

ORDINANCE NO. _____

ORDINANCE AMENDING CHAPTER 9.56 OF THE SANTA CRUZ
COUNTY CODE RELATED TO ABANDONED AND
WRECKED VEHICLES

The Board of Supervisors of the County of Santa Cruz, State of California, does ordain as follows:

SECTION I

Chapter 9.56 of the Santa Cruz County Code is hereby amended to read as follows:

Chapter **9.56**

ABANDONED AND WRECKED VEHICLES

Sections:

- 9.56.010** Purpose of provisions--Public nuisance.
- 9.56.020** Definitions.
- 9.56.030** Exceptions to chapter applicability.
- 9.56.040** Administration and enforcement.
- 9.56.050** Chapter provisions not exclusive.
- 9.56.051** Abandonment prohibited.
- 9.56.052** Presumption of abandonment.
- 9.56.060** Removal--Franchise or contract authorized when.
- 9.56.070** Removal--Costs.
- 9.56.080** Removal--Notice of intent--Form and contents.
- 9.56.090** Abatement performed by county when.
- 9.56.091** Immediate removal of abandoned vehicles.
- 9.56.100** Hearing before removal.
- 9.56.110** Removal and disposition of vehicle.
- 9.56.120** Notice to State Department of Motor Vehicles.
- 9.56.130** Removal--Cost assessment.

9.56.010 Purpose of provisions--Public nuisance.

In addition to and in accordance with the determination made and the authority granted by the state under Section 22660 of the Vehicle Code to remove abandoned,

wrecked, dismantled or inoperative vehicles or parts thereof as public nuisances, the Board of Supervisors 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 in the unincorporated area of the county, is 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 part thereof, on private or public property in the unincorporated area of the county, except as expressly hereinafter permitted, is declared to constitute a public nuisance which may be abated as such in accordance with the provisions of this chapter. (Ord. 4209 §1 (part), 1992; prior code § 10.05.010:Ord. 1582, 3/2/71)

9.56.020 Definitions.

As used in this chapter:

“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.

“Dismantled vehicle” means any vehicle that is partially or wholly disassembled.

“Highway” means 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.

“Inoperable vehicle” means any motor vehicle designed to be operated on a public roadway that cannot be moved under its own power, or which is not currently registered for operation.

“Private property”, means such property as belongs absolutely to an individual, and of which he or she has the exclusive right of disposition.

“Public nuisance vehicle” means any vehicle that is abandoned, wrecked, dismantled, or any inoperative parts thereof; that is on public or private property; and that creates a condition tending to reduce the value of private property, promotes blight and deterioration, invites plundering, creates fire hazards, constitutes an attractive nuisance endangering the health and safety of minors, harbors rodents and insects, or jeopardizes

health, safety, and general welfare is a public nuisance.

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“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 also applies to any property owned by the county, state or nation. Public property includes “highway.”

“Vehicle” means 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.

“Wrecked vehicle.” Any vehicle that is damaged to such an extent that it cannot be operated upon the highway is termed a wrecked vehicle. (Ord. 4209 § 1 (part), 1992: prior code § 10.05.015: Ord. 1582, 3/2/71; Ord. 2395, 2/15/77)

9.56.030 Exceptions to chapter applicability.

A. This chapter shall not apply to:

1. A vehicle or part thereof which is completely enclosed within a building in a lawful manner; or

2. A vehicle or part 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, or a junkyard, or when such storage or parking is necessary to the operation of a lawfully conducted business or commercial enterprise.

B. 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 22650) of Division II of the Vehicle Code, and this chapter. (Ord. 4209 § 1 (part), 1992: prior code § 10.05.020: Ord. 1582, 3/2/71)

9.56.040 Administration and enforcement.

Except as otherwise provided in this chapter, the provisions of this chapter shall be administered and enforced by the County Public Works Director. In the enforcement of this chapter, such officer and his or her deputies 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 part thereof declared to be a nuisance pursuant to this chapter. (Ord. 4209 § 1 (part), 1992: prior code § 10.05.040: Ord. 1582, 3/2/71)

9.56.050 Chapter provisions not exclusive.

This chapter 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. (Ord. 4209 § 1 (part), 1992; prior code § 10.05.030; Ord. 1582, 3/2/71)

9.56.051 Abandonment prohibited.

No person shall abandon a vehicle upon public or private property without the express or implied consent of the owner or person in lawful possession or control of the property. (Ord. 4209 § 1 (part), 1992)

9.56.052 Presumption of abandonment.

A. The abandonment of any vehicle in a manner as provided in Section 9.56.051 shall constitute a prima facie presumption that the last registered owner of record is responsible for the abandonment and is thereby liable for the cost of removal and disposition of the vehicle.

B. An owner who has made a bona fide sale or transfer of a vehicle and has delivered possession of the vehicle to a purchaser may overcome the presumption prescribed in section 9.56.051 by demonstrating that he or she has complied with Vehicle Code Section 5900 or by providing other satisfactory proof. (Ord. 4209 § 1 (part), 1992)

9.56.060 Removal--Franchise or contract authorized when.

When the Board of Supervisors has contracted with or granted a franchise to any person or persons, such person or persons shall be authorized to enter upon private property or public property to remove or cause the removal of a vehicle or parts thereof declared to be a nuisance pursuant to this chapter. (Ord. 4209 § 1 (part), 1992; prior code § 10.05.050; Ord. 1582, 3/2/71)

9.56.070 Removal--Costs.

The Board of Supervisors shall from time to time determine and fix an amount to be assessed as administrative costs under this chapter. (Ord. 4209 § 1 (part), 1992; prior code § 10.05.060; Ord. 1582, 3/2/71)

9.56.080 Removal--Notice of intent--Form and contents.

A. Notice of intent to abate and remove an abandoned, wrecked, dismantled or inoperative vehicle pursuant to this chapter shall be mailed by certified mail to the owner of the land on which the vehicle is located as such owner is shown on the last equalized assessment roll, and to the last registered and legal owner of record of the vehicle, unless the vehicle is in such condition that identification numbers are not available to determine ownership. Such notice shall give the owner of the vehicle and of the land at least ten working days to request a hearing or remove the vehicle.

B. The notice of intent to abate and remove a vehicle shall be substantially in the following form:

**NOTICE OF INTENT TO ABATE
AND REMOVE VEHICLE**

NOTICE IS HEREBY GIVEN that the undersigned intends to abate and remove the _____ vehicle located at _____ as an abandoned, wrecked, dismantled, or inoperative vehicle pursuant to Chapter 9.56 of the Santa Cruz County Code which declares such vehicles to be a public nuisance. The administrative costs and cost of removal of such a vehicle shall be a charge against the owner of the land on which the vehicle is located unless the owner of the land establishes that he or she has not consented nor subsequently acquiesced to the presence of the vehicle on his or her land.

You have a right to a hearing on this matter before the Nuisance Abatement Appeals Commission by making a request for such a hearing to the undersigned on or before _____, 20____.

The owner of the property on which this vehicle is located may appear in person at such a hearing or present a sworn written statement denying responsibility for the presence of the vehicle on his or her land, with his or her reasons for such denial, in lieu of appearing at the hearing.

If no request for a hearing is made on or before the above date, and if the vehicle is still located on the above property on said date, the undersigned will abate and remove the vehicle and the costs thereof shall be charged against you, and if not paid within 30 days thereafter, such costs shall be assessed against the property on which the vehicle is located.

C. Notwithstanding subsections A and B of this section, a notice of intention is not required for removal of a vehicle or part thereof which is determined by the County

Public Works Director or his or her deputy to be a public nuisance presenting an immediate threat to public health or safety, provided that the property owner has signed a release authorizing the removal and waiving further interest in the vehicle or part thereof. Prior to final disposition of such a low-valued vehicle or part for which evidence of registration was recovered pursuant to notice given to the Department of Motor Vehicles, the County Public Works Director or his or her deputy shall provide notice to the registered or legal owners of intent to dispose of the vehicle or part, and if the vehicle or part is not claimed and removed within ten working days after the notice is mailed, final disposition may proceed. (Ord. 4209 § 1 (part), 1992; Ord. 3770 § 1, 1986; prior code § 10.05.070; Ord. 1582, 3/2/71; Ord. 1705, 5/2/72; Ord. 2165, 8/12/75)

9.56.090 Abatement performed by county when.

The County Public Works Director or his or her deputy, upon complying with the provisions of Section 9.56.080, may abate and remove from any property any abandoned, wrecked, dismantled or inoperative vehicle, or part thereof, as provided in Section 9.56.100. He or she may also charge the owner of the vehicle and the owner of the property on which it is located with the cost of removal and any administrative costs. Both removal and assessment of costs shall, however, be stayed pending the order of the nuisance abatement appeals commission in the event that a hearing is requested as provided in Sections 9.56.080 and 9.56.100. (Ord. 4209 § 1 (part), 1992; prior code § 10.05.075; Ord. 2165, 8/12/75)

9.56.091 Immediate removal of abandoned vehicles.

Motor vehicles which are parked, resting, or otherwise immobilized on any highway or public right-of-way and which lack an engine, transmission, wheels, tires, doors, windshield, or any other part of equipment necessary to operate safely in the highways of this state, are hereby declared a hazard to public health, safety, and welfare and may be removed immediately upon discovery by a peace officer or other employee of the county designated to remove vehicles pursuant to this section. A written report identifying the vehicle and its location shall be mailed to the office of the Department of the California Highway Patrol located nearest to the vehicle. (Ord. 4209 § 1 (part), 1992)

9.56.100 Hearing before removal.

A. Whenever the owner of the vehicle in question, or the owner of the property on which the vehicle is located, requests a hearing pursuant to Section 9.56.080 of this chapter, a hearing shall be held by the nuisance abatement appeals commission, as soon as possible and normally within thirty days of the filing of such a request, on the question of the abatement and removal of the vehicle or part thereof as an abandoned, wrecked,

dismantled or inoperative vehicle, and the proposed charge of the administrative costs of removal of the vehicle or part thereof against the owner of the vehicle and the owner of the property on which it is located. If the owner of the land on which the vehicle is located submits a sworn written statement denying responsibility for the presence of the vehicle on his or her land within the period specified in Section **9.56.080** for requesting a hearing, this statement shall be construed as a request for hearing which does not require the presence of the owner submitting such request.

B. Notice of hearing shall be mailed at least three days before the hearing by certified mail to the owner of the land, as shown on the last equalized assessment roll, to the occupant of the premises on which the vehicle is located, and to the last registered and legal owner of record, unless the vehicle is in such condition that identification numbers are not available to determine ownership.

C. In conducting the hearing, the nuisance abatement appeals commission shall not be limited by the technical rules of evidence, but may hear all facts and testimony it deems pertinent. Such facts and testimony may include testimony on the condition of the vehicle or part thereof, and the circumstances concerning its location on the private property or public property. The owner of the land on which the vehicle is located may appear in person at the hearing, or present a written statement in time for consideration at the hearing, and deny responsibility for the presence of the vehicle on his or her land, with his or her reasons for such denial.

D. The nuisance abatement appeals commission may impose such conditions and take such other action as it deems appropriate under the circumstances to carry out the purpose of this chapter. It may delay the time for removal of the vehicle or part thereof if, in its opinion, the circumstances justify it. At the conclusion of the public hearing, the commission may find that a vehicle or part 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 vehicle and against the owner of the parcel of land on which the vehicle or part thereof is located. The order requiring removal shall include a description of where the vehicle or part thereof is located. The order requiring removal shall include a description of the vehicle or part thereof, and the correct identification number and license number of the vehicle, if available.

E. If it is determined at the hearing that the vehicle was placed on the land without the consent of the landowner and that he or she has not subsequently acquiesced in its presence, the commission shall not charge the costs of administration or removal of the vehicle against the owner of the property upon which the vehicle is located, nor shall

costs be assessed against his or her property.

F. If an interested party makes a written presentation to the commission but does not appear, he or she shall be notified in writing of the decision.

G. The decision of the nuisance abatement appeals commission shall be final. (Ord. 4209 § 1 (part), 1992: Ord. 3770 §§ 2, 3, 1986; prior code § 10.05.080: Ord. 1582, 3/2/71; Ord. 1705, 5/2/72; Ord. 2165, 8/12/75)

9.56.110 Removal and disposition of vehicle.

A. After the time for requesting a hearing has expired without a hearing being requested, or five days from the date of mailing the notice of decision of the nuisance abatement appeals commission, if such notice is required by Section 9.56.100, the vehicle or parts thereof may be disposed of by removal to a scrap yard, automobile dismantler's yard, or any suitable site operated by the county for processing of scrap, or other final disposition as scrap.

B. 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 of the California Vehicle Code, in which case the vehicle may be reconstructed or made operable. (Ord. 4209 § 1 (part), 1992: Ord. 3770 § 4, 1986; Ord. 3620 § 38, 1985: Ord. 3602 § 43, 1983: prior code § 10.05.100: Ord. 1582, 3/2/71; Ord. 1705, 5/2/72; Ord. 2165, 8/12/75)

9.56.120 Notice to State Department of Motor Vehicles.

Within five days after the date of removal of the vehicle or part thereof, notice shall be given to the Department of Motor Vehicles identifying the vehicle or part thereof removed. At the same time, there shall be transmitted to the Department of Motor Vehicles any evidence of registration available, including registration certificates, certificates of title, and license plates. (Ord. 4209 § 1 (part), 1992: prior code § 10.05.110: Ord. 1582, 3/2/71)

9.56.130 Removal--Cost assessment.

If the administrative costs and the cost of removal which are charged against the owner of a parcel of land pursuant to Section 9.56.110 are not paid within thirty days of removal, the Board of Supervisors shall hold a hearing, of which the owner shall be given at least ten days' written notice, to determine the reasonable costs to be assessed for the removal of the vehicle. A certified copy of the board's determination of the amount of the reasonable costs of removal, together with the amount of the administrative charge, shall

be filed with the county auditor and placed as a special assessment on the current assessment roll against the parcel of land. The assessment shall be collected at the same time and in the same manner as ordinary county taxes are collected, and subject to the same penalties and the same procedure and sale in case of delinquency as provided for ordinary county taxes. All laws applicable to the levy, collection and enforcement of county taxes shall be applicable to such special assessment. (Statutory references: Vehicle Code Section 22660; Government Code, Section 25845.) (Ord. 4209 § 1 (part), 1992; prior code § 10.05.120; Ord. 1582, 3/2/71; Ord. 1705, 5/2/72)

SECTION II

This ordinance shall take effect on the 31st day after the date of final passage.

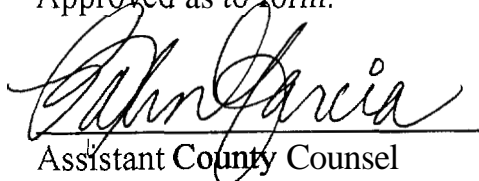
PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Cruz, State of California, this ____ day of _____ 2002, by the following vote:

AYES: SUPERVISORS
NOES: SUPERVISORS
ABSENT: SUPERVISORS

Chairperson of said Board

ATTEST: _____
Clerk of said Board

Approved as to form:


Assistant County Counsel

Distribution: County Counsel
Public Works