



Planning Commission Staff Report
Item # 2, March 6, 2025
Text Amendment No. PA-2500050
Prepared by: Megan Aguirre

PROJECT SUMMARY

Applicant Information

Project Applicant: San Joaquin County Community Development Department

Project Site Information

Project Location: Countywide
Supervisory District: All

Environmental Review Information

CEQA Determination: Notice of Exemption (Attachment A, Environmental Review)

Project Description

This project is a Development Title Text Amendment to remove Chapter 9-816 – Abandoned Vehicles regarding the regulations pertaining to abandoned vehicles. The San Joaquin County Sheriff's Office is proposing a replacement ordinance for inclusion in Title 4.

Recommendation

1. Forward to the Board of Supervisors with a recommendation to adopt the Findings for Development Title Text Amendment (Attachment C, Findings), and
2. Forward to the Board of Supervisors with a recommendation to approve Development Title Text Amendment No. PA-2500050.

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NOTIFICATION & RESPONSES

(See Attachment B, Response Letters)

Public Hearing Notices

Legal ad for the public hearing published in the Stockton Record: February 24, 2025

Number of Public Hearing notices: 53

Date of Public Hearing notice mailing: February 24, 2025.

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ANALYSIS

Background

In 1969, the Board of Supervisors approved the first ordinance for the removal of abandoned automobiles, which was followed by the creation of an Abandoned Vehicle Abatement Program (AVA Program) in 1973. The AVA Program allowed for the abatement and removal of abandoned, wrecked, dismantled, or inoperative vehicles from private or public property, excluding highways, which were handled by CHP. The ordinance also allowed for the recovery of fees and was to be administered and enforced by the County Building Inspector. Since that time, the County's ability to provide this service has fluctuated and the County Building Inspector's office was merged into today's Community Development Department. The AVA Program was most recently updated in 2021.

Currently, the Sheriff's Office addresses abandoned vehicles located in the public right-of-way, and the Community Development Department (CDD) addresses abandoned vehicles on private property. The Sheriff's Office has proposed taking over the CDD's role in the abatement of abandoned vehicles, and in 2024, the Board of Supervisors approved the addition of new positions in the Sheriff's Office. As a result, the CDD is proposing to remove Chapter 9-816 Abandoned Vehicles from the Development Title (Title 9), which directs the provision of this service to the CDD Director or their designee, while the Sheriff's Office is simultaneously working to replace this chapter with the addition of a new section to the Public Safety (Title 4) section of the County's Ordinance Code.

Text Amendment

This Development Title Text Amendment is proposed to remove Chapter 9-816 Abandoned Vehicles from the Development Title (Title 9). The Text Amendment is being processed in anticipation of a proposed Text Amendment by the Sheriff's Office to amend Title 4 to incorporate similar ordinance language. The main difference would be that the new language would transfer responsibility of the administration of the abandoned vehicle abatement from CDD staff in the Code Enforcement Division to the Sheriff's Office. If the Planning Commission approves staff's recommendation to forward this Text Amendment to the Board of Supervisors for approval, CDD will schedule this item in conjunction with the timing of the Text Amendment proposed by the Sheriff's Office to ensure that there is no gap in program availability.

Notice of Exemption

California Environmental Quality Act (CEQA) Guidelines Section 15061 (b)(3) states that a project is exempt from CEQA if the activity is covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. The Community Development Department has determined that the proposed Text Amendment to remove an ordinance from Title 9 (Development Title) and the subsequent placement of a similar ordinance into Title 4 by the Sheriff's Office has no possibility of causing a direct or indirect physical change in the environment, much less a significant effect on the environment as it is just a matter of changing who is administering an existing program. Accordingly, the Text Amendment is exempt from CEQA.

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RECOMMENDATION

It is recommended that the Planning Commission:

1. Forward to the Board of Supervisors with a recommendation to adopt the Findings for Development Title Text Amendment (Attachment C, Findings), and
2. Forward to the Board of Supervisors with a recommendation to approve Development Title Text Amendment No. PA-2500050.

Attachments:

Attachment A – Environmental Review

Attachment B – Draft Ordinance

Attachment C – Findings

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Attachment A **Environmental Review**

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NOTICE OF EXEMPTION

TO: ☒ Office of Planning & Research
P. O. Box 3044, Room 212
Sacramento, California 95812-3044

FROM: San Joaquin County
Community Development Department
1810 East Hazelton Avenue
Stockton, California 95205

☒ County Clerk, County of San Joaquin

Project Title: Text Amendment No. PA-2500050

Project Location - Specific: The project site is Countywide. (Supervisory District: All)

Project Location – County: San Joaquin County

Project Description: A Development Title Text Amendment to remove Chapter 9-816 – Abandoned Vehicles regarding the regulations pertaining to abandoned vehicles from Title 9 (Development Title). A replacement ordinance is proposed by the Sheriff's Office for incorporation into Title 4 (Public Safety).

Project Proponent(s): San Joaquin County

Name of Public Agency Approving Project: San Joaquin County Board of Supervisors

Name of Person or Agency Carrying Out Project: Megan Aguirre, Principal Planner
San Joaquin County Community Development Department

Exemption Status:
General Exemptions. (Section 15061[b](3))

Exemption Reason:

California Environmental Quality Act (CEQA) Guidelines Section 15061 (b)(3) states that a project is exempt from CEQA if the activity is covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. The Community Development Department has determined that the proposed Text Amendment to remove an ordinance from Title 9 (Development Title) and the subsequent placement of a similar ordinance into Title 4 by the Sheriff's Office has no possibility of causing a direct or indirect physical change in the environment, much less a significant effect on the environment as it is just a matter of changing who is administering an existing program. Accordingly, the Text Amendment is exempt from CEQA.

Lead Agency Contact Person:
Megan Aguirre Phone: (209) 468-3144 FAX: (209) 468-3163 Email: meaguirre@sjgov.org

Signature: _____ Date: _____

Name: Gerry Altamirano Title: Deputy County Clerk

Signed by Lead Agency

Date Received for filing at OPR: _____

*Authority cited: Sections 21083 and 21110, Public Resources Code.
Reference: Sections 21108, 21152, and 21152.1, Public Resources Code.*

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Attachment B **Draft Ordinance**

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BEFORE THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN JOAQUIN,
STATE OF CALIFORNIA

ORDINANCE NO.
AN ORDINANCE AMENDING TITLE 9 OF THE ORDINANCE CODE OF THE COUNTY OF SAN
JOAQUIN RELATING TO VARIOUS SECTIONS OF THE DEVELOPMENT TITLE

The Board of Supervisors of the County of San Joaquin ordains as follows:

Section 1. Chapter 9-816 – Abandoned Vehicles, Series 800 - Base Zones, Title 9 of the San Joaquin County Ordinance Code is hereby amended to read as follows:
to read as follows:

~~Chapter 9-816 Abandoned Vehicles~~

~~9-816.010 PURPOSE; FINDINGS AND DECLARATIONS~~

The intent of this Chapter is to prescribe regulations pertaining to abandoned vehicles. In addition to, and in accordance with, the determination made and the authority granted by the State of California under Section 22660 of the Vehicle Code to remove abandoned, wrecked, dismantled, or inoperative vehicles or parts thereof as public nuisances, the Board of Supervisors hereby makes the following findings and declarations:—

- (a) ~~**Deleterious Effects.** The accumulation and storage of abandoned, wrecked, dismantled, or inoperative vehicles or parts thereof creates a condition tending to reduce the value of private property, to promote blight and deterioration, to invite plundering, to create fire hazards, to constitute an attractive nuisance creating a hazard to the health and safety of minors, to create a harborage for rodents and insects, and to be injurious to the health, safety and general welfare; and—~~
- (b) ~~**Public Nuisance.** The presence of an abandoned, wrecked, dismantled, or inoperative vehicle or parts thereof, except as expressly hereinafter permitted, shall constitute a public nuisance which may be abated as such in accordance with the provisions of this Chapter. A public nuisance as described shall include a vehicle that creates a deteriorating environmental condition, reduces the value of private property, promotes deterioration of a business district or neighborhood, invites plundering, creates fire hazards, constitutes an attractive nuisance endangering the health and safety of minors, harbors rodents and insects, or jeopardizes health, safety and general welfare.—~~

~~9-816.020 ENFORCEMENT OFFICIALS~~

The Director, or their designee, is designated as the official responsible for the administration of this Chapter. In the administration of this Chapter, the Director or their designee may, upon presentation of proper credentials, enter upon private or public property to examine a vehicle or part thereof, or obtain information as to the identity of a vehicle, and to remove or cause the removal of a vehicle or part thereof declared to be a nuisance pursuant to this Chapter and to Section 22663 of the Vehicle Code.—

~~9-816.030 UNLAWFUL TO ABANDON, PARK, STORE, OR LEAVE VEHICLE; EXCEPTIONS~~

It shall be unlawful for any person to abandon, park, store, or leave, or permit the abandonment, parking, storing, or leaving, of any vehicle or part thereof which is in an abandoned, wrecked, dismantled, or inoperative condition within the unincorporated area of the County for a period in excess of seven days.—

This Chapter shall not apply to:—

- (a) ~~**Vehicle's Enclosed Within Building.** A vehicle or part thereof which is completely enclosed within a building where it is not visible from the street or other public or private property;—~~
- (b) ~~**Vehicles that are Part of Business.** A vehicle or part thereof which is stored or parked in a lawful manner on private property in connection with the business of a licensed dismantler, licensed vehicle dealer, or junk dealer, or when such storage or parking is necessary to the operation of a lawfully conducted business or commercial enterprise; or—~~
- (c) ~~**Historic Vehicles.** A vehicle or part thereof which qualifies as a vehicle of historic value and has special identification plates for a historical vehicle as described in Section 5004 of the California Vehicle Code.—~~
- (d) ~~**General Agriculture.** Parcels that are a minimum of five acres in any General Agriculture zone.—~~

~~9-816.040 ABANDONED VEHICLE REMOVAL PROCEDURES~~

The Enforcement Official shall proceed as follows in the investigation and enforcement of violations of this Chapter as follows:—

- (a) ~~**Notice of Intention to Abate and Remove Vehicle.**~~ When the Enforcement Official determines that a violation of this Chapter exists, the owner of the property in violation, as shown on the latest assessment roll, and the last registered and legal owner of the vehicle, shall be notified by registered or certified mail of the intention to abate and remove the vehicle or part thereof as a public nuisance. The Notice shall state that the owner of the property and/or vehicle has ten business days in which to correct the violation or appeal the determination of the Enforcement Official to the Hearing Officer for a public hearing. This required Notice may be waived by the owner(s) of the property and/or vehicle with a signed release authorizing removal and waiving further interest in the vehicle or part thereof.—
- (b) ~~**Statement of Non-responsibility.**~~ If a vehicle was abandoned without the consent or knowledge of the property owner, and he/she has direct control of the property, the property owner may submit a Statement of Non-responsibility within 10 business days of the mailing of the Notice of Intention to Abate and Remove the Vehicle. If the Enforcement Official determines the property owner is not responsible for the abandoned vehicle, the administration fee will be waived. If staff determines the owner is responsible for the abandoned vehicle, he/she will be so advised.—
- (c) ~~**Appeals.**~~ Appeals of the Notice of Intention to Abate and Remove Vehicle shall be filed pursuant to Section 9-802.150, Appeals, except that the owner of the vehicle and/or the owner of the property may file this appeal.—
- (d) ~~**Public Hearing Procedure.**~~ The public hearing shall allow for the submittal of oral and written evidence relative to the existence of a violation of this Chapter on the property and whether the property owner is responsible for or has consented to the placement of the vehicle on the property. The property owner may appear in person or submit a sworn statement denying responsibility for the presence of the vehicle on the property. At the conclusion of the public hearing, the existence of a violation shall be determined and if a violation exists, it shall be determined whether the property owner is responsible for such violation. If it is found that a violation exists but the property owner is not responsible, the County shall not assess costs of administration or removal of the vehicle against the property owner. The decision of the hearing official shall be final and may not be appealed.—
- (e) ~~**Removal of the Vehicle.**~~ If an appeal has not been filed within the required time period or the Hearing Officer has made a determination that a violation exists and the vehicle or part thereof remains on the property, the vehicle or part thereof may be disposed of by removal to a scrapyard or automobile dismantler's yard. The removal shall be performed by the County or a licensed automobile dismantler authorized by the County, either of which may enter private or public property to remove the vehicle or part thereof declared to be a nuisance pursuant to this Chapter. The Enforcement Official is authorized to select licensed automobile dismantlers.—
- (f) ~~**Vehicle Not to be Reconstructed.**~~ Any vehicle removed as a result of this Chapter 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.—
- (g) ~~**Notice to the Department of Motor Vehicles.**~~ Within five business days after the removal, notice shall be given to the Department of Motor Vehicles that identifies the vehicle or part thereof, and evidence shall be submitted of all available registration, including but not limited to the registration card, certificates of ownership, or license plates.—

(Ord. No. 4632, § 27, 9-26-2023)

~~9-816.050 ASSESSMENT OF COSTS~~

The Board of Supervisors shall establish fees for administrative and vehicle removal costs. These costs are the joint and several personal obligations of the last registered owner and the owner of the parcel of land from which the vehicle was removed, provided, however, that the last registered owner who can satisfy the requirements of Vehicle Code Section 22524 (b) shall not be personally liable for the costs and provided, further, that it has been found that the owner is not responsible for the location of the vehicle on his or her property. If the fees are not paid within 30 days of the date of the order or the final disposition of an appeal therefrom, such fees shall be assessed against the parcel of land pursuant to Section 25845 of the Government Code and shall be transmitted to the tax collector for collection. Said assessment shall have the same priority as other taxes.—

~~9-816.060 UNLAWFUL TO REFUSE TO COMPLY WITH ORDER~~

~~It is unlawful for any person to fail or refuse to remove an abandoned, wrecked, dismantled, or inoperative vehicle or part thereof, or to refuse to abate such nuisance when ordered to do so in accordance with the abatement provisions of this Chapter or state law where applicable.~~

~~9-816.070 REPORTING REQUIREMENTS FOR LICENSED DISMANTLERS~~

~~Licensed dismantlers or commercial enterprises acquiring vehicles removed pursuant to this Chapter shall be excused from the reporting requirements of Section 11520 of the Vehicle Code, and any fees and penalties which would otherwise be due the Department of Motor Vehicles are hereby waived, provided that a copy of the resolution or order authorizing disposition of the vehicle is retained in the dismantlers' or commercial enterprises' business records.~~

~~9-816.080 VIOLATIONS~~

~~Any violation of a provision of this Chapter shall be a misdemeanor punishable by imprisonment in the County Jail for a term not to exceed six months, or by a fine not to exceed \$500 dollars, or both.~~

Section 2. This Ordinance shall take effect and be in force thirty (30) days after its adoption, and prior to the expiration of fifteen (15) days from the passage thereof, shall be published once (1) in the Record, a newspaper of general circulation published in the County of San Joaquin, State of California, with the names of the members of the Board of Supervisors voting for and against the same.

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of San Joaquin, State of California, on this ___ of ____ to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

PAUL J. CANEPA
Chairman, Board of Supervisors
County of San Joaquin
State of California

ATTEST: RACHÉL DeBORD
Clerk of the Board of Supervisors
County of San Joaquin
State of California

By: _____
Deputy Clerk



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Attachment C **Findings**

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Findings

Basis for Development Title Text Amendment (PA-2400533)

1. The proposed amendment is consistent with the General Plan and any applicable Master Plan.
 - This proposed Development Title Text Amendment would remove Chapter 9-816 Abandoned Vehicles, which contains the regulations pertaining to abandoned vehicles and ascribes the administration of the regulations to the Community Development Department Director, or their designee. The removal of this ordinance is intended to occur simultaneous to the including of a similar ordinance in Title 4, with responsibility for the administration of the regulations placed upon the Sheriff's Office. This would result in the County continuing to provide this service without any gaps. Although the General Plan does not directly address abandoned vehicles, there are policies regarding limiting public nuisances. Relocating the ordinance would maintain consistency with the General Plan, and any applicable Master Plan.
2. The proposed amendment is necessary for public health, safety, and general welfare or will be of benefit to the public.
 - This Development Title Text Amendments and corresponding Title 4 Text Amendment would benefit the public by ensuring that the County is able to abate abandoned vehicles in a more timely manner. The Sheriff's Office already abates vehicles on public roadways, whereas the Community Development Department does not have a process to directly provide this service and typically relies on the Sheriff's Office to respond to such matters.
3. The proposed amendment has been reviewed in compliance with the requirements of the California Environmental Quality Act.
 - California Environmental Quality Act (CEQA) Guidelines Section 15061 (b)(3) states that a project is exempt from CEQA if the activity is covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. The Community Development Department has determined that the proposed Text Amendment to remove an ordinance from Title 9 (Development Title) and the subsequent placement of a similar ordinance into Title 4 by the Sheriff's Office has no possibility of causing a direct or indirect physical change in the environment, much less a significant effect on the environment as it is just a matter of changing who is administering the existing program. Accordingly, the Development Title Text Amendment is exempt from CEQA.

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