BY: *Pamela J. Walls* 10/14/08
DATE
PAMELA J. WALLS

Dept. Recomm.: Consent Policy
Per Exec. Ofc.: Consent Policy

Prev. Agn. Ref.: District: All Agenda Number: **3.30**

Departmental Concurrence

Code Enforcement

Form 11: Adoption of Ordinance 520.7 Amending Ordinance No. 520, an Ordinance of the County of Riverside Amending Ordinance No. 520 Relating to Abandonment and Removal of Abandoned Vehicles.

April 17, 2008

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The proposed amendment to Ordinance No. 520 would eliminate this exemption and allow the Code Enforcement Department to enforce the ordinance and abate such vehicles on County highways. Where the vehicle has been abandoned on public property, including County highways, the costs of removal will be sought from the Abandoned Vehicle Abatement Service Authority Program.

The proposed amendment also changes the department designated to enforce the ordinance from the Department of Building and Safety to the Code Enforcement Department.

PJW:ay

10/09/08

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1 Section 3. Section 4. of Ordinance No. 520 is amended in its entirety to read as
2 follows:

3 “Section 4. Except as otherwise provided herein, the provisions of this
4 Ordinance shall be administered and enforced by the Director of Code Enforcement.”

5 Section 4. Section 6. of Ordinance No. 520 is deleted in its entirety.

6 Section 5. Subsection b. of Section 7. of Ordinance No. 520 is amended in its entirety
7 to read as follows:

8 “b. the vehicle or part thereof is valued at less than two hundred dollars
9 (\$200.00) by the Code Enforcement Director or his designee;”

10 Section 6. Subsection c. of Section 7. of Ordinance No. 520 is amended in its entirety
11 to read as follows:

12 “c. the Code Enforcement Department has determined that the vehicle
13 or part thereof is a public nuisance presenting an immediate threat to
14 public health or safety;”

15 Section 7. Section 8. of Ordinance No. 520 is amended in its entirety to read as
16 follows:

17 “Section 8. Upon a timely request by the owner of the property on which
18 the vehicle is located or the owner of the vehicle, a public hearing shall be held on the
19 question of abatement and removal of the vehicle or part thereof as an abandoned,
20 wrecked, dismantled, or inoperative vehicle and the assessment of the administrative costs,
21 including attorney fees, and the cost of removal of the vehicle or part thereof against the
22 property on which it is located. This request shall be made in writing to the Code
23 Enforcement Department within ten (10) days after the mailing of the notice of intention to
24 abate and remove the vehicle or at the time of signing a release authorizing the removal
25 and waiving further interest in the vehicle or part thereof. If the owner of the property on
26 which the vehicle is located submits a sworn statement denying responsibility for the
27 presence of the vehicle on his land within such time period, this statement shall be
28 construed as a request for hearing which does not require the presence of the property

1 owner. If the request for a hearing is not received within such period, the Code
2 Enforcement Department, its employees or designees shall have the authority to remove or
3 cause the removal of the vehicle.”

4 Section 8. Section 9. of Ordinance No. 520 is amended in its entirety to read as
5 follows:

6 “Section 9. All hearings under this Ordinance shall be held before the
7 Director of Code Enforcement or his designated subordinate as a hearing officer, who shall
8 hear all relevant facts and testimony. The facts and testimony may include evidence on the
9 condition of the vehicle or part thereof and the circumstances concerning its location on
10 private or public property. The hearing officer shall not be limited by the technical rules of
11 evidence. The owner of the vehicle or the owner of the land on which the vehicle is
12 located may appear in person at the hearing or present a written statement in time for
13 consideration at the hearing, and deny responsibility for the presence of the vehicle on the
14 land, with his reasons for such denial.

15 The hearing officer may impose such conditions and take such other action
16 as he deems appropriate under the circumstances to carry out the purpose of this
17 Ordinance. He may delay the time for removal of the vehicle or part thereof if, in his
18 opinion, the circumstances justify it. At the conclusion of the public hearing, the hearing
19 officer may find and order the same recovered from the property as a public nuisance and
20 disposed of hereinafter provided and determine the administrative costs, including attorney
21 fees, and the cost of removal charged against the owner of the parcel of land on which the
22 vehicle or part thereof is located. The order requiring removal shall include a description
23 of the vehicle or part thereof and the correct identification number and license number of
24 the vehicle, if available at the site.

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

3 Where there is no parcel of land against which costs shall be assessed
4 because the vehicle was abandoned on public property, administrative costs, including
5 attorney fees, and the costs of removal shall be sought from the Abandoned Vehicle
6 Abatement Service Authority program.

7 If an interested party makes a written representation to the hearing officer
8 but does not appear, he shall be notified in writing of the decision.”

9 Section 9. Section 15. of Ordinance No. 520 is amended in its entirety to read
10 as follows:

11 “Section 15. It shall be unlawful for any person to abandon, park, store, or
12 leave or permit the abandonment, parking, storing or leaving of any licensed or unlicensed
13 vehicle or part thereof which is in an abandoned, wrecked, dismantled or inoperative
14 condition upon any private or public property within the County of Riverside for a period
15 in excess of ten (10) days unless such vehicle is stored or parked in a lawful manner on
16 private property in connection with the business of a licensed dismantler, licensed vehicle
17 dealer or County approved junkyard. Any individual violating any provision of this
18 Ordinance shall be deemed guilty of an infraction or misdemeanor as hereinafter specified.
19 Such individual shall be deemed guilty of a separate offense for each and every day or
20 portion thereof during which any violation of any of the provisions of this Ordinance is
21 committed, continued, or permitted. Any individual convicted of a violation of this
22 Ordinance shall be: (1) guilty of an infraction offense and punished by a fine not
23 exceeding one hundred dollars (\$100.00) for a first violation; (2) guilty of an infraction
24 offense and punished by a fine not exceeding two hundred dollars (\$200.00) for a second
25 violation on the same site perpetrated by the same individual. The third and any additional
26 violations on the same site and perpetrated by the same individual shall constitute a
27 misdemeanor offense and shall be punishable by a fine not exceeding one thousand dollars

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1 (\$1,000.00) or six (6) months in jail, or both. Notwithstanding the above, a first offense
2 may be charged and prosecuted as a misdemeanor.”

3 Section 10. Existing Sections 7. through 19. of Ordinance No. 520 are
4 renumbered Sections 6. through 18. respectively.

5 Section 11. This amendment shall become effective thirty (30) days after adoption.

6 BOARD OF SUPERVISORS OF THE COUNTY
7 OF RIVERSIDE, STATE OF CALIFORNIA

8 By: _____
9 Chairman

9 ATTEST:

10 CLERK OF THE BOARD:

11
12 By: _____
13 Deputy

14 (SEAL)

14 FORM APPROVED BY COUNTY COUNSEL
15 *Pamela J. Walls* 10/14/08
16 PAMELA J. WALLS DATE

27 PJW:ay
10/09/08

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