

1 MARIPOSA COUNTY ORDINANCE NO. 472

2 The Board of Supervisors of the County of Mariposa, State
3 of California, do ordain as follows:

4 CHAPTER . ABANDONED, WRECKED, DISMANTLED, AND INOPERA-
5 TIVE VEHICLES

6 SECTION -1.01. FINDINGS AND DETERMINATIONS

7 In addition to and in accordance with the determination
8 made and the authority granted by the State pursuant to the provi-
9 sions of Section 22660 of the Vehicle Code of the State to remove
10 abandoned, wrecked, dismantled, or inoperative vehicles, or parts
11 thereof, as public nuisances, the Board of Supervisors hereby makes
12 the following findings and declarations:

13 The accumulation and storage of abandoned, wrecked, dis-
14 mantled, or inoperative vehicles, or parts thereof, on private or
15 public property, not including highways, is hereby found to create
16 a condition tending to reduce the value of private property, to
17 promote blight and deterioration, to invite plundering, to create
18 fire hazards, to constitute an attractive nuisance creating a
19 hazard to the health and safety of minors, to create a harborage
20 for rodents and insects, and to be injurious to the health, safety,
21 and general welfare. Therefore, the presence of an abandoned,
22 wrecked, dismantled, or inoperative vehicle, or part thereof, on
23 private or public property, not including highways, except as ex-
24 pressly permitted by the provisions of this chapter, is hereby de-
25 clared to constitute a public nuisance which may be abated as such
26 in accordance with the provisions of this chapter.

27 SECTION -1.02. DEFINITIONS

28 For the purposes of this chapter, unless otherwise

1 apparent from the context, certain words and phrases used in this
2 chapter are defined as follows:

3 (a) "Highway" shall mean a way or place of whatever
4 nature, publicly maintained and open to the use of the public for
5 purposes of vehicular travel. "Highway" shall include street and
6 road.

7 (b) "Public property" shall not include "highway".

8 (c) "Vehicle" shall mean a device by which any person or
9 property may be propelled, moved, or drawn upon a highway, except a
10 device moved by human power or used exclusively upon stationary
11 rails of tracks.

12 SECTION -1.03. EXCEPTIONS

13 The provisions of this chapter shall not apply to:

14 (a) A vehicle, or part thereof, which is completely en-
15 closed within a building in a lawful manner where it is not visible
16 from the street or other public or private property; or

17 (b) A vehicle, or part thereof, which is stored or
18 parked in a lawful manner on private property in connection with the
19 business of a licensed dismantler, licensed vehicle dealer, a junk
20 dealer, or when such storage or parking is necessary to the opera-
21 tion of a lawfully conducted business or commercial enterprise.

22 The provisions of this section shall not authorize the
23 maintenance of a public or private nuisance as defined pursuant to
24 provisions of law other than Chapter 10 (commencing with Section
25 22650) of Division 11 of the Vehicle Code of the State and this
26 chapter.

27 SECTION -1.04. EFFECT ON OTHER LAWS

28 The provisions of this chapter are not the exclusive

1 regulation of abandoned, wrecked, dismantled, or inoperative
2 vehicles within the County. The provisions of this chapter shall
3 supplement and be in addition to the other regulatory codes,
4 statutes, and laws heretofore or hereafter enacted by the County,
5 the State, or any other legal entity or agency having jurisdiction.

6 SECTION -1.05. ADMINISTRATION AND ENFORCEMENT

7 Except as otherwise provided in this chapter, the provi-
8 sions of this chapter shall be administered and enforced by the
9 Sheriff of Mariposa County. In the enforcement of the provisions
10 of this chapter, the Sheriff and his deputies may enter upon pri-
11 vate or public property to examine a vehicle, or parts thereof, or
12 obtain information as to the identity of a vehicle, and to remove,
13 or cause the removal of, a vehicle, or part thereof, declared to be
14 a nuisance pursuant to the provisions of this chapter.

15 SECTION -1.06. RIGHT OF ENTRY OF CERTAIN PERSONS

16 When the County has contracted with or granted a fran-
17 chise to any person, such person shall be authorized to enter upon
18 private property or public property to remove, or cause the removal
19 of, a vehicle, or parts thereof, declared to be a nuisance pursuant
20 to the provisions of this chapter.

21 SECTION -1.07. ADMINISTRATIVE COSTS

22 The Board of Supervisors shall from time to time deter-
23 mine and fix an amount to be assessed as administrative costs (ex-
24 cluding the actual costs of the removal of any vehicle, or part
25 thereof) for the purposes of administering the provisions of this
26 chapter.

27 SECTION -1.08. HEARINGS: NOTICES

28 A public hearing shall be held on the question of the

1 abatement and removal of the vehicle, or part thereof, as an aban-
2 doned, wrecked, dismantled, or inoperative vehicle and the assess-
3 ment of the administrative costs and the costs of removal of the
4 vehicle, or part thereof, against the property on which it is lo-
5 cated. Notices of such hearing shall be mailed at least ten (10)
6 days before the hearing by certified mail, with a five (5) day
7 return requested, to the owner of the land as shown on the last
8 equalized County assessment roll and to the last registered and
9 legal owner of record unless the vehicle is in such condition that
10 identification numbers are not available to determine ownership.
11 If any of such notices are returned undelivered by the United
12 States Post Office, the hearing shall be continued to a date not
13 less than ten (10) days from the date of such return.

14 Notice of such hearing shall also be given to the
15 Highway Patrol of the State identifying the vehicle, or part
16 thereof, proposed for removal. Such notice shall be mailed at
17 least ten (10) days prior to the public hearing.

18 SECTION -1.09. HEARINGS: DETERMINATIONS

19 All hearings held pursuant to the provisions of this
20 chapter shall be held before the Board of Supervisors which shall
21 hear all facts and testimony it deems pertinent. Such facts and
22 testimony may include testimony on the condition of the vehicle, or
23 part thereof, and the circumstances concerning its location on pri-
24 vate property or public property. The Board shall not be limited
25 by the technical rules of evidence. The owner of the land on
26 which the vehicle is located may appear in person at the hearing,
27 or present a written statement in time for consideration at the
28 hearing, and deny responsibility for the presence of the vehicle

1 on the land, with his reasons for such denial.

2 The Board may impose such conditions and take such other
3 action as it deems appropriate under the circumstances to carry
4 out the purposes of this chapter. The Board may delay the time for
5 removal of the vehicle, or part thereof, if, in its opinion, the
6 circumstances so justify. At the conclusion of the public hearing,
7 the Board may find that a vehicle, or part thereof, has been aban-
8 doned, wrecked, dismantled, or is inoperative on private or public
9 property and order the same removed from the property as a public
10 nuisance and disposed of as provided in this chapter and determine
11 the amount of any administrative costs and the costs of removal to
12 be charged against the owner of the parcel of land on which the
13 vehicle, or part thereof, is located. The order requiring removal
14 shall include a description of the vehicle, or part thereof, and
15 the correct identification number and license number of the vehicle,
16 if available at the site.

17 If it is determined at the hearing that the vehicle was
18 placed on the land without the consent of the landowner and that he
19 has not subsequently acquiesced in its presence, the Board shall
20 not assess costs of administration or removal of the vehicle
21 against the property upon which the vehicle is located or otherwise
22 attempt to collect such costs from such landowner.

23 If an interested person makes a written presentation to
24 the Board but does not appear, such person shall be notified in
25 writing of the decision.

26 SECTION -1.10. REMOVAL

27 Five (5) days after the adoption of the order declaring
28 the vehicle, or part thereof, to be a public nuisance, or five (5)

1 days from the date of mailing of the notice of the decision, if
2 such notice is required by the provisions of Section -1.09 of this
3 chapter, the vehicle, or part thereof, may be disposed of by re-
4 moval to a scrapyard or automobile dismantler's yard. After a
5 vehicle has been removed, it shall not thereafter be reconstructed
6 or made operable.

7 SECTION -1.11. REMOVAL: NOTICE

8 Within five (5) days after the date of removal of the
9 vehicle, or part thereof, notice shall be given to the Department
10 of Motor Vehicles of the State identifying the vehicle, or part
11 thereof, removed. At the same time there shall be transmitted to
12 said Department of Motor Vehicles any evidence of registration
13 available, including registration certificates, certificates of
14 title, and license plates.

15 SECTION -1.12. ASSESSMENT OF COSTS

16 If the administrative costs and the costs of removal
17 which are charged against the owner of a parcel of land pursuant to
18 the provisions of Section -1.09 of this chapter are not paid with-
19 in thirty (30) days from the date of the order, such costs shall be
20 assessed against the parcel of land pursuant to the provisions of
21 Section 25845 of the Government Code of the State and shall be
22 transmitted to the Tax Collector for collection. Such assessment
23 shall have the same priority as other County taxes.

24 PASSED AND ADOPTED by the Board of Supervisors, County of
25 Mariposa, this 17 day of January, 1978, by the following vote:

- 26 AYES: Long, Owings, Clark, Dalton, Weber
27 NOES: None
28 NOT VOTING: None

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ABSENT: None

Carroll N. Clark
CARROLL N. CLARK, CHAIRMAN
BOARD OF SUPERVISORS

ATTEST:

Ellen Bronson
ELLEN BRONSON, COUNTY CLERK AND
EX OFFICIO CLERK OF THE BOARD