ORDINANCE NO.

An ordinance of San Bernardino County, State of California, to amend Chapter 12 of Division 3 of Title 3, of the San Bernardino County Code, relating to the Vehicle Abatement and Removal Program.

The Board of Supervisors of the County of San Bernardino, State of California, ordains as follows:

SECTION 1. The Board of Supervisors of ~~the County of~~ San Bernardino County finds~~s~~ that:

(a) The California Vehicle Code authorizes a county to adopt an ordinance establishing procedures for the abatement, ~~and~~ removal, and disposition of an~~, as a public nuisance,~~ abandoned, ~~wrecked,~~ dismantled, inoperative~~, or junked~~, or wrecked vehicle located on private and public property as a public nuisance, and ~~and~~ for the recovery of the costs of administration ~~and~~ removal.

(b) By way of Ordinance No. 3283~~4401 in 2021~~, the Board of Supervisors adopted the vehicle abatement, ~~and~~ removal, and disposition program (the "Program") declaring the presence of an abandoned, ~~wrecked, unattended,~~ dismantled, inoperative, ~~or~~, or wrecked vehicle, or parts thereof, on private or public property in the unincorporated area of San Bernardino County a public nuisance and adopting procedures authorizing the abatement, ~~and~~ removal, and disposition of said vehicle as authorized under state law. Further amendment was made by way of Ordinance No. 4401 to redesignate the responsibility for enforcing the Program, as well as to make minor modifications and updates to the Program.

(c) Further amendment is needed to update components of the Program in order to have greater consistency with the administration and enforcement of other County nuisance abatement programs, to the extent authorized by law, as well as to make minor modifications to streamline and clarify Program requirements~~redesignate the~~

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~~responsibility for enforcing the vehicle abatement and removal program from public and private property, as well as to make miscellaneous modifications and updates including, but not limited to, delegating authority to provide valuation of such vehicles.~~

(d) This ordinance is exempt from the California Environmental Quality Act in accordance with Section 15061(b)(3) of Title 14 of the California Code of Regulations as the proposed changes do not have the potential to cause a significant effect on the environment.

SECTION 2. Chapter 12 of Division 3 of Title 3 of the San Bernardino County Code is amended, to read in its entirety as follows:

Chapter 12: Vehicle Abatement and Removal Program

Section:

33.1201 Authority.

~~33.120~~33.1202 Definitions.

~~33.121~~33.1203 Public Nuisances.

~~33.121~~33.1204 Exceptions.

~~33.122~~33.1205 Chapter Supplement to Existing Law.

~~33.122~~33.1206 Prohibited Uses.

~~33.123~~33.1207 Duty to Abate.

~~33.123~~33.1208 Emergency Abatement and Other Services.

~~33.124~~33.1209 Abatement Procedures for a Vehicle~~s~~ Which ~~are~~ is a Public Nuisance.

~~33.124~~33.1210 Payment for Abatement of a Vehicle~~s~~ Which ~~are~~ is a Public Nuisance.

~~33.125~~33.1211 Appeal~~s~~ of Abatement.

~~33.125~~33.1212 Appeal~~s~~ of Charges.~~.~~

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33.126~~0~~13 Cancellation of Charges.

~~33.12650~~33.12143 Procedure for Refund of Payment.~~.~~

~~**33.1270 Payment for Abatement of Abandoned Vehicles.**~~

~~33.12750~~33.12154 Disposal of a Vehicle~~s~~ Which ~~are~~ is a Public Nuisance.~~.~~

~~**33.1280 Abatement Procedures for Vehicles Which are Abandoned.**~~

~~**33.1281 Abatement Procedures for Abandoned Vehicles Which are Valued at Greater than $500.00.**~~

~~**33.1285 Procedure for Redemption of Vehicles.**~~

~~33.12900~~33.12165 Authorization to Enforce County Code and Vehicle Code Provisions.~~ .~~

~~**33.1295 Determination of Estimated Value of Vehicles.**~~

~~33.12980~~33.12176 Other Remedies.

33.1201 Authority.

(a) In accordance with the authority granted by §Section 25845 of the Government Code and §Section 22660 of the Vehicle Code, the Board of Supervisors authorizes the Chief Executive Officer of the County to delegate enforcement authority of the provisions of this Chapter within the unincorporated areas of the County, and to enforce provisions of city ordinances relating to abatement, ~~and~~ removal, and disposition of a vehicle~~s~~ provided such city~~ies~~ contract~~s~~ to have such services performed by ~~the County of~~ San Bernardino County, to County staff deemed appropriate by the Chief Executive Officer. This authority includes the right to enter private or public property for the purposes specified in this Chapter, to examine a vehicle or parts thereof, to obtain information as to the identity of a vehicle, to make appraisals to determine the value of a vehicle, ~~and~~ to remove or cause the removal of a vehicle or part thereof declared to be a nuisance, and to dispose of a vehicle or parts thereof declared to be a nuisance by removal to a scrapyard, licensed dismantler's yard, or any suitable site for processing as scrap.

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(b) Any person interfering with or refusing entry to property to any County or contracted service employee performing duties under this Chapter shall be guilty of a misdemeanor and, upon arrest and conviction, shall be punished by a fine not in excess of $500.00, and imprisonment of not more than 90 days, or both. This includes all attempts to retrieve, remove, or relocate a vehicle~~s~~ at the onset of or during the abatement and removal process by the County and/or its contractor~~s~~.

33.120~~5~~2 Definitions.

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

"ABANDONED VEHICLE" means a vehicle which is located on public or private property without the express or implied consent of the property owner or person in lawful possession or control of the property and is in such inoperable or neglected condition that the owner's intent to relinquish all further rights or interests in it may be reasonable~~y~~ concluded.

"ADMINISTRATIVE HEARING OFFICER~~BOARD~~" ~~means the director of the enforcement authority or an individual provided pursuant to a contract with a qualified provider of~~ shall have the same definition and shall be subject to the same requirements as "hearing officers" ~~consistent with~~in Subsection 11.0208(f)(5)(C) of the County Code. ~~a body appointed by the Director to hear appeals under this Chapter and shall consist of three persons. A member of the Board shall not include the issuing officer or employee.~~

"DIRECTOR" means the director or managing authority of the County department or departments designated by the Chief Executive Officer to enforce the provisions of this Chapter or those departments that have authority to enforce the provisions of this Chapter under State or other law.

"DISMANTLED" means that integral component parts necessary to operate a vehicle on a highway, roadway or public street have been removed from the vehicle.

"ENFORCEMENT AUTHORITY" means the employees of the Land Use Services Department, Code Enforcement Division; employees of County department or

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departments subsequently designated by the Chief Executive Officer to jointly enforce the provisions of this Chapter; and those departments that have authority to enforce the provisions of this Chapter under State or other law.

"FEE" means any amount of money charged, fined, or paid to the ~~enforcement authority~~ County relating to the administrative and/or enforcement costs incurred for the purpose of enforcing this Chapter.

"INOPERATIVE~~INOPERABLE~~" means the vehicle is absent a motor, transmission, wheels, or any other part or equipment necessary to operate safely on a highway, roadway, or public street.

~~"JUNKED" means a vehicle which has been destroyed or damaged to such an extent that it is unrepairable.~~"

JUNK-YARD" means any establishment or place of business which is maintained, operated, or used for storing, keeping, buying, or selling junk, or for the maintenance or operation of an automobile graveyard.

"LICENSED DISMANTLER'S YARD" means a premises used for dismantling or wrecking of vehicles, where there is buying, selling, or dealing in such vehicles, their integral parts, or component materials thereof, and the sale of dismantled, partially dismantled, wrecked or inoperative vehicles.

~~LIEN SALE means a sale of a vehicle to obtain legal ownership of a vehicle under title or requiring registration, under the California Vehicle Code.~~

"OWNER" means any person or entity having legal or rightful title in any personal property or real property subject to the provisions of this Chapter.

"OWNER OF THE VEHICLE" means the last registered owner and legal owner of record of a vehicle.

"PERSON" means a natural person, firm, partnership, copartnership, association, or corporation.

"PRIVATE PROPERTY" means property owned by a person other than a public entity.

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"PUBLIC PROPERTY" means property owned by a public entity.

"ROADWAY" meanst that portion of a highway which is improved, designed, or ordinarily used for vehicular travel, including improved shoulders.

~~UNATTENDED VEHICLE means a vehicle for which the licensed driver responsible for the same is not within an audible distance and immediately available for moving said vehicle.~~

"SCRAPYARD" ~~i~~means a place where discarded vehicles, metal, machinery, or other waste materials are lawfully collected, stored, dismantled, recycled, or sold for salvage.

"VEHICLE" means any device by which persons or property may be propelled, moved, or drawn upon a highway, and shall include all types of motor vehicles, but shall exclude devices moved exclusively by human power or used exclusively upon stationary rails or tracks.

"VEHICLE DEALER" means a person who~~dealer~~ is engaged wholly or in part in the business of selling vehicles or buying or taking in trade, vehicles for the purpose of resale, selling, or offering for sale, or consigned to be sold, or otherwise dealing in vehicles, whether or not the vehicles are owned by the person.

"WRECKED" means a vehicle which has been damaged to such an extent that it is only partially repairable and/or uneconomical to repair.

33.12~~1~~03 Public Nuisances.

Pursuant to the authority granted by the State of California under Vehicle Code section§ 22660 to abate and remove abandoned, dismantled, inoperative, ~~junked,~~ and wrecked vehicles, and/or parts thereof as a public nuisance~~s~~, and in accordance with the County's constitutional police power authority, the Board of Supervisors makes the following findings and declaration:

(a) Findings. The ~~accumulation and~~ storage of an abandoned, dismantled, inoperative, ~~junkedandor~~ wrecked~~, inoperative, junked, abandoned~~ vehicle~~s~~ or parts thereof, on private or public property (other than streets and highways which are regulated

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by the Vehicle Code) is found to create a condition tending to reduce the value of private and public property, to promote blight and deterioration, 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 of the public.

(b) Declaration. The presence of an abandoned, dismantled, inoperative, ~~junked~~ or wrecked vehicle~~s~~ or parts thereof on private or public property (other than on streets, public roadways, alleys, rights-of-way and highways) in the unincorporated area of San Bernardino County, except as expressly permitted in this Chapter, is declared to constitute a public nuisance which may be abated and disposed of as such in accordance with the provisions of this Chapter.

33.12~~15~~04 Exceptions.

(a) This Chapter shall not apply to:

(1) ~~a~~Any vehicle or parts thereof which is completely enclosed within a building consisting of four walls and roof in a lawful manner, where such vehicle, or parts thereof, is not visible from the street or other public or private property.~~,~~

(2) Any~~or~~ vehicle, or parts thereof, which is stored or parked in a lawful manner on property used in connection with the business of a licensed dismantler, ~~garage,~~ vehicle dealer, or junkyard.

(b) The~~is~~ exceptions provided in this section shall not authorize the maintenance of a public or private nuisance as defined under the provisions of law other than this Chapter.

33.12~~20~~05 Chapter Supplement to Existing Law.

This Chapter is not the exclusive regulation of an abandoned, dismantled, inoperative, ~~junked,~~ or wrecked vehicle~~s~~ or parts thereof, or public nuisances within the County. It shall supplement and be in addition to the other regulatory codes, statutes and

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ordinances heretofore or hereafter enacted by the County, the State, or any other legal entity or agency having jurisdiction.

33.122506 Prohibited Uses.

Any abandoned, dismantled, inoperative, ~~junked,~~ or wrecked vehicle~~s~~ or parts thereof, ~~or fully or partially disassembled vehicle (including vehicles without hood, fenders, engines, body panels, headlights, trunk lid, wheels, windows or windshields)~~ when placed or kept for more than 72 hours on private or public property~~in residential, commercial, or industrial sites~~ (except licensed vehicle impound storage yards, garages, vehicle dealers, junkyards and/or dismantling yards), ~~and visible from outside the parcel of land (outside an enclosed building as defined in sSection 33.121504) upon which such is or are kept,~~ is prohibited and constitutes a public nuisance in violation of this Chapter.

33.123007 Duty to Abate.

No person shall cause, permit, maintain, conduct, or otherwise allow an abandoned, dismantled, inoperative, ~~junked,~~ or wrecked vehicle or parts thereof to be openly stored, within the unincorporated area of San Bernardino County. It shall be the duty of every owner, and/or occupant, in control of any land located within the unincorporated area of San Bernardino County to remove, abate, and prevent the recurrence of open and viewable storage of such a vehicle or parts thereof. ~~Any recurrence of such condition of a specific vehicle on the same property may be deemed a continuation of the original condition and additional notification requirements under §§ 33.1240 and 33.1290 shall not be required.~~

33.123508 Emergency Abatement and Other Services.

(a) *Emergency Abatement*. When a vehicle defined by this Chapter as a public nuisance constitutes an immediate hazard or threat of harm and the situation calls for abatement sooner than the abatement procedures herein allowed by Section 33.1209, the enforcement authority or Sheriff's Department may take or cause emergency removal of such nuisance with such notice to parties concerned, or without notice, as the particular

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circumstances reasonably allow. Required notification procedures prior to disposal of such vehicle~~(s)~~ shall be followed.

(b) *Request for Service*. If any member of the public, except self-storage operators, requests the enforcement authority in writing to remove an abandoned, dismantled, inoperative, ~~junked,~~ or wrecked vehicle~~s~~ or parts thereof, the enforcement authority is authorized to provide processing and removal for a fee which covers all ~~enforcement authority~~ County costs 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. The removed abandoned, dismantled, inoperative, ~~junked,~~ or wrecked vehicle~~1s~~ or parts thereof, may be disposed of in accordance with Section 33.1215.~~through transfer of title or lien sale process shall become the property of San Bernardino County and such will be the responsibility of the County to dispose of according to law.~~

(c) *Complaints*. The enforcement authority will investigate ~~anonymous~~ complaints associated with an abandoned, dismantled, inoperative, ~~junked,~~ or wrecked vehicle~~s~~ or parts thereof. The complaint may be phoned in or be in writing and must have a situs address and/or assessor parcel number with a description of the violation. The process in Section 33.1209~~referring to "notice of intent to abate and remove"~~ will be utilized for abatement and disposition if such is determined to be appropriate.

33.12~~40~~09 Abatement Procedures for a Vehicle~~s~~ Which ~~are~~ is a Public Nuisance.

(a) A 10~~ten~~-day "notice of intent to abate, remove, and ~~remove~~dispose" shall be given to the property owner and the owner of the vehicle to remove and dispose of a~~the~~ vehicle or vehicles, or parts thereof, as a public nuisance, unless the property owner and the owner of the vehicle have signed releases authorizing removal and waiving further interest in the vehicle, or part thereof. Notification shall be given either by personal delivery or posting the property, and shall be mailed by registered or certified mail addressed to the property owner at his or her last known ~~business or residence~~ address

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as the same appears in the public records of the last equalized assessment roll, and to the last registered and/or legal owner of the vehicle by registered or certified mail to the last address listed with the Department of Motor Vehicles. If such a vehicle is in such condition that identification numbers are not available to determine ownership, notice need not be given to the last registered and/or legal owner of the vehicle.

(b) The notice shall be substantially as follows:

"You are hereby notified to abate this public nuisance by making ~~said~~ the vehicle referenced herein operable, properly stored, or to remove~~al of~~ the vehicle or parts thereof within 10~~ten~~ days from the date of mailing of this notice. If you fail to do so, the public nuisance and such abandoned, dismantled, ~~wrecked, junked,~~ inoperative, ~~junked~~ or wrecked~~abandoned~~ vehicle~~s~~ or parts thereof, will be abated and removed by the enforcement authority and/or contract services and disposed of by removal to a scrapyard, licensed dismantler's yard, or other suitable site determined by the enforcement authority for processing as scrap. You are hereby further notified that all the costs for abatement and removal, together with administrative costs, may be assessed to the legal owner of the land on which the public nuisance and such abandoned, dismantled, ~~junked, abandoned,~~ inoperative, ~~junked~~ or wrecked vehicle or parts thereof are located, and/or assessed to the last registered and/or legal owner of such abandoned, dismantled, ~~junked, abandoned,~~ inoperative, ~~junked~~ or wrecked vehicle or parts."

(c) The notice shall also set forth the procedures and time period for filing an appeal. The notice shall 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. The statement shall include notice to the property owner that he or she may appear in person at a hearing or may submit a sworn statement denying responsibility for the presence of the vehicle on the land, with his or her reasons for such denial, in lieu of appearing. If the nuisance is not abated and a request for hearing has not been received within the time period given in the notice, the enforcement authority is authorized to abate the nuisance and dispose of the vehicle as scrap in accordance with Section 33.1215.

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(d) A "notice of intent to abate, remove, and ~~remove~~dispose" shall not be required for removal of a vehicle or parts thereof which is inoperable due to the absence of a motor, transmission, or wheels and incapable of being towed, is valued by the enforcement authority pursuant to Government Code section 22855 at less than $200.00, is determined to be a public nuisance presenting an immediate threat to public health or safety, and is subject to a release si~~n~~gned by the property owner authorizing removal and waiving further interest in the vehicle or parts thereof. Notice of intent to abate, remove, and dispose of the vehicle or parts thereof shall still be provided to the last registered and/or legal owner prior to final disposition. If the vehicle or parts thereof are not claimed and removed within 12 days after the notice is mailed, the enforcement authority may authorize disposal of the vehicle and parts thereof. This Subdivision (d) shall only apply to inoperable vehicles 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.

(e) Notice shall be given to the Department of Motor Vehicles within five days after the date of removal of vehicle~~s~~ under this Section, 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.

(f) No vehicle which has been abated or removed as a public nuisance shall thereafter be reconstructed or made operable unless it is a vehicle which qualifies for either horseless carriage license plates or historical vehicle license plates.

(g) The enforcement authority and/or contract services shall not be liable for damage caused to a vehicle or part thereof by removal pursuant to this Section.

33.12~~45~~10 Payment for Abatement of a Vehicle~~s~~ Which is~~are~~ a Public Nuisance.

When abatement has been completed, the enforcement authority shall notify the property owner, by certified mail, of an itemized statement covering the work and demand payment of the cost necessary for the abatement and all associated administrative costs. The notice shall inform the property owner of his or her appeal rights pursuant to Section 33.1212. If payment is not made within 60 days of the notice, or the final disposition of an

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appeal filed pursuant to Section 33.1212, the County may place a special assessment on the County tax roll against the parcel of real property where the violation occurred pursuant to Section 25845 of the Government Code. Thereafter the amount of the assessment shall be collected at the same time and in the same manner as ordinary county taxes are collected and shall be subject to the same penalties. On property for which no property tax is currently due, the lien shall be collected at the same time taxes on the property are collected, and in a similar manner and shall be subject to the same penalties.

In its sole discretion, in the event the County collects past due amounts through placement of a special assessment on the County tax roll, the ~~County~~enforcement authority may record a notice of lien with the County Recorder, describing the parcel of real property affected and the amount of the administrative citation penalties, administrative and abatement costs, late payment charges, and/or costs associated with the recording of the notice of lien and perfecting the special assessment and any other information required by Government Code section 25845.

~~When abatement has been completed, the Director shall render to the San Bernardino County Auditor-Controller an itemized statement covering work necessary for the abatement. The Auditor-Controller shall pay the same from the funds of the agency causing said work to be done, and the Director shall present to the property owner a demand for payment by mail. If payment is not made on behalf of the property owner within 60 days after mailing of such bill~~ or an appeal filed pursuant to Section 33.1212, ~~the Director shall file a notice of pendency and certify to the Auditor-Controller the remaining unpaid cost. The Auditor-Controller shall cause the amount of the same to be entered upon the next succeeding secured tax roll. Thereafter, the amounts of the assessment shall be collected at the same time and in the same manner as County taxes are collected, and are subject to the same penalties and the same procedure and sale in case of delinquency as provided for ordinary County taxes, except that if any real property to which such lien would attach has been transferred or conveyed to a bona fide~~

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~~purchaser for value, or if a lien of a bona fide encumbrancer for value has been created and attached thereon, prior to the date on which the first installment of such taxes would become delinquent, then the lien which would otherwise be imposed by this Section shall not attach to such real property and the costs of abatement, as confirmed, relating to such property shall be transferred to the unsecured roll for collection from the person who was the property owner at the time of the abatement.~~

33.12~~50~~11 Appeal of Abatement.

Upon written request by the legal owner of the vehicle under title or requiring registration under the California Vehicle Code, received by the enforcement authority within 10~~ten~~ days after mailing of the notice of intent to abate, remove, and ~~remove~~dispose, or a sworn written statement from the owner of the land, claiming nonresponsibility for the vehicle, a hearing shall be held by the Administrative Hearing Officer~~Board~~ on the abatement, ~~and~~ removal and disposition of such vehicle and parts thereof as a public nuisance. The sworn written statement shall be construed as a request for hearing which does not require the presence of the owner submitting such request. The Administrative Hearing Officer~~Board~~ shall hear and act on appeals within 60 days of filing and ~~its~~ their determination shall be conclusive. The owner of the land on which the vehicle is located may appear in person at the hearing or present a sworn written statement denying responsibility for the presence of the vehicle on the land, with his or her reasons for such denial. 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 in its presence, then the local authority 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 cost from such owner. Except as provided herein, the provisions of Subsection§ 11.0208 (f) (Appeal of Administrative Citation) of Chapter 2 of Division 1 of Title 1 ~~§ 33.0209 (Administrative Hearing Procedures) of Chapter 2 of Division 3 of Title 3~~ of this Code are incorporated herein by reference for purposes of conducting the hearing.

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33.125~~5~~512 Appeal of Charges.

Any appeal from charges for the cost of removal and abatement must be filed within 60 days ~~from the date of~~ from the date of billing of the abatement cost pursuant Section 33.1210~~, or the final disposition of an appeal filed pursuant to this Section. If not paid, then the County may place a special assessment on the County tax roll against the parcel of real property where the violation occurred pursuant to Section 25845 of the Government Code. the notice of payment issued pursuant to Section 33.1210. billing or mailing of a tax bill which shows abatement charges.~~. Except as provided herein, the provisions of Subs~~S~~ection~~§~~ 11.0208~~-~~(f) ~~–~~(Appeal of Administrative Citation) of Chapter 2 of Division 1 of Title 1 § 33.0209 ~~(Administrative Hearing Procedures) of Chapter 2 of Division 3 of Title 3~~ of this Code are incorporated here by reference for purposes of conducting the hearing.

33.121~~3~~60 Cancellation of Charges.

All or any portion of any such special assessment, penalty, or costs heretofore entered, shall on order of the Administrative ~~Board~~Hearing Officer, be cancelled by the Auditor-Controller if uncollected, or refunded by the County Treasurer if collected, if ~~it or~~the Administrative Hearing Officer determines that it/they were entered, charged, or paid:

(a) More than once;

(b) Through clerical error;

(c) Through the error or mistake of the ~~Administrative Hearing Officer~~Board~~,~~ ~~the~~ Director, or the person designated by them to give notice to abate regarding any material fact relevant to the determination of a charge;

(d) Illegally;

(e) The owner of the land was not responsible for the vehicle~~(s)~~; or

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(f) On property acquired after the lien date by the State or by any County, city, school district, or other political subdivision and because of this public ownership, not subject to sale for delinquent taxes.

33.12~~65~~1~~3~~14 Procedure for Refund of Payment.

No order for a refund under the foregoing section shall be made except on a claim:

(a) Verified by the person who paid the special assessment, their guardian, executor, or administrator; and

(b) Filed within ~~three years after making the payment sought to be refunded~~ the time period provided by law.

~~33.1270 Payment for Abatement of Abandoned Vehicles.~~

~~The abandonment of any vehicle on public or private property 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. When the abatement has been completed, the director shall render to the Auditor-Controller an itemized statement covering work necessary for abatement. The Auditor-Controller shall pay the same from the funds of the agency causing said work to be done, and the Director shall present to the registered owner of the vehicle a demand for payment of the costs required for removal and disposition of the vehicle, not to exceed those for towing and seven days of storage. If payment is not made on behalf of the registered owner of the vehicle within 60 days after mailing of such bill, the Director may issue an Abandoned Vehicle Citation and/or notify the Department of Motor Vehicles.~~

33.12~~75~~1~~5~~4 Disposal of a Vehicle~~s~~ Which ~~are~~is a Public Nuisance.

If a vehicle, or parts thereof, are removed from a property as a public nuisance, the vehicle, or parts thereof, shall be disposed of by removal to a scrap yard, licensed automobile dismantler's yard, or any suitable site determined by the enforcement authority for processing as scrap.

~~33.1280 Abatement Procedures for Vehicles Which are Abandoned.~~

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~~(a) If an abandoned vehicle, or parts thereof, are removed from a property, and the estimated value of the vehicle is $500.00 or less, a notice which states that the vehicle will be removed by the enforcement authority shall be securely attached to the vehicle not less than 72 hours before the vehicle is removed. Immediately after removal of the vehicle, the enforcement authority and/or contract services shall notify the Stolen Vehicle System of the Department of Justice in Sacramento of the removal.~~

~~(b) Within 48 hours of the removal, excluding weekends and holidays, a notice shall be sent to the registered and legal owners of the vehicle by registered or certified mail to the last address listed with the Department of Motor Vehicles, and to any other person known to have an interest in the vehicle. This notice shall include the following information:~~

~~(1) The name, address, and telephone number of the enforcement authority;~~

~~(2) The location of the place of storage and description of the vehicle which shall include, if available, make, model, license plate number, vehicle identification number, and mileage;~~

~~(3) The authority and purpose for removing the vehicle;~~

~~(4) A statement that the vehicle will be disposed of 15 days from the date of the notice; and~~

~~(5) A statement that the owners and interested persons, or their agents, have an opportunity for a post-storage hearing if the request is made in person, in writing, or by telephone within ten days from the date of the notice.~~

~~(c) Any requested hearings shall be conducted within 48 hours of the request, excluding weekends and holidays. Except as provided herein, the provisions of § 33.0209 (Administrative Hearing Procedures) of Chapter 2 of Division 3 of Title 3 of this Code are incorporated herein by reference for purposes of conducting the hearing. Failure of either the registered or legal owner, or interested person or their agent to request or to attend a scheduled hearing shall satisfy due process post-storage hearing requirements.~~

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~~(d) If, after 15 days from the notification date, the vehicle remains unclaimed and the towing and storage fees have not been paid, and if no request for a post-storage hearing was made or a post-storage hearing was not attended, the enforcement authority may authorize disposal of the vehicle. If the names and addresses of the registered and legal owner of the vehicle are not available from the records of the Department of Motor Vehicles, the enforcement authority may authorize disposal of the vehicle at any time after the removal.~~

~~(e) Disposal of the vehicle may only be to a licensed dismantler or scrap iron processor. A vehicle disposed of pursuant to this Section shall not be reconstructed or made operable, unless it is a vehicle which qualifies for either horseless carriage or historical vehicle license plates.~~

~~33.1281 Abatement Procedures for Abandoned Vehicles Which are Valued at Greater than $500.00.~~

~~After the abatement and removal process described in § 33.1280 has occurred, and the post-storage notification requirements described in § 33.1280 have been met, a lien sale will be conducted on every removed, abandoned vehicle with a value of over $500.00, and such sale will be carried out if all fees and costs for the removal, storage, and application for lien sale have not been paid and the vehicle has not been redeemed by the registered or legal owner of the vehicle. Once legal ownership has been transferred to the County by lien sale, the vehicle(s) or parts thereof will be sold on a regular scheduled date by an auction or other authorized, legal method permitted for the County.~~

~~33.1285 Procedure for Redemption of Vehicles.~~

~~(a) A vehicle which is valued at $500.00 or less, and which has been removed from a property by the enforcement authority and/or contract services as an abandoned vehicle, may be redeemed by the registered or legal owner of the vehicle after payment of reasonable removal and storage costs, excluding lien sale costs, within 15 days of the mailing date of notification of removal.~~

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~~(b) A vehicle which is valued at $500.00 or less, and which has been removed from a property by the enforcement authority and/or contract services as a public nuisance, may be redeemed by the registered or legal owner of the vehicle after payment of reasonable removal, storage and lien sale costs within ten days of the date of removal.~~

~~(c) A vehicle which is valued at greater than $500.00, and which has been removed from a property by the enforcement authority and/or contract services, may be redeemed by the registered or legal owner of the vehicle after payment of reasonable removal, storage and lien sale costs, within 15 days of the mailing date of notification of removal if abated as an abandoned vehicle, and within 30 days of removal if abated as a public nuisance.~~

~~(e) In no case shall the costs charged to the legal or registered owner for removal and disposition of an abandoned vehicle under this Section exceed those for towing and seven days of storage.~~

33.12~~90~~165 Authorization to Enforce County Code and Vehicle Code Provisions.

Notwithstanding any other provision of this Chapter, the Director and his or her regularly employed and salaried employees engaged in the enforcement of parking laws and regulations are authorized to remove an abandoned and parked vehicle~~s~~ pursuant to, and in accordance with, any applicable provision of County Code and Chapter 10 (commencing with ~~§~~ section 22650) of Division 11 of the California Vehicle Code. In exercising this authority, they shall follow all procedural and legal requirements applicable to said sections.

~~33.1295 Determination of Estimated Value of Vehicles.~~

~~For lien sale purposes, the enforcement authority shall determine the estimated value of vehicles and maintain proper documentation and give notifications as required by the California Vehicle Code with respect to vehicles which are abated and removed under this Chapter. The enforcement authority shall determine whether the estimated value of a vehicle that has been ordered removed, towed or stored is $500.00 or less; or over $500.00 but less than or equal to $4,000.00; or over $4,000.00. All regularly~~

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~~employed and salaried employees of the enforcement authority (including contract employees) are authorized to make appraisals to determine the value of vehicles abated or removed under this ordinance.~~

33.12~~98~~176 ~~6~~ Other Remedies.

In addition to any remedy described in this Chapter, the County may seek any criminal, civil, or administrative remedy set forth in Chapter 2 of Division 1 of Title 1 of this Code including, but not limited to, injunctive relief and use of administrative citations. All remedies shall be cumulative and not exclusive.

SECTION ~~2~~3. This ordinance shall take effect ~~thirty (~~30~~)~~ days ~~or sixty days or immediately~~ from the date of adoption.

_____
DAWN ROWE, Chair
Board of Supervisors

SIGNED AND CERTIFIED THAT A COPY
OF THIS DOCUMENT HAS BEEN DELIVERED
TO THE CHAIR OF THE BOARD

LYNNA MONELL, Clerk of the
Board of Supervisors

_____

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STATE OF CALIFORNIA)
) ss.
SAN BERNARDINO COUNTY _____)

I, LYNNA MONELL, Clerk of the Board of Supervisors of San Bernardino County, State of California, hereby certify that at a regular meeting of the Board of Supervisors of said County and State, held on the _____ day of _____, 20__, at which meeting were present Supervisors:_____
_____
_____,
and the Clerk, the foregoing ordinance was passed and adopted by the following vote, to wit:

AYES: SUPERVISORS:

NOES: SUPERVISORS:

ABSENT: SUPERVISORS:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the Board of Supervisors this ____ day of _____, 20__.

LYNNA MONELL, Clerk of the
Board of Supervisors of
San Bernardino County,
State of California

_____
Deputy

Approved as to Form:

LAURA FEINGOLD
County Counsel

By:_____
JOLENA E. GRIDER
Deputy County Counsel

Date: _____

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