

MARIPOSA COUNTY ORDINANCE NO. 901

**AN ORDINANCE AMENDING CHAPTER 8.32 ENTITLED  
"ABANDONED, WRECKED, DISMANTLED, AND INOPERATIVE VEHICLES"  
OF THE MARIPOSA COUNTY CODE**

**WHEREAS**, legislation has amended the California Vehicle Code relative to the procedures for removal of abandoned vehicles, and

**WHEREAS**, the Board of Supervisors desires to comply with current State law by amending Mariposa County's Ordinance to conform to State statutes;

**NOW, THEREFORE, THE BOARD OF SUPERVISORS** of Mariposa County, a political subdivision of the State of California, does ordain as follows:

**SECTION I:** Section 8.32.030 entitled "Exceptions" of Chapter 8.32 entitled "Abandoned, Wrecked, Dismantled, and Inoperative Vehicles" of the Mariposa County Code shall be amended to read in its entirety as follows:

"A. The provisions of this chapter shall not apply to:

1. A vehicle, or part thereof, that 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

2. A vehicle, or part thereof, that is stored or parked in a lawful manner on private property in connection with the business of a licensed dismantler, licensed vehicle dealer, a junkyard, or when such storage or parking is necessary to the operation of a lawfully conducted business or commercial enterprise.

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

**SECTION II:** Section 8.32.060 entitled "Right of entry of certain persons" shall be amended to read in its entirety as follows:

"When the county has contracted with any person, such person 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 the provisions of this chapter."

**SECTION III:** Section 8.32.080 entitled "Hearings--Notice" shall be amended to read "Notice of intent to abate and remove vehicle--Hearings":

**SECTION IV:** Section 8.32.080 shall be amended to read in its entirety as follows:

A. When in the discretion of the county department charged with enforcement of this chapter it is determined that a vehicle violates the conditions contained in this chapter, the department shall mail, by registered or certified mail, a ten day written notice of intention to abate and remove a vehicle or part thereof to the owner of the land as 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 an identification number is not available to determine ownership. The notice shall include notice to the property owner that he or she may appear in

person at a hearing or may submit a sworn written statement denying responsibility for the presence of the vehicle on the land, with his or her reasons for such denial, in lieu of appearing. The notice shall additionally contain a statement of the hearing rights of the owner of the property on which the vehicle is located and of the owner of the vehicle. A copy of this chapter shall suffice as the statement of the hearing rights. The board of supervisors shall hold a hearing pursuant to section 8.32.090 below if within ten days after mailing of the notice of intention to abate and remove the vehicle, the owner of the property wherein the vehicle is located or the owner of the vehicle requests such hearing. The request shall be made to the department charged with the enforcement of this chapter. 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 ten day time period, the written statement shall be construed as a request for hearing that does not require the presence of the owner submitting the sworn statement. If the request for hearing is not received within the time period as above-described, the board of supervisors shall have the authority to remove the vehicle or have the vehicle removed without a public hearing or any hearing.

B. On parcels that are zoned for agricultural use or are not improved with a residential structure containing one or more dwelling units, the ten day notice of intention to abate and remove the vehicle or part thereof as a public nuisance shall not be required if the property owner and the owner of the vehicle have signed releases authorizing removal and waiving further interest in the vehicle or part thereof. Additionally, the notice of intention is not required for removal of a vehicle or part thereof that is inoperable due to the absence of a motor, transmission, or wheels and incapable of being towed, and is valued at less than \$200 by persons specified in California Vehicle Code section 22855 and is determined by the department charged with enforcing this chapter to be a public nuisance presenting an immediate threat to public health or safety, provided that the property owner has signed a release authorizing removal and waiving further interest in the vehicle or part thereof.

Prior to final disposition of a vehicle or part thereof pursuant to Vehicle Code section 22662 of a vehicle valued below \$200 as above-described for which evidence of registration was recovered, the department charged with enforcement of this chapter shall provide notice to the registered and legal owner of the vehicle or part thereof of intent to dispose of the vehicle or part thereof and if the vehicle or part thereof is not cleaned and removed within twelve (12) days after the notice is mailed, final disposition may proceed."

**SECTION V:** Section 8.32.090 entitled "Hearings--Testimony" shall be amended to read in its entirety as follows:

"The owner of the land on which the vehicle is located may appear in person at the hearing, or present a sworn 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."

**SECTION VI:** Section 8.32.100 entitled "Hearings--Board action" shall be amended to read as follows:

"At the conclusion of the public hearing, the board 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 provided in this chapter and determine the amount of any administrative costs and the costs of removal to be charged against the owner of the parcel of land on which the vehicle, or part thereof, is located or charged against the owner of the vehicle or vehicles, if known...."

**SECTION VII:** Section 8.32.110 entitled "Hearings--Determination of cost assessment" shall be amended to read in its entirety as follows:

"If it is determined at the hearing that the vehicle was placed on the land without the consent of the landowner and that he has not subsequently acquiesced in its presence, the board shall not assess costs of administration or removal of the vehicle against the property upon which the vehicle is located or otherwise attempt to collect such costs from such landowner. Nothing contained herein shall prohibit the board from collecting the costs of administration and/or removal of the vehicle from the owner of the vehicle."

**SECTION VIII:** Section 8.32.130 entitled "Removal of vehicle--When" shall be amended to read in its entirety as follows:

"Five days after the adoption of the order declaring the vehicle, or part thereof, to be a public nuisance, or five days from the date of mailing of the notice of the decision, if such notice is required by the provisions of section 8.32.090 through 8.32.120, the vehicle, or part thereof, may be disposed of by removal to a scrapyard or automobile dismantler's yard. After a vehicle has been removed, it shall not thereafter be reconstructed or made operable, unless it is a vehicle that qualifies for either horseless carriage license plates or historical vehicles license plates pursuant to California Vehicle Code section 5004; in such case, the vehicle may be reconstructed or made operable."

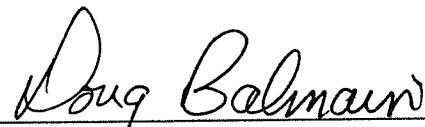
**SECTION IX:** Section 8.32.140 entitled "Removal of vehicle--Notice" shall be amended to read in its entirety as follows:

"Within five days after the date of removal of the vehicle, or part thereof, notice shall be given to the California 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 card, certificates of ownership, or license plates."

**SECTION X:** This Ordinance shall become effective thirty (30) days after final passage pursuant to Government Code Section 25123.

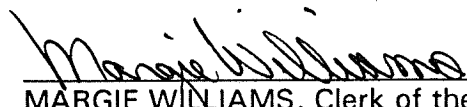
**PASSED AND ADOPTED** by the Board of Supervisors of Mariposa County this 25th day of June, 1996 by the following vote:

AYES: REILLY, BALMAIN, STEWART, PARKER, TABER  
NOES: NONE  
ABSENT: NONE  
ABSTAINED: NONE

  
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DOUG BALMAIN, Chairman  
Mariposa County Board of Supervisors

ATTEST:

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY:

  
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MARGIE WILLIAMS, Clerk of the Board

  
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JEFFREY G. GREEN, County Counsel