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Chapter 200 [Abandoned or Inoperable Vehicles](#)

- **Section 010 [Findings--Nuisance Declared](#)**

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 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, not including highways, 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 parts thereof, on private or public property, not including highways, 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. 569 § 1 (part), 1973.)

- **Section 020 [Definitions](#)**

As used in this chapter:

- A. "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";
 - B. "Owner of the land" means the owner of the land on which the vehicle, or parts thereof, is located as shown on the last equalized assessment roll;
 - C. "Owner of vehicle" means the last registered owner and legal owner of record;
 - D. "Public property" does not include "highway";
 - E. "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;
- (Ord. 569 § 1 (part), 1973.)
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Section 030 Exceptions

This chapter shall not apply to:

- A. A vehicle, or parts 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 parts 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 Section 22650) of Division 11 of the Vehicle Code and Section 11.20.020. (Ord. 569 § 2, 1973.)

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Section 040 Chapter 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. 569 § 3, 1973.)

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Section 050 Enforcement Authority--Right of Entry

Except as otherwise provided herein, the provisions of this chapter shall be administered and enforced by the sheriff of the county. In the enforcement of this chapter, such officer and his 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 parts thereof declared to be a nuisance pursuant to this chapter. (Ord. 569 § 4, 1973.)

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Section 060 Removal--Authority

When the board 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. 569 § 5, 1973.)

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Section 070 Removal--Administrative Cost Assessment Authority

The board shall, from time to time, determine and fix an amount to be assessed as administrative costs (excluding the actual cost of removal of any vehicle or parts thereof) under this chapter. (Ord 569 § 6, 1973.)

- **Section 080 Sheriff--Abatement Authority**

Upon discovering the existence of an abandoned, wrecked, dismantled, or inoperative vehicle, or parts thereof, on private property or public property within the unincorporated area of the county, the sheriff shall have the authority to cause the abatement and removal thereof in accordance with the procedure prescribed herein. (Ord. 569 § 7, 1973.)

- **Section 090 Abatement Notice--Service--Form**

A ten-day notice of intention to abate and remove the vehicle, or parts thereof, as a public nuisance shall be mailed by registered mail to the owner of the land and to the owner of the vehicle, unless the vehicle is in such condition that identification numbers are not available to determine ownership. The notices of intention shall be in substantially the following forms:

"NOTICE OF INTENTION TO ABATE AND REMOVE AN ABANDONED, WRECKED, DISMANTLED OR INOPERATIVE VEHICLE OR PARTS THEREOF AS A PUBLIC NUISANCE

(Name and address of owner of the land)

As owner shown on the last equalized assessment roll of the land located at (address), you are hereby notified that the undersigned, pursuant to Section 4 of Ordinance No. 569, has determined that there exists upon said land an (or parts of an) abandoned, wrecked, dismantled or inoperative vehicle registered to , license number , which constitutes a public nuisance pursuant to the provisions of Ordinance No. 569.

You are hereby notified to abate said nuisance by the removal of said vehicle (or said parts of a vehicle) within 10 days from the date of mailing of this notice, and upon your failure to do so the same will be abated and removed by the county and the costs thereof, together with administrative costs, assessed to you as owner of the land on which said vehicle (or said parts of a vehicle) is located.

As owner of the land on which said vehicle (or said parts of a vehicle) is located, you are hereby notified that you may, within 10 days after the mailing of this notice of intention, request a public hearing and if such a request is not received by the County Clerk within such 10-day period, the sheriff shall have the authority to abate and remove said vehicle (or said parts of a vehicle) as a public nuisance and assess the costs as aforesaid without a public hearing. You may submit a sworn written statement within such 10-day period denying responsibility for the presence of said vehicle (or said parts of a vehicle) on said land, with your reasons for denial, and such statement shall be construed as a request for hearing at which your presence is not required. You may appear in person at any hearing requested by you or the owner of the vehicle or, in lieu thereof, may present a sworn written statement as aforesaid in time for consideration at such hearing.

Notice Mailed S/

(date) Sheriff"

"NOTICE OF INTENTION TO ABATE AND REMOVE AN ABANDONED, WRECKED, DISMANTLED OR INOPERATIVE VEHICLE OR PARTS THEREOF AS A PUBLIC NUISANCE

(Name and address of last registered and/or legal owner of record of

vehicle-notice should be given to both if different)

As last registered (and/or legal) owner of record of (description of vehicle--make, model, license, etc.), you are hereby notified that the undersigned, pursuant to Section 4 of Ordinance No. 569, has determined that said vehicle (or parts of a vehicle) exists as an abandoned, wrecked, dismantled or inoperative vehicle at (describe location on public or private property) and constitutes a public nuisance pursuant to the provisions of Ordinance No. 569.

You are hereby notified to abate said nuisance by the removal of said vehicle (or said parts of a vehicle) within 10 days from the date of mailing of this notice.

As registered (and/or legal) owner of record of said vehicle (or said parts of a vehicle), you are hereby notified that you may, within 10 days after the mailing of this notice of intention, request a public hearing and if such a request is not received by the County Clerk within such 10-day period, the sheriff shall have the authority to abate and remove said vehicle (or said parts of a vehicle) without a hearing.

Notice Mailed S/

(date) Sheriff"

Form CHP 80C (Report of Vehicle Abatement) and Form CHP 80D (Notice of Intent to Abate Abandoned Vehicle) provided by the California Department of Motor Vehicles, and any subsequent amendments or changes to the forms, may be used in lieu of the above forms of notice.

(Ord. 687 § 1, 1978; Ord. 569 § 8, 1973.)

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Section 100 Abatement Hearing--When Held

Upon request by the owner of the vehicle or owner of the land received by the sheriff within ten days after the mailing of the notices of intention to abate and remove, a public hearing shall be held by the county clerk on the question of abatement and removal of the vehicle or parts thereof as an abandoned, wrecked, dismantled or inoperative vehicle, and the assessment of the administrative costs and the cost of removal of the vehicle or parts thereof against the property on which it is located.

If the owner of the land submits a sworn written statement denying responsibility for the presence of the vehicle on his land within such ten-day period, said statement shall be construed as a request for a hearing which does not require his presence. Notice of the hearing shall be mailed, by registered mail, at least ten days before the hearing to the owner of the land and to the owner of the vehicle, unless the vehicle is in such condition that identification numbers are not available to determine ownership. If such a request for

hearing is not received within ten days after mailing of the notice of intention to abate and remove, the county shall have the authority to abate and remove the vehicle or parts thereof as a public nuisance without holding a public hearing. (Ord. 569 § 9, 1973.)

- **Section 110 Abatement Hearing--Procedure**

All hearings under this chapter shall be held before the county hearing officer, who shall hear all facts and testimony he deems pertinent. Said testimony and facts may include testimony on the condition of the vehicle or parts thereof and the circumstances concerning its location on the private property or public property. The county hearing officer shall not be limited by the technical rules of evidence. The owner of the land 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. (Ord. 590 § 1 (part), 1974; Ord. 569 § 10 (part), 1973.)

- **Section 120 Abatement Hearing--Conditions Imposed--Removal Order**

The county hearing officer may impose such conditions and take such other action as he deems appropriate under the circumstances to carry out the purpose of this chapter. He may delay the time for removal of the vehicle or parts thereof if, in his opinion, the circumstances justify it. At the conclusion of the public hearing, the county hearing officer may find that a vehicle or parts 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 land. The order requiring removal shall include a description of the vehicle or parts thereof and the correct identification number and license number of the vehicle, if available at the site. (Ord. 590 § 1 (part), 1974; Ord. 569 § 10 (part), 1973.)

- **Section 130 Abatement Hearing--Land Owner not Liable When**

If it is determined at the hearing that the vehicle was placed on the land without the consent of the owner of the land and that he has not subsequently acquiesced in its presence, the county hearing officer shall not assess the 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 owner of the land. (Ord. 590 § 1 (part), 1974; Ord. 569 § 10 (part), 1973.)

- **Section 140 Abatement Hearing--Decision Notification**

If the owner of the land submits a sworn written statement denying responsibility for the presence of the vehicle on his land but does not appear, or if an interested party makes a written presentation to the county hearing officer but does not appear, he shall be notified in writing of the decision. (Ord. 590 § 1 (part), 1974; Ord. 569 § 10 (part), 1973.)

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Section 150 Abatement Hearing--Appeal

Any interested party may appeal the decision of the county hearing officer by filing a written notice of appeal with the county clerk within five days after decision by the county hearing officer.

Such appeal shall be heard by the board which may affirm, amend, or reverse the order or take other action deemed appropriate.

The county clerk shall give written notice of the time and place of the hearing to the appellant and those persons specified in Section 11.20.090. (Ord. 590 § 2, 1974; Ord. 569 § 11, 1973.)

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Section 160 Removal of Vehicle

Five days after adoption of the order declaring the vehicle or parts thereof to be a public nuisance, five days from the date of mailing of notice of the decision if such notice is required by Sections 11.20.110 through 11.20.140, or fifteen days after such action of the governing body authorizing removal following appeal, the vehicle or parts thereof may be disposed of by removal to a scrap yard or automobile dismantler's yard. After a vehicle has been removed, it shall not thereafter be reconstructed or made operable. (Ord. 569 § 12, 1973.)

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Section 170 Removal Notice

Within five days after the date of removal of the vehicle or parts thereof, notice shall be given to the Department of Motor Vehicles identifying the vehicle or parts 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. 569 § 13, 1973.)

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Section 180 Removal Costs--Assessment Against Land

If the administrative costs and the cost of removal which are charged against the owner of a parcel of land pursuant to Sections 11.20.110 through 11.20.140 are not paid within thirty days of the date of the order, or the final disposition of an appeal therefrom, such costs shall be assessed against the parcel of land pursuant to Section 25845 of the Government Code and shall be transmitted to the tax collector for collection. The assessment shall have the same priority as other county taxes. (Ord. 569 § 14, 1973.)

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Section 190 Enclosure Required

It is 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 parts thereof which is in an abandoned, wrecked, dismantled or inoperative condition upon any private property or public property not including highways within the unincorporated area of the county for a period in excess of ten days unless such vehicle or parts

thereof is completely enclosed within a building in a lawful manner where it is not plainly visible from the street or other public or private property, or 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 a junkyard. (Ord. 716 § 5 (part), 1979; Ord. 569 § 15, 1973.)

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Section 200 [Refusal to Abate Unlawful](#)

It is unlawful for any person to fail or refuse to remove an abandoned, wrecked, dismantled or inoperative vehicle or parts thereof or refuse to abate such nuisance when ordered to do so in accordance with the abatement provisions of this chapter or state law where such state law is applicable. (Ord. 716 § 5 (part), 1979; Ord. 569 § 16, 1973.)

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