

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



FROM: TLMA/Code Enforcement Department

SUBMITTAL DATE:
November 16, 2009

SUBJECT: Ordinance Amendment No. 520.8, Amending County 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. 520.8, 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 outside on public or private property. The proposed amendment integrates new definitions of what constitutes a wrecked, dismantled, abandoned, or inoperative vehicle or part in order to assist Code Enforcement Department officers in ascertaining what constitutes a public nuisance. These new definitions will also provide guidance to the public and improve communication between the Department and property owners during investigations of possible violations of the Ordinance.

(Continued on Page 2)

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:	09/10

SOURCE OF FUNDS:

APPROVE

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

C.E.O. RECOMMENDATION:

BY
Tina Grande

County Executive Office Signature

- Consent
- Consent

- Policy ATTACHMENTS FILED WITH THE CLERK OF THE BOARD
- Policy

Dept
Recomm.:
Per Exec.
Ofc.:

Prev. Agn. Ref.: 3.40 11/4/08

District: All

Agenda Number:

3.30

FORM APPROVED COUNTY COUNSEL

BY: JONATHAN D. HOLUB
DATE: 11/12/09

Departmental Concurrence

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The proposed amendment also clarifies the procedure and role of the hearing officer or body when reviewing the Department's decision to abate wrecked, dismantled, abandoned, or inoperative vehicles or parts. The hearing officer or body is directed by the amendment to make findings as to the existence or non-existence of a public nuisance.

Finally, the proposed amendment integrates a provision regarding the reporting of abated vehicles and parts to the Department of Motor Vehicles as set forth in the authorizing state statute, Vehicle Code section 22660, et seq.

1 Section 4. A new subsection f. is added to Section 1. of Ordinance 520 to read as
2 follows:

3 “f. The term “dismantled vehicle” means any vehicle that is partially or
4 wholly disassembled.”

5 Section 5. A new subsection g. is added to Section 1. of Ordinance 520 to read as
6 follows:

7 “g. The term “inoperable vehicle” means any vehicle that is in a
8 condition that renders it unsafe for operation upon a highway, or in
9 which such operation upon a highway would violate the Vehicle
10 Code or any other law or regulation related to the operation of
11 vehicles upon a highway in the County of Riverside or State of
12 California.”

13 Section 6. A new subsection h. is added to Section 1. of Ordinance 520 to read as
14 follows:

15 “h. The term “part” includes, but is not limited to, any item, device,
16 component, frame, bumper, wheel or glass associated with a vehicle
17 as described herein.”

18 Section 7. Section 6. of Ordinance No. 520 is amended to read as follows:

19 “**Section 6.** Upon discovery of an abandoned, wrecked, dismantled or
20 inoperable vehicle or part thereof, the Director of Code Enforcement or his designee may
21 issue a ten (10) day notice of intention to abate and remove the vehicle or part thereof as a
22 public nuisance. The notice shall be mailed, by registered or certified mail, to the owner of
23 the land as shown on the last equalized assessment roll and to the last registered and legal
24 owner of record, unless the vehicle is in such condition that identification numbers are not
25 available to determine ownership. The notice shall contain a statement of hearing rights of
26 the owner of the property on which the vehicle or part is located and of the owner of the
27 vehicle. The statement shall include notice to the property owner that he may appear in
28 person at a hearing or may submit a sworn written statement denying responsibility for the

1 presence of the vehicle or part on the land, with his reasons for such denial, in lieu of
2 appearing.

3 A notice of intention to abate shall not be required if: (1) the property owner and
4 the owner of the vehicle have signed releases authorizing removal and waiving further
5 interest in the vehicle or part thereof, or (2) all the following conditions are satisfied:

6 (a) the vehicle or part thereof is inoperable due to the absence of a motor, transmission,
7 or wheels and is incapable of being towed;

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

10 (c) the Director of Code Enforcement or his designee has determined that the vehicle
11 or part thereof is a public nuisance presenting an immediate threat to public health and
12 safety;

13 (d) the property owner has signed a release authorizing the removal and waiving
14 further interest in the vehicle or part thereof; and

15 (e) the vehicle is located upon a parcel that is either zoned for agricultural use or is not
16 improved with a residential structure containing one or more dwelling units.

17 If a vehicle is removed pursuant to subdivision (2), prior to final disposition, the
18 registered or legal owner shall be notified of the intent to dispose of the vehicle or part
19 thereof. If the vehicle or part thereof is not claimed and removed from the scrapyards,
20 automobile dismantler's yard or public disposal area within twelve (12) days after the
21 notice to dispose of vehicle is mailed, final disposition may proceed."

22 Section 8. Section 7. of Ordinance No. 520 is amended to read as follows:

23 "Section 7. Upon a timely request by the owner of the property on which
24 the vehicle is located or the owner of the vehicle, a public hearing shall be held on the
25 question of abatement and removal of the vehicle or part thereof as an abandoned,
26 wrecked, dismantled, or inoperative vehicle. This request shall be made in writing to the
27 Code Enforcement Department within ten (10) days after the mailing of the notice of
28 intention to abate and remove the vehicle or part thereof. If the owner of the property on

1 which the vehicle is located submits a sworn statement denying responsibility for the
2 presence of the vehicle on his land within such time period, this statement shall be
3 construed as a request for a hearing which does not require the presence of the property
4 owner. If the request for a hearing is not received within such a period, the Code
5 Enforcement Department, its employees or designees shall have the authority to remove or
6 cause removal of the vehicle or part.”

7 Section 9. Section 8. of Ordinance No. 520 is amended to read as follows:

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

17 The hearing body or officer shall determine whether the violation set forth in the
18 notice of intention to abate and remove the vehicle or part thereof existed at the time of the
19 issuance of the notice. If the hearing body or officer determines that the violation existed
20 at the time of the issuance of the notice, and that the violation has not subsequently been
21 remediated or abated, then the hearing body or officer may order any vehicle or part
22 thereof subject to the notice removed pursuant to Section 10. The order requiring removal
23 shall include a description of the vehicle or part thereof and the correct identification
24 number and license number of the vehicle, if available.

25 If an interested party makes a written representation to the hearing body or officer
26 but does not appear, he shall be notified in writing of the decision.

27 If it is determined at the hearing that the vehicle was placed on the land without the
28 consent of the landowner and that he or she has not subsequently acquiesced to its

1 presence, then the costs of administration or removal of the vehicle shall not be assessed
2 against the property owner upon which the vehicle is located nor shall attempts otherwise
3 be made to collect costs from the owner.

4 Notice of hearing before the hearing body or officer shall be given to the property
5 owner and owner of the vehicle as set forth in Section 7 and such notice shall be given no
6 less than fifteen (15) days prior to the date set for such hearing.”

7 Section 10. Section 9. of Ordinance No. 520 is amended to read as follows:

8 “**Section 9.** If the Board of Supervisors has designated hearing authority
9 to any other board, commissioner, or County official pursuant to Section 8, then any
10 interested party may appeal the decision by filing a written notice of appeal with the
11 designated board, commission, or County official within ten (10) days after a written
12 decision. Such appeal shall be heard by the Board of Supervisors which may affirm,
13 amend or reverse the decision or take any other action deemed appropriate. In conducting
14 the hearing, the Board of Supervisors shall not be limited by the technical rules of
15 evidence.

16 Notice of hearing before the Board of Supervisors shall be given to the property
17 owner and owner of the vehicle as set forth in Section 7 and such notice shall be given no
18 less than fifteen (15) days prior to the date set for such hearing.”

19 Section 11. Section 10. of Ordinance No. 520 is amended to read as follows:

20 “**Section 10.** The Director of Code Enforcement or his designated
21 subordinate may, after the time to appeal any order declaring the vehicle or part thereof to
22 be a public nuisance and authorizing removal has expired, dispose of the vehicle or part
23 thereof by removal to a scrapyard or automobile dismantler’s yard. If such commercial
24 channels are not available or are inadequate, the vehicle or part may be disposed of at any
25 public disposal area which will accept the same. After a vehicle has been removed, it shall
26 not thereafter be reconstructed or made operable, unless it is a vehicle which qualifies for
27 either horseless carriage license plates or historical license plates, pursuant to Section 5004
28 of the Vehicle Code, in which case the vehicle may be reconstructed or made operable.

1 Within 5 days after the date of removal of a vehicle or part thereof, notice shall be given to
2 the Department of Motor Vehicles identifying the vehicle or part thereof and any evidence
3 of registration available, including, but not limited to, the registration card, certificates of
4 ownership, or license plates.”

5 Section 12. Section 13. of Ordinance No. 520 is amended to read as follows:

6 “Section 13. If the administrative costs, including attorneys fees, and the
7 costs of removal which are charged against the owner of a parcel of land pursuant to this
8 Ordinance are not paid within thirty (30) days of the date of an order or statement to pay
9 such costs and fees, or the final disposition of an appeal therefrom, such costs shall be
10 assessed against the parcel of land pursuant to Section 25845 of the California Government
11 Code and shall be transmitted to the tax collector for collection. Said assessment shall
12 have the same priority as other county taxes.”

13 Section 13. This amendment shall become effective thirty (30) days after adoption.

14
15 BOARD OF SUPERVISORS OF THE COUNTY
OF RIVERSIDE, STATE OF CALIFORNIA

16
17 By: _____
Chairman

18 ATTEST:

19 CLERK OF THE BOARD:

20
21 By: _____
Deputy

22
23 (SEAL)

24
25 APPROVED AS TO FORM

26 November 12, 2009

27 By: 
JONATHAN D. HOLUB
28 Deputy County Counsel