	POLICY and PROCEDURE	P & P # 19
		Page # 1 of 2
		Board Approval Date 10/28/2017
		Original P&P Date 10/17/2004

CC&R COMPLIANCE

PURPOSE

To define reporting responsibility and establish procedures for submittal, evaluation and action for CC&R violations

POLICY

CC&R complaints are the responsibility of all Pinebrook property owners. Complaints and CC&R violations will be reported, and follow up action taken, in accordance with the procedures in this document

REFERENCE

19-2 Attachment-Flow Chart for Dispute Resolution

19-3 Attachment-Calaveras County "What is a Zoning Violation?"

19-4 Attachment-Calaveras County "Business in the Home" 17.68.010 through 17.68.060

19-5 Attachment-Calaveras County "Zoning, Junk Cars"

Pinebrook CC&Rs

FORMS

19-1 CC&R Request / Report

19-6 Form Calaveras County “Request to Remove Disabled Car”

PROCEDURE

1. Pinebrook CC&R's are integral with property title and binding upon all owners of record. Policy and Procedures 3,6,7,12,17,19 and 26 all deal with the clarification and enforcement procedures for various CC&R sections. This policy specifically covers reporting and observing non-conformance to CC&R Article III, Sections 6,7, and 8; however, the reporting process using the CC&R form is the same for violations of any of the CC&R sections.
2. The purpose of CC&R's is to establish reasonable rules for the living environment in Pinebrook and in most cases are reinforced by the same or similar county ordinances.
3. Pinebrook does not have a CC&R "enforcement person or team" nor is it feasible to establish one. No one likes to be assigned a task to police others; therefore, the responsibility for observing and reporting CC&R non-conformance rests with every Pinebrook property owner.
4. Everyone needs to read and become familiar with the Pinebrook CC&R's. CC&R report forms are available on the Pinebrook website www.pinebrookhoa.org, or in the Pinebrook office.
5. Only two signatures are required on the CC&R Request or Report Form P&P 19-1.
6. When a non-conformance or nuisance in conflict with provisions of CC&R's are observed, a form is to be completed and submitted to the Pinebrook office where it will be dated with date received and acknowledged by the person receiving the report. The CC&R committee chairperson will receive all reports and determine the action to be taken with the participation and agreement of the committee members.
7. The CC&R committee chairperson will review all submitted forms and with committee member agreement, determine the action to be taken. The property owner in violation of the CC&R's will receive a copy of the report along with the required conformance actions to be taken with a

specified time frame for compliance. A copy of this report is to be provided to the person who submitted the report.

8. All non-conformance reports and responses will be reviewed at the next regularly scheduled Board of Directors meeting. In some cases the CC&R chairperson and committee may request that the Board review and determine actions for a complaint. In this case, the Board will determine what action is to be taken and document final decisions and actions to be taken. The CC&R chairperson will contact the property owner in violation as well as the person submitting the report and provide the actions to be taken as outlined in the paragraph above.
9. CC&R non-conformance reports will be filed in the Pinebrook office and will be available for review by all Pinebrook property owners.
10. Clarification of Pinebrook CC&R's, Article III, Sections 6, 7 and 8.

    The purpose of this attachment is to provide clarification for a subset of the Pinebrook CC&R's sections to aid property owners in observing and eliminating non-conformance situations.

    A. Un-operable vehicles, wrecked vehicles and / or vehicle parts

       Any non-operating vehicles (cars, trucks, trailers, etc ;) and parts are not to be visible anywhere on the property. They must be stored inside an approved building / shelter or immediately removed from the property.

    B. Debris, cans, refuse, garbage

       With the exception of proper "burn piles", no debris, cans, refuse, garbage, non working appliances, discarded furniture, construction debris, or discarded tools shall be disposed of or be visible on the property.

    C. Construction materials, maintenance tools, patio furniture

       For a reasonable time, construction materials (lumber, pipes, bricks, blocks, rocks, etc ;) may be visible on the property. After 12 to 18 months, these materials must be consumed or stored in a non-visible area from the street or any other Pinebrook property.

       Maintenance tools such as wheelbarrows, ladders, trimming poles, hoses, gardening tools, etc; are acceptable to be stored in convenient locations for the property owners although it is still recommended that these items not be visible from the street or from neighboring properties.

       Functional patio furniture and appliances along with functional children playground equipment is allowed on the property. Good judgment and consideration for neighbors regarding the overall appearance of these items is requested.

SUMMARY OF CHANGES FROM PREVIOUS ISSUE

Updated P&P references in paragraph 1. Added Calaveras County Form for Auto Removal; Reformatted.

CC&R
REQUEST OR REPORT

Form	Page #	Original Date
19-1	1 of 1	04/06/2006

☐ Request for Approval or ☐ Report

Name of Property Owner Making Request or Report			Lot Number	Date
Mailing Address			Pinebrook Phone Number	
City	State	Zip	Home Phone Number	

REQUEST FOR APPROVAL - PROJECT REQUIRING A BUILDING PERMIT

Describe Project Request

Plans Attached	Need Approval By	Requested By	Phone Number	Date
☐				

REQUEST FOR APPROVAL – NO BUILDING PERMIT REQUIRED

Describe Project Request

Paint Swatch(s) Attached	Need Approval By	Requested By	Phone Number	Date
☐				

NONCOMPLIANCE REPORT

Describe Noncompliance – Check One

☐ Animals ☐ Junk ☐ RV Storage ☐ Buildings ☐ Trees ☐ Signs ☐ Other

	Phone Number	Lot Number	Date

COMMITTEE BOARD ACTION

Approved By	Approved By	Approved By	Approved By	Date

Date Received in Pinebrook Office	Received by	Committee / Board	Contact Date	Control Number

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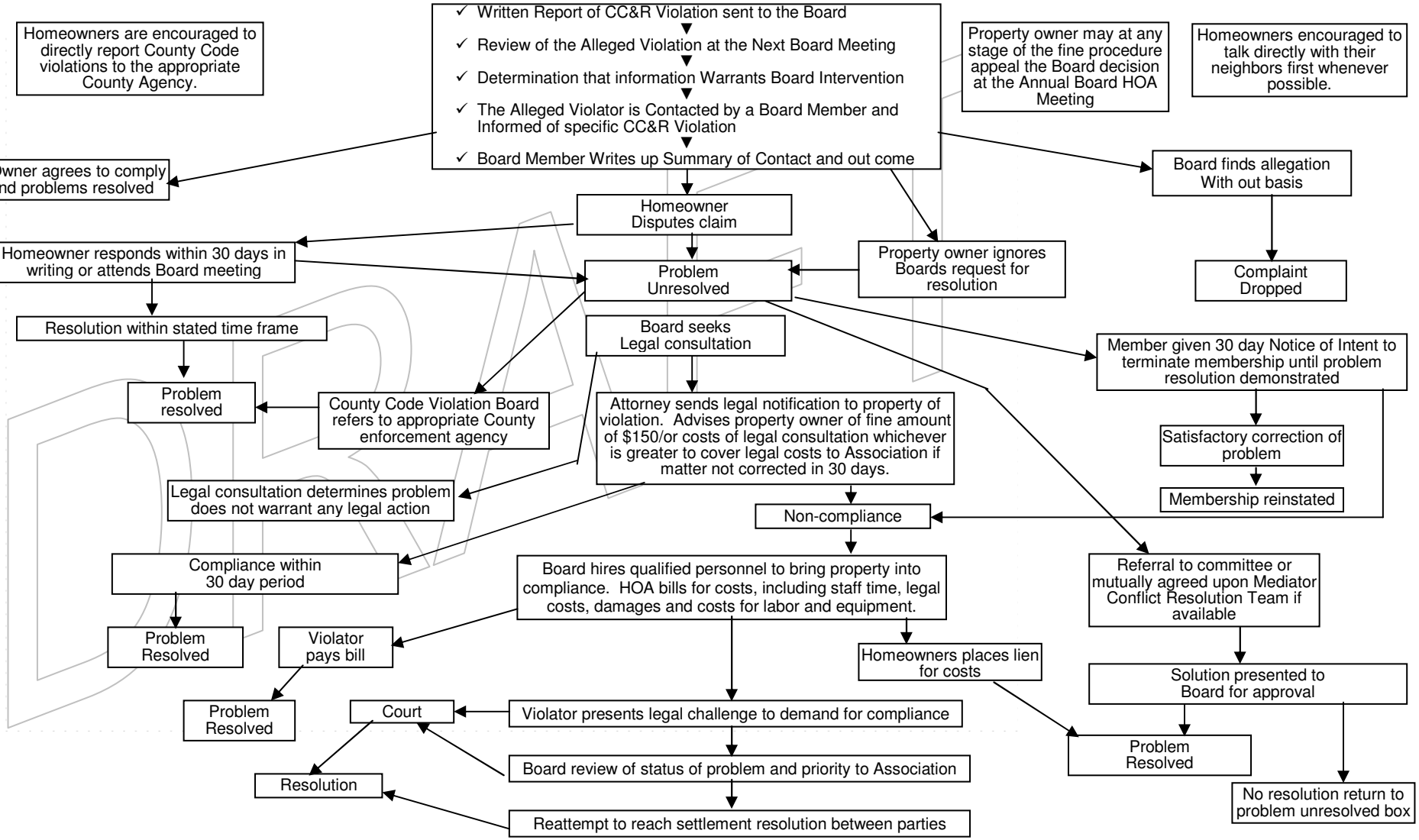
CC&R VIOLATION DUE PROCESS FLOW DIAGRAM - PROPOSED



Pinebrook	**POLICY and PROCEDURE**	**Attachment #** 19-3 **Page #** 1 of 1 **Board Approval Date** 10/28/2017 **Original P&P Date** 03/25/2005

CC&R - ZONING VIOLATIONS – CALAVERAS COUNTY

This document has been retyped for clarity.

The original document is on file in the Pinebrook office.

As the population of Calaveras County has increased, the number of complaints regarding the use of property in the County has also increased. The following information is intended to explain Calaveras County's procedures for handling complaints regarding potential zoning violations

WHAT IS A ZONING VIOLATION?

Calaveras County Code has "zones" establishing permitted uses for each parcel of land in the County. There are different types of zones establishing different uses, such as agricultural, residential, commercial, or industrial zones. Uses not allowed in a zone are considered a violation of County Code. For example, a retail business cannot be established in a residential zone, accumulation of junk is not permitted in any zone, living in a travel trailer while building a home is not permitted without a temporary trailer permit in any zone.

WHAT CAN BE DONE ABOUT A SUSPECTED ZONING VIOLATION?

A person may phone in or strop by the Planning Department's office and fill out a "complaint form". The Planning Department will investigate suspected zoning violations. (We will not however, follow up on anonymous calls.) A member of our staff will conduct a field review of the property and determine whether or not a zoning violation exists. Not all complaints are zoning violations. Some complaints may be a violation of other department codes (such as Environmental Health or Building Department), in which case the complaint will be forwarded by the Planning Department to that department.

If there is a zoning violation, the property owner, renter, or the person most responsible, will be notified and given a reasonable time to correct the violation. (The time allowed depends on the violation). If the responsible person makes an actual effort to correct the violation but needs a little more time to complete the correction, the Planning Department will be willing to consider additional time. Our end goal is to correct the situation, not to be unsympathetic enforcement officers. However, if no attempt is made to correct the situation, or the attempt is only a token attempt, the Planning Department will issue a citation (a ticket).

The citation requires the person to appear in court. If the person is found guilty, they are subject to a fine and the court may order abatement. The maximum fine is $100 per day plus court penalties. Usually, the fine is substantial enough to encourage the person to correct the situation prior to court trial.

HOW LONG WILL IT ALL TAKE?

Do not expect anything to happen too quickly. There is a tremendous backlog of suspected violations already on file and not enough staff time to devote to their follow up. It is generally 3 weeks before the site investigation, and can be a longer period if work loads are heavy in the office. If the Planning Department gets cooperation, the problem may be resolved shortly. Most generally, the cases that go to court trial will take 2-3 months after the initial field investigation to resolve.

The Planning Department does not generally go looking for violations; we receive enough complaints to keep us busy. We will attempt to investigate all complaints that are received in a timely and professional manner.

Thank you for your patience.

Pinebrook	**POLICY and PROCEDURE**	**Attachment #** 19-4 **Page #** 1 of 6 **Board Approval Date** 10/28/2017 **Original P&P Date** 03/25/2005

CC&R - BUSINESS IN THE HOME - CALAVERAS COUNTY

This document has been retyped for clarity.

The original document is in the Pinebrook office.

Sections:

17.68.010 Purpose
17.68.020 Residential Occupation
17.68.030 Rural Home Business
17.68.040 Rural Home Medical Clinic
17.68.050 Rural Veterinarian Clinic
17.68.060 Enforcement

17.68.010 PURPOSE

The purpose of this chapter is to provide performance standards to ensure the right of an individual to reasonably pursue an occupation on the property on which he or she resides, while keeping in mind that such a right shall not interfere with the reasonable peace and enjoyment of those residing on adjoining parcels and in the general vicinity.

17.68.020 RESIDENTIAL OCCUPATION

A residential occupation is permitted in the interim, resource, and residential zones:

A. Location of Business. A residential occupation shall be located within the residence, garage or workshop. The occupation shall be subservient to the use of the property for residential purposes. At no time shall the area allocated to the business exceed more than twenty-five percent of the building area on the parcel. As an example, if there is a garage and house on the property with combined square footage totaling two thousand square feet, the area devoted to the business is limited to-five hundred square feet.

B. Traffic Generation. No residential occupation shall be permitted when it may be reasonable determined that the success of the business is based on clients or customers coming to the residence in order to conduct business. It is understood that virtually all businesses require occasional customer visitor to the place of business; however, in the case of residential occupations, this should clearly be the exception rather than the rule.

C. Potential Nuisance. Residential occupations are subservient to other residential uses in the general vicinity, such occupations shall be operated in a manner so that the business use is not the cause of repeated and legitimate complaints about noise; dust, odor, or appearance.

D. Change in Appearance. No alteration, addition, or new construction shall be permitted which would cause the appearance of the property to assume any aspect of housing a business except for a sign consistent with this section.

E. Sign. A single sided sign without illumination is permitted, provided that the sign is mounted on the residence, and is no larger than twelve inches in height and twenty-four inches in length.

F. Employees. No employees other than members of the immediate family residing in the home may be employed as part of the business conducted in the residence. This section is not intended to limit the number of employees of the business who may work elsewhere and occasionally come to the residence in the course of business.

G. Contractors, Truck Operators, Heavy Equipment Operators, Appliance Repair Business. A proprietor of one of the previously listed or similar businesses is permitted to use the provisions of this section provided that the following standards are satisfied on an ongoing basis:

1. *Storage of materials.* Materials used on a job may be stored at the place of residence provided that all such storage is maintained in a neat and orderly appearance in conformance with thee provisions of subdivision A of this section, and the base zoning district in which the property is located.

2. *Contractor vehicles.* Light commercial and utility vehicles used by the proprietor for travel from home to the jobsite: may be kept at the residence on a regular basis.

3. *Heavy equipment, commercial trailers, rigs, backhoes.* Commercial and heavy equipment shall not be stored, parked or repaired at the residence.

H. Upon request, the proprietor may be required to submit proof of residency.

17.68.030 RURAL HOME BUSINESS

A rural home business is permitted in the GF, TP, AI, AP, RA, RR, U, and HS zones on parcels of one acre or more, except within Community Plan and Special Plan areas, when a minimum of two acres is required, and upon obtaining a business license from the county and subject to the following provisions:

A. Location of the Business. A rural home business shall be clearly incidental and subservient to the use of the property for residential purposes. A rural home business may take place in a home, garage, existing outbuildings, or a building constructed for the purposes of the business. The area devoted to the business shall not exceed thirty-three percent of the total area of all structures on the .property. For example, if the building on the parcel totals two thousand four hundred square feet, the space allocated to the rural home business may not exceed eight hundred square feet.

B. Traffic Generation. No rural home business shall be permitted when it may be reasonably determined that the success of the business has a predominate reliance on customer or client traffic coming to the business location. It is understood that rural home businesses may generate limited levels of direct customer traffic, but as a general rule the number of vehicles coming to the business on a regular basis should be similar in number to the average daily traffic levels generated by a residence.

C. Potential Nuisance. Rural home businesses are subservient to the other residential uses in the general vicinity. Such business as shall be operated in a manner so that the business use is not the cause of repeated and legitimate complaints concerning the operation of the business.

D. Change in Appearance. No alteration, addition or new construction shall be permitted which would cause the appearance of the property to assume any aspect other than residential except for the parking area which would cause the appearance or the property to assume any aspect other than residential.

E. Sign. A double face sign without illumination is permitted provided that the sign is no larger than eight square feet on any one side. Maximum total sign area is sixteen square feet.

F. Employees. Rural home medical clinics are permitted a total of four employees, whether or not the employees are family members or the practioner.

G. Overnight care. Patients of the clinic shall not be kept overnight.

H. No rural home medical clinic is permitted in an accessory dwelling.

I. The rural home medical clinic shall be located at the primary residence in the county of the practitioner. Proof of primary residency may be required. This section is not intended to limit the ability of a person who has a practice in another county from also establishing a part-time RHMC in Calaveras County, provided that when the practitioner is at work in Calaveras County, the operator is residing at the RHMC.

17.68.050 RURAL VETERINARIAN CLINIC

A-rural veterinarian clinic is permitted on parcels of five acres or more in the GF, TP, AI, AP, RA, and RR zones upon approval and validation of a conditional use permit pursuant to this title, and subject to the provisions of this section:

A. Location of the Business. A rural veterinarian clinic (RVC) is permitted within the residence or an outbuilding. The clinic shall be subservient to the use of the property as a residence. The area devoted to the clinic shall not exceed fifty percent of the total square footage of all structures on the property. For example, if the total area of the house, barn, and garage is equal to three thousand square feet, the area devoted to the clinic shall not exceed one thousand five hundred square feet.

B. Parking Area. An area meeting the parking design requirements of §17.70.030A for four vehicles, not including the two parking spaces required for the residence, shall be improved prior to the commencement of use of the RVC. In addition, if the clinic is to treat commercial livestock or large animals, there shall be a portion of the parking area that is large enough to accommodate a pick-up truck towing an animal. The paving requirements of §17:70.050 shall be waived. The parking area surface shall be improved with aggregate base class 2 to a minimum depth of four inches.

C. Potential Nuisance. Rural veterinarian clinics shall be conducted in a professional manner so as not to become the cause of repeated and legitimate complaints concerning the operation of the clinic. Storage, handling, and disposal of hazardous substances and pathological waste shall comply with the requirements of the county health officer.

D. Change in Appearance. To the greatest extent possible, the appearance of the subject property shall be such that the facilities used as the RVC do not detract from the residential appearance of the property to assume any aspect of housing a business, except for a sign consistent with this section.

E. Sign. A double face sign without illumination is permitted provided that no face of the sign exceeds eight square feet. The maximum sign area is sixteen square feet.

F. Employees. In addition to members of the family residing on the property, one additional full or part time employee may be part of the business. If additional employees are required or anticipated, it is likely that the proposed business should be considered a rural home industry, and obtain necessary approvals pursuant to Chapter 17.38

G. Contractors, Truck Operators, Heavy Equipment Operators, Appliance Repair Business. A proprietor of one of the preceding or similar businesses is permitted to use the provisions of this section provided that the following standards are satisfied on a continuing basis:

1. *Storage of materials*. Materials to be used on a job may be stored at the rural home business location provided that all such materials are maintained in a neat and orderly appearance.
2. *Contractor vehicles*. Light commercial and utility vehicles used by a contractor to travel from home to a job site are permitted to be kept on a regular basis on the subject property. Trailers, lowboys, heavy equipment backhoes, and other similar equipment or trailers may be kept on the subject property provided that the items are garaged within a building.
3. *Equipment maintenance.* Repair and maintenance of personally owned and operated equipment shall be kept to a minimum, and conducted in a manner so that noise, odor, dust, and smoke from such repairs and maintenance do not become a nuisance.

H. No rural home business shall be permitted within an accessory dwelling.

I. Upon request, the proprietor of a rural home business may be required to provide proof of residency.

17.68.040 RURAL HOME MEDICAL CLINIC

A rural home medical clinic is permitted in the U, GF, TP, AI, AP, RA, and RR zones on parcels of five acres or larger upon obtaining a business license from the county, any necessary health department permits, and subject to the following provisions:

A. Location of the Business. A rural home medical clinic (RHMC) is permitted within the residence of an outbuilding. The clinic shall be subservient to the use of the property as a residence. The area devoted to the clinic shall not exceed fifty-percent of the total square footage of all structures on the property. For example, if the house, garage, and barn total three thousand square feet, the area devoted to the clinic shall not exceed one thousand five hundred square feet.

B. Parking Area. An area meeting the parking design requirements of §17.70.030A for four vehicles, not including the two parking spaces required for the residence shall be provided and improved prior to the use of the RHMC. The paving requirements of §17.70.050 shall be waived. The parking area shall be improved with a surface of aggregate base class 2, with a minimum depth of four inches.

C. Potential Nuisance. The RHMC shall be conducted in a professional manner so as not to become the cause of repeated and legitimate complaints about the operation of the clinic. The handling

D. Change in Appearance.

E. Sign. A double face sign without illumination is permitted provided that the sign is no larger than eight square feet on any one side. Maximum total sign area is sixteen square feet.

F. Employees. A rural veterinarian clinic may employ, in addition to the resident veterinarian and family members employed at the clinic, one additional veterinarian, and two other employees.

G. A rural veterinarian clinic is not permitted in an accessory dwelling.

H. Boarding. Animals under the care of a veterinarian may be boarded overnight if required for medical care, and if permitted under the terms of the conditional use permit. Such animals shall be kept inside a building overnight. General commercial boarding is not permitted as part of an RVC. If the "commercial kennel" land use is permitted in the base zoning district, a separate use permit review is required for the "commercial kennel" even though it may be contained on the same application as the RVC.

I. The rural veterinarian clinic shall be the primary residence of at least one of the veterinarians involved in the operation of the clinic. Proof of primary residency may be required.

17.68.060 ENFORCEMENT

In the event of a violation of this chapter, the planning director may first take action to determine if the license holder may apply for an amendment to the general plan or zoning ordinance to reclassify the subject property into a land use designation or zoning district in which it is a permitted or conditional use. If such a remedy is not possible, the planning director shall proceed with enforcement provisions pursuant to this title.

CRITERIA CONCERNING HOME BUSINESSES

The Calaveras County Zoning Code permits businesses in the home, provided that such uses do not interfere with the reasonable peace and enjoyment of adjoining residential property. Licenses for businesses in the home are issued on the basis that the business for which the license is issued will remain in compliance with county regulations at all times.

These criteria are regulations, but the regulations are based on common courtesy. Your business is the "intruder" in a residential area. The emphasis on the county's position concerning repeated and legitimate complaints will be to protect the residential uses, which are the primary uses in the area.

THE H014E BUSINESS I5 A SECONDARY USE

1. The business may be located in your residence, garage, or outbuilding. Maximum area:
   Residential occupations: 25% of building area
   Rural Home Business: 33% of building area
2. Traffic should be no more than would normally be generated by a single family residence. This means an average of seven to ten vehicles per day, and no regular trucks, other than pick-ups or light delivery (UPS, Federal Express, or similar delivery service). If you are on a private road, you should be sensitive to the effect of your traffic on road conditions.
3. Materials related to the business that is stored outside should be maintained in a neat and orderly appearance.
4. There are no restrictions on hours of operation, but you must ensure that lighting, noise, odor, dust, and traffic do not create a repeated and legitimate nuisance. If this occurs, you may be required to relocate your business.
5. Non-illuminated signs are permitted. There are no design controls, but you should keep signs neat and uncluttered.
   Residential Occupation: Single sides; 12" x 24" flush mount.
   Rural home business: 8 sq. ft. maximum, 2 sides permitted (for a total of 16 sq. ft.)
6. Upon request, you must present proof of primary residency at the site where you are conducting your business. This parcel must be your primary residence.

In addition to the above you may request a copy of the zoning code related to the home business type for which you are seeking a permit. Please read it before signing this form.

Signing this form acknowledges that you will conform to the county requirements for a home business.

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CC&R - BUSINESS IN THE HOME - CALAVERAS COUNTY

IF THERE ARE REPEATED AND LEGITIMATE COMPLAINTS CONCERNING THE OPERATION OF YOUR BUSINESS IN THE HOME, IT IS GENERALLY AN INDICATION THAT THE SCALE OF THE BUSINESS IS TOO LARGE FOR A RESIDENTIAL AREA. YOU MAY BE REQUIRED TO RELOCATE To A COMMERCIAL OR OTHER APPROPRIATELY ZONED AREA, IF THE PROBLEMS ARE NOT RESOLVED.

I have read the above summary criteria, and will comply with the County Business in the Home requirements.

Signature	Date

	POLICY and PROCEDURE	Attachment # 19-5
		Page # 1 of 4
		Board Approval Date 10/28/2017
		Original P&P Date 10/12/2017

CC&R - ABANDONED VEHICLES – CALAVERAS COUNTY

The text below was downloaded from the Calaveras County Website

Note – Use Form P&P 19-6 – Calaveras County Abandoned Vehicle Abatement Request Form

Chapter 10.26 - ABANDONED AND INOPERATIVE VEHICLES
Sections: 10.26.010 - Definitions.

Unless the context otherwise requires, the definitions as set forth in this section shall govern the construction of this chapter.

Abandoned Vehicle.

A. A vehicle is "abandoned" if it is left on a highway, public property or private property in such inoperable or neglected condition that the owner's intention to relinquish all further rights or interests in it may be reasonably concluded.

B. In reference to highways or public rights-of-way, "abandonment" is presumed to have occurred if a vehicle is parked, rests or is otherwise immobilized on any highway or public right-of-way; and lacks an engine, transmission, wheels, tires, doors, windshield, or any other part or equipment necessary to operate safely on the highway. Such vehicles are presumed to be a hazard to public health, safety and welfare and may be removed immediately upon discovery by a peace officer or other designated employee.

"Dismantled vehicle" means any vehicle that is partially or wholly disassembled.

"Employee" means a county employee designated by the planning director.

"Highway" means a way or place, of whatever nature, publicly maintained and open to the use of the public for purposes of vehicular traffic. Highway includes a street, and all or any part of the entire width of the right-of-way of said highway.

"Inoperative vehicle" means any motor vehicle that cannot be moved under its own power.

"Peace officer" means an individual as defined in Chapter 4.5, commencing with Section 830 of Title 3 of Part 2 of the Penal Code.

"Public nuisance vehicle" means any vehicle that is abandoned, wrecked or dismantled or any inoperative parts thereof; that is on public or private property, not including highways; and that creates a condition tending to reduce the value of private property, promotes blight and deterioration, invites plundering, creates fire hazards, constitutes an attractive nuisance endangering the health and safety of minors, harbors rodents and insects, or jeopardizes health, safety or general welfare.

"Vehicle" means a device in, upon or by which any person or property is or may be propelled, moved or drawn upon a highway, excepting a device moved by human power or used exclusively upon stationary rails or tracks.

"Wrecked vehicle" means any vehicle that is damaged to such an extent that it cannot be operated upon the highway. A vehicle which has been wrecked in a traffic accident, and which has been removed from the roadway to a storage facility, but which has not been claimed by its owner, will not be considered an abandoned vehicle.

(Ord. 2257 § 1(part), 1992).

CC&R - ABANDONED VEHICLES – CALAVERAS COUNTY

10.26.020 - Findings.

In addition to and in accordance with the determination made and the authority granted by the state under California Vehicle Code Section 22660 to remove abandoned, wrecked, dismantled or inoperative vehicles or parts as public nuisances, the board of supervisors makes the following findings and declarations:

The accumulation and storage of abandoned, wrecked, dismantled, or inoperative vehicles or parts, on private or public property, including highways, creates a condition tending to reduce the value of private property, promotes blight and deterioration, invites plundering, creates fire hazards, constitutes an attractive nuisance creating a hazard to the health and safety of minors, creates a harborage for rodents and insects and is injurious to the health, safety and general welfare. Therefore, the presence of an abandoned, wrecked, dismantled or inoperative vehicle or parts, on private or public property, including highways, is declared to constitute a nuisance which may be abated in accordance with the provisions of this chapter.

(Ord. 2257 § 1(part), 1992).

10.26.030 - Penalty for abandonment.

A. No person shall abandon a vehicle upon any highway. Any violation of this section constitutes an infraction.

B. Every person who parks or leaves standing a vehicle on a highway for seventy-two consecutive hours or more is guilty of an infraction.

C. No person shall place a vehicle upon public or private property without the express or implied consent of the owner or person in lawful possession or control of the property. Any violation of this section constitutes an infraction.

D. A person convicted of a violation of this section shall pay a penalty set forth in Section 17.100.070 of the Calaveras County Code and, in addition, such person shall provide proof that the costs of removal and disposition of the vehicle have been paid. No part of any fine imposed shall be suspended. The fine may be paid in installments if the court determines that the defendant is unable to pay the entire amount in one payment.

E. Proof that the costs of removal and disposition of the vehicle have been paid 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.

(Ord. 2257 § 1(part), 1992).

10.26.040 - Enforcement by the planning director.

Except as otherwise provided in this chapter or by law, the provisions of this chapter shall be administered and enforced by the planning director or employees designated in writing by the planning director.

(Ord. 2257 § 1(part), 1992).

CC&R - ABANDONED VEHICLES – CALAVERAS COUNTY

10.26.050 - Authority to enter private property.

A. In the enforcement of this chapter, the planning director and her/his designated employees may enter upon private property for the purposes specified in this chapter to examine a vehicle or parts thereof, obtain information as to the identity of a vehicle, and remove or cause the removal of a vehicle or part thereof declared a nuisance pursuant to this chapter.

B. When the board of supervisors has contracted with or granted a franchise to any person(s) for the abatement of abandoned vehicles, such person(s) shall be authorized to enter upon private property or public property to remove or cause the removal of a vehicle or parts declared to be a nuisance pursuant to this chapter.

(Ord. 2257 § 1(part), 1992).

10.26.060 - Authority to remove abandoned vehicle from highway—Peace officers—Contractors.

A. Any peace officer may remove a vehicle located within the territorial limits in which the officer may act when the vehicle is abandoned, parked or left standing upon a highway for seventy-two or more consecutive hours.

B. Motor vehicles which are abandoned, parked, resting or otherwise immobilized on any highway or public right-of-way and which lack an engine, transmission, wheels, tires, doors, windshield, or any other part or equipment necessary to operate safely on the highways of this state are a public nuisance and may be removed immediately upon discovery by a peace officer or employee.

A. Any person performing a franchise or contract awarded pursuant to subdivision (a) of Vehicle Code Section 22710 may remove a vehicle from a highway after a determination by a peace officer that the vehicle is abandoned, or constitutes a nuisance, in accordance with this section.

(Ord. 2257 § 1(part), 1992).

10.26.070 - Abandoned vehicle on public or private property excluding a highway—Abatement procedure—Hearing.

A. Upon discovery on public or private property, excluding a highway, of an abandoned vehicle or a vehicle which lacks an engine, transmission, wheels, tires, doors, windshield, or other major part or equipment necessary to operate safely on the highway, the planning director shall have the authority to cause the abatement and removal of said vehicle in accordance with the procedure prescribed in this section and Vehicle Code Section 22661.

B. Except as otherwise provided by law or this chapter, not less than a ten-day notice of intention to abate and remove the vehicle, or part thereof, as a public nuisance shall be issued for a vehicle abandoned on public or private property, excluding a highway, 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, except as provided in Vehicle Code Section 22661(c).

C. The ten-day notice of intention to abate and remove a vehicle or part thereof, when required by this chapter, shall contain a statement of 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/she may appear in person at a hearing or may submit a sworn written statement denying responsibility for the presence of the vehicle on the land, with his/her reason for such denial, in lieu of appearing. The notice of intention to abate 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 record unless the vehicle is in such condition that the identification numbers are not available to determine ownership.

D. A request for a hearing shall be made to the planning director within ten days after the mailing of notice of intention to abate and remove the vehicle or at the time of signing a release.

E. If such a request is not received within such period, the planning director or her/his designee shall have the authority to remove the vehicle.

F. Upon a request for a hearing by the owner of the vehicle or the owner of the land upon which such vehicle is located, a public hearing shall be held before the planning director or his/her designee.

G. The planning director or his/her designee shall hear all the facts and testimony he/she deems pertinent. The facts and testimony may include testimony on the condition of the vehicle or parts and the circumstances concerning its location on the private property or public property. The planning director or his/her designee shall not be limited by the technical rules of evidence in conducting the hearing.

H. The owner of the land on which the vehicle is located is authorized to 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/her reason for such denial.

I. If it is determined at the hearing that the vehicle was placed on the land without the consent of the landowner, and that he/she has not subsequently acquiesced in its presence, the planning director or his/her designee may remove the vehicle, as provided in this chapter.

(Ord. 2257 § 1(part), 1992).

10.26.080 - Chapter not exclusive.

This chapter is not the exclusive regulation of abandoned, wrecked, dismantled or inoperative vehicles. It shall supplement any other regulatory codes, statutes and ordinances enacted by the county, state or other legal entity or agency having jurisdiction.

(Ord. 2257 § 1(part), 1992).

For Department Use Only

Date Received:_____ AVA #: _____

Fees Required: Yes / No Receipt #_____

Calaveras County Code Compliance Unit

Government Center 891 Mountain Ranch Road San Andreas, CA 95249

Phone # (209) 754-6326 Fax # (209) 754-6328

ABANDONED VEHICLE ABATEMENT REQUEST FORM

Vehicle Information

Address & City or Location of Vehicle: _____

_____

Vehicle Description: Year: _____ Make: _____

Model: _____ Body Type: _____ Color: _____

License Plate #_____ Vehicle ID (VIN) #_____

Owner's Name: _____ Phone #_____

Owner's Mailing Address:_____

PUT ANY ADDITIONAL VEHICLES ON THE REVERSE OF THIS FORM.

Requestor Information

Requestor's Name:_____ Phone # _____

Mailing Address:_____

Requestor's Signature:_____ Date:_____

As the requestor, do these vehicles belong to you? Yes:_____ No:_____

Are these vehicles located on property owned by you? Yes: _____ No:_____

If No, what is the Property Owner's Name? _____

Address: