MARIPOSA COUNTY ORDINANCE NO. 472

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

CHAPTER 7 ABANDONED, WRECKED, DISMANTLED, AND INOPERA-
TIVE VEHICLES

SECTION -1.01. FINDINGS AND DETERMINATIONS

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

The accumulation and storage of abandoned, wrecked, dis-
mantled, or inoperative vehicles, or parts thereof, on private or public property, not including highways, 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, not including highways, except as ex-
pressly permitted by the provisions of this chapter, is hereby de-
clared to constitute a public nuisance which may be abated as such in accordance with the provisions of this chapter.

SECTION -1.02. DEFINITIONS

For the purposes of this chapter, unless otherwise
apparent from the context, certain words and phrases used in this
chapter are defined as follows:

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

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

(c) "Vehicle" shall mean 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 of tracks.

SECTION -1.03. EXCEPTIONS

The provisions of this chapter shall not apply to:

(a) A vehicle, or part thereof, which is completely en-
closed 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 opera-
tion of a lawfully conducted business or commercial enterprise.

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 -1.04. EFFECT ON OTHER LAWS

The provisions of this chapter are not the exclusive
regulation of abandoned, wrecked, dismantled, or inoperative
vehicles within the County. The provisions of this chapter shall
supplement and be in addition to the other regulatory codes,
statutes, and laws heretofore or hereafter enacted by the County,
the State, or any other legal entity or agency having jurisdiction.

SECTION -1.05. ADMINISTRATION AND ENFORCEMENT

Except as otherwise provided in this chapter, the provi-
sions of this chapter shall be administered and enforced by the
Sheriff of Mariposa County. In the enforcement of the provisions
of this chapter, the Sheriff and his deputies may enter upon pri-
vate 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 the provisions of this chapter.

SECTION -1.06. RIGHT OF ENTRY OF CERTAIN PERSONS

When the County has contracted with or granted a fran-
chise to 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 -1.07. ADMINISTRATIVE COSTS

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

SECTION -1.08. HEARINGS: NOTICES

A public hearing shall be held on the question of the
abatement and removal of the vehicle, or part thereof, as an abandoned, wrecked, dismantled, or inoperative vehicle and the assessment of the administrative costs and the costs of removal of the vehicle, or part thereof, against the property on which it is located. Notices of such hearing shall be mailed at least ten (10) days before the hearing by certified mail, with a five (5) day return requested, to the owner of the land as shown on the last equalized County 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. If any of such notices are returned undelivered by the United States Post Office, the hearing shall be continued to a date not less than ten (10) days from the date of such return.

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

SECTION -1.09. HEARINGS: DETERMINATIONS

All hearings held pursuant to the provisions of this chapter shall be held before the Board of Supervisors which shall 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 private property or public property. The Board shall not be limited by the technical rules of evidence. 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 Board may impose such conditions and take such other action as it deems appropriate under the circumstances to carry out the purposes of this chapter. The Board may delay the time for removal of the vehicle, or part thereof, if, in its opinion, the circumstances so justify. 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. 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 at the site.

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.

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

SECTION -1.10. REMOVAL

Five (5) days after the adoption of the order declaring the vehicle, or part thereof, to be a public nuisance, or five (5)
days from the date of mailing of the notice of the decision, if
such notice is required by the provisions of Section -1.09 of this
chapter, the vehicle, or part thereof, may be disposed of by re-
moval to a scrapyard or automobile dismantler's yard. After a
vehicle has been removed, it shall not thereafter be reconstructed
or made operable.

SECTION -1.11. REMOVAL: NOTICE

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

SECTION -1.12. ASSESSMENT OF COSTS

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

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

AYES: Long, Owings, Clark, Dalton, Weber
NOES: None
NOT VOTING: None
ABSENT: None

CARROLL N. CLARK, CHAIRMAN
BOARD OF SUPERVISORS

ATTEST:

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