

ORDINANCE NO. 520
(AS AMENDED THROUGH 520.8)
AN ORDINANCE OF THE COUNTY OF RIVERSIDE AMENDING
ORDINANCE NO. 520 RELATING TO ABANDONMENT AND
REMOVAL OF ABANDONED VEHICLES

The Board of Supervisors of the County of Riverside, State of California, do ordain as follows:

Section 1. In addition to and in accordance with the determination made and the authority granted by the State of California 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 of the County of Riverside hereby 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 is hereby 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, except as expressly hereinafter permitted, is hereby declared to constitute a public nuisance which may be abated as such in accordance with the provisions of this ordinance.

As used in this Ordinance:

- a.** The term "vehicle" means a device by which any person or property may be propelled, moved, or drawn upon a highway, excepting a device moved by human power or used exclusively upon stationary rails or tracks, and includes trailers designed for carrying persons or property on its own structure and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon any other vehicle.
- b.** The term "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.
- c.** The term "public property" includes "highways."
- d.** The term "abandoned vehicle" means any vehicle left in such inoperable or neglected condition that the owner's intent to relinquish all further rights or interests in it may be reasonably concluded.
- e.** The term "wrecked vehicle" means any vehicle that is damaged to such an extent that it cannot be safely operated upon a highway.

- f. The term “dismantled vehicle” means any vehicle that is partially or wholly disassembled.
- g. The term “inoperable vehicle” means any vehicle that is in a condition that renders it unsafe for operation upon a highway, or in which such operation upon a highway would violate the Vehicle Code or any other law or regulation related to the operation of vehicles upon a highway in the County of Riverside or State of California.
- h. The term “part” includes, but is not limited to, any item, device, component, frame, bumper, wheel or glass associated with a vehicle as described herein.

Section 2. This Ordinance shall not apply to:

- a. A vehicle or part thereof which is completely enclosed within a building in a lawful manner where it is not visible from the street or other public or private property; or
- b. 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, a junk dealer, or when such storage or parking is necessary to the operation of a lawfully conducted business or commercial enterprise.

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 #22650) of Division 11 of the Vehicle Code and this ordinance.

Section 3. This Ordinance 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.

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

Section 5. When the Board of Supervisors or appropriate officer of the County of Riverside 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 ordinance.

Section 6. Upon discovery of an abandoned, wrecked, dismantled or inoperable vehicle or part thereof, the Director of Code Enforcement or his designee may issue a ten (10) day notice of intention to abate and remove the vehicle or part thereof as a public nuisance. The notice shall be mailed, by registered or certified mail, to the owner of the land as shown on the last equalized assessment roll 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. The notice shall contain a statement of hearing rights of the owner of the property on which the vehicle or part is located and of the owner of the vehicle. The statement shall include notice to the property owner that he may appear in

person at a hearing or may submit a sworn written statement denying responsibility for the presence of the vehicle or part on the land, with his reasons for such denial, in lieu of appearing.

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

- (a) the vehicle or part thereof is inoperable due to the absence of a motor, transmission, or wheels and is incapable of being towed;
- (b) the vehicle or part thereof is valued at less than two hundred dollars (\$200.00) by the Director of Code Enforcement or his designee;
- (c) the Director of Code Enforcement or his designee has determined that the vehicle or part thereof is a public nuisance presenting an immediate threat to public health and safety;
- (d) the property owner has signed a release authorizing the removal and waiving further interest in the vehicle or part thereof; and
- (e) the vehicle is located upon a parcel that is either zoned for agricultural use or is not improved with a residential structure containing one or more dwelling units.

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

Section 7. Upon a timely request by the owner of the property on which the vehicle is located or the owner of the vehicle, a public hearing shall be held on the question of abatement and removal of the vehicle or part thereof as an abandoned, wrecked, dismantled, or inoperative vehicle. This request shall be made in writing to the Code Enforcement Department within ten (10) days after the mailing of the notice of intention to abate and remove the vehicle or part thereof. If the owner of the property on which the vehicle is located submits a sworn statement denying responsibility for the presence of the vehicle on his land within such time period, this statement shall be construed as a request for a hearing which does not require the presence of the property owner. If the request for a hearing is not received within such a period, the Code Enforcement Department, its employees or designees shall have the authority to remove or cause removal of the vehicle or part.

Section 8. All hearings under this Ordinance shall be held before the Board of Supervisors or any other board, commissioner, or County official as designated by the Board of Supervisors, who shall hear all relevant facts and testimony. The facts and testimony may include evidence on the condition of the vehicle or part thereof and the circumstances concerning its location on private or public property. The hearing body or officer shall not be limited by the technical rules of evidence. The owner of the vehicle or

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 the land, with his reasons for such denial.

The hearing body or officer shall determine whether the violation set forth in the notice of intention to abate and remove the vehicle or part thereof existed at the time of the issuance of the notice. If the hearing body or officer determines that the violation existed at the time of the issuance of the notice, and that the violation has not subsequently been remediated or abated, then the hearing body or officer may order any vehicle or part thereof subject to the notice removed pursuant to Section 10. 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.

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

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

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

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

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

Section 10. The Director of Code Enforcement or his designated subordinate may, after the time to appeal any order declaring the vehicle or part thereof to be a public nuisance and authorizing removal has expired, dispose of the vehicle or part thereof by removal to a scrapyards or automobile dismantler's yard. If such commercial channels are not available or are inadequate, the vehicle or part may be disposed of at any public disposal area which will accept the same. 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 license plates, pursuant to Section 5004 of the Vehicle Code, in which case the vehicle may be reconstructed or made operable. Within 5 days after the date of removal of a vehicle or part thereof, notice shall

be given to the Department of Motor Vehicles identifying the vehicle or part thereof and any evidence of registration available, including, but not limited to, the registration card, certificates of ownership, or license plates.

Section 11. No local agency or contractor thereof shall be liable for damage caused to a vehicle or part thereof by removal pursuant to Section 22661 of the California Vehicle Code and this Ordinance.

Section 12. The procedures, remedies and penalties for violation of this ordinance and for recovery of costs related to enforcement are provided for in Ordinance No. 725, which is incorporated herein by this reference.

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

Section 14. It shall be unlawful for any person to abandon, park, store, or leave or permit the abandonment, parking, storing or leaving of any licensed or unlicensed vehicle or part thereof which is in an abandoned, wrecked, dismantled or inoperative condition upon any private or public property within the County of Riverside for a period in excess of ten (10) days unless such vehicle is stored or parked in a lawful manner on private property in connection with the business of a licensed dismantler, licensed vehicle dealer or County approved junkyard. Any individual violating any provision of this Ordinance shall be deemed guilty of an infraction or misdemeanor as hereinafter specified. Such individual shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this Ordinance is committed, continued, or permitted. Any individual convicted of a violation of this Ordinance shall be: (1) guilty of an infraction offense and punished by a fine not exceeding one hundred dollars (\$100.00) for a first violation; (2) guilty of an infraction offense and punished by a fine not exceeding two hundred dollars (\$200.00) for a second violation on the same site perpetrated by the same individual. The third and any additional violations on the same site and perpetrated by the same individual shall constitute a misdemeanor offense and shall be punishable by a fine not exceeding one thousand dollars (\$1,000.00) or six (6) months in jail, or both. Notwithstanding the above, a first offense may be charged and prosecuted as a misdemeanor.

Section 15. A violation of this Ordinance is declared to be unlawful and a public nuisance. The District Attorney or County Counsel shall be authorized to commence action or actions for the abatement, and removal and enjoinder thereof and for the collection of the costs of abatement, including administrative and attorney's fees and civil penalties in the manner provided by law.

Section 16. Upon a second or subsequent civil or criminal judgment for a violation of this Ordinance, the Court may order the owner to pay treble the costs of abatement, including administrative and attorneys fees, in accordance with Government Code Section

25845.5.

Section 17. All remedies provided for herein shall be cumulative and not exclusive. The conviction and punishment of any person hereunder shall not relieve such person from the responsibility of abating and removing an abandoned, wrecked, dismantled or inoperative vehicle or parts thereof.

Section 18. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The County Board of Supervisors hereby declare that it would have passed this Ordinance and each part thereof, regardless of the fact that one or more parts might be declared unconstitutional or invalid.

Adopted:

520 11/10/1969 (Eff: 12/10/1969)

Amended:

- 520.1 08/07/1973 (Eff: 09/05/1973)
- 520.2 03/16/1982 (Eff: 04/15/1982)
- 520.3 Item 3.2 of 02/21/1989 (Eff: 03/23/1989)
- 520.4 Item 3.1 of 09/17/1991 (Eff: 10/17/1991)
- 520.5 Item 3.18 of 04/13/1993 (Eff: 05/13/1993)
- 520.6 Item 11.1 of 09/21/1993 (Eff: 10/21/1993)
(725 – Amds Sec. 13) (Eff: 10/26/2000)
- 520.7 Item 3.40 of 11/04/2008 (Eff: 12/04/2008)
- 520.8 Item 3.28 of 12/08/2009 (Eff: 12/07/2009)