



**COUNTY OF NEVADA**  
**COMMUNITY DEVELOPMENT AGENCY**  
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**Sec. L-II 5.20 Abatement and Removal of Inoperable Motor Vehicles**

A. **Purpose.** This Chapter is enacted under authority of Section 22660 of the Vehicle Code to establish procedures for the abatement and removal, as public nuisances, of abandoned, wrecked, dismantled or inoperative motor vehicles (hereinafter referred to as vehicles) or parts thereof from private or public property in the unincorporated area of the County, and for recovery of the costs of such removal and administration of this Chapter.

The accumulation and storage of abandoned, wrecked, dismantled, or inoperative vehicles, or parts thereof, creates conditions likely to reduce the value of real property in the vicinity, promote blight and deterioration, invite plundering, create fire hazards and harborage for rodents and insects, and is injurious to the public peace, health, safety, and general welfare. The presence of abandoned, wrecked, dismantled, or inoperative vehicles, or parts thereof, within the unincorporated area constitutes a public nuisance which the County of Nevada is empowered to abate and remove in accordance with the provisions of this Chapter.

B. **Applicability of Article.** Except as otherwise expressly provided by Section 5.20.C, this Article shall apply to abandoned, wrecked, dismantled, or inoperative motor vehicles, or any part thereof, situated upon any private or public property, excluding publicly maintained highways and streets, within the unincorporated area of the County of Nevada. This Article shall not apply to vehicles that are not intended to be self-propelled.

C. **Exceptions.** This Chapter shall not apply to any vehicle or part thereof which is either:

1. Completely enclosed within a structure in a lawful manner where it is not visible from the street or other public or private property; or
2. Stored or parked in a lawful manner on private property in connection with the business of a licensed dismantler, licensed vehicle dealer, salvage enterprise, or any other legally established use or subject to regulation through a Development Permit or Use Permit pursuant to Section 5.5 and Section 5.6 of this Article.
3. An agricultural "implement of husbandry".
4. Located on a parcel in such a manner that no part of any vehicle subject to this Chapter is visible to public view up to the total number of such vehicles allowed in accordance with the following:
  - a. Parcels up to 3 acres in size: 2 vehicles allowed.
  - b. Parcels from 3 to 10 acres in size: 3 vehicles allowed.
  - c. Parcels over 10 acres in size: 5 vehicles allowed.

Such vehicles shall be completely screened from public view by a solid fence, vegetation, topography or any combination thereof.

The exceptions provided by this Section shall not be construed to authorize the maintenance of a public or private nuisance, as such nuisance may be defined under any provisions of law other than Chapter 10 (commencing with Section 22650) of Division 11 of the Vehicle Code.

D. **County's Remedies Nonexclusive.** This Article shall not be construed as excluding any other lawful remedies available to the County of Nevada for regulation, abatement and/or removal of abandoned, wrecked, dismantled, or inoperative vehicles situated within the unincorporated area. The procedures provided by this Article shall be in addition to any other applicable regulations, statutes, or ordinances heretofore or hereinafter enacted by the State of California, this County, or any other entity having jurisdiction in the matter.

E. **Enforcement Responsibility.** The Manager of Code Compliance is charged with the responsibility of administering this Article and exercising the authority conferred thereby. The Manager or his/her designee may enter upon private property for purposes of administering and enforcing this Article to examine a vehicle or part thereof, to obtain information as to the identity of the vehicle, and to remove or cause to be removed a vehicle or part thereof declared to be a nuisance pursuant to this Article. Any other person, firm or corporation authorized by the County to remove vehicles from property for purposes of enforcement of this Article may enter upon private property to perform such removal, upon request by the Director.

F. **Public Nuisance, Determination.** If the Director finds that reasonable grounds exist to believe that a vehicle or part thereof is abandoned, wrecked, or dismantled or inoperative at any location to which this Article applies, the Director shall declare such vehicle or part to be a public nuisance, and thereupon proceed to abate such nuisance in the manner prescribed by this Article.

G. **Notice of Intention to Abate and Remove Vehicle.** Except as otherwise provided by Section 5.20.I, the Director shall issue not less than 10 days advance written Notice of Intention to abate and remove any vehicle or part thereof which the Director has determined to be a public nuisance pursuant to Section 5.20.F. The Director shall mail such Notice by registered or certified mail to the property owner and to the vehicle owner, unless the vehicle is in such condition that identification numbers are not available to determine vehicle ownership. The Director shall post a copy of the Notice conspicuously upon or at the site of such vehicle or part.

H. **Required Contents of Abatement Notice.** The notice required by Section 5.20.G shall contain a statement of the hearing rights of the property owner and of the vehicle owner in accordance with Section 5.20.I. Such statement shall include notice to the property owner that he or she may either appear in person at a hearing or submit a sworn written statement denying responsibility for the presence of the vehicle or part thereof on his or her land, with the reasons for such denial, in lieu of appearing. The notice shall specify the address of the real property where such vehicle or part is situated, a description identifying such vehicle or part and the condition thereof found to constitute a public nuisance, the Section(s) of this Article found to have been violated, and state that either voluntary abatement thereof or request for hearing must be made by the property owner or vehicle owner, in the manner prescribed by Section 5.20.I, within 10 days from the date of such Notice, and that the failure to so request such a hearing shall constitute waiver of the right thereof. Such notice shall specify that if the abatement is made by the County, costs may be assessed against the property owner in accordance with Section 25845 of the Government Code or, in the case of an abandoned vehicle, against the last registered owner of record in accordance with Section 22524 of the Vehicle Code.

I. **Exceptions of Requirement of Abatement Notice.** A notice pursuant to Section 5.20.G shall not be required to issue if:

1. The property owner and vehicle owner have each signed releases authorizing removal and waiving further interest in the vehicle or part thereof; or
2. The vehicle or part is:
  - a. Inoperable due to the absence of a motor, transmission or wheels, and

- b. Is incapable of being towed; and
- c. Is valued at less than \$200.00 by a person specified in Section 22855 of the Vehicle Code; and
- d. Is determined by the Director to be a public nuisance presenting an immediate threat to public health or safety; and
- e. Is located on a parcel that is either zoned for agricultural use or not improved with a residential structure containing one or more dwelling units; and
- f. The property owner has signed a release authorizing removal and waiving further interest in the vehicle or part.

**J. Hearing Rights.** Either within 10 days after the date of the Notice of Intention prescribed by Section 5.20.G of this Code is mailed or at the time of signing a release pursuant to Section 5.20.I the property owner and/or the vehicle owner may request that a public hearing be held prior to removal of the vehicle or part thereof by the County. Such request shall be made in writing at the Nevada County Planning Department and, if mailed, shall be deemed timely if postmarked not later than the tenth day following the date such Notice of Intention was mailed.

If the property owner submits a sworn written statement pursuant to Section 5.20.H denying responsibility for the presence of the vehicle or part on his or her land within the 10-day period prescribed by this Section, such statement shall be construed a request for hearing which does not require the presence of the property owner. In all other cases, if no request for hearing is received by the Planning Department within the time prescribed by this Section, the Director shall cause the vehicle or part to be removed and disposed of in the manner authorized by this Article.

**K. Public Hearings, Notice.** Whenever a hearing is requested in accordance with Section 5.20.J, a Notice of Hearing before the Zoning Administrator shall be issued. The Notice of Hearing shall specify the time, date, place, and purpose of the hearing and shall be served upon the requesting party either personally or by certified mail, return receipt requested, not less than 5 calendar days prior to the hearing date.

**L. Public Hearings, Procedure.** Upon the date and at the time and place specified for hearing in the Notice of Hearing required by Section 5.20.J, the Zoning Administrator shall proceed to hear the testimony of County Staff, the requesting party, and any other competent persons about the condition of the vehicle or part constituting the subject of the hearing and any other relevant facts concerning the matter. The property owner may either appear in person at the hearing or present a sworn written statement denying responsibility for the presence of the vehicle on his or her land, with the reasons for such denial.

During the hearing the burden of proof shall rest with the County. It is the County's burden to prove that the subject vehicle is a public nuisance presenting an immediate threat to public health or safety. The provisions of the California Administrative Procedure Act (commencing with Section 11500 of the Government Code) shall not be applicable to such hearings; nor shall formal rules of evidence in civil or criminal judicial proceedings be so applicable.

**M. Public Hearings, Decision.** Within seven days following the date on which the hearing is closed, the Zoning Administrator shall issue a written decision which either affirms or reverses the determination made pursuant to Section 5.20.F and which contains findings of fact and conclusions. If the Zoning Administrator affirms the Director's determination, such decision shall direct the property owner and/or vehicle owner to abate the nuisance within the time prescribed by this Section. Such decision shall give notice that if the nuisance is not abated, it may be abated by the Director of Planning in such manner deemed proper and that the expense thereof may be made a lien against the real property involved, in accordance with Section 25845 of the Government Code or, in

the case of an abandoned vehicle, that such expense may be recovered from the last registered owner of record thereof, pursuant to Section 22524 of the Vehicle Code.

If the Zoning Administrator has found that the vehicle or part constituting the nuisance was placed upon the land without the consent of the property owner and the property owner has not subsequently acquiesced to its presence, the Director shall not assess such costs from the property owner. The decision affirming the Director's determination shall require that abatement of the nuisance by the property owner and/or vehicle owner be physically completed within five days after service of such decision or, in the alternative, within such time as the Director shall determine to be reasonable under all of the circumstances.

Appeals of the decision of the Zoning Administrator shall be handled in a manner consistent with Section 5.12 of this Article.

If the decision of the Director is reversed, no further action is necessary on the part of the Director or the party requesting the hearing.

N. **Vehicle Disposition.** After a vehicle has been removed pursuant to this Article, such vehicle shall not be reconstructed or made operable unless it is a vehicle which qualifies for either horseless carriage license plates or historical vehicle license plates pursuant to Section 5004 of the Vehicle Code.

O. **Vehicle Disposition, By Director.** The Director may dispose of a vehicle or parts thereof under this Article by removal thereof to a licensed scrapyard, automobile dismantler's yard, impound yard or other site authorized by Section 22662 of the Vehicle Code.

P. **Vehicle Disposition, Notice to Department of Motor Vehicles.** Within 5 days following the date of removal of a vehicle or part thereof under this Article, notice of such removal shall be given to the Department of Motor Vehicles identifying the vehicle or part, together with any evidence of registration including, without limitation, the registration card, certificate of ownership, or license plate.

Q. **Vehicle Disposition, Low-Valued Vehicle.** Prior to final disposition of a vehicle described by Section 5.20.I for which evidence of registration was recovered, the registered and legal owners of the vehicle shall be provided with written Notice of Intent to dispose of the vehicle or part from a site authorized by Section 22662 of the Vehicle Code. Such Notice shall state that if the vehicle or part is not claimed and removed within 12 days following the date such Notice is mailed, final disposition shall proceed.

R. **Assessment of Costs against Real Property.** Except as otherwise provided by Section 5.20.M, if the property owner fails to pay, upon demand, the costs of abatement incurred by the County in the enforcement and administration of this Article, such costs may be specially assessed against the real property, pursuant to Section 25845 of the Government Code. Such assessment shall be collected at the same time and in the same manner as are County ad valorem property taxes.

S. **Recordation of Abatement Lien.** In the case of any special assessment made pursuant to Section 5.20.R, a Notice of Abatement Lien shall be recorded in the Office of the County Recorder. Such Notice shall identify the property owner or possessor of the property, his or her last known address of record, the date upon which abatement was ordered by the Zoning Administrator, the date that the abatement was completed, a description of the real property subject to the lien, and the amount of the abatement costs.

T. **Release of Abatement Lien.** An abatement lien imposed under this Article may be released or subordinated in the same manner as provided by law for release or subordination of a judgment lien on real property.

U. **Recovery of Costs, Abandoned Vehicles.** Pursuant to Section 22524 of the Vehicle Code, costs incurred by the County for the removal and disposition of an abandoned vehicle shall be recoverable from the last registered owner thereof.