

MARIPOSA COUNTY

Code Compliance Advisory Committee

MEETING #17 FINAL MINUTES

Approved on November 16, 2022

DATE: October 19, 2022
TIME: 2:00 - 4:00 PM
LOCATION: Board of Supervisors Chambers, 2nd Floor
5100 Bullion Street, Mariposa CA

1. Call to Order and Welcome at 2:00 P.M. by Chair Woblesky.

CCAC Members Present: Lydia Clary, Gabe Edwards, Colleen Rhodes, Karen Smith, and Karen Woblesky.

(Member Nancy Kemp arrived at 2:04 p.m.)

CCAC Members Excused: Eileen Collins and Robert Fox

County Staff Present: Corrina Miranda (Code Compliance) and Sarah Williams (Planning) *(left meeting at 3:30).*

(Building Director Deb Willis (arrived at 2:04 p.m.)

Public Members Present: Al Golub, Jeannine Marsh, and Ken Melton.

2. Resolution of the Code Compliance Advisory Committee (CCAC) proclaiming a local emergency, ratifying the proclamation of a state of emergency by the Governor of the State of California on March 4, 2020 regarding an outbreak of respiratory illness due to a novel coronavirus (a disease now known as Covid-19), and authorizing remote teleconference meetings of the legislative bodies of the Code Compliance Advisory Committee for a 30-day period as specified pursuant to Brown Act provisions. (Previous resolution ended on October 7, 2022)

Motion by Rhodes to adopt the resolution as presented.

Second by Edwards.

Motion passed. 5 ayes.

CCAC Member Nancy Kemp and Deb Willis (Building Director) arrived at 2:04 p.m.

3. Approve Amended Minutes of CCAC Meeting #15, 9/21/2022

Motion by Smith to approve the amended minutes as presented.

Second by Kemp.

Motion passed. 5 ayes. (Edward abstained)

4. Approve Minutes of CCAC Meeting #16, 10/5/2022

Agenda item continued to the next meeting, Meeting #18, as there was not a quorum in attendance to approve the minutes.

5. Discussion/Possible Action: Free Landfill Days Update by CCAC Member Colleen Rhodes

Rhodes made presentation:

- Based on 2-page document entitled FREE DUMP DAYS.
- Information based on email from Sam Cerveny, Deputy Director of Public Works (page 2 of handout).
- It will be critical for county residents to know when the free days occur.
- It is important to consider that northside does not get the local newspaper; they have their own newspaper.
- It will be important to publicize what types of solid waste will be accepted.
- Event should be coordinated with community volunteer effort, for added value, so volunteers could help residents who don't have vehicles to transport solid waste and may not be physically able to move solid waste.
- Rhodes reviewed costs for event.

Woblesky noted that each community is different, and free days should be tailored to the community.

Cleary suggested that property owners who have solid waste or junk violation to get vouchers, so they can dispose of violation items for free.

Miranda said we could offer this service to all current violators. She also mentioned that HHSA does have some funding for this...where HHSA helps property owners clean up their properties, and then 6 months later, the property is back to its prior condition.

Members agree that both programs could be offered – program as described by Rhodes (to provide incentive for people to clean up their properties) and programs for existing violators (voucher program to allow free disposal for violation materials).

Edwards finds it offensive, that northside residents don't have anywhere to take their trash materials, including washing machines and sinks. Additionally, there's nowhere for recycling materials at the transfer stations

Rhodes confirmed amounts county saved by cutting transfer station hours...\$20 K for Don Pedro (cut by 60%) and \$8K for Coulterville (cut by 50%).

Woblesky talked about San Jose area...where up to three large bulky items are laid out at front curb and city picks them up.

Rhodes will continue to work on this, together with Cervený, on a "test event" at Coulterville Transfer Station as described at bottom of page 2 on her handout.

Woblesky said that Rhodes needs to review ordinances to see what ones will be impacted with these amendments.

Melton said that making transfer stations more convenient for northsiders is not within the purview of the CCAC. He said it is important for the CCAC to know how big the issue is (on compliance cases) in order to plan for this. Need information from Environmental Health Unit.

Miranda mentioned that could also get bin for scrap metal, that could sit there until bin was full.

6. Discussion/Possible Action: Abandoned Vehicle Update by CCAC Member Gabe Edwards

Edwards made presentation. CHP has handbook available for abandoned vehicle abatement (AVA) program. Board of Supervisors must adopt resolution establishing need. Then Board must appoint authority to Code Enforcement, Environmental Health or Transportation Department. AVA Authority must establish plan. Then AVA collects service fee for each vehicle registered in the County. That money is deposited into a trust. Fees must be reported, and use is limited to abandoned vehicle program work. Handbook establishes procedural requirements. \$30 - \$60K could be apportioned from DMV to County for program. May not be vehicle that hasn't been licensed for 6 months or vehicle involved in accident.

Edwards said that Tehama County's program is well written, and includes provisions for auto dismantlers, and vehicles that are totally screened.

Fees for program are entirely from DMV fees.

Cleary said that in Merced County, the AVA Authority was Environmental Health.

Miranda said that in Mariposa County, the Sheriff's Office is the administrative authority for abandoned vehicles. She said that storage is also a challenge.

Edwards stated that these vehicles are sent to dismantlers.

Rhodes discussed 4th amendment rights and the need for a review process to make sure staff is well versed in the law to ensure that rights are not violated.

Edwards discussed Tehama's ordinance as a good model. The program should be reviewed by County Counsel. He would like to see the program used as a light weight, not a punitive process. Get the proposal to the Board of Supervisors and let them decide what department or

agency would be appropriate to be in charge of the program. Code Enforcement was the department responsible in most of the counties he researched. The program does require a board of directors with representatives from various areas throughout the county.

Smith discussed the law enforcement aspect.

Miranda questioned would police officer be required training (POST), for the enforcing body.

Edwards said that it was not necessary to be law enforcement. No program in place, need to have a program in place. Satisfied that the current research has covered much of the research.

Rhodes questioned cost. Information provided indicated Madera County reported \$87.00 per vehicle. Mariposa has many other factors to consider.

Edwards stated would be a net zero once the vehicle salvage less than the cost to haul. That is why the low cost.

Miranda questioned cost of towing due to distance to wrecking yards.

Kemp talked about this being light weight program. Roll out easy going, attractive to the public.

Melton questioned what if this program is under the purview of the Code Compliance Committee. He suggested that staff be tasked with coming back with more information on cases where this is a problem.

Woblesky questioned how many junk cars and/or cases would be affected by this code. Suggested to have Edwards come back with more specific information.

Cleary suggested to go through current open cases and come back with more specific information (and other information) to put something together to board of supervisors.

Edwards requested staff come back with information of open cases and cases within the last five years of junk.

No action was taken, item to be brought back after further investigation for additional discussion possible action for recommendations to the Board of Supervisors.

7. Discussion/Possible Action re: CCAC Review/Edit Priority Recommendations and Draft Memo CCAC Status Update to the Board of Supervisors.

Continued to next meeting.

8. Elect CCAC Vice-Chair and Secretary

Continued to next meeting.

9. Discussion/Possible Action re: Future CCAC Agenda Items. Next CCAC Meeting is scheduled for November 2, 2022. (Meeting #17)

No discussion.

10. Persons wishing to speak on a matter not on the agenda, but within the jurisdiction of the committee. No action will be taken by the CCAC.

None.

11. Adjourn

Woblesky adjourned the meeting at 4:00 P.M.

FREE DUMP DAYS prepared by Colleen Rhodes for CCAC meeting 10/19/22

WHEN?

Weekdays

Not business days (Saturdays), unless the activity is compatible with regular operations.

Sundays are more expensive, due to overtime costs, but may be better in areas where many people are employed and unavailable on weekdays.

WHERE?

Coulterville. Don Pedro. Fish Camp. Hornitos. Mariposa. ALL AREAS DESERVE ATTENTION.

WHAT TYPES OF SOLID WASTE?

Household trash

Construction and Demolition debris (e.g., scrap lumber, asphalt shingles, tile, drywall)

White goods (appliances)

Bulky items (e.g., couches, chairs, plastic playground equipment)

Tires

E-waste (electronic goods)

Scrap metal

General recycling (cardboard, plastic wrap, paper, beverage containers)

Items suggested by community members: Paint, Needles, and Batteries

QUANTITY OF WASTE?

Quantity of material limited by maximum available bin capacity of each facility/location.

HOW TO PUBLICIZE EACH EVENT?

County's official pages, social media pages, advertisements in Mariposa Gazette/Yosemite Express or color insert flyer (as appropriate for each area), flyers on bulletin boards, hand-out flyers.

COORDINATE COMMUNITY VOLUNTEER EFFORTS FOR ADDED VALUE?

Volunteers with pickups and trailers to assist residents who don't have them.

Volunteers to help load at residents' homes.

Volunteers to help unload at the facility.

Other?

COST?

Disposal costs would be determined based on the actual charge for service.

EXAMPLE:

A Construction & Demolition Debris Event at Coulterville could be done for the following costs:

Bin Rental	750.
Transportation (external)	3000.
Transportation (internal)	600.
Disposal (est 30 tons)	3630.
Labor (internal)	736.
Total Event Cost	\$8,716.

ADDITIONAL SUGGESTION FROM THE COMMUNITY: Increase transfer station hours. Example, Coulterville was reduced to 4 hours on Saturday mornings for savings of \$8,000. Reverse this?

The Public Works Department would like to hold a test event at the Coulterville Transfer Station in the near future. *What type(s) of material does CCAC believe should be collected at this event?*

Email from Sam Cervený, Deputy Director of Public Works

There are several factors to take into consideration when planning Free Disposal Days at the Transfer Stations. First and foremost, the quantity of material that can be accepted is limited by the maximum available bin capacity of the facility/location. Second, the costs associated with transporting empty bins to the location and full bins to the disposal/recycling facility. An outside transporter will charge approximately \$125/hr to move bins. Each bin will take approximately six (6) hours for delivery, placement, pickup, disposal, and return (transportation \$750/bin). Each bin can hold forty (40) cubic yards of material (equivalent to 240 thirty-three (33) gallon trash cans). Depending on the size of the event, the County may need to rent additional bins (estimate \$125/day).

Next, determining the materials to be collected at the event. Generally speaking, there are several waste types that must be collected separately: scrap metal, household trash, C&D (construction and demolition debris, e.g., scrap lumber, asphalt shingles, tile, drywall), white goods (appliances), bulky items (e.g., couches, chairs, plastic playground equipment), tires, e-waste (electronic goods), and general recycling (cardboard, plastic wrap, paper, beverage containers).

For a remote event it would be best to limit the waste types accepted at the event based on expected volume. For example, the Coulterville Transfer Station can accommodate a maximum of six (6) bins for an event, and only three bins may be loaded at a time. If there is an expectation that there is a large quantity of C&D to be disposed, the event should be limited to C&D waste only. If there is an expectation that there would be a large number of tires and some appliances, a dual tire and appliance event can be held. There can be multiple events with waste type restrictions. There is also an option of offering a free disposal option for small volume materials during normal operations hours. For example, a free appliance drop-off during normal transfer station operating hours.

Additionally, the timing on the event must be considered. If the event is to be held on a Saturday, the event will conflict with normal transfer station operations. What are the acceptable days and times for the event. Events could be held on a weekday or Sunday to avoid conflicts. A Sunday event would result in overtime costs for staff.

Finally, the disposal costs would be determined based on the actual charge for service. Disposal at the landfill would be determined by the landfill gate rate, not the transfer station gate rate. Appliance disposal would be based on the total paid to the vendor for processing, recycling, and disposal.

For example, a C&D event at the Coulterville Transfer Station on a Friday. A total of six bins are staged at the transfer station. Three of the bins are rented at a cost of \$125 per day. Two transporters are hired to drop and service the bins. It will take 2 days deliver and service the bins. The event is staffed by three (3) Mariposa County staff; including a driver and County owned roll-off truck.

Bin Rental - \$750
Transportation (external) - \$3000
Transportation (internal) - \$600
Disposal (est 30 tons) - \$3630
Labor (internal) - \$736
Total Event Cost - \$8,716

With all that being said, the Public Works Department would like to hold a test event at the Coulterville Transfer Station in the near future. What type(s) of material does CCAC believe should be collected at this event?

Service Authority for Abandoned Vehicle Abatement

Section 22710 of the California Vehicle Code (VC) governs the establishment of an Abandoned Vehicle Abatement program.

Summary and process

- California Abandoned Vehicle Abatement Program exists as a California Highway Patrol (CHP) administered system.
- Requires that the Board of Supervisors (BoS) determine a need for an abandoned vehicle abatement (AVA) program and adopt a Resolution for the county creating and granting rights to the AVA Authority for the County. AVA Authority will be supervised by an appointed Board of Directors.
- AVA Authority is typically assigned by BoS or City Council, depending on the County, to Code Enforcement, Environmental Health, or the Transportation Authority. - "Authority shall be staffed with existing personnel of the city, county, or county transportation authority".
- AVA Authority is then required to develop an AVA Plan and Program including procedures for Enforcement and Disposal. Strategies/forms for fees, intent, notice, removal, and abatement. The Plan is submitted to the BoS and CHP AVA office. These must also be reviewed and approved by the AVA Authority Board of Directors annually.
- CHP reviews and approves county AVA Authority Plan and Program.
 - California Department of Motor Vehicles (DMV) will then collect a service fee of \$1 per vehicle, plus an additional \$2 per commercial vehicle, for every vehicle registered in this count and deposit those funds into the State Abandoned Vehicle Trust.
 - The State Controller's Office (SCO) will then appropriate fees from DMV Abandoned Vehicle Trust and transfer those fees to the AVA quarterly based upon the number of vehicles abated.
 - Annual reports must be prepared and provided to the SCO and BoS. Requires reporting of the number of notices to abate, number of vehicles disposed of, and total expenditure for towing and disposal. Also requires biennial independent 3rd-party audit.
 - Funds can only be used for abatement/removal/disposal of any abandoned, wrecked, dismantled, or inoperative vehicle from private or public property.
 - It is the responsibility of the Authority to supervise their AVA Program to ensure they are not arbitrarily marking vehicles for abatement which do not qualify in order to artificially inflate their AVA Program count.

AVA Program Specifics

Assignment of a vehicle to the AVA Program occurs only under one of the following circumstances:

1. The abandoned vehicle is located on public or private property and issued a 10-day notice of intention to abate pursuant to Section 22661(d) VC and is removed after the 10-day period has elapsed.
2. The vehicle is parked, resting, or otherwise immobilized on any highway or public right-of-way and lacks an engine, transmission, wheels, tires, or any other part or equipment necessary to operate safely on the highway pursuant to Section 22669(d) VC.
3. The 10-day notice is not required if the vehicle is located upon a parcel zoned for agricultural use (or unimproved lot, without a residential structure), and is inoperable due to the absence of a motor, transmission, or wheels. Additionally, the vehicle must be valued at less than two hundred dollars by a person specified in Section 22855 VC, and is determined by the local agency to be a public nuisance, presenting an immediate threat to public health and safety, provided the property owner has signed a release authorizing removal and waiving further interest in the vehicle pursuant to Section 22661(c) VC.

A [Notice of Removal of Abandoned Vehicle \(REG 104\)](#) is submitted to DMV within 5 days of removal - 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.

Notes:

- Vehicle must fit CHP Handbook's definition of abandoned vehicle.
- Abatement conditions and activities must fit into one of 3 abatement categories described in CHP Handbook.
- Voluntary abatements are eligible for funding.
- Dismantling/scrapping not required.
- No AVA funding for parking violations or expired registration.
- Member agency must submit annual report.

California Code, Vehicle Code - VEH § 22661

Any ordinance establishing procedures for the removal of abandoned vehicles shall contain all of the following provisions:

- (a) The requirement that notice be given to the Department of Motor Vehicles within five days after the date of removal, 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.
- (b) Making the ordinance inapplicable to (1) a vehicle or part thereof that is completely enclosed within a building in a lawful manner where it is not visible from the street or other public or private property or (2) a vehicle or part thereof that is stored or parked in a lawful manner on private property in connection with the business of a licensed dismantler, licensed vehicle dealer, or a junkyard.
This exception shall not, however, authorize the maintenance of a public or private nuisance as defined under provisions of law other than this chapter.
- (c) The requirement that not less than a 10-day notice of intention to abate and remove the vehicle or part thereof as a public nuisance be issued, 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. However, the notice of intention is not required for removal of a vehicle or part thereof that is inoperable due to the absence of a motor, transmission, or wheels and incapable of being towed, is valued at less than two hundred dollars (\$200) by a person specified in Section 22855, and is determined by the local agency to be a public nuisance presenting an immediate threat to public health or safety, provided that the property owner has signed a release authorizing removal and waiving further interest in the vehicle or part thereof. Prior to final disposition under Section 22662 of such a low-valued vehicle or part for which evidence of registration was recovered pursuant to subdivision (a), the local agency shall provide notice to the registered and legal owners of intent to dispose of the vehicle or part, and if the vehicle or part is not claimed and removed within 12 days after the notice is mailed, from a location specified in Section 22662, final disposition may proceed. No local agency or contractor thereof shall be liable for damage caused to a vehicle or part thereof by removal pursuant to this section.

This subdivision applies only to inoperable vehicles located upon a parcel that is (1) zoned for agricultural use or (2) not improved with a residential structure containing one or more dwelling units.

- (d) The 10-day notice of intention to abate and remove a vehicle or part thereof, when required by this section, 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 written

statement denying responsibility for the presence of the vehicle on the land, with his or her reasons 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 identification numbers are not available to determine ownership.

(e) The requirement that a public hearing be held before the governing body of the city, county, or city and county, or any other board, commissioner, or official of the city, county, or city and county as designated by the governing body, upon request for such a hearing by the owner of the vehicle or the owner of the land on which the vehicle is located. This request shall be made to the appropriate public body, agency, or officer within 10 days after the mailing of notice of intention to abate and remove the vehicle or at the time of signing a release pursuant to subdivision (c). If the owner of the land on which the vehicle is located submits a sworn written statement denying responsibility for the presence of the vehicle on his or her land within that time period, this statement shall be construed as a request for hearing that does not require the presence of the owner submitting the request. If the request is not received within that period, the appropriate public body, agency, or officer shall have the authority to remove the vehicle.

(f) The requirement that after a vehicle has been removed, it shall not be reconstructed or made operable, unless it is a vehicle that qualifies for either horseless carriage license plates or historical vehicle license plates, pursuant to Section 5004, in which case the vehicle may be reconstructed or made operable.

(g) A provision authorizing the owner of the land on which the vehicle is located 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 or her reasons for the 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 to its presence, then the local authority shall not assess costs of administration or removal of the vehicle against the property upon which the vehicle is located or otherwise attempt to collect those costs from the owner.

CHP Handbook definition of abandoned vehicle:

“A vehicle is considered to be ‘abandoned’ if it is left on a highway, public property, or private property in such inoperable or neglected condition that the owner’s intent to relinquish all further rights or interest in it may be reasonably concluded. In reaching a reasonable conclusion, one must consider the amount of time the vehicle has not been moved, its condition, statements from the owner and witnesses, etc.”

The 3 Abatement Categories

1. Vehicle is located on public or private property.
 - a. Vehicle is issued a 10-day notice of intention to abate pursuant to Section 22661(d) VC.
 - b. Vehicle is removed by local agency after the 10-day notice has expired.
2. Vehicle is located on public or private property.
 - a. Vehicle is issued a 10-day notice of intention to abate pursuant to Section 22661(d) VC.
 - b. Vehicle is removed by owner.
3. Vehicle is parked, resting, or otherwise immobilized on any highway or public right of-way.
 - a. Vehicle lacks an engine, transmission, wheels, tires, or any other part or equipment necessary to operate safely on the highway pursuant to Section 22669(d) VC.

No 10-day notice required.

Located upon a parcel zoned for agricultural use or not improved with a residential structure containing one or more dwelling units.

- + Inoperable due to the absence of a motor, transmission, or wheels and incapable of being towed.
- + Valued at less than two hundred dollars by a person specified in Section 22822 VC.
- + Determined by the local agency to be a public nuisance, presenting an immediate threat to public health and safety.
- + Property owner has signed a release authorizing removal and waiving further interest in the vehicle pursuant to Section 22661(c) VC.