

**AN ORDINANCE OF THE COUNTY OF PLUMAS, STATE OF CALIFORNIA, AMENDING  
ORDINANCE NO. 05-1033, CHAPTER 8 OF TITLE 5 (PUBLIC WELFARE) OF THE PLUMAS  
COUNTY CODE BY AMENDING CERTAIN SECTIONS OF CHAPTER 8 OF TITLE 5 OF THE  
PLUMAS COUNTY CODE**

The Board of Supervisors of the County of Plumas, State of California, ORDAINS as follows:

**SECTION 1.**

Chapter 8 "Abandoned, Wrecked, Dismantled, or Excess Inoperable Vehicles" of Title 5 of the Plumas County Code are adopted and amended as set forth in Exhibit "A".

**SECTION 2.**

This ordinance shall become effective 30 days from the date of final passage.

**SECTION 3. Codification**


This ordinance shall be codified.

**SECTION 4. Publication**

A summary of this ordinance shall be published, pursuant to Section 25124(b)(1) of the Government Code of the State of California, before the expiration of fifteen days after the passage of the ordinance, once, with the names of the supervisors voting for and against the ordinance, in the *Feather River Bulletin*, *Indian Valley Record*, *Chester Progressive*, and *Portola Reporter*, newspapers of general circulation in the County of Plumas.

The foregoing ordinance was introduced at a regular meeting of the Board of Supervisors on the 4 day of FEB, 2019, and passed and adopted on the 11 day of FEB, 2019 by the following vote:

AYES:	Supervisors: SIMPSON, THRALL, ENGEL, GOSS
NOES:	Supervisors: NONE
ABSENT:	Supervisors: NONE

  
Chair, Board of Supervisors

ATTEST:

  
Clerk of said Board of Supervisors

## Exhibit "A"

### Sec. 5-8.01. - Findings and determinations.

In addition to and in accordance with the determination made and the authority granted by the State pursuant to the provisions 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 hereby makes the following findings and declarations:

The accumulation and storage of abandoned, wrecked, dismantled, or excess inoperable 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 excess inoperable vehicle, or parts thereof, on private or public property, except as expressly permitted by the provisions of this chapter or the provisions of Chapter 2, of Title 9, is hereby declared to constitute a public nuisance which may be abated as such in accordance with the provisions of this chapter.

(§ I, Ord. 73-1, eff. July 5, 1973; and § I, Ord. No. 05-1033, adopted August 16, 2005)

### Sec. 5-8.02. - 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:

*Abandoned* shall mean the status of a vehicles or part thereof when the vehicle owner has ceased to assert or exercise any interest, right or title therein either intent to resume or reassert such interest, right or title.

*Dismantled* shall mean the condition of a vehicle which has been taken apart, or to pieces, and/or stripped, or otherwise deprived of any of its integral parts or equipment.

*Excess inoperable* shall mean the presence upon a single parcel or combination of adjoining parcels under the same ownership of more than one unregistered or inoperable vehicle, except as provided by Sections 5051 et seq. of the Vehicle Code of the State or as otherwise exempted by Section 5-8.03 of this chapter.

*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

*Inoperable* shall mean a vehicle or part thereof which cannot be moved under its own power or cannot be operated lawfully on a public street or highway within this state, due to removal of, damage to, deterioration of, or inoperative condition of any component part or the lack of an engine, transmission, wheels, tires, doors, windshield, or any other component part necessary for such movement or lawful operation, except an unregistered vehicle.

*Owner of the land* shall mean the owner of the land on which the vehicle, or parts thereof, is located as shown on the last equalized assessment roll.

*Owner of the vehicle* shall mean the last registered owner and legal owner of record.

## **Exhibit "A"**

*Private Property* shall mean property that belongs absolutely to an individual and that person has the exclusive right of disposition. Property of a specific, fixed, and tangible nature, capable of being possessed and transmitted to another, such as houses, lands, vehicles, etc.

*Public Property* shall mean land owned by government or a community and used by the general public

*Unregistered* shall mean a vehicle subject to registration by the California Department of Motor Vehicles which is not lawfully registered in a manner recognized in California, another state, or the United States.

*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 or tracks.

*Wrecked* shall mean the condition of a vehicle which consists of disordered or broken remains, or which has been brought to a physically impaired or unsound condition, or other ruinous state by reason of collision, crash, or other forceful impact.

(§ I, Ord. 73-1, eff. July 5, 1973; and § I, Ord. No. 05-1033, adopted August 16, 2005)

### **Sec. 5-8.03. - Exceptions.**

The provisions of this chapter shall not apply to:

- (a) A vehicle, or parts thereof, which is completely enclosed within a building in a lawful manner where such vehicle, or parts thereof, 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, or a lawful junk yard, or when such storage or parking is necessary to the operation 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 under provisions of law other than Chapter 10 (commencing with Section 22650) of Division 11 of the Vehicle Code of the State and this chapter.

(§ I, Ord. 73-1, eff. July 5, 1973; and § I, Ord. No. 05-1033, adopted August 16, 2005)

### **Sec. 5-8.04. - Administration and enforcement.**

Except as otherwise provided in this chapter, the provisions of this chapter shall be administered and enforced by the Plumas County Code Enforcement Office. In the enforcement of the provisions of this chapter, County Code Enforcement Officers 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 the provisions of this chapter.

(§ I, Ord. 73-1, eff. July 5, 1973; and § I, Ord. No. 05-1033, adopted August 16, 2005)

### **Sec. 5-8.05. - Right of entry of certain persons.**

## **Exhibit "A"**

When the Board or the Code Enforcement Office has contracted with, or the Board has granted a franchise to, any person, such person shall be authorized to enter upon private 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.

(§ I, Ord. 73-1, eff. July 5, 1973; and § I, Ord. No. 05-1033, adopted August 16, 2005)

### **Sec. 5-8.06. - Administrative costs.**

Administrative costs for enforcement of Chapter 8, of Title 5 of the Plumas County Code, will be assessed pursuant to the Fee Schedule of the Code Enforcement Office as approved, and from time to time amended, by the Board.

(§ I, Ord. 73-1, eff. July 5, 1973; and § I, Ord. No. 05-1033, adopted August 16, 2005)

### **Sec. 5-8.07. - Authority to remove.**

The provisions of this chapter shall apply to those abandoned, wrecked, dismantled, or excess inoperable vehicles, or parts thereof, on private or public property within the County which are referred to the Code Enforcement Office as being in violation of County or State codes.

(§ I, Ord. 73-1, eff. July 5, 1973; and § I, Ord. No. 05-1033, adopted August 16, 2005)

### **Sec. 5-8.08. - Notices of intention to abate and remove.**

A not less than ten-day Notice of Violation or Order to Abate Violation stating the intent of the Enforcement Agency to abate and remove a vehicle, or parts thereof, as a public nuisance 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 owners of the vehicle, unless the vehicle is in such condition that identification numbers are not available to determine ownership, or ownership cannot be established by the records of the Department of Motor Vehicles. Such nuisance may be summarily abated where failure to do so would perpetuate an immediate threat to life or safety, with required notification to be mailed by registered or certified mail as soon as practicable following such abatement. Where nuisances are summarily abated, the time for noticing an appeal shall be ten (10) days from the mailing of the Notice or Order. The Notice or Order shall be substantially as described for Notices of Violation and Abatement Orders in Chapter 15 of Title 8, and in a form approved by the Plumas County Counsel and shall, as a minimum, specify:

- (a) The date of such Notice or Order, and
- (b) The name, address and telephone number of the enforcement agency, and
- (c) The owner's name and mailing address and the address and assessor's parcel number of the property upon which the violation has been determined to exist, and
- (d) The name and address of the registered owner and legal owner of the vehicle, if identified, and
- (e) A description of the conditions of the violation to be abated including a description of the nuisance vehicle and registration or identification number, if present, and
- (f) The specific code(s) violated, and
- (g) An order that the property owner abate the violation by the removal of said vehicle (or said parts of a vehicle) within the time period specified and, notice that upon failure to do

## **Exhibit "A"**

so, the same will be abated and removed by the Enforcement Agency, and the costs thereof, together with administrative fees, will be assessed to the owner of the land on which said violation is located, unless exempted, and

- (h) A statement that the property owner may submit a sworn written statement within the compliance period specified, denying responsibility for the presence of said vehicle (or said parts of a vehicle) with the reasons for denial and such statement shall be construed as an appeal of the Notice or Order at which said owner's presence is not required, and
- (i) A statement that either the vehicle registered or legal owner or the property owner may appeal the Notice or Order within the compliance period specified and appear in person at any appeal hearing conducted or, in lieu thereof, may present a sworn written statement as aforesaid in time for consideration at any appeal hearing, and that failure to appeal will result in Enforcement Agency abatement without any such hearing, and
- (j) The name, signature and date of the authorized issuer and issuance of the Notice or Order.

No notice of intention to abate and remove a vehicle (or parts thereof) shall be issued where exempted by the provisions of item (c) of Section 22661, of the California Vehicle Code. However, prior to final disposition of vehicles described by Vehicle Code Section 22661(c), the County shall provide notice to the registered and legal owners of intent to dispose of the vehicle or part, and if the vehicle or part is not claimed and removed within twelve (12) days after the notice is mailed, final disposition may proceed.

(§ I, Ord. 73-1, eff. July 5, 1973; and § I, Ord. No. 05-1033, adopted August 16, 2005)

### **Sec. 5-8.09. - Appeal hearings: Notices.**

Upon a request by the registered or legal owner of the vehicle or owner of the land received by the Code Enforcement Office or Office of the County Counsel within the compliance period specified in the Notice or Order, an appeal hearing shall be held before the Board on the question of the abatement and removal of the vehicle, or parts thereof, as an abandoned, wrecked, dismantled, or excess inoperable vehicle and the assessment of the administrative fees and the costs of removal of the vehicle, or parts thereof, against the property on which the vehicle, or parts thereof, 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 the compliance period, such statement shall be construed as a request for an appeal hearing which does not require his presence. Notice of the hearing shall be mailed by registered or certified mail at least thirty (30) days before the hearing to the owner of the land and to the registered and legal owners of the vehicle, if identified. If such request is not received within the compliance period in the Notice or Order, the Enforcement Agency shall have the authority to abate and remove the vehicle, or parts thereof, as a public nuisance without a hearing.

(§ I, Ord. 73-1, eff. July 5, 1973; and § I, Ord. No. 05-1033, adopted August 16, 2005)

### **Sec. 5-8.10. - Appeals: Appeal hearings: Determinations.**

All appeal hearings held pursuant to the provisions of this chapter shall be held before the Board, or alternate appeal board, in the manner and form specified in Chapter 18 of Title 8, which shall hear all facts and testimony deemed pertinent. Such facts and testimony may include

## Exhibit "A"

testimony on the condition of the vehicle, or parts thereof, and the circumstances concerning its location on private or public property. The appeal hearing 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 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.

The Appeal Board may impose such conditions and take such other action appropriate under the circumstances to carry out the provisions of this chapter. The Board may delay the time for removal of the vehicle, or parts thereof, if, in its opinion, the circumstances so justify. At the conclusion of the hearing, the Appeal Board may find that a vehicle, or parts thereof, has been abandoned, wrecked, dismantled, or is an excess inoperable vehicle 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 administrative fees and the cost of removal. 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.

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 Appeal Board 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.

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 but does not appear, such person shall be notified in writing of the decision.

(§ I, Ord. 73-1, eff. July 5, 1973; and § I, Ord. No. 05-1033, adopted August 16, 2005)

### **Sec. 5-8.11. - Reserved.**

**Editor's note**— Ord. No. 05-1033, § I, adopted August 16, 2005, repealed § 5-8.11, which derived from Ord. 73-1, § 1, effective July 5, 1973. See § 5-8.10 for provisions relating to appeals.

### **Sec. 5-8.12. - Abatement.**

Ten (10) days after the adoption of the order declaring the vehicle, or parts thereof, to be a public nuisance, or ten (10) days after the date of the mailing of the notice of the decision, if such notice is required by the provisions of Section 5-8.10 of this chapter, the vehicle, or parts thereof, may be disposed of by removal to an automobile dismantler's yard, scrap yard, junk yard or other site authorized by Section 22662 of the Vehicle Code. . After a vehicle has been removed, it shall not thereafter be reconstructed or made operable unless the exception stated in Vehicle Code Section 22661(f) applies.

Any vehicle whose owner cannot be identified may be removed with the written permission of the property owner and without any of the other procedures required by Sections 5-8.08 through 5-8.10 of this chapter.

(§ I, Ord. 73-1, eff. July 5, 1973, as amended by § 1, Ord. 75-125, eff. October 12, 1975; and § I, Ord. 05-1033, adopted August 16, 2005)

## **Exhibit "A"**

### **Sec. 5-8.13. - Abatement: Notices.**

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

(§ I, Ord. 73-1, eff. July 5, 1973; and § I, Ord. 05-1033, adopted August 16, 2005)

### **Sec. 5-8.14. - Assessment of costs.**

Administrative fees and costs of removal shall be billed to the owner of the parcel whereon the abatement occurred, together with a demand for payment within forty-five (45) days of the mailing of such billing and demand, pursuant to Section 5-8.10 of this chapter. Such billing shall be by registered or certified mail. If such fees and costs are not paid in full within said forty-five (45) days, the sum of such fees and costs will be assessed against the parcel of land pursuant to the provisions of Section 38773.5 of the Government Code of the State and shall be transmitted to the Treasurer for collection. Such assessment shall accrue interest at the rate of six and one-half percent (6.5%) per annum, or such other rate as from time to time determined by the Board, until paid. Such assessment shall have the same priority as other County taxes.

(§ I, Ord. 73-1, eff. July 5, 1973; and § I, Ord. 05-1033, adopted August 16, 2005)

### **Sec. 5-8.15. - Violations: Failure to comply.**

- (a) It shall be unlawful for any person, without the permission of the owner of the real property, 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 inoperable condition upon any private property or public property, including county highways, streets and roads, and State highways under jurisdiction of the California Highway Patrol, within the County. This prohibition is not applicable where such vehicle, or part thereof, 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 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, licensed tow service or a junk yard.
- (b) It shall be a violation to fail to comply with any Notice of Violation or Order to Abate Violation lawfully issued pursuant to the provisions of Chapter 8, of Title 5.
- (c) A violation of any provision of Chapter 8, of Title 5, has the effect of being a civil wrong or inequity that is in the nature of a nuisance. Moreover, any person violating any provision of this chapter shall be guilty of a misdemeanor or infraction, and may be charged with either a misdemeanor or an infraction in the discretion of the arresting officer. In addition, the Court shall be granted discretion to reduce a misdemeanor to an infraction if it determines such action is in the interests of justice. Provisions of this chapter may be enforced by any peace officer as defined by the California Penal Code, County Code Enforcement Officers, authorized to issue citations and make arrests, and County Code Compliance Officials, except that County Code Enforcement Officers and Code Compliance Officials shall only enforce violations occurring upon State highways when requested by the California Highway

## Exhibit "A"

Patrol. The County may seek any and all enforcement remedies that its Code Compliance Officials find appropriate and in the public interest to protect the health, safety and welfare of the People of Plumas County.

- (d) Any person convicted of a violation of this section shall provide proof that the costs of removal and disposition of the vehicle(s) abated have been paid or reimbursed.
  - (e) Proof that the costs of removal and disposition of the vehicle have been paid or reimbursed shall not be required if proof is provided to the court that the vehicle was stolen prior to abandonment. That proof may consist of a police report or other evidence acceptable to the court.
  - (f) If a vehicle is abandoned in violation of Section 5-8.15(a) and is not redeemed after impound, the last registered owner is guilty of an infraction. In addition to any other penalty, the registered owner shall be liable for any deficiency remaining after disposal of the vehicle under Section 3071 or 3072 of the Civil Code or Vehicle Code Section 22851.10.
    - (1) The filing of a report of sale or transfer of the vehicle pursuant to Vehicle Code Section 5602, the filing of a vehicle theft report with a law enforcement agency, or the filing of a form or notice with the California Department of Motor Vehicles pursuant to Vehicle Code subdivision (b) of Section 4456 or Section 5900 or 5901 relieves the registered owner of liability under this subdivision.
  - (g) The abandonment of any vehicle in a manner as provided in this Section 5-8.15 shall constitute a prima facie presumption that the last registered owner of record is responsible for the abandonment and is thereby liable for the cost of removal and disposition of the vehicle.
    - (1) An owner who has made a bona fide sale or transfer of a vehicle and has delivered possession of the vehicle to a purchaser may overcome this presumption by demonstrating that he or she has complied with Vehicle Code Section 5900 or providing other proof satisfactory to the court.
  - (h) Costs of vehicle removal and storage as referenced herein shall be limited to the cumulative total of the actual costs of removal, the actual costs of disposal including transportation, and no more than ten (10) days' storage charges by the tow service removing the vehicle, together with Code Enforcement fees and costs as applicable.
- (§ 1, Ord. 73-24, eff. November 15, 1973; § I, Ord. 05-1033, adopted August 16, 2005; and § 1(Exh. A), Ord. 06-1049, adopted August 8, 2006)

### **Sec. 5-8.16. - Cumulative enforcement remedies.**

The enforcement remedies available to the Code Compliance Officials under the laws of California and Plumas County shall be cumulative. Such remedies include, but are not limited to, the following:

- (a) Injunctive relief or nuisance abatement orders granted in judicial proceedings;
- (b) Summary abatement of a nuisance by order of the Code Compliance Officials or Board of Supervisors, as authorized by state law, when a nuisance constitutes an immediate threat to public health or safety;
- (c) Criminal penalties by infraction citations issued by Code Compliance Officials for violations not expressly designated as misdemeanors, as is set forth in Section 1-2.01 of Title 1 of the Plumas County Code;
- (d) Misdemeanor criminal penalties;
- (e) Civil penalties or fines imposed by administrative order or court judgment, pursuant to California Government Code Section 53069.4;



## **Exhibit "A"**

- (f) Recovery of the administrative and physical costs of nuisance abatement pursuant to California Government Code Section 25845(b); and recovery of any fee, cost, or charge as provided by Government Code Section 54988;
- (g) Recovery of attorney's fees by the prevailing party in any action, administrative proceeding, or special proceeding, in which the County elects at the initiation of the action or proceeding to seek to recover its attorney's fees, pursuant to California Government Code Section 25845(c); and
- (h) Recovery of treble costs of abatement upon entry of a second or subsequent civil or criminal judgment within a two-year period, pursuant to California Government Code Section 25845.5, except for conditions abated pursuant to Section 17980 of the Health and Safety Code, so long as the judgment finds that the condition may be abated in accordance with an ordinance enacted pursuant to Section 25845.

(§ 1, Ord. 05-1033, adopted August 16, 2005)

### **Sec. 5-8.17. - Continuing violations: Each day being a separate violation.**

After any person who is responsible for a violation of any provision in Chapter 8, of Title 5 has been given notice of the violation, and such person does not comply or otherwise correct the violation within the time prescribed in the notice, then from that day forward, the continuing violation shall be deemed to be a separate offense on each and every day that the violation persists. A person who knowingly commits or suffers the continuing violation shall be guilty of a separate offense each and every day that the violation persists.

(§ 1, Ord. 05-1033, adopted August 16, 2005)

## CHAPTER 8. - ABANDONED, WRECKED, DISMANTLED, OR EXCESS INOPERABLE VEHICLES

### Sec. 5-8.01. - Findings and determinations.

In addition to and in accordance with the determination made and the authority granted by the State pursuant to the provisions 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 hereby makes the following findings and declarations:

The accumulation and storage of abandoned, wrecked, dismantled, or excess inoperable 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 excess inoperable vehicle, or parts thereof, on private or public property, ~~not including highways~~, except as expressly permitted by the provisions of this chapter or the provisions of Chapter 2, of Title 9, is hereby declared to constitute a public nuisance which may be abated as such in accordance with the provisions of this chapter.

(§ I, Ord. 73-1, eff. July 5, 1973; and § I, Ord. No. 05-1033, adopted August 16, 2005)

### Sec. 5-8.02. - 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:

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*Dismantled* shall mean the condition of a vehicle which has been taken apart, or to pieces, and/or stripped, or otherwise deprived of any of its integral parts or equipment.

*Excess inoperable* shall mean the presence upon a single parcel or combination of adjoining parcels under the same ownership of more than one unregistered or inoperable vehicle, except as provided by Sections 5051 et seq. of the Vehicle Code of the State or as otherwise exempted by Section 5-8.03 of this chapter.

*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.

*Inoperable* shall mean a vehicle or part thereof which cannot be moved under its own power or cannot be operated lawfully on a public street or highway within this state, due to removal of, damage to, deterioration of, or inoperative condition of any component part or the lack of an engine, transmission, wheels, tires, doors, windshield, or any other component part necessary for

~~such movement or lawful operation, operated due to the absence of a motor, transmission or wheels, is incapable of being towed, or has damage or other defect which would prohibit its lawful operation upon a public highway, except an unregistered vehicle.~~

*Owner of the land* shall mean the owner of the land on which the vehicle, or parts thereof, is located as shown on the last equalized assessment roll.

*Owner of the vehicle* shall mean the last registered owner and legal owner of record.

~~*Public property shall not include "highway".*~~

*Private Property shall mean property that belongs absolutely to an individual and that person has the exclusive right of disposition. Property of a specific, fixed, and tangible nature, capable of being possessed and transmitted to another, such as houses, lands, vehicles, etc.*

*Public Property shall mean land owned by government or a community and used by the general public*

*Unregistered* shall mean a vehicle subject to registration by the California Department of Motor Vehicles which is not lawfully registered in a manner recognized in California, another state, or the United States.

*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 or tracks.

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- (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, or a lawful junk yard, or when such storage or parking is necessary to the operation 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 under provisions of law other than Chapter 10 (commencing with Section 22650) of Division 11 of the Vehicle Code of the State and this chapter.

(§ I, Ord. 73-1, eff. July 5, 1973; and § I, Ord. No. 05-1033, adopted August 16, 2005)

### **Sec. 5-8.04. - Administration and enforcement.**



Except as otherwise provided in this chapter, the provisions of this chapter shall be administered and enforced by the Plumas County Code Enforcement Office. In the enforcement of the provisions of this chapter, County Code Enforcement Officers 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 the ~~provision's~~provisions of this chapter.

(§ I, Ord. 73-1, eff. July 5, 1973; and § I, Ord. No. 05-1033, adopted August 16, 2005)

#### **Sec. 5-8.05. - Right of entry of certain persons.**

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A ~~thirty-day~~not less than ten-day Notice of Violation or Order to Abate Violation stating the intent of the Enforcement Agency to abate and remove a vehicle, or parts thereof, as a public nuisance 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 owners of the vehicle, unless the vehicle is in such condition that identification numbers are not available to determine ownership, or ownership cannot be established by the records of the Department of Motor Vehicles. Such nuisance may be summarily abated where failure to do so would perpetuate an immediate threat to life or safety, with required notification to be mailed by registered or certified mail as soon as practicable following such abatement. Where nuisances are summarily abated, the time for noticing an appeal shall be ~~ten (10) thirty (30)~~ days from the mailing of the Notice or Order. The Notice or Order shall be substantially as described for Notices of Violation and Abatement Orders in Chapter ~~4-15~~ of Title 8, and in a form approved by the Plumas County Counsel and shall, as a minimum, specify:

- (a) The date of such Notice or Order, and
- (b) The name, address and telephone number of the enforcement agency, and
- (c) The owner's name and mailing address and the address and assessor's parcel number of the property upon which the violation has been determined to exist, and
- (d) The name and address of the registered owner and legal owner of the vehicle, if identified, and
- (e) A description of the conditions of the violation to be abated including a description of the nuisance vehicle and registration or identification number, if present, and
- (f) The specific code(s) violated, and
- (g) An order that the property owner abate the violation by the removal of said vehicle (or said parts of a vehicle) within the time period specified and, notice that upon failure to do so, the same will be abated and removed by the Enforcement Agency, and the costs thereof, together with administrative fees, will be assessed to the owner of the land on which said violation is located, unless exempted, and
- (h) A statement that the property owner may submit a sworn written statement within the compliance period specified, denying responsibility for the presence of said vehicle (or said parts of a vehicle) with the reasons for denial and such statement shall be construed as an appeal of the Notice or Order at which said owner's presence is not required, and
- (i) A statement that either the vehicle registered or legal owner or the property owner may appeal the Notice or Order within the compliance period specified and appear in person at any appeal hearing conducted or, in lieu thereof, may present a sworn written statement as aforesaid in time for consideration at any appeal hearing, and that failure to appeal will result in Enforcement Agency abatement without any such hearing, and
- (j) The name, signature and date of the authorized issuer and issuance of the Notice or Order.

No notice of intention to abate and remove a vehicle (or parts thereof) shall be issued where exempted by the provisions of item (c) of Section 22661, of the California Vehicle Code. However, prior to final disposition of vehicles described by Vehicle Code Section 22661(c), the County shall provide notice to the registered and legal owners of intent to dispose of the vehicle or part, and if the vehicle or part is not claimed and removed within twelve (12) days after the notice is mailed, final disposition may proceed.

(§ I, Ord. 73-1, eff. July 5, 1973; and § I, Ord. No. 05-1033, adopted August 16, 2005)

### **Sec. 5-8.09. - Appeal hearings: Notices.**

Upon a request by the registered or legal owner of the vehicle or owner of the land received by the Code Enforcement Office or Office of the County Counsel within the compliance period specified in the Notice or Order, an appeal hearing shall be held before the Board on the question of the abatement and removal of the vehicle, or parts thereof, as an abandoned, wrecked, dismantled, or excess inoperable vehicle and the assessment of the administrative fees and the costs of removal of the vehicle, or parts thereof, against the property on which the vehicle, or parts thereof, 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 the compliance period, such statement shall be construed as a request for an appeal hearing which does not require his presence. Notice of the hearing shall be mailed by registered or certified mail at least thirty (30) days before the hearing to the owner of the land and to the registered and legal owners of the vehicle, if identified. If such



request is not received within the compliance period in the Notice or Order, the Enforcement Agency shall have the authority to abate and remove the vehicle, or parts thereof, as a public nuisance without a hearing.

(§ I, Ord. 73-1, eff. July 5, 1973; and § I, Ord. No. 05-1033, adopted August 16, 2005)

### **Sec. 5-8.10. - Appeals: Appeal hearings: Determinations.**

All appeal hearings held pursuant to the provisions of this chapter shall be held before the Board, or alternate appeal board, in the manner and form specified in [Chapter 18](#) of [Title 8](#), which shall hear all facts and testimony deemed pertinent. Such facts and testimony may include testimony on the condition of the vehicle, or parts thereof, and the circumstances concerning its location on private or public property. The appeal hearing 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 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.

The Appeal Board may impose such conditions and take such other action appropriate under the circumstances to carry out the provisions of this chapter. The Board may delay the time for removal of the vehicle, or parts thereof, if, in its opinion, the circumstances so justify. At the conclusion of the hearing, the Appeal Board may find that a vehicle, or parts thereof, has been abandoned, wrecked, dismantled, or is an excess inoperable vehicle 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 administrative fees and the cost of removal. 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.

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 Appeal Board 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.

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 but does not appear, such person shall be notified in writing of the decision.

(§ I, Ord. 73-1, eff. July 5, 1973; and § I, Ord. No. 05-1033, adopted August 16, 2005)

### **Sec. 5-8.11. - Reserved.**

**Editor's note**— Ord. No. 05-1033, § I, adopted August 16, 2005, repealed [§ 5-8.11](#), which derived from Ord. 73-1, [§ 1](#), effective July 5, 1973. See [§ 5-8.10](#) for provisions relating to appeals.

### **Sec. 5-8.12. - Abatement.**

~~Ten (10) Thirty (30)~~ days after the adoption of the order declaring the vehicle, or parts thereof, to be a public nuisance, or ~~ten (10) thirty (30)~~ days after the date of the mailing of the notice of the decision, if such notice is required by the provisions of [Section 5-8.10](#) of this chapter, the vehicle, or parts thereof, may be disposed of by removal to an automobile dismantler's yard,

scrap yard, junk yard or ~~any other lawful site~~ other site authorized by Section 22662 of the Vehicle Code. After a vehicle has been removed, it shall not thereafter be reconstructed or made operable unless the exception stated in Vehicle Code Section 22661(f) applies.

Any vehicle whose owner cannot be identified may be removed with the written permission of the property owner and without any of the other procedures required by Sections 5-8.08 through 5-8.10 of this chapter.

(§ I, Ord. 73-1, eff. July 5, 1973, as amended by § 1, Ord. 75-125, eff. October 12, 1975; and § I, Ord. 05-1033, adopted August 16, 2005)

### **Sec. 5-8.13. - Abatement: Notices.**

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

(§ I, Ord. 73-1, eff. July 5, 1973; and § I, Ord. 05-1033, adopted August 16, 2005)

### **Sec. 5-8.14. - Assessment of costs.**

Administrative fees and costs of removal shall be billed to the owner of the parcel whereon the abatement occurred, together with a demand for payment within forty-five (45) days of the mailing of such billing and demand, pursuant to Section 5-8.10 of this chapter. Such billing shall be by registered or certified mail. If such fees and costs are not paid in full within said forty-five (45) days, the sum of such fees and costs will be assessed against the parcel of land pursuant to the provisions of Section 38773.5 of the Government Code of the State and shall be transmitted to the Treasurer for collection. Such assessment shall accrue interest at the rate of six and one-half percent (6.5%) per annum, or such other rate as from time to time determined by the Board, until paid. Such assessment shall have the same priority as other County taxes.

(§ I, Ord. 73-1, eff. July 5, 1973; and § I, Ord. 05-1033, adopted August 16, 2005)

### **Sec. 5-8.15. - Violations: Failure to comply.**

- (a) It shall be unlawful for any person, without the permission of the owner of the real property, 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 inoperable condition upon any private property or public property, including county highways, streets and roads, and State highways under jurisdiction of the California Highway Patrol, within the County. This prohibition is not applicable where such vehicle, or part thereof, 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 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, licensed tow service or a junk yard.
- (b) It shall be a violation to fail to comply with any Notice of Violation or Order to Abate Violation lawfully issued pursuant to the provisions of Chapter 8, of Title 5.



- (c) A violation of any provision of Chapter 8, of Title 5, has the effect of being a civil wrong or inequity that is in the nature of a nuisance. Moreover, any person violating any provision of this chapter shall be guilty of a misdemeanor or infraction, and may be charged with either a misdemeanor or an infraction in the discretion of the arresting officer. In addition, the Court shall be granted discretion to reduce a misdemeanor to an infraction if it determines such action is in the interests of justice. Provisions of this chapter may be enforced by any peace officer as defined by the California Penal Code, County Code Enforcement Officers, authorized to issue citations and make arrests, and County Code Compliance Officials, except that County Code Enforcement Officers and Code Compliance Officials shall only enforce violations occurring upon State highways when requested by the California Highway Patrol. The County may seek any and all enforcement remedies that its Code Compliance Officials find appropriate and in the public interest to protect the health, safety and welfare of the People of Plumas County.
  - (d) Any person convicted of a violation of this section shall provide proof that the costs of removal and disposition of the vehicle(s) abated have been paid or reimbursed.
  - (e) Proof that the costs of removal and disposition of the vehicle have been paid or reimbursed shall not be required if proof is provided to the court that the vehicle was stolen prior to abandonment. That proof may consist of a police report or other evidence acceptable to the court.
  - (f) If a vehicle is abandoned in violation of Section 5-8.15(a) and is not redeemed after impound, the last registered owner is guilty of an infraction. In addition to any other penalty, the registered owner shall be liable for any deficiency remaining after disposal of the vehicle under Section 3071 or 3072 of the Civil Code or Vehicle Code Section 22851.10.
    - (1) The filing of a report of sale or transfer of the vehicle pursuant to Vehicle Code Section 5602, the filing of a vehicle theft report with a law enforcement agency, or the filing of a form or notice with the California Department of Motor Vehicles pursuant to Vehicle Code subdivision (b) of Section 4456 or Section 5900 or 5901 relieves the registered owner of liability under this subdivision.
  - (g) The abandonment of any vehicle in a manner as provided in this Section 5-8.15 shall constitute a prima facie presumption that the last registered owner of record is responsible for the abandonment and is thereby liable for the cost of removal and disposition of the vehicle.
    - (1) An owner who has made a bona fide sale or transfer of a vehicle and has delivered possession of the vehicle to a purchaser may overcome this presumption by demonstrating that he or she has complied with Vehicle Code Section 5900 or providing other proof satisfactory to the court.
  - (h) Costs of vehicle removal and storage as referenced herein shall be limited to the cumulative total of the actual costs of removal, the actual costs of disposal including transportation, and no more than ten (10) days' storage charges by the tow service removing the vehicle, together with Code Enforcement fees and costs as applicable.
- (§ 1, Ord. 73-24, eff. November 15, 1973; § 1, Ord. 05-1033, adopted August 16, 2005; and § 1(Exh. A), Ord. 06-1049, adopted August 8, 2006)

## **Sec. 5-8.16. - Cumulative enforcement remedies.**

The enforcement remedies available to the Code Compliance Officials under the laws of California and Plumas County shall be cumulative. Such remedies include, but are not limited to, the following:



- (a) Injunctive relief or nuisance abatement orders granted in judicial proceedings;
- (b) Summary abatement of a nuisance by order of the Code Compliance Officials or Board of Supervisors, as authorized by state law, when a nuisance constitutes an immediate threat to public health or safety;
- (c) Criminal penalties by infraction citations issued by Code Compliance Officials for violations not expressly designated as misdemeanors, as is set forth in Section 1-2.01 of Title ~~One~~1 of the Plumas County Code;
- (d) Misdemeanor criminal penalties;
- (e) Civil penalties or fines imposed by administrative order or court judgment, pursuant to California Government Code Section 53069.4;
- (f) Recovery of the administrative and physical costs of nuisance abatement pursuant to California Government Code Section 25845(b); and recovery of any fee, cost, or charge as provided by Government Code Section 54988;
- (g) Recovery of attorney's fees by the prevailing party in any action, administrative proceeding, or special proceeding, in which the County elects at the initiation of the action or proceeding to seek to recover its attorney's fees, pursuant to California Government Code Section 25845(c); and
- (h) Recovery of treble costs of abatement upon entry of a second or subsequent civil or criminal judgment within a two-year period, pursuant to California Government Code Section 25845.5, except for conditions abated pursuant to Section 17980 of the Health and Safety Code, so long as the judgment finds that the condition may be abated in accordance with an ordinance enacted pursuant to Section 25845.

(§ I, Ord. 05-1033, adopted August 16, 2005)

### **Sec. 5-8.17. - Continuing violations: Each day being a separate violation.**

After any person who is responsible for a violation of any provision in Chapter 8, of Title 5 has been given notice of the violation, and such person does not comply or otherwise correct the violation within the time prescribed in the notice, then from that day forward, the continuing violation shall be deemed to be a separate offense on each and every day that the violation persists. A person who knowingly commits or suffers the continuing violation shall be guilty of a separate offense each and every day that the violation persists.

(§ I, Ord. 05-1033, adopted August 16, 2005)