

PROJECT REPORT

TO: **PLANNING COMMISSION (PC)**

AGENDA DATE: March 27, 2024

FROM: **PLANNING & DEVELOPMENTS SERVICES DEPT.**

AGENDA TIME: 9:00 A.M./No. 2

PROJECT TYPE: Notice of Violation (NOV) #01727
Code Enforcement for Jun Zhang SUPERVISOR DIST. 3

LOCATION: 2549 Dogwood Rd APN: 044-200-063-00

Imperial, CA 92251 PARCEL SIZE: +/- 2.65 acres

GENERAL PLAN (existing) Urban Area GENERAL PLAN (proposed) N/A

ZONE (existing) A-2-U (General Agriculture Zone) ZONE (proposed) N/A

GENERAL PLAN FINDINGS CONSISTENT INCONSISTENT MAY BE/FINDINGS

PLANNING COMMISSION DECISION: HEARING DATE: 03/27/24

APPROVED DENIED OTHER

PLANNING DIRECTORS DECISION: HEARING DATE: N/A

APPROVED DENIED OTHER

ENVIROMENTAL EVALUATION COMMITTEE DECISION: HEARING DATE: N/A
INITIAL STUDY: N/A

NEGATIVE DECLARATION MITIGATED NEG. DECLARATION EIR

DEPARTMENTAL REPORTS / APPROVALS:

PUBLIC WORKS	<input checked="" type="checkbox"/>	NONE	<input type="checkbox"/>	ATTACHED
AG	<input checked="" type="checkbox"/>	NONE	<input type="checkbox"/>	ATTACHED
APCD	<input checked="" type="checkbox"/>	NONE	<input type="checkbox"/>	ATTACHED
E.H.S.	<input checked="" type="checkbox"/>	NONE	<input type="checkbox"/>	ATTACHED
FIRE / OES	<input checked="" type="checkbox"/>	NONE	<input type="checkbox"/>	ATTACHED
OTHER		<u>N/A</u>		

REQUESTED ACTION:

IT IS RECOMMENDED THAT YOU CONDUCT A PUBLIC HEARING AND THAT YOU HEAR ALL THE OPPONENTS AND PROPONENTS OF THE PROPOSED PROJECT. STAFF WOULD THEN RECOMMEND THAT YOU APPROVE NOV #01727 BY TAKING THE FOLLOWING ACTIONS:

1. DECLARE THE CONDITIONS ON THE PROPERTY TO BE IN VIOLATION OF THE COUNTY LAND USE ORDINANCE AND PUBLIC NUISANCE.
2. DIRECT THE PROPERTY OWNER TO ABATE THE CONDITIONS ON THE PROPERTY WITHIN FORTY-FIVE (45) DAYS OF THE PLANNING COMMISSION'S DECISION; AND
3. IF THE PROPERTY OWNER FAILS TO ABATE THE CONDITIONS WITHIN THE SPECIFIED FORTY-FIVE (45) DAYS AFTER THE PLANNING COMMISSION'S DECISION, GRANT PERMISSION TO THE ENFORCEMENT OFFICER TO HAVE CONDITIONS ABATED AND PLACE A LIEN ON THE PROPERTY FOR COSTS INCURRED PURSUANT GOVERNMENT CODE SECTIONS 54988 & 25845 AND COUNTY LAND USE ORDINANCE TITLE 9 SECTION 91302.01.

Imperial County Planning & Development Services Department

801 MAIN ST., EL CENTRO, CA, 92243 442-265-1736,

Jim Minnick, Director of ICPDS

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STAFF REPORT
PLANNING COMMISSION MEETING
March 27, 2024
Notice of Violation (NOV) #01727

Property Owner: Zhang Jun
12646 Carmel Country Rd #153,
San Diego, CA 92130

Project Type: Code Enforcement

Project Location:

The proposed project site is located at 2549 Dogwood Rd, Imperial, CA, comprising approximately 2.65 acres. The project is identified as Assessor's Parcel Number 044-200-063-000 and is legally described as PAR 2 PM 1008 OF SE4 TR95 15-14 2.65AC, San Bernardino Base and Meridian, on file in the Office of the County Recorder of Imperial County (Attachment "A" Site Vicinity Map).

Case Summary:

The property has been reported to be in violation since November 2022. A Notice of Violation was issued to the property on October 20, 2023, for the storage of travel trailers on an agriculture lot, inoperative vehicles and accumulation of miscellaneous junk items creating a public and health/safety nuisance.

On November 17, 2022, a county department inspection was performed to investigate a complaint received about the property having multiple dilapidated mobile homes and travel trailers and piles of trash, junk, rubbish, debris, and miscellaneous items. It was found and determined that the property is full of trash and miscellaneous items throughout the property. The property has 7 travel trailers and one mobile home on site; all travel trailers have expired tags. The property has 15 inoperable vehicles on site, most had expired tags or no license plates. The property also has a carport, and two structures in the back that are dilapidated, the main dwelling has no power, and it seems no one is living in there. The subject property is in a state of disrepair, with a numerous health and safety issues.

The last inspection of the property on October 9, 2023, showed that the property still remained in the same condition as in the prior inspection on November 17, 2022; it revealed no effort has been made to clean up the property and remove all the miscellaneous items from the property. On October 20, 2023, the Notice and Order to Abate Violation was sent out to the property owner via certified mail. To date, there has been no contact or permit from the property owner to bring the property into compliance.

Violations: The property was found to be in violation for the following reason(s):

1. Storage and/or occupancy of travel trailers on an agriculture lot, inoperative vehicles, accumulation of furniture, wood and metal scraps, trash, used tires, rubbish, and miscellaneous junk items on an agricultural lot creating a public and health/safety nuisance.

Code Sections: The violations cited above violate the following code sections:

1. Imperial County Land Use Ordinance Title 9 Division 5 Chapter 2 Section 90502.12; and,
2. Imperial County Land Use Ordinance Title 9 Division 5 Chapter 29 Chapter 3.; and,
3. Imperial County Codified Land Use Ordinance Title 9 Division 5 Chapter 1 Section 90501.20; and,
4. Imperial County Codified Land Use Ordinance Title 9 Division 26 Chapter 1 Section 92601.00.

For compliance: The property can be brought into compliance by taken the following actions(s):

1. Removing all miscellaneous junk items (i.e., furniture, wood and metal scraps, trash, debris, used tires, rubbish, inoperative vehicles and travel trailers) from the property; and
2. Call the Imperial County Planning & Development Services Department when the above items have been removed so that an inspection can be scheduled to verify compliance and the violation file can be closed out.

Staff Recommendation:

Staff recommends that the Planning Commission hold a public hearing, hear all the proponents and opponents of the proposed project, and then take the following actions:

1. Declare the conditions on the property to be in violation of the county land use ordinance and public nuisance.
2. Direct the property owner to abate the conditions on the property within forty-five (45) days of the planning commission's decision; and
3. If the property owner fails to abate the conditions within specified forty-five (45) days after the planning commission's decision, grant permission to the enforcement officer to have conditions abated and place a lien on the property for costs incurred pursuant government code sections 54988 & 25845 and county land use ordinance title 9 section 91302.01.

Prepared By: Luis Valenzuela, Planner II
Planning & Development Services



Reviewed By: Michael Abraham, AICP, Assistant Director
Planning & Development Services



Approved By: Jim Minnick, Director
Planning & Development Services



Attachments:




- A. Vicinity Map
- B. Ownership
- C. ICPDS Violation Notices
- D. Inspection Reports / Photos
- E. Code Sections

**ATTACHMENT "A":
VICINITY MAP**

PROJECT LOCATION MAP



ZHANG JUN
NOV #01727
APN 044-200-063-000

-  Project Location
-  Centerline
-  Parcels



**ATTACHMENT "B":
OWNERSHIP**

Full Property Details Imperial County

PROPERT DETAIL				
Parcel#(APN):	044-200-063	Use Description:	R1XH,B	
Parcel Status:	A			
Owner Name:	ZHANG JUN			
Mailing Addr:	12646 CARMEL COUNTRY RD #153,SAN DIEGO CA 92130			
Situs Addr:	2549 DOGWOOD RD,IMPERIAL CA 92251			
Legal Description:	PAR 2 PM 1008 OF SE4 TR95 15-14 2.65AC			
Latitude:	32.8359804093	Longitude:	-115.536110364	
ASSESSMENT				
Total Value:	125,097.00	Use Code:	R1XH,B	Zoning: R1XH
Land Value:	46,204.00	Tax Rate Area:	069001	Impr Type:
Impr Value:	78,893.00	Year Assd:		Price/Sqft: 1.09
Other Value:	0	Property Tax:		
% Improved:	0.5897435897435898	Delinquent Yr:		
Exempt Amt:		Exempt Codes:		
SALEHISTRY	<u>Sale 1</u>	<u>Sale 2</u>	<u>Sale 3</u>	<u>Transfer</u>
Recording Date:	2015-03-18 00:00:00	03/18/2015	12/03/1997	
Recording Doc:	2015R005068	2015R005068	19971910906	
Rec. Doc Type:		01	01	
Transfer Amount:	82.5	82.5		
Seller (Grantor):	LULU BELLE MEMORIAL MARTIN EDNA F ANIMAL HAVEN CORP			
1st Trst Dd Amt:		Code 1:	2nd Trst Dd Amt:	Code 2:
PROPERTY CHARACTERISTIC				
Lot Acres:	2.65	Year Built:	Fireplace:	
Lot SqFt:	115,039.15	Effective Yr:	A/C:	
Bldg/Liv Area:		Total Rooms:	Heating:	
Units:		Bedrooms:	Pool:	
Buildings:		Baths (Full):	Flooring:	
Stories:		Baths (Half):	Park Type:	
Style:		Bsmt SqFt:	Spaces:	
Construct:		Garage SqFt:	Site Influence:	
Quality:		Other:	Timber :	
Building Class:		Other Rooms:	Ag Preserve:	
Condition:				

***The information provided here is deemed reliable, but is not guaranteed.

**ATTACHMENT "C":
ICPDS VIOLATION NOTICES**



Jim Minnick
DIRECTOR

Imperial County Planning & Development Services Planning / Building

October 20, 2023

NOTICE AND ORDER TO ABATE VIOLATION

CERTIFIED MAIL
(copy posted on site)

Zhang Jun
12646 Carmel Country RD #153
San Diego, CA 92130

SUBJECT: **2549 Dogwood Rd, Imperial, CA 92251 (APN 044-200-063-001)**

Dear Property Owner:

A complaint was filed with the Imperial County Planning & Development Services Department (ICPDS). The complaint alleges the following:

The occupancy of a travel trailer as a permanent residence outside of an approved Park is a direct violation of the following:

- Storage and/or occupancy of a travel trailer(s) on an agriculture lot
- Inoperative vehicles
- Accumulation of furniture, wood and metal scraps, trash, debris, used tires, rubbish, and miscellaneous junk items on residential lot creating a public and health/safety nuisance.

The occupancy of a travel trailer(s) (e.g. motor home, recreational vehicle) outside of an approved park is strictly prohibited. The storage (keeping) of furniture, wood and metal scraps, trash, debris, used tires, rubbish, and miscellaneous junk items as well as inoperative vehicles on a residential lot is strictly prohibited. The dead storage on residential lot is strictly prohibited.

Imperial County Codified Ordinance Title 9, Division 29, Chapter 3 Camping Restrictions Section 92903.02(d) which states *"it is unlawful within the jurisdiction of Imperial County to park a vehicle, recreational vehicle or mobile home for purposes of camping in, sleeping in, dwelling in or otherwise inhabiting it in any area or on any property other than a licensed campground, recreational vehicle park, mobile home park or in a governmentally controlled campground or public use area for which camping is a specifically authorized public use..."*

Imperial County Codified Land Use Ordinance Title 9, Division 14, Chapter 1, Section 91401.01 "D", defines, *"...Dead storage" means the storage of the owner's or occupant's recreational vehicle on the site in such a manner that it is not connected to any utilities and/or occupied as living quarters, either temporarily or permanently..."*

Based on the report and photographs taken on October 9, 2023, of your property located at the above subject address legally known as PAR 2 PM 1008 OF SE4 TR95 15-14 2.65AC, also identified as Assessor's Parcel Number 044-200-063-000, has confirmed the reported conditions do exist. Said inspection shows that there is a mobile home, inoperative vehicles, used tires, rubbish, trash, debris and miscellaneous items stored on the property.

Allowing the aforementioned conditions to exist on your property is a direct violation of the imperial County Land Use Ordinance Title 9 Division 5 Chapter 8 Section 90508.00 which states "...The purpose of the A-2 (General Agriculture), [40 Acre minimum] Zone is to designate areas that are suitable and intended primarily for agricultural uses (limited) and agricultural related compatible uses....".

Imperial County Codified Land Use Ordinance Title 9 Division 5 Chapter 1 Section 90501.20 states "Every person who causes or permits to be accumulated on private property any trash, rubbish, garbage, swill, cans, bottles, paper, ashes, refuse, which may support any verminous vectors of public health is guilty of a misdemeanor and/or infraction."

International Property Maintenance Code Section 302 states "...all exterior property and premises shall be maintained in a clean, safe and sanitary condition..."

International Property Maintenance Code Chapter 3 Section 302.8 states, "...inoperative or unlicensed motor vehicles shall not be parked, kept or stored on any premises, and vehicles shall not at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled..."

International Property Maintenance Code Section 308.1 states "...exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage..."

Allowing these conditions to exist on one's property creates a public nuisance and/or a fire menace is a direct violation of the above code sections.

Imperial County Codified Land Use Ordinance Title 9 Division 14 Chapter 1 Section 91401.13 defines "Nuisance" as an interference with the enjoyment and use of property.

The placement of the travel trailer(s) at this location "DOES NOT" qualify as a temporary recreational vehicle (temporary dwelling) pursuant to Section 90502.15 of the Imperial County Land Use Ordinance Title 9 Division 2 Chapter 2.

Our records indicate that there is no primary structure legally permitted on the above subject property. Thus, **without an approved primary use, the storage of the travel trailers, inoperative vehicles and miscellaneous items "ARE NOT ALLOWED" on the property and must all be removed.**

That having been said, **you are hereby ordered to bring the property into compliance with the above County Ordinance within thirty (30) days by:**

1. IMMEDIATELY discontinue the occupancy of the travel trailer(s) at this location.
2. Removing all vehicles and travel trailers from the property;
3. Removing any and all miscellaneous items (i.e., furniture, wood and metal scraps, trash, debris, used tires, rubbish, and miscellaneous junk items) from the property and **return the property to vacant land**; and
4. Calling the Imperial County Planning & Development Services Department when the items have been removed so that an inspection can be scheduled to verify compliance and the violation file can be closed out.

If your full compliance is obtained within thirty (30) days of receipt of this notice, no further action will be taken.

Failure to comply with this Notice and Order within thirty (30) days of receipt, may result in the Imperial County Planning & Development Services Department pursuing legal action to have the property brought into compliance.

Failure to comply with this notice may result in the assessment of civil penalties of up to \$1,000.00 a day pursuant to provision of the Imperial County Codified Ordinance Title 9, Division 13, Chapter 4, and Section 91304.01. The individual committing the violation and the property owner(s) are jointly liable for any costs fines, penalties or assessments.

You have the right to appeal this Notice of Violation/Non-Compliance or to object to these charges by filing a Request for Hearing with the Planning Commission within ten (10) days of the service of notice. Said appeal must be in the form of writing and must be submitted to the Building Official at Imperial County Planning & Development Services Department, 801 Main Street, El Centro, CA 92243) within ten (10) days of receipt of this notice. Said appeal must be accompanied by a filing fee of \$650.00 payable to the County of Imperial. The appeal letter should include the property owner's name, address, contact phone number and a brief description of the issues being disputed. The issues shall be restricted to the items cited in the Notice of Violation/Non-Compliance.

Notice is hereby given that at the conclusion of this case, and without voluntary compliance, you will receive a bill of administrative costs associated with the processing of such violation(s), pursuant to Section 91309.03 of Imperial County Codified Ordinances.

If you should have any questions regarding this matter, please contact our office at (442) 265-1736 and speak with a County Planner.

Sincerely,

Jim Minnick, Director
I.C. Planning & Development Services

By: 
Luis Valenzuela, Planner I

Enclosures (Assessor's Plat Map; Assessor's Property Ownership; report & photos dated October 9, 2023)

(Si usted requiere esta información en español, por favor de llamar al (442) 265-1736)

cc: Jim Minnick, ICPDS Director
Michael Abraham, AICP, ICPDS Assistant Director
Diana Robinson, ICPDS Planning Division Manager
File: 10.112, APN 044-200-063-000 (NOV01727)

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Imperial County Codified Land Use Ordinance Title 9 Division 1 Chapter 1 Section 90101.07 states, "...any person, firm or corporation using any facility, building, structure, acreage, lot or parcel of land in violation of any provision of this Title is guilty of a misdemeanor and shall be prosecuted to fullest extent of the law as provided under Division 13..."

Imperial County Codified Land Use Ordinance Title 9 Division 10 Chapter 2 Section 91002.29, states "...any person, firm or corporation violating any provision of this Division shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine of not to exceed \$1,000.00 or by imprisonment in County Jail for not to exceed six months, or by both fine and imprisonment..."

Imperial County Codified Land Use Ordinance Title 9 Division 13 Chapter 2 Section 91302.01 states, "any condition caused, maintained or permitted to exist in violation of any of the provisions of the County Land Use Ordinances shall be and the same is hereby declared unlawful and a public nuisance that may be abated consistent with the procedures provided for in this ordinance, or in any other manner provided by law"

Imperial County Codified Land Use Ordinance Title 9, Division 14, Chapter 1, Section 91401.01 "D", defines, "...*Dead storage*" means the storage of the owner's or occupant's recreational vehicle on the site in such a manner that it is not connected to any utilities and/or occupied as living quarters, either temporarily or permanently..."

Imperial County Codified Land Use Ordinance Title 9, Division 14, Chapter 1, Section 91401.09(J), defines "junk" as all old or scrap copper, brass, lead, or any other non-ferrous metal; old or discarded rope, rags, batteries, paper, trash, rubber, debris, waste or used lumber, or salvaged wood; dismantled vehicles, machinery and appliances or parts of such vehicles, machinery or appliances; iron, steel or other old or scrap ferrous materials; old or discarded glass, tin ware, plastic or old or discarded household goods or hardware.

Imperial County Codified Camping Ordinance Title 9 Division 29 Chapter 3 Section 92903.05(a) states, "...a violation of this chapter is a misdemeanor and shall be punishable by a fine of not more the five hundred dollars (\$500) or by imprisonment in the county jail for not more than six months or both such fine and imprisonment..."

International Property Maintenance Code Chapter 2 Section 202 defines "rubbish" as combustible and noncombustible waste materials, except garbage; the term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials.

Imperial County Codified Land Use Ordinance Title 9 Division 26 Chapter 1 Section 92601.00 states "...the accumulation and storage of...inoperative vehicles or parts thereof on private or public property...creates a condition tending to reduce the value of private property, to promote blight and deterioration...constitutes a public nuisance..."



Imperial County Planning & Development Services Planning / Building

Jim Minnick
DIRECTOR

March 14, 2023

SECOND & FINAL NOTICE OF VIOLATION / NON-COMPLIANCE

CERTIFIED MAIL 7018 1830 0000 2357 3954

(copy sent regular mail & posted on site)

Zhang Jun
12646 Carmel Country RD #153
San Diego, CA 92130

SUBJECT: 2549 Dogwood Rd, Imperial, CA 92251 (APN 044-200-063-000)

Dear Mr. Zhang:

Based on a second site inspection and photographs of your property from October 09, 2023, the Imperial County Planning & Development Services Department (ICPDS) has determined that conditions still exist at the property legally known as **PAR 2 PM 1008 OF SE4 TR95 15-14 2.65AC, SBB&M**, identified as Assessor's Parcel Numbers **044-200-063-000**, and located at **2549 Dogwood Rd, Imperial, CA**. The aforementioned property continues to violate Section(s) 90502.00 and 91801.01 of the Imperial County Codified Land Use Ordinance, Title 9 (ICLUO). The Imperial County Tax Assessor's "Inquiry" identifies the above person(s) as the current owner(s) of the subject property.

To Wit,

The above subject property currently zoned A-2-U (General Agriculture Zone) per Zone Map 5 continues to be in violation for the following reason(s):

1. Occupancy of a travel trailer(s) outside of an authorized park is strictly prohibited. (ICLUO Title 9 Division 5 Chapter 2; ICLUO Title 9 Division 29 Chapter 3);
2. Storage of inoperative vehicles on the property is strictly prohibited; and
3. Storage and/or occupancy of a travel trailer(s) on an agriculture lot, inoperative vehicles, accumulation of furniture, wood and metal scraps, trash, debris, used tires, rubbish, and miscellaneous junk items on agricultural lot creating a public and health/safety nuisance.

Property Maintenance

The storage (keeping) of furniture, wood and metal scraps, trash, debris, used tires, rubbish, and miscellaneous junk items on an agriculture lot is strictly prohibited.

International Property Maintenance Code Section 302 states "...all exterior property and premises shall be maintained in a clean, safe and sanitary condition..."

International Property Maintenance Code Chapter 3 Section 302.8 states, "...inoperative or unlicensed motor vehicles shall not be parked, kept or stored on any premises, and vehicles shall not at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled..."

International Property Maintenance Code Section 308.1 states "...exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage..."

Inoperative Vehicles

The storage (keeping) of inoperative vehicles on an agriculture lot is strictly prohibited.

Imperial County Codified Land Use Ordinance Title 9 Division 26 Chapter 1 Section 92601.00 states "...*the accumulation and storage of...inoperative vehicles or parts thereof on private or public property...creates a condition tending to reduce the value of private property, to promote blight and deterioration...constitutes a public nuisance...*"

Dead Storage of a Travel Trailer

The dead storage on residential lot is strictly prohibited.

Imperial County Codified Land Use Ordinance Title 9, Division 14, Chapter 1, Section 91401.01 "D", defines, "...*Dead storage" means the storage of the owner's or occupant's recreational vehicle on the site in such a manner that it is not connected to any utilities and/or occupied as living quarters, either temporarily or permanently...*"

Occupancy of a Travel Trailer

The occupancy of a travel trailer(s) (e.g. motor home, recreational vehicle) outside of an approved park is strictly prohibited.

Imperial County Codified Ordinance Title 9, Division 29, Chapter 3 Camping Restrictions Section 92903.02(d) which states "*it is unlawful within the jurisdiction of Imperial County to park a vehicle, recreational vehicle or mobile home for purposes of camping in, sleeping in, dwelling in or otherwise inhabiting it in any area or on any property other than a licensed campground, recreational vehicle park, mobile home park or in a governmentally controlled campground or public use area for which camping is a specifically authorized public use...*"

Allowing the aforementioned conditions to exist on your property is a direct violation of the imperial County Land Use Ordinance Title 9 Division 5 Chapter 8 Section 90508.00 which states "...*The purpose of the A-2 (General Agriculture), [40 Acre minimum] Zone is to designate areas that are suitable and intended primarily for agricultural uses (limited) and agricultural related compatible uses....*"

Imperial County Codified Land Use Ordinance Title 9 Division 5 Chapter 1 Section 90501.20 states "*Every person who causes or permits to be accumulated on private property any trash, rubbish, garbage, swill, cans, bottles, paper, ashes, refuse, which may support any verminous vectors of public health is guilty of a misdemeanor and/or infraction.*"

Allowing these conditions to exist on one's property creates a public nuisance and/or a fire menace is a direct violation of the above code sections.

Imperial County Codified Land Use Ordinance Title 9 Division 14 Chapter 1 Section 91401.13 defines "Nuisance" as an interference with the enjoyment and use of property.

Our records indicate that there is no primary structure legally permitted on the above subject property. Thus, **without an approved primary use, the storage of the travel trailers, inoperative vehicles and miscellaneous items "ARE NOT ALLOWED" on the property and must all be removed.**

That having been said, **you are hereby ordered to bring the property into compliance with the above County Ordinance within thirty (30) days by:**

1. IMMEDIATELY discontinue the occupancy of the travel trailer(s) at this location;
2. Remove all vehicles and travel trailers from the property;
3. Remove any and all miscellaneous items (i.e., furniture, wood and metal scraps, trash, debris, used tires, rubbish, and miscellaneous junk items) from the property and **return the property to vacant land;** and

4. Call the Imperial County Planning & Development Services Department when the items have been removed so that an inspection can be scheduled to verify compliance and the violation file can be closed out.

If your full compliance is obtained within thirty (30) days of receipt of this notice, no further action will be taken.

Failure to comply with this Notice and Order within thirty (30) days of receipt, may result in the Imperial County Planning & Development Services Department pursuing legal action to have the property brought into compliance.

Failure to comply with this notice may result in the assessment of civil penalties of up to \$1,000.00 a day pursuant to provision of the Imperial County Codified Ordinance Title 9, Division 13, Chapter 4, and Section 91304.01. The individual committing the violation and the property owner(s) are jointly liable for any costs fines, penalties or assessments.

You are further advised that any person having any record title of legal interest in said property may appear before the County Planning Commission, located at 940 Main Street, El Centro, California, in the County Board of Supervisor's Chambers for the scheduled hearing set for Wednesday, **March 27, 2024 at 9:00 a.m.** Failure to appear before the Planning Commission shall constitute a waiver of all rights to an administrative hearing and determination of the matter.

Notice is hereby given that at the conclusion of this case, and without voluntary compliance, you will receive a bill of administrative costs associated with the processing of such violation(s), pursuant to Section 91309.03 of Imperial County Codified Ordinances.

If you should have any questions regarding this matter, please contact our office at (442) 265-1736 and speak with a County Planner.

Sincerely,

Jim Minnick, Director
I.C. Planning & Development Services

By: 
Luis Valenzuela, Planner II

Enclosures (Assessor's Plat Map; Assessor's Property Ownership; report & photos dated October 9, 2023)

(Si usted requiere esta información en español, por favor de llamar al (442) 265-1736)

cc: Jim Minnick, ICPDS Director
Michael Abraham, AICP, ICPDS Assistant Director
Diana Robinson, ICPDS Planning Division Manager
File: 10.112, APN 044-200-063-000 (NOV01727)

LV/S:\AllUsers\APN\044\200\063\NOV01727 SECOND AND FINAL NOTICE OF VIOLATION.docx

Imperial County Codified Land Use Ordinance Title 9 Division 1 Chapter 1 Section 90101.07 states, "...any person, firm or corporation using any facility, building, structure, acreage, lot or parcel of land in violation of any provision of this Title is guilty of a misdemeanor and shall be prosecuted to fullest extent of the law as provided under Division 13..."

Imperial County Codified Land Use Ordinance Title 9 Division 10 Chapter 2 Section 91002.29, states "...any person, firm or corporation violating any provision of this Division shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine of not to exceed \$1,000.00 or by imprisonment in County Jail for not to exceed six months, or by both fine and imprisonment..."

Imperial County Codified Land Use Ordinance Title 9 Division 13 Chapter 2 Section 91302.01 states, "any condition caused, maintained or permitted to exist in violation of any of the provisions of the County Land Use Ordinances shall be

and the same is hereby declared unlawful and a public nuisance that may be abated consistent with the procedures provided for in this ordinance, or in any other manner provided by law"

Imperial County Codified Land Use Ordinance Title 9, Division 14, Chapter 1, Section 91401.01 "D", defines, "...*Dead storage" means the storage of the owner's or occupant's recreational vehicle on the site in such a manner that it is not connected to any utilities and/or occupied as living quarters, either temporarily or permanently...*"

Imperial County Codified Land Use Ordinance Title 9, Division 14, Chapter 1, Section 91401.09(J), defines "junk" as all old or scrap copper, brass, lead, or any other non-ferrous metal; old or discarded rope, rags, batteries, paper, trash, rubber, debris, waste or used lumber, or salvaged wood; dismantled vehicles, machinery and appliances or parts of such vehicles, machinery or appliances; iron, steel or other old or scrap ferrous materials; old or discarded glass, tin ware, plastic or old or discarded household goods or hardware.

Imperial County Codified Camping Ordinance Title 9 Division 29 Chapter 3 Section 92903.05(a) states, "...*a violation of this chapter is a misdemeanor and shall be punishable by a fine of not more the five hundred dollars (\$500) or by imprisonment in the county jail for not more than six months or both such fine and imprisonment...*"

International Property Maintenance Code Chapter 2 Section 202 defines "rubbish" as combustible and noncombustible waste materials, except garbage; the term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials.

**ATTACHMENT "D":
INSPECTION REPORTS / PHOTOS**

REPORT



ON MONDAY OCTOBER 09, 2023 I WAS DIRECTED TO CONDUCT A COMPLAINT INVESTIGATION AT 2549 DOGWOOD RD IN IMPERIAL CA. I ARRIVED TO SITE AT APPROXIMATELY 1:20 PM. AT TIME OF INVESTIGATION NO ONE WAS ON SITE AND THE GATES WHERE LOOKS UNABLE TO MAKE CONTACT WITH ANYONE SO I TOOK PHOTOS FROM THE EASEMENT. THE PROPERTY STILL REMAIN IN THE SAME CONDITION AS IN MY PRIOR REPORT DATED 11-17-22.

SEE PHOTOS ATTACHED

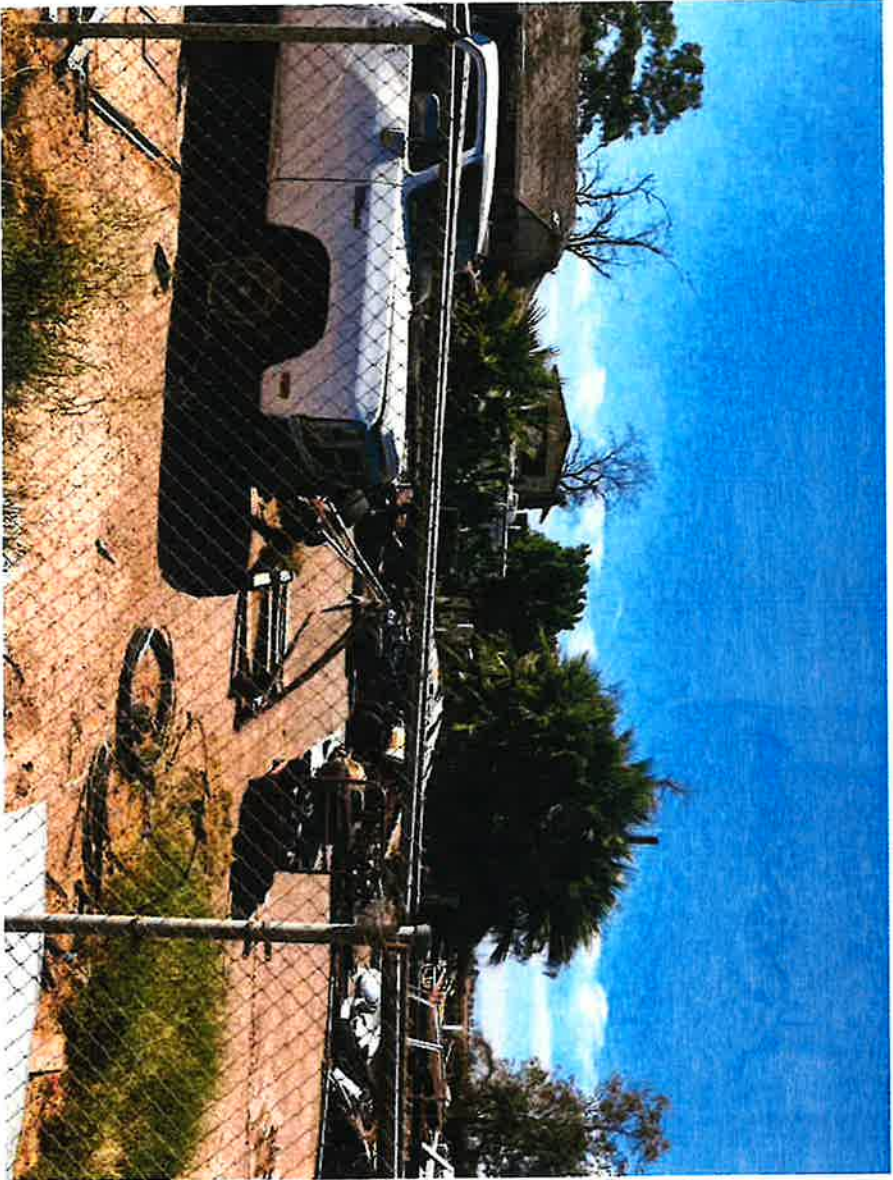
PURPOSE COMPLAINT INVESTIGATION	
REQUESTED BY: OFFICE	DATE: 10-09-23
PROJECT (SITUS/ADDRESS) 2549 DOGWOOD RD	ASSESSORS PARCEL NO 044-200-063
LOCATION IMPERIAL CA	BLDG PERMIT #
NAME	PROJECT TYPE
PHONE NO	STAFF NAME JUAN PEDROZA
	DATE 10-09-23
PLANNING & DEVELOPMENT SERVICES DEPT. (IMPERIAL COUNTY) (760) 482-4236	



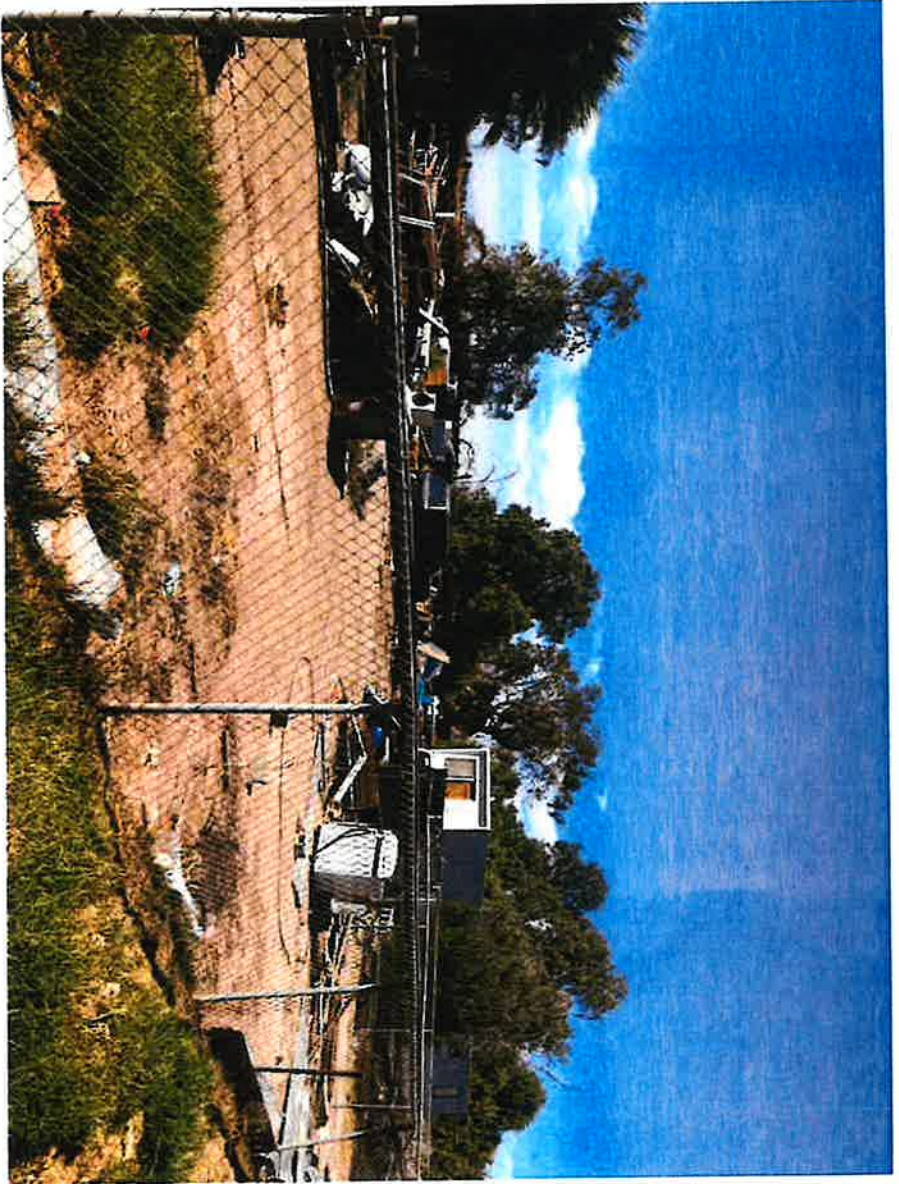
044-200-063 JP 10-09-23 MISC COMBUSTABLE MATERIAL (2)



044-200-063 JP 10-09-23 MISC COMBUSTABLE MATERIAL



044-200-063 JP 10-09-23 MULTIPLE INOPERABLE VEHICLES (2)



044-200-063 JP 10-09-23 MULTIPLE INOPERABLE VEHICLES

REPORT

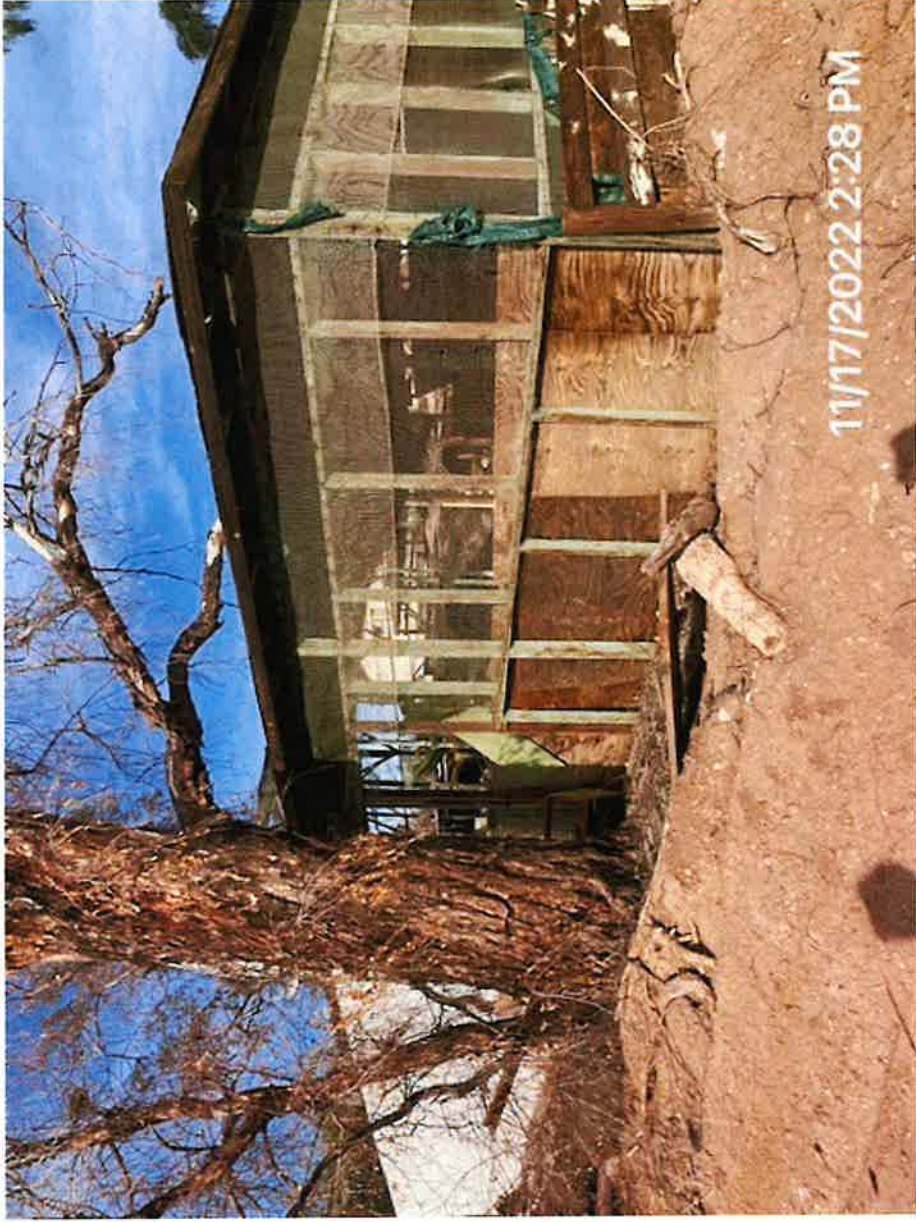


ON THURSDAY NOVEMBER 17, 2022 I WAS DIRECTED TO CONDUCT A COMPLAINT INVESTIGATION AT 2549 DOGWOOD RD. IN IMPERIAL CA. I ARRIVED TO SITE AT APPROXIMATELY 2:20 PM. I WAS ABLE TO MAKE CONTACT WITH THE PROPERTY CARETAKER MR. MARIANO MARTIN. HE ALLOWED ME TO CONDUCT MY INVESTIGATION OF THE PROPERTY. AT TIME OF INVESTIGATION THESE WERE MY FINDINGS.

1. THE PROPERTY IS FULL OF TRASH AND MISC. ITEMS THROUGHOUT THE PROPERTY. THESE ITEMS MUST BE REMOVED. HEALTH AND SAFETY ISSUES.
2. THE PROPERTY HAS 7 TRAVEL TRAILERS AND ONE MOBILE HOME ON SITE. ALL TRAVEL TRAILERS HAVE EXPIRED TAGS.
3. THE PROPERTY HAS 15 INOPERABLE VEHICLES ON SITE. MOST HAD EXPIRED TAGS OR NO LICENSE PLATES.
4. THE PROPERTY DOES HAVE A CARPORT, AND TWO STRUCTURES IN THE BACK THAT ARE DILAPIDATED.
5. THE MAIN DWELLING HAS NO POWER. MR. MARTIN DIDN'T NOT ALLOW THE INSPECTION ON THE INSIDE. MR. MARTIN SAID NO ONE LIVES IN THE MAIN DWELLING OR ON THE PROPERTY. BUT HE DOES STAY OVER NIGHT ONCE IN AWHILE.
6. MR. MARTIN ALSO SAID THAT MOST OF THE STUFF ON THE PROPERTY HE HAS BROUGHT IN HIMSELF.
7. AT TIME OF INSPECTION I COULD NOT SEE ANY EVIDENCE OF SOMEONE LIVING THERE.
8. DID NOT OBSERVE ANY GENERATORS THAT WERE IN OPERABLE CONDITION.
9. THE PROPERTY IS IN BAD CONDITION. A LOT OF HEALTH AND SAFETY ISSUES.

SEE PHOTOS ATTACHED

PURPOSE COMPLAINT INVESTIGATION	
REQUESTED BY: OFFICE	DATE: 11-17-22
PROJECT (SITUS/ADDRESS) 2549 DOGWOOD RD.	ASSESSORS PARCEL NO. 044-200-063
LOCATION IMPERIAL CA	CONTACT (if any)
NAME JUN ZHANG	PROJECT TYPE
PHONE NO.	STAFF NAME JUAN PEDROZA
	DATE 11-17-22



044-200-063 JP WOODEN STRUCTURE ANIMAL PEN



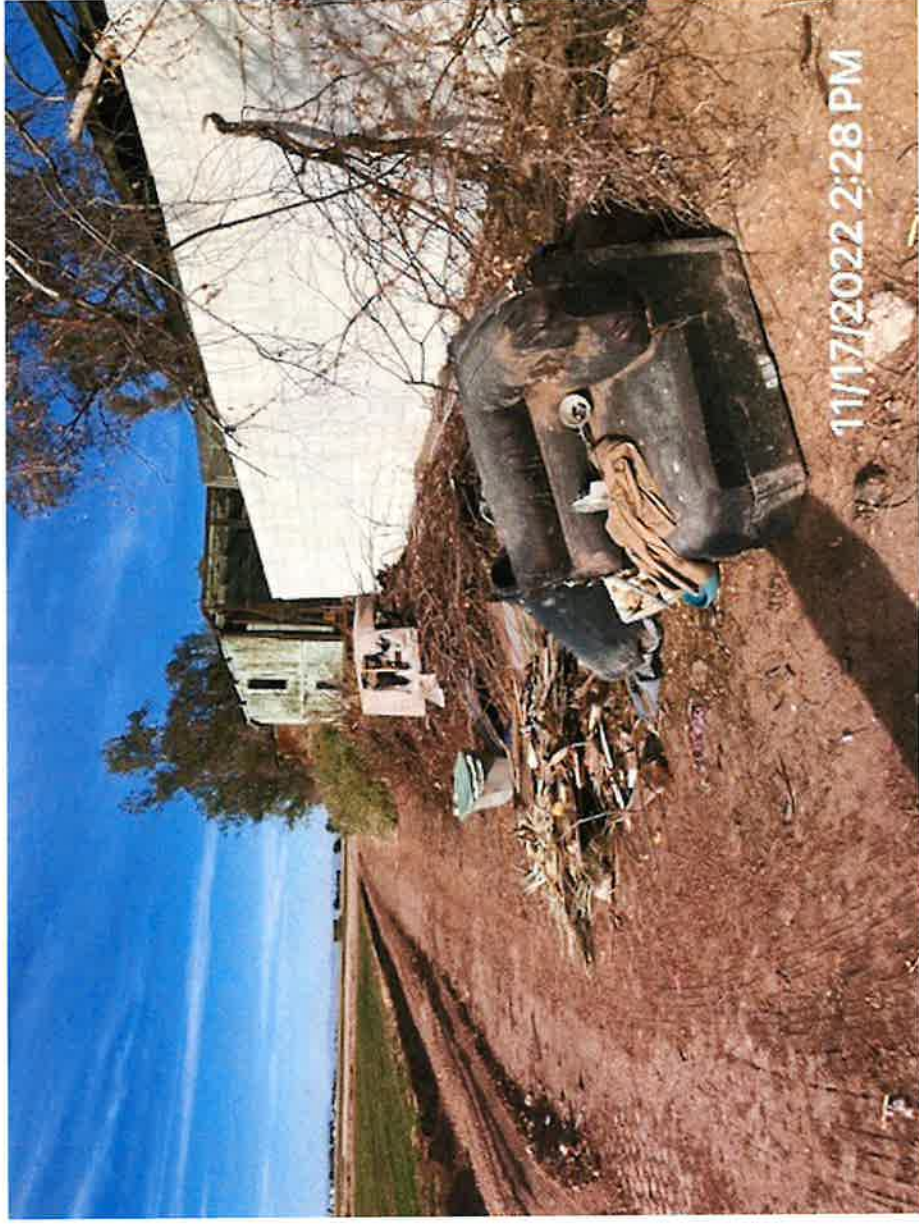
044-200-063 JP WOODEN PALLETS



044-200-063 JP TRASH



044-200-063 JP TRASH UNDER CARPORT



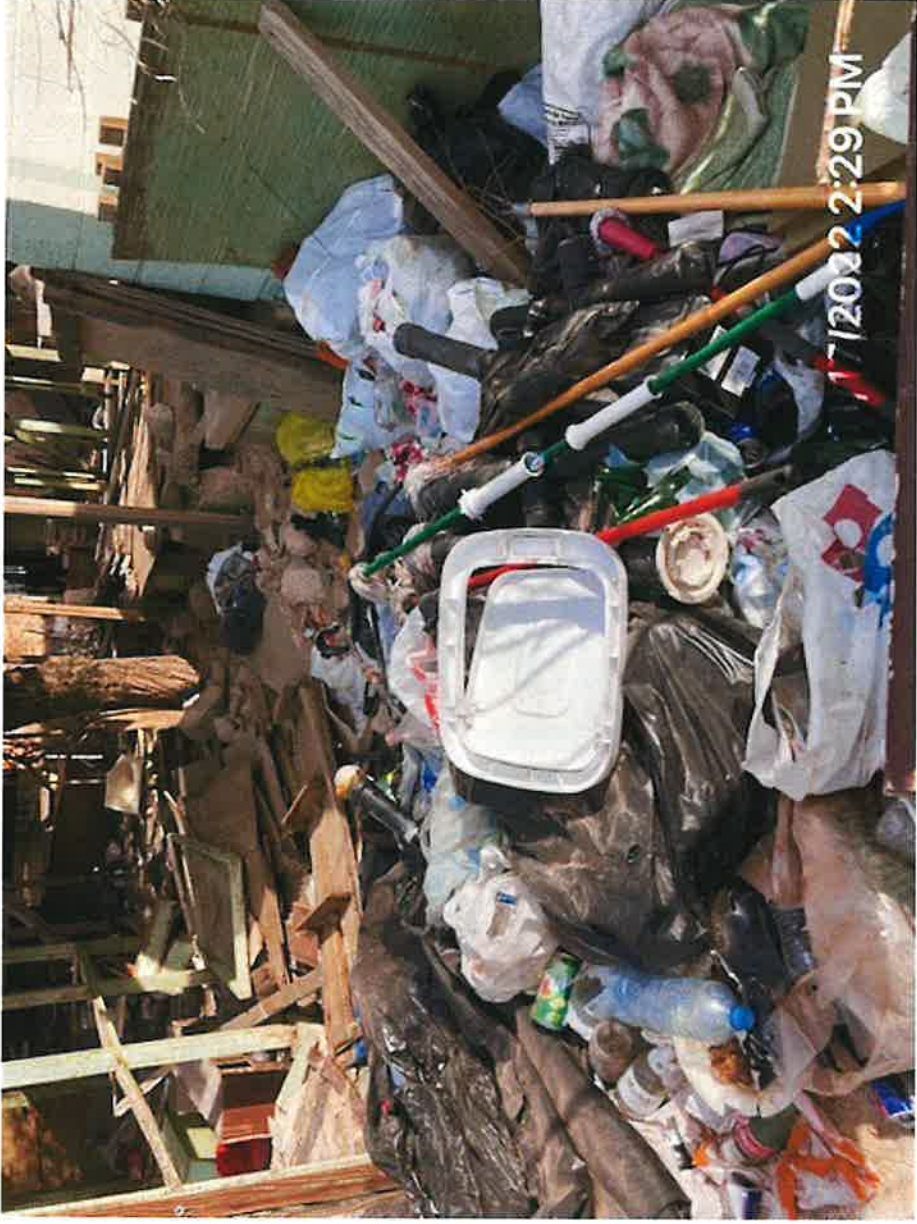
044-200-063 JP TRASH OUTSIDE REAR PROPERTY



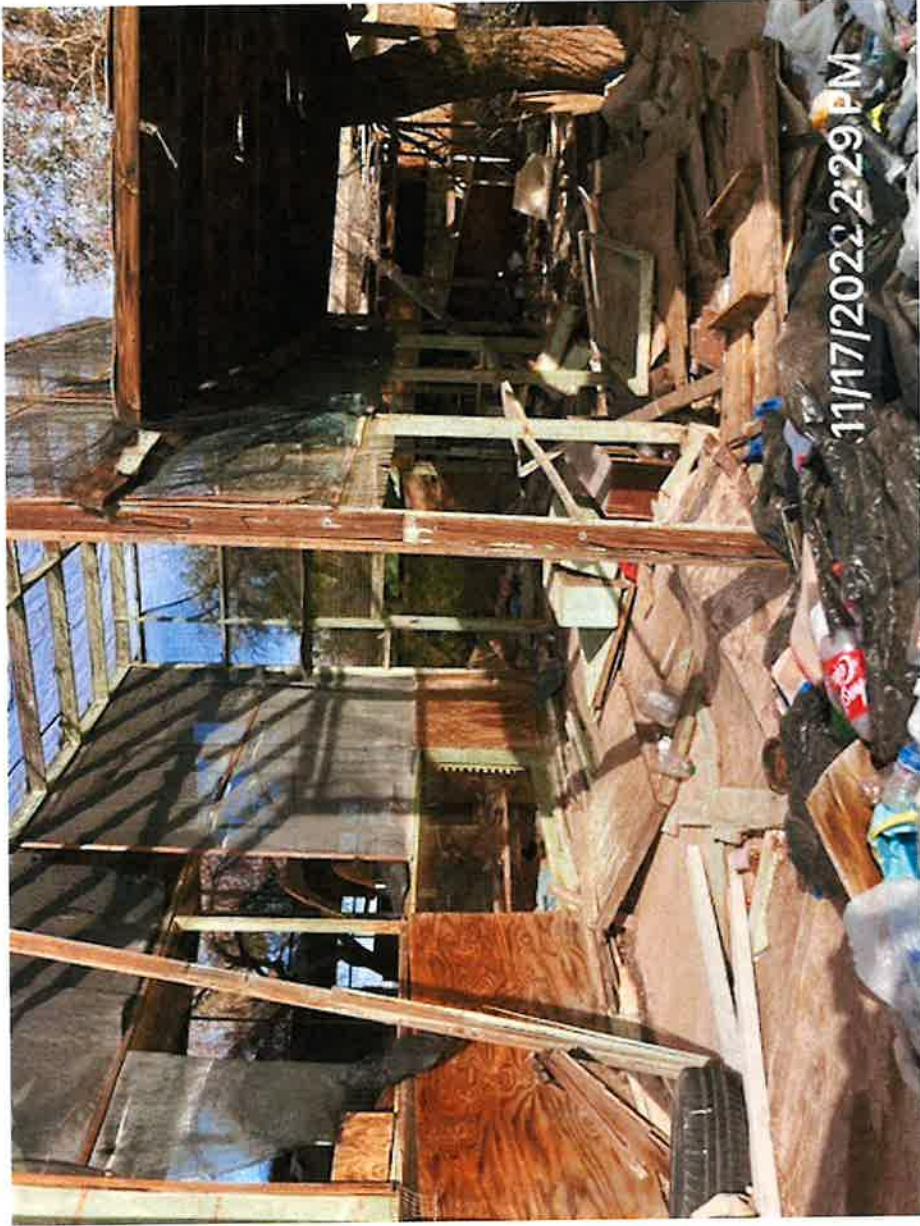
044-200-063 JP TRASH OUTSIDE PROPERTY



044-200-063 JP TRASH INSIDE REAR PROPERTY



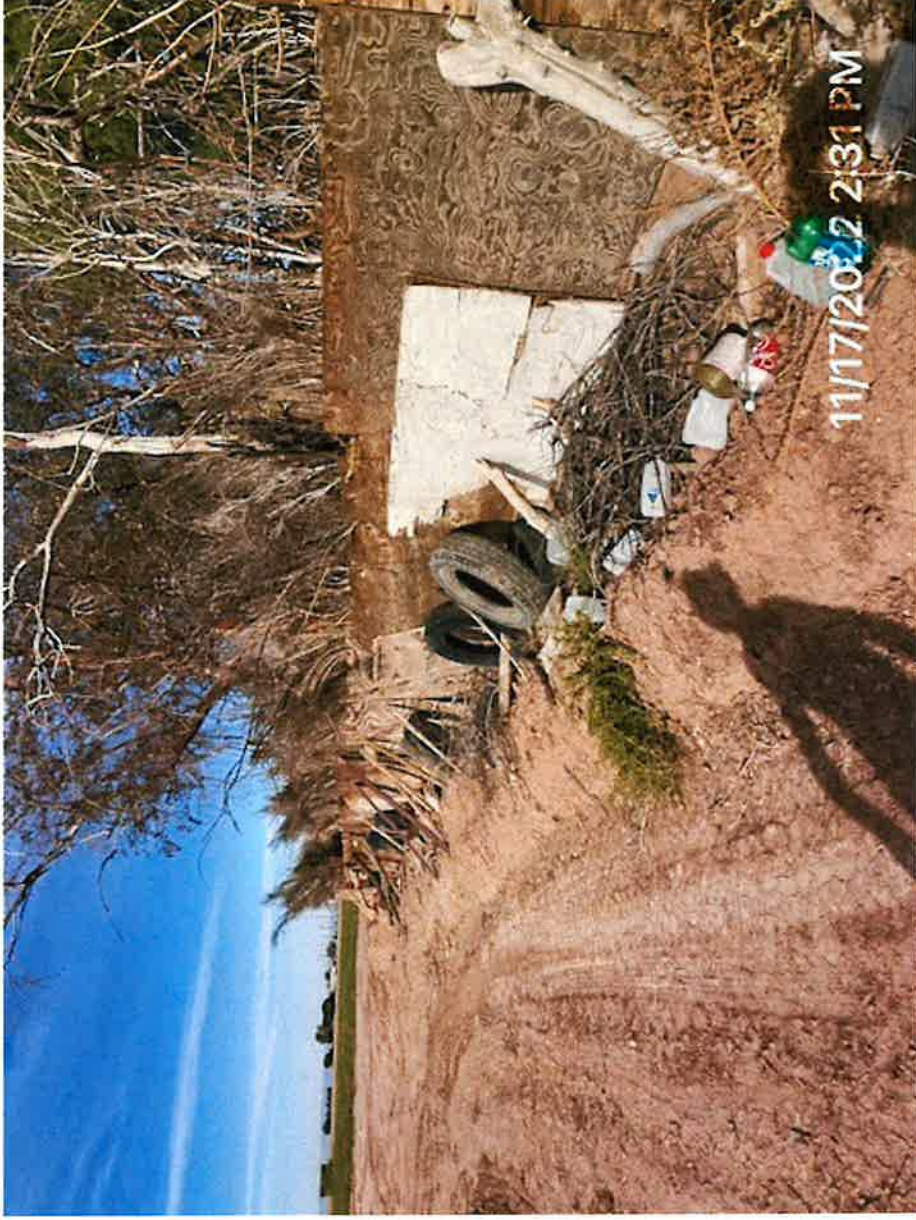
044-200-063 JP TRASH INSIDE REAR PROPERTY (3)



044-200-063 JP TRASH INSIDE REAR PROPERTY (2)



044-200-063 JP TRASH AND MISC ITEMS



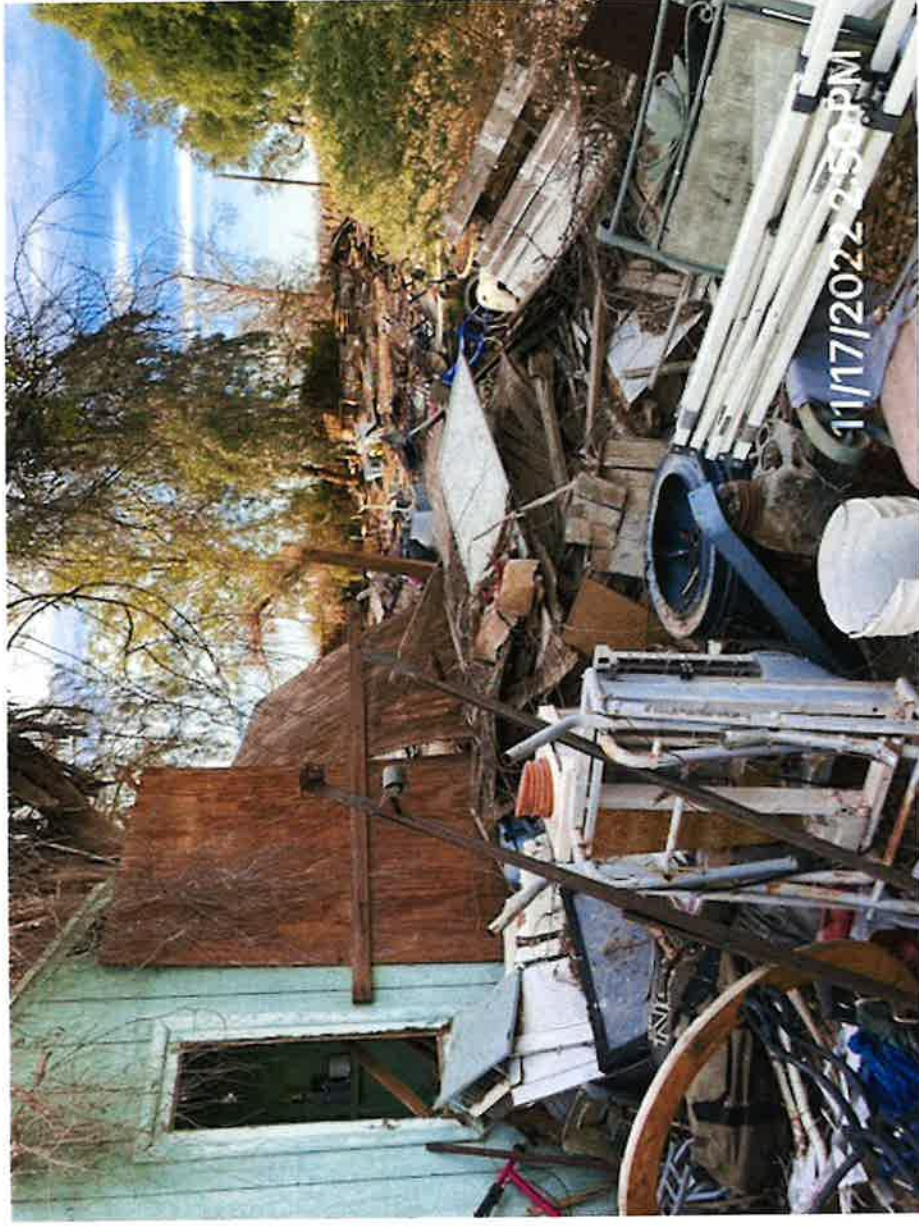
044-200-063 JP TRASH AND DEAD VEGETATION AT REAR OF PROPERTY



044-200-063 JP TRASH



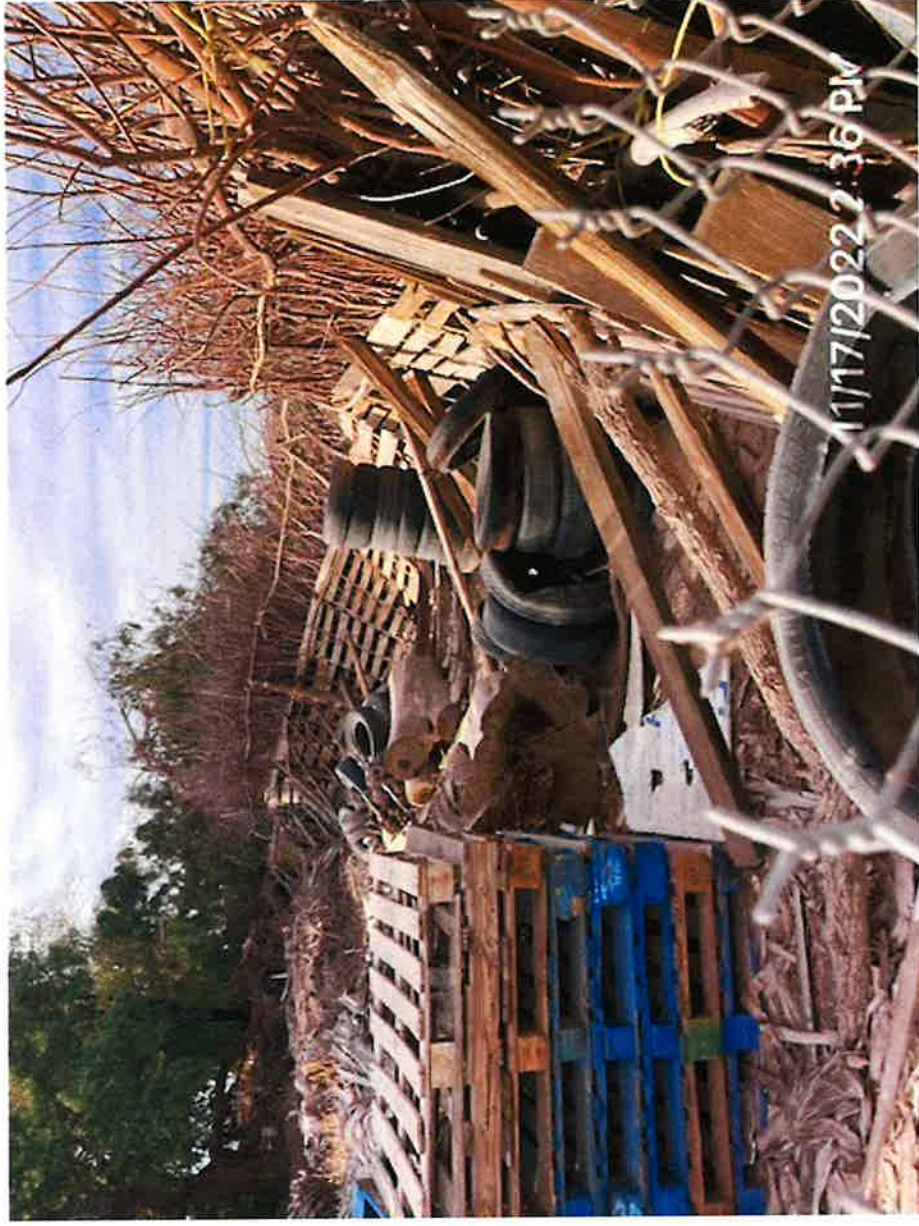
044-200-063 JP TRASH (4)



044-200-063 JP TRASH (2)



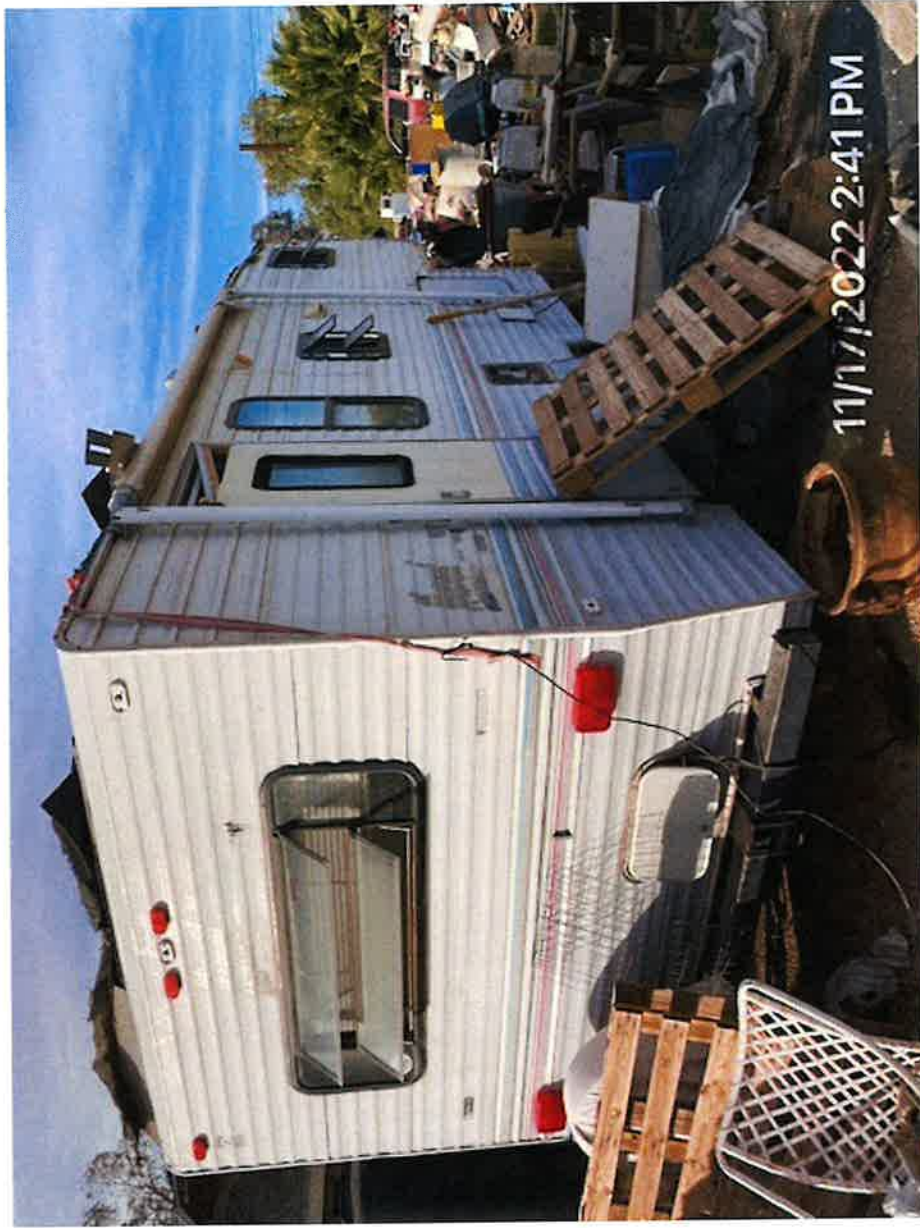
044-200-063 JP TIRES AND MISC ITEMS



044-200-063 JP TIRES AND DEAD VEGETATION



044-200-063 JP RV ONSITE NO UTILITIES



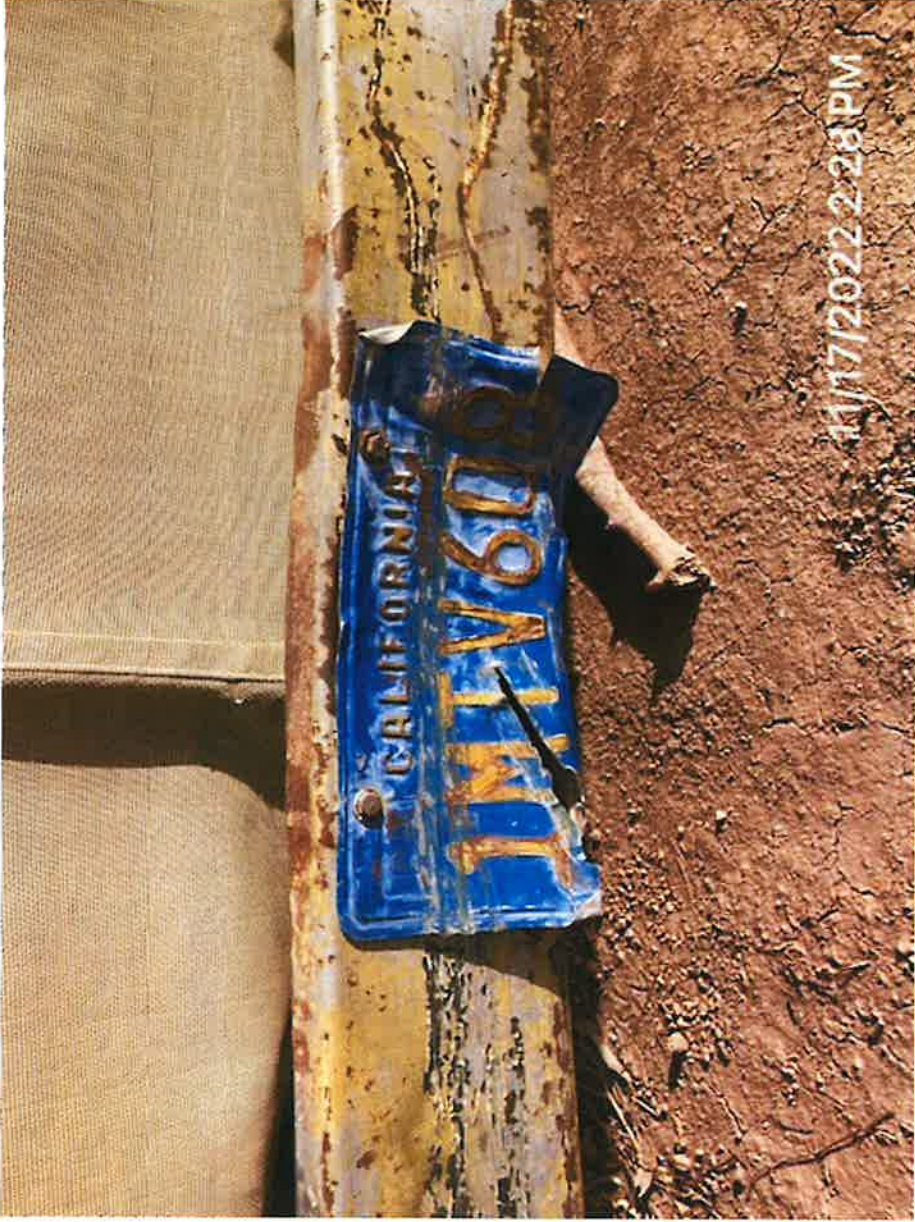
044-200-063 JP RV IN FRONT OF MAIN DWELLING



044-200-063 JP ROTTEN FOOD



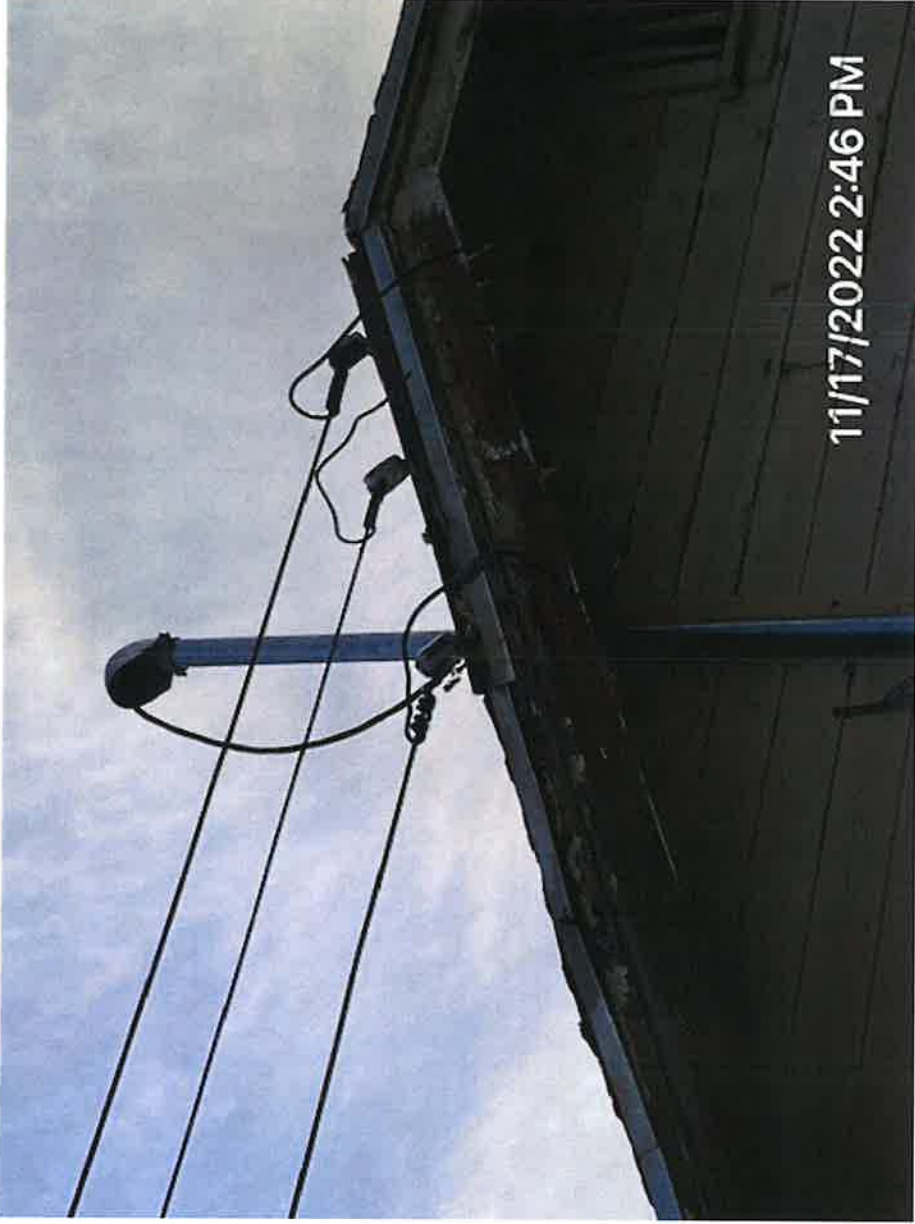
044-200-063 JP ROTTEN FOOD (2)



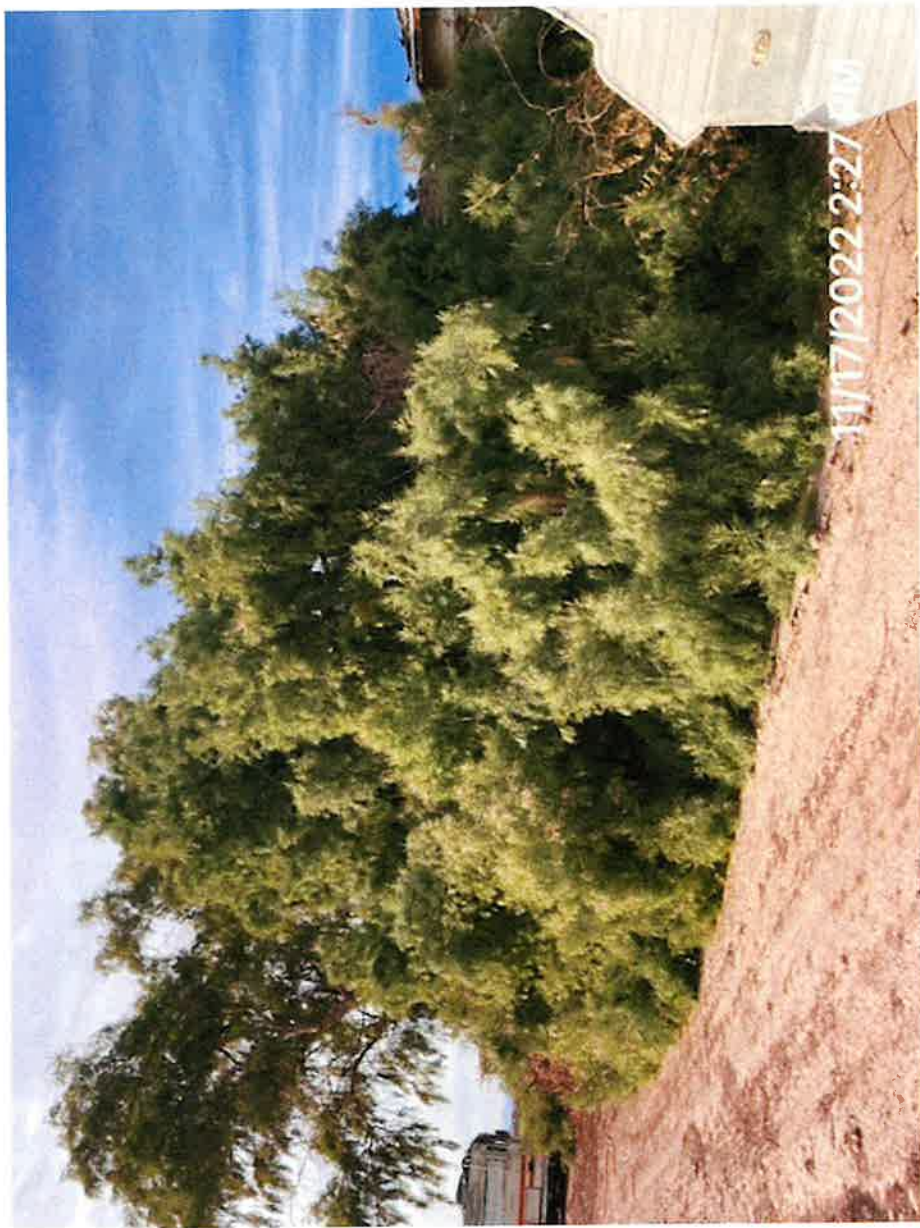
044-200-063 JP PLATES TO SECOND RV OUTSIDE PROPERTY



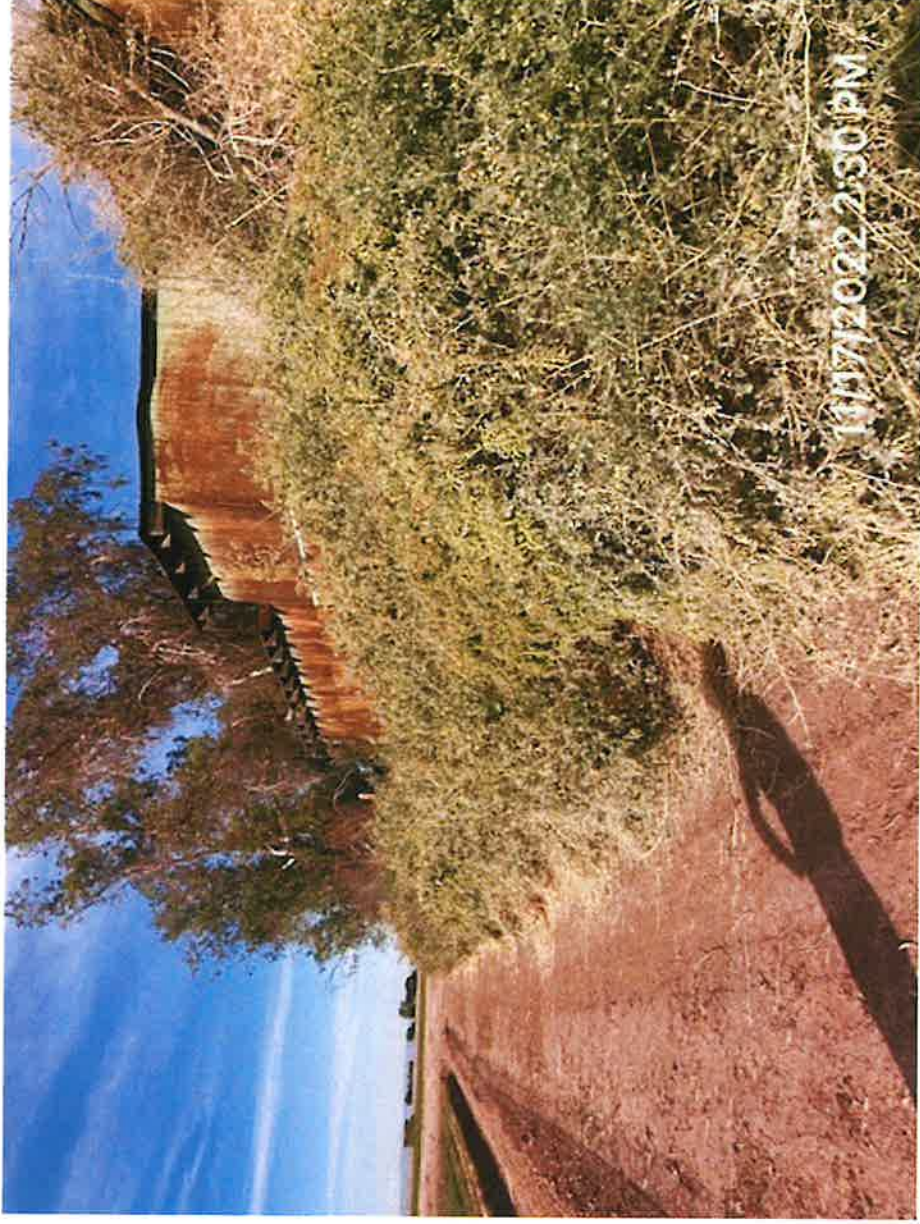
044-200-063 JP PALLETS AND DEAD VEGETATION



044-200-063 JP OVERHEAD SERVICE CONDUCTORS NOT HOOKED UP



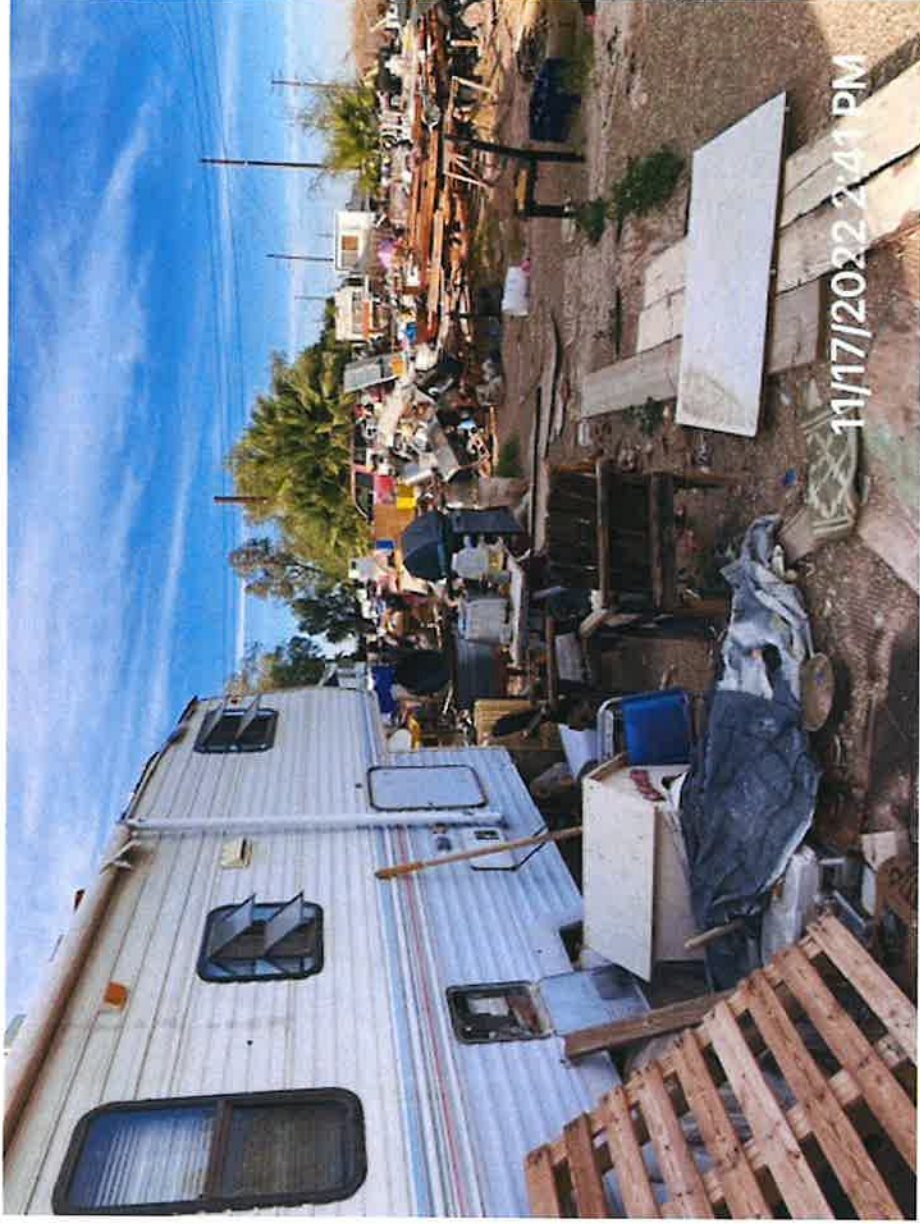
044-200-063 JP OVERGROWN VEGETATION



044-200-063 JP OVERGROWN VEGETATION AT REAR OF PROPERTY



044-200-063 JP OVERGROWN VEGETATION (2)



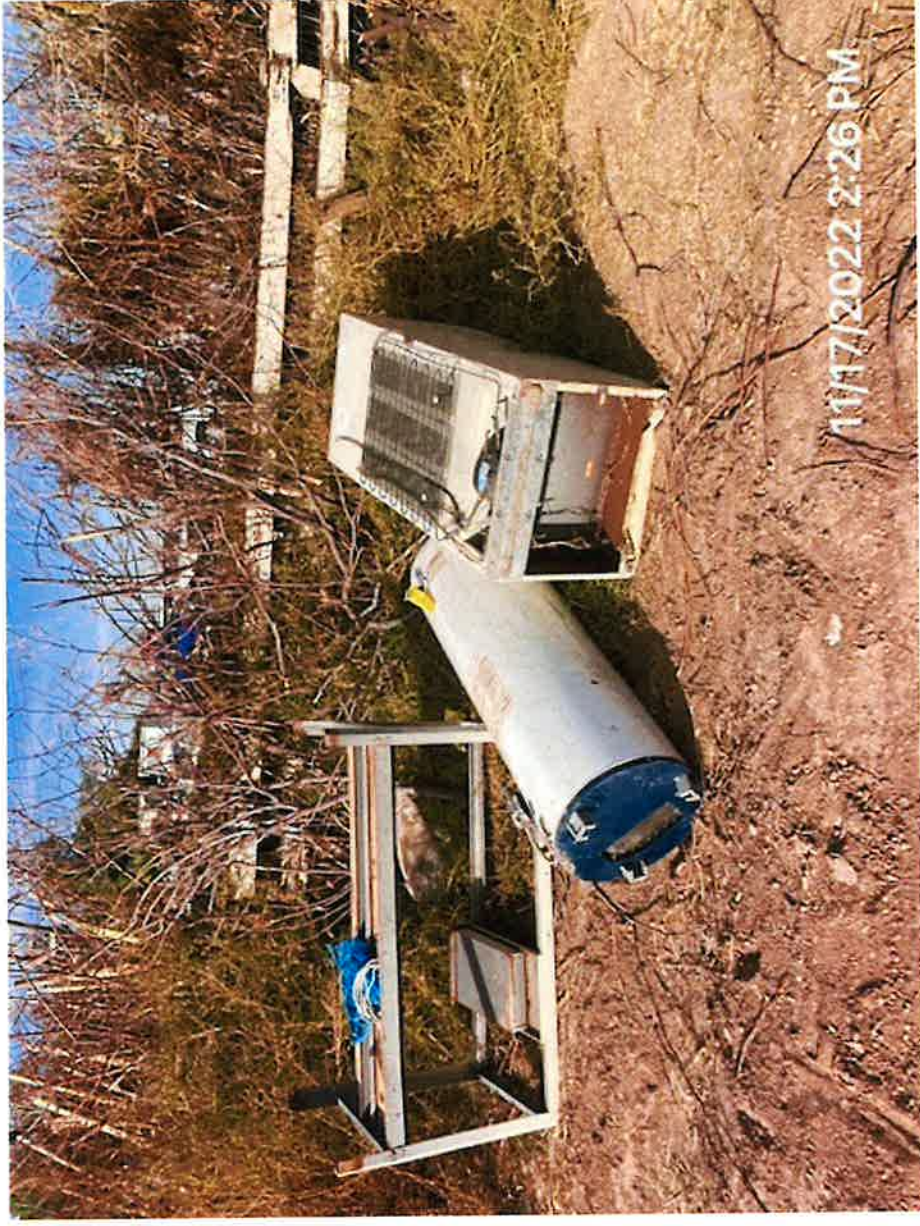
044-200-063 JP NO UTILITIES TO RV



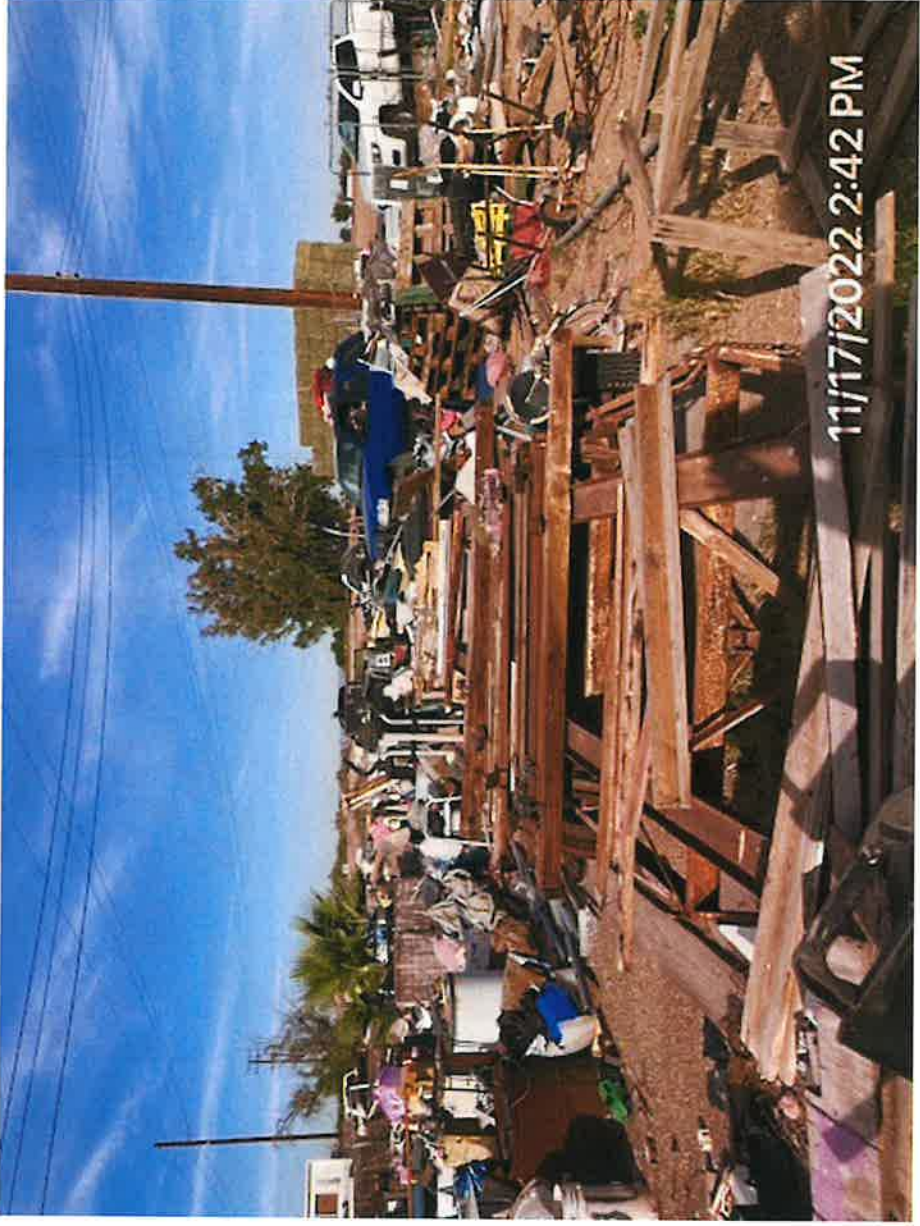
044-200-063 JP NO POWER TO METER



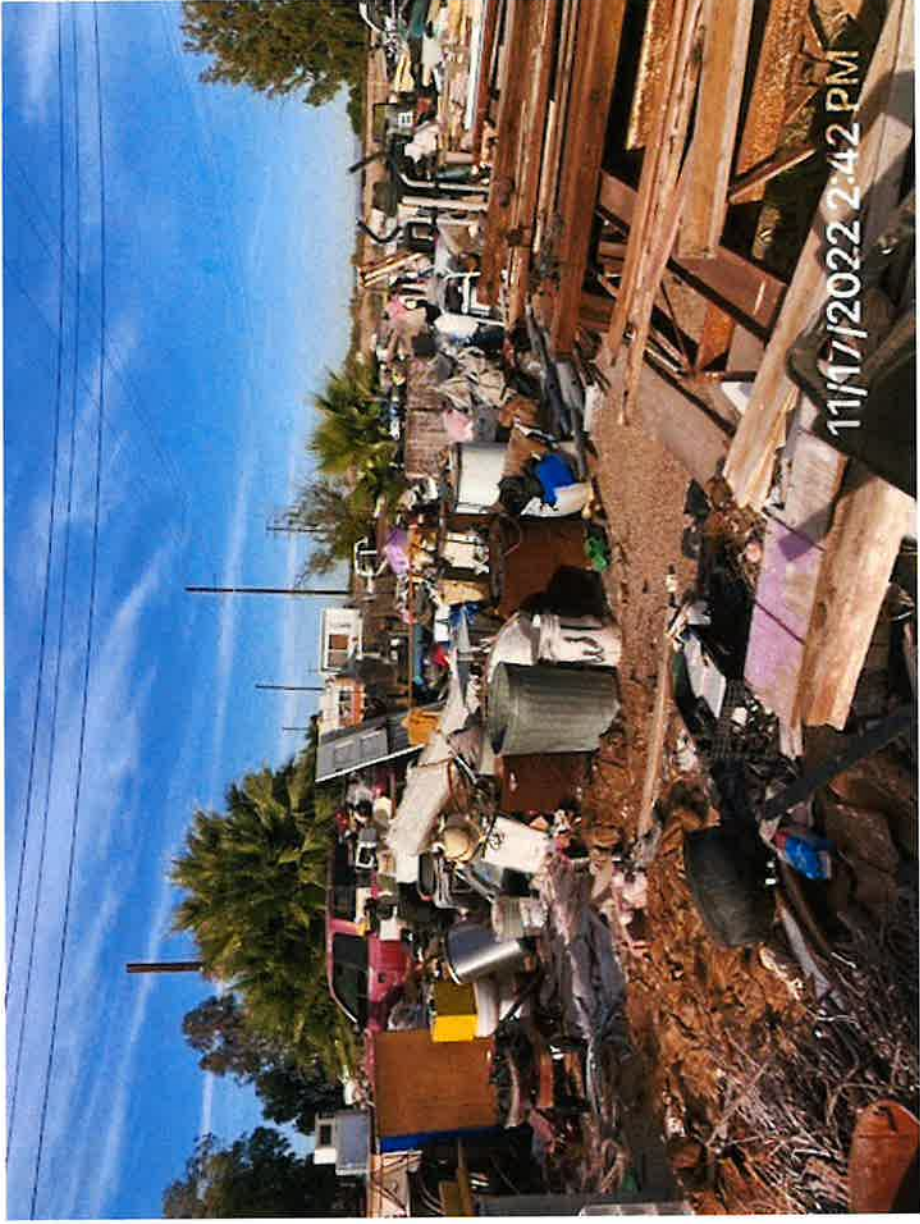
044-200-063 JP MISC ITEMS



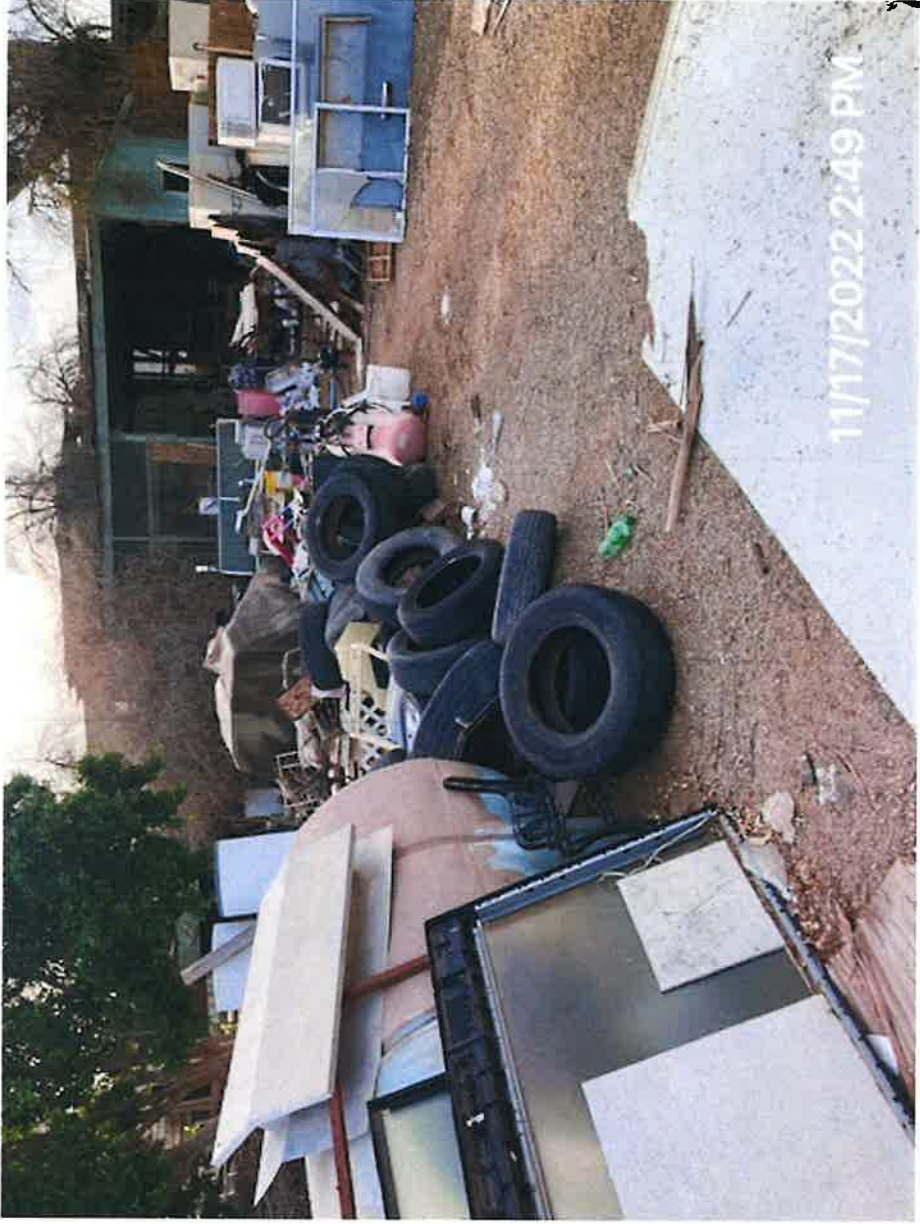
044-200-063 JP MISC ITEMS OUTSIDE PROPERTY



044-200-063 JP MISC ITEMS IN FRONT OF PROPERTY



044-200-063 JP MISC ITEMS IN FRONT OF PROPERTY (2)



044-200-063 JP MISC ITEMS AND TIRES



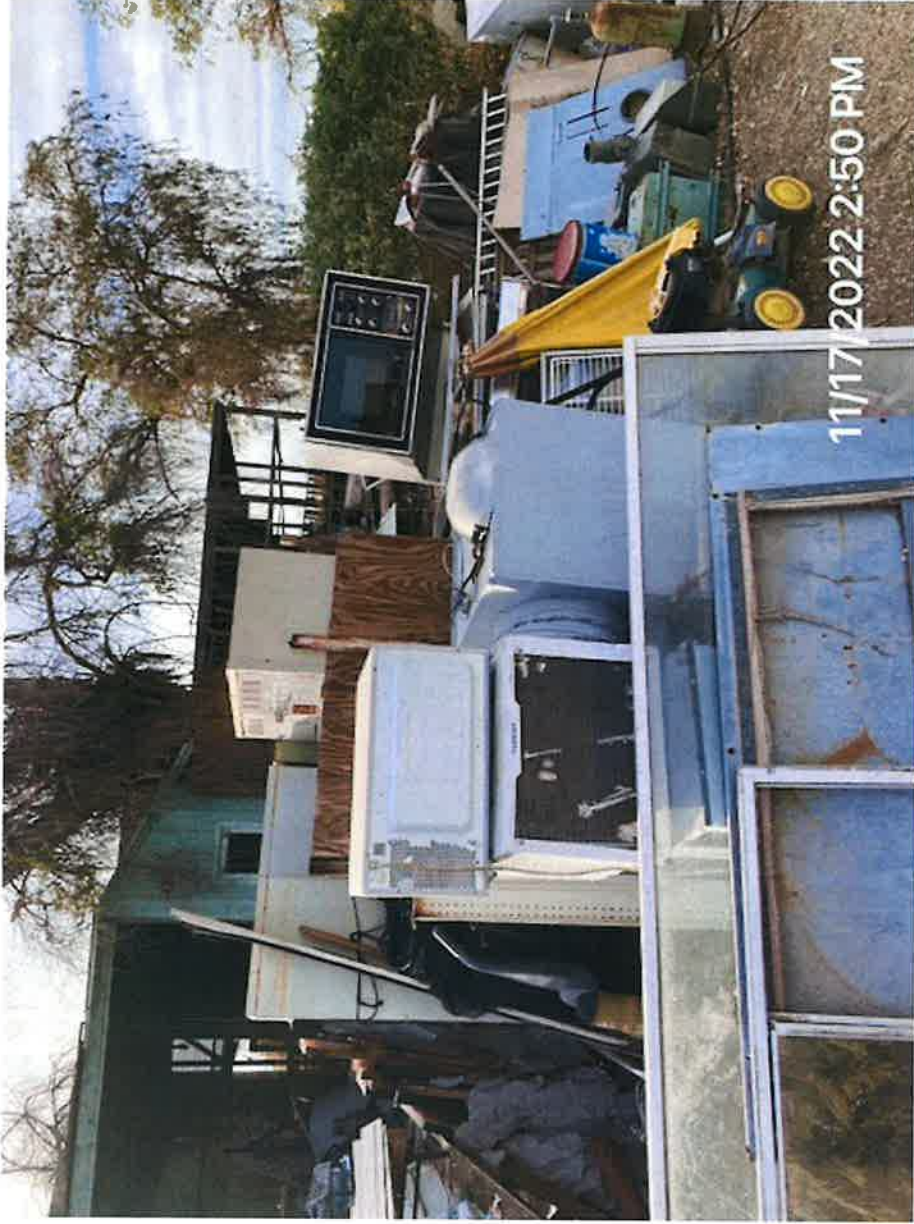
044-200-063 JP MISC ITEMS



044-200-063 JP MISC ITEMS (7)



044-200-063 JP MISC ITEMS (6)



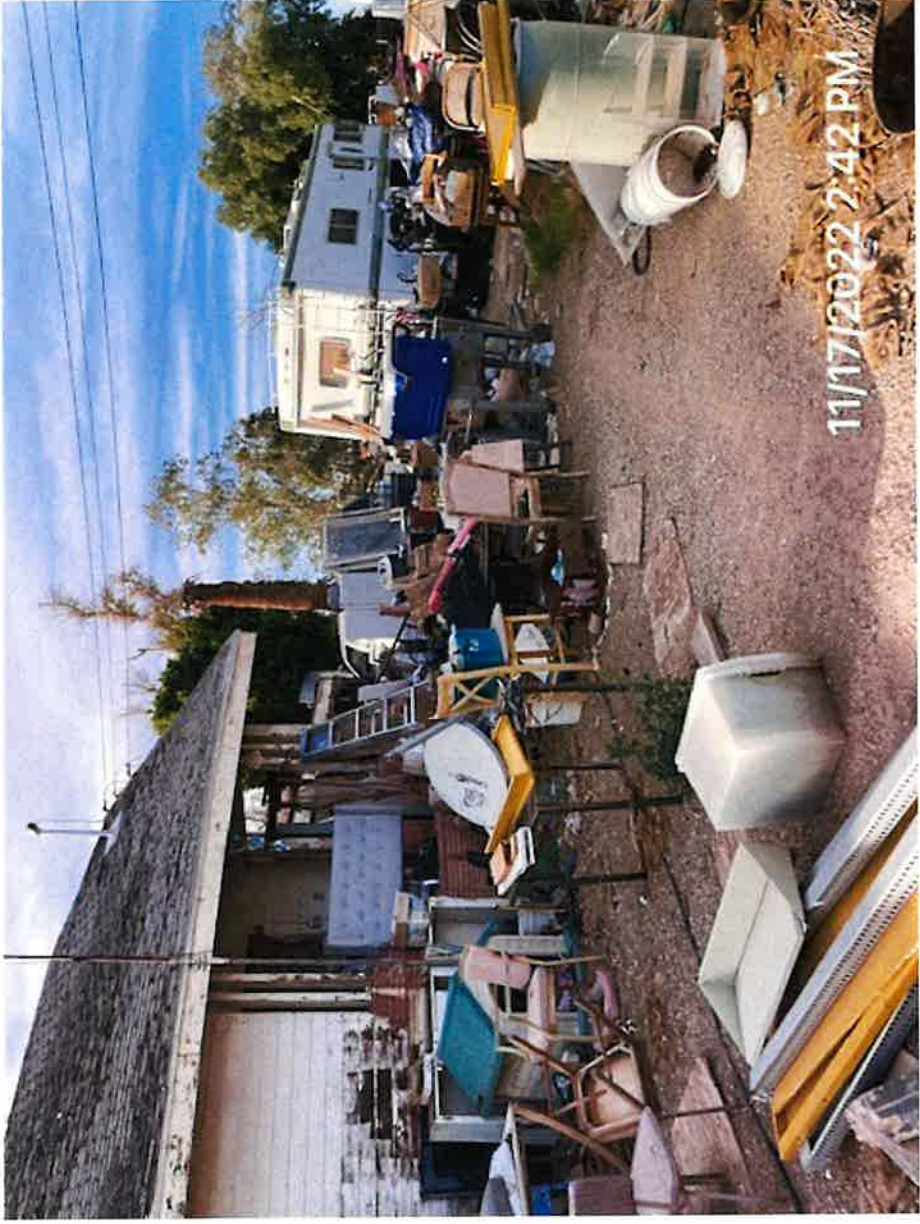
044-200-063 JP MISC ITEMS (5)



044-200-063 JP MISC ITEMS (4)



044-200-063 JP MISC ITEMS (3)



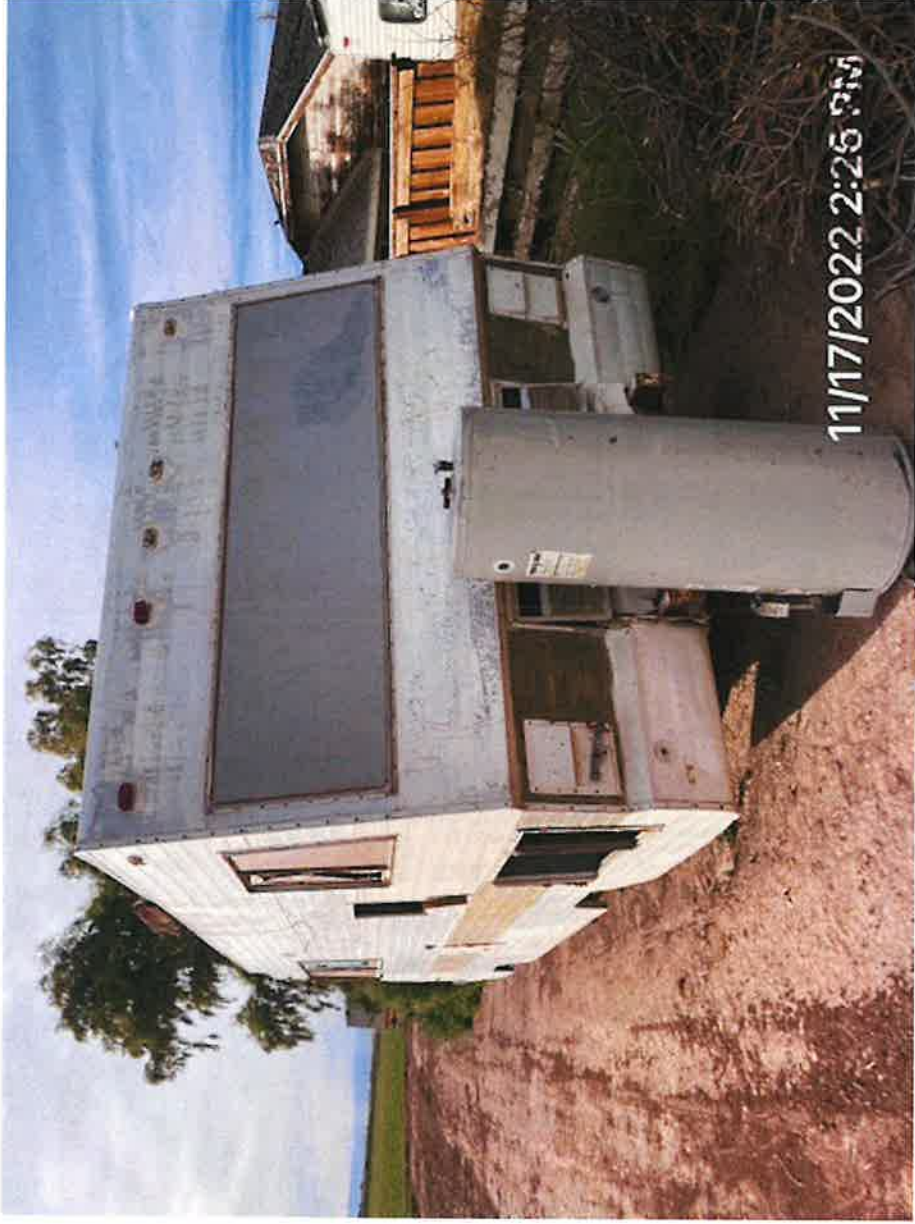
044-200-063 JP MISC ITEMS (2)



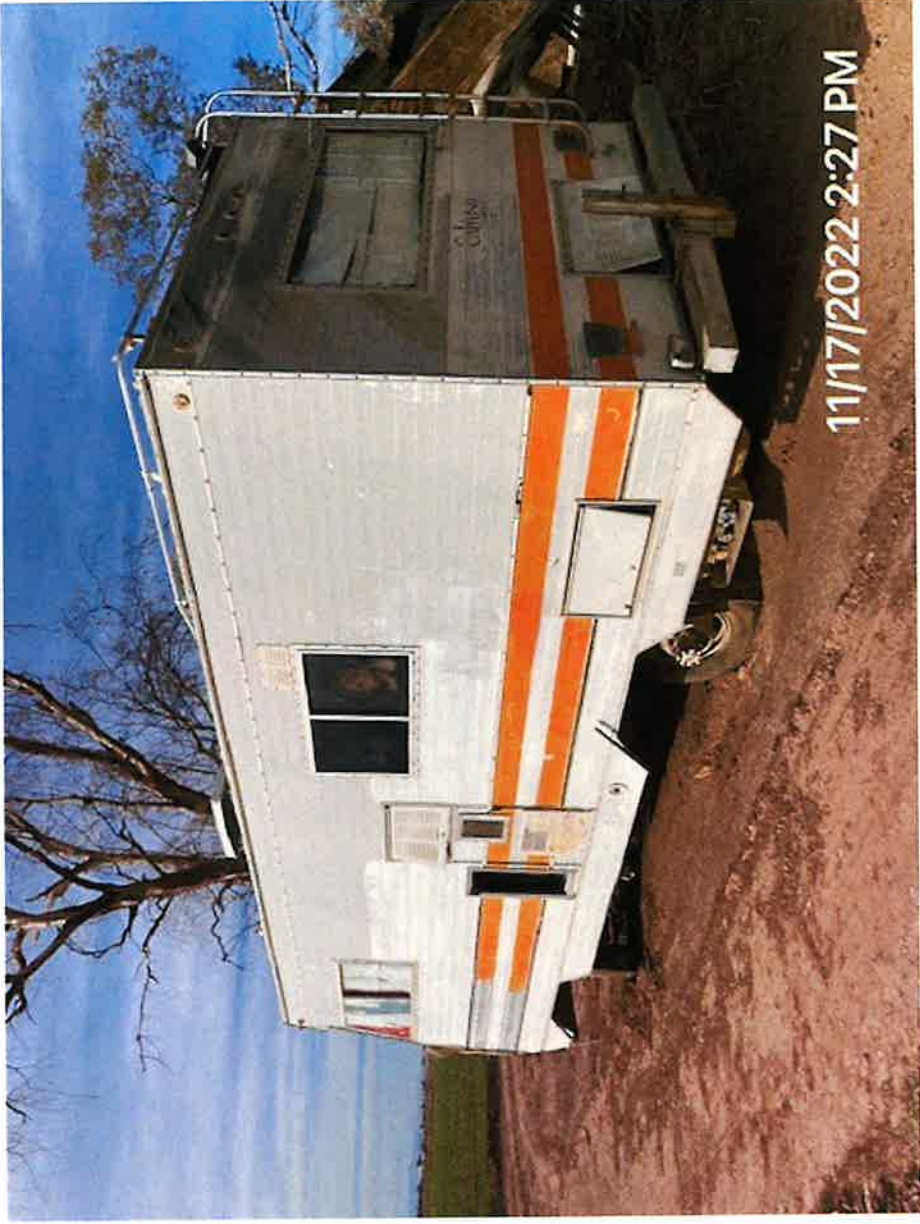
044-200-063 JP LARGE TREE BRANCH ON GROUND



044-200-063 JP JUNK



044-200-063 JP INOPERABLE VEHICLE OUTSIDE PROPERTY



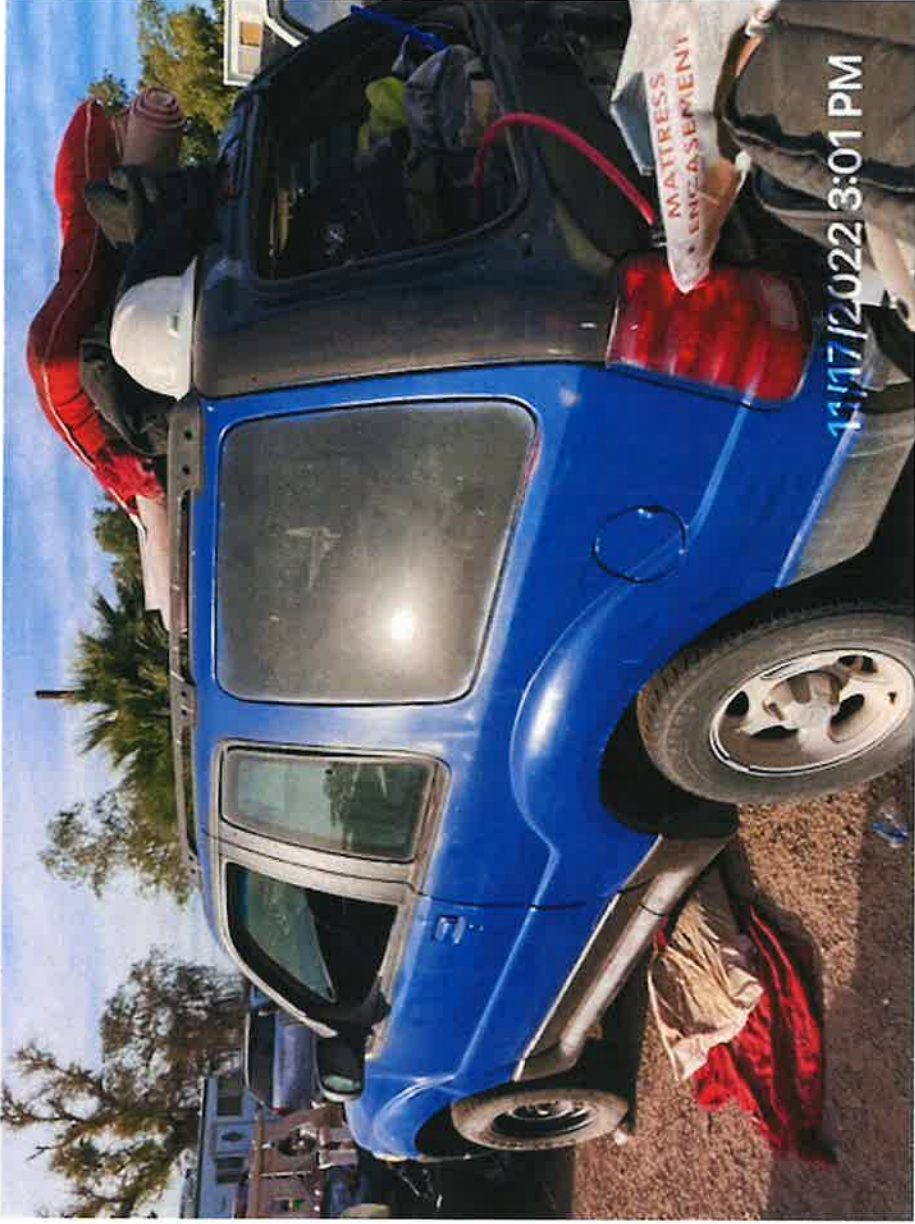
044-200-063 JP INOPERABLE VEHICLE OUTSIDE PROPERTY (2)



044-200-063 JP INOPERABLE VEHICLE



044-200-063 JP INOPERABLE VEHICLE (3)



044-200-063 JP INOPERABLE VEHICLE (2)



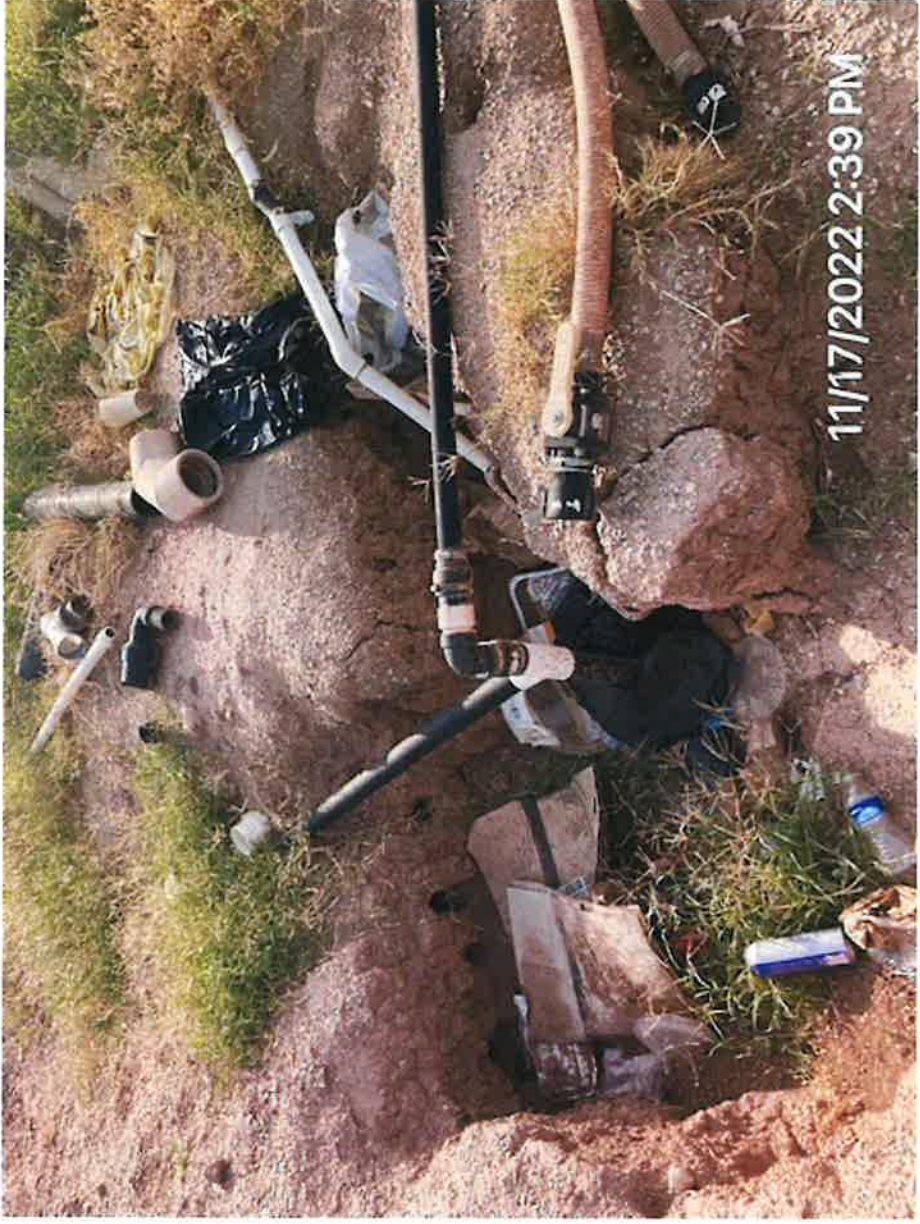
044-200-063 JP INOPERABLE RV



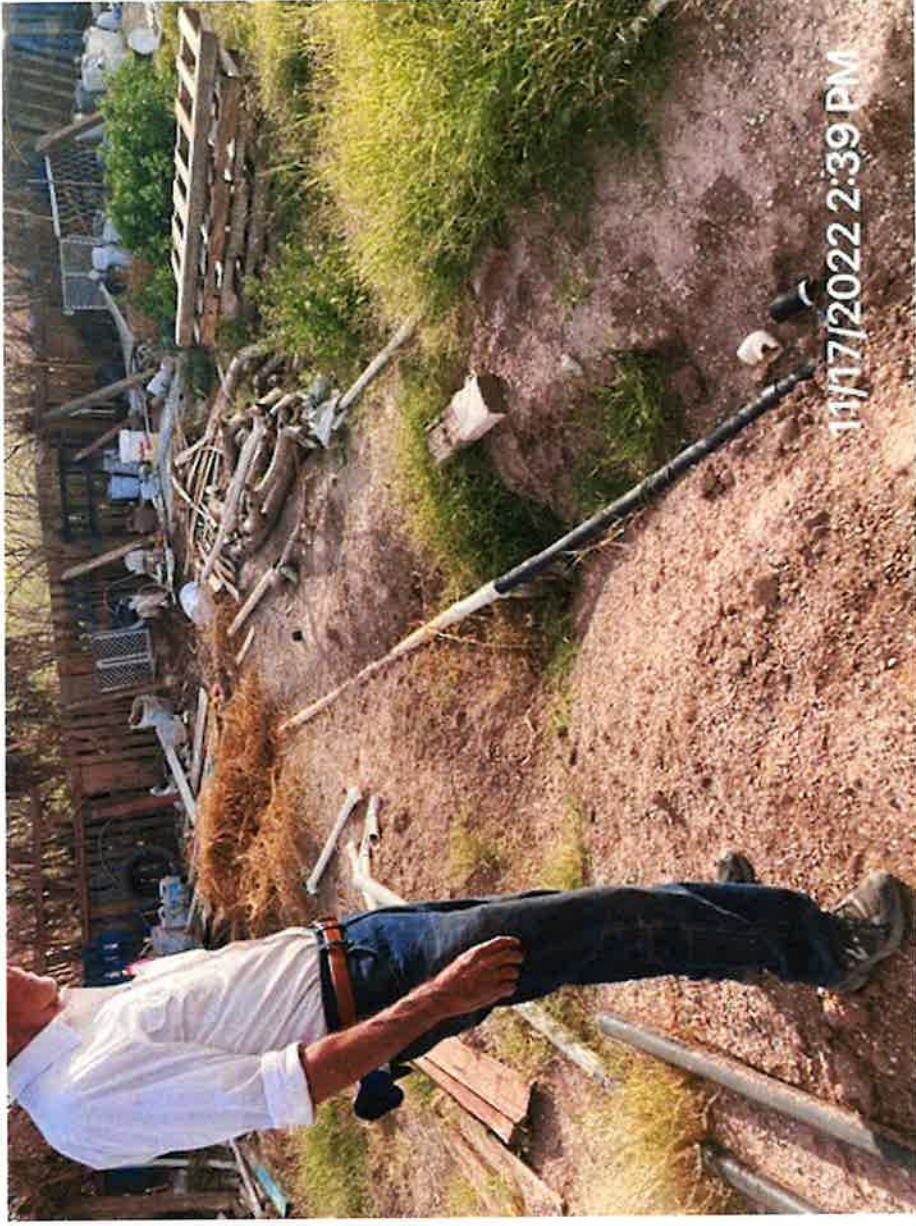
044-200-063 JP INOPERABLE RV AT NORTHWEST CORNER OF PROPERTY



044-200-063 JP FRONT VIEW OF PROPERTY



044-200-063 JP EXPOSED PLUMBING



044-200-063 JP EXPOSED PLUMBING (2)



044-200-063 JP EXPIRED TAGS TO RV



044-200-063 JP EXPIRED TAGS TO OUTSIDE RV



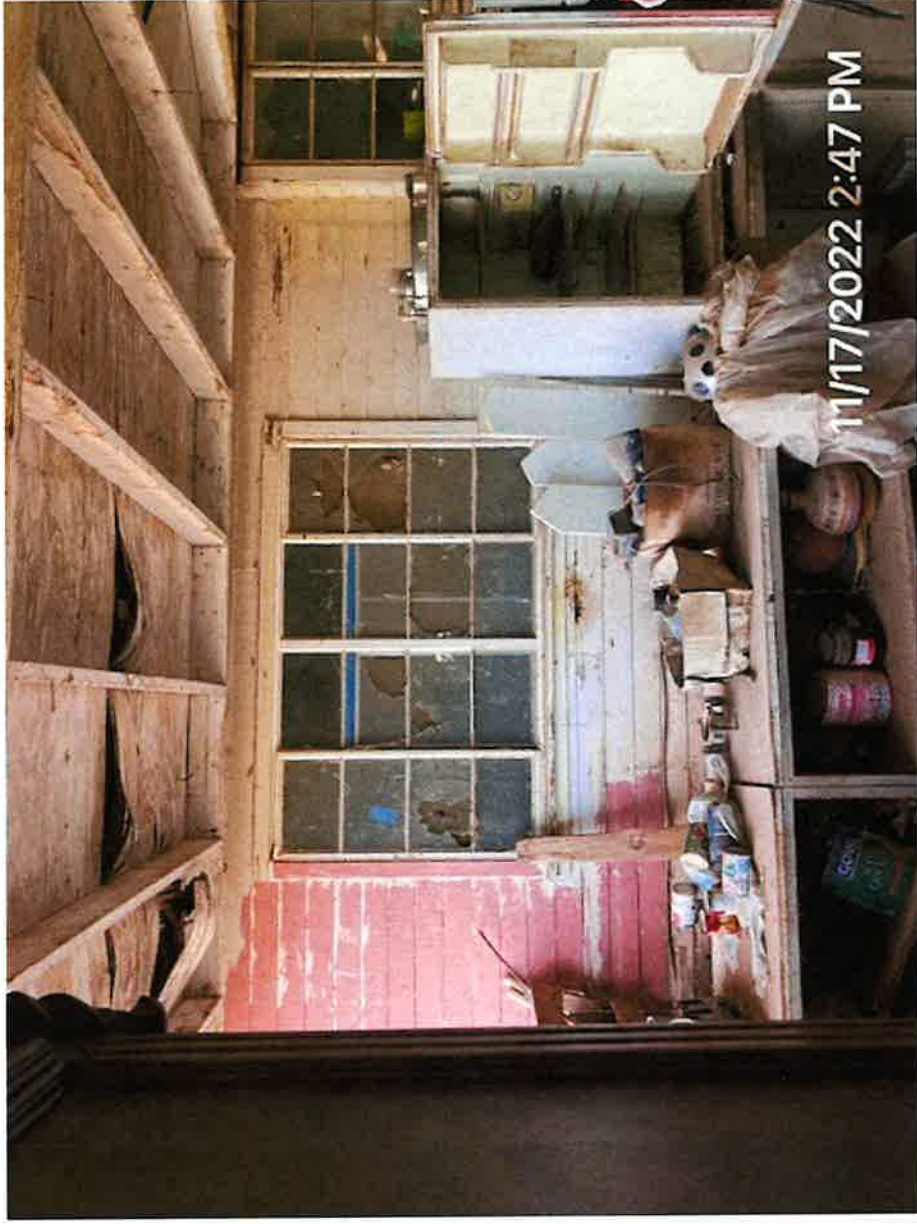
044-200-063 JP EXPIRED TAGS TO EXPEDITION



044-200-063 JP DILAPIDATED WOODEN STRUCTURE

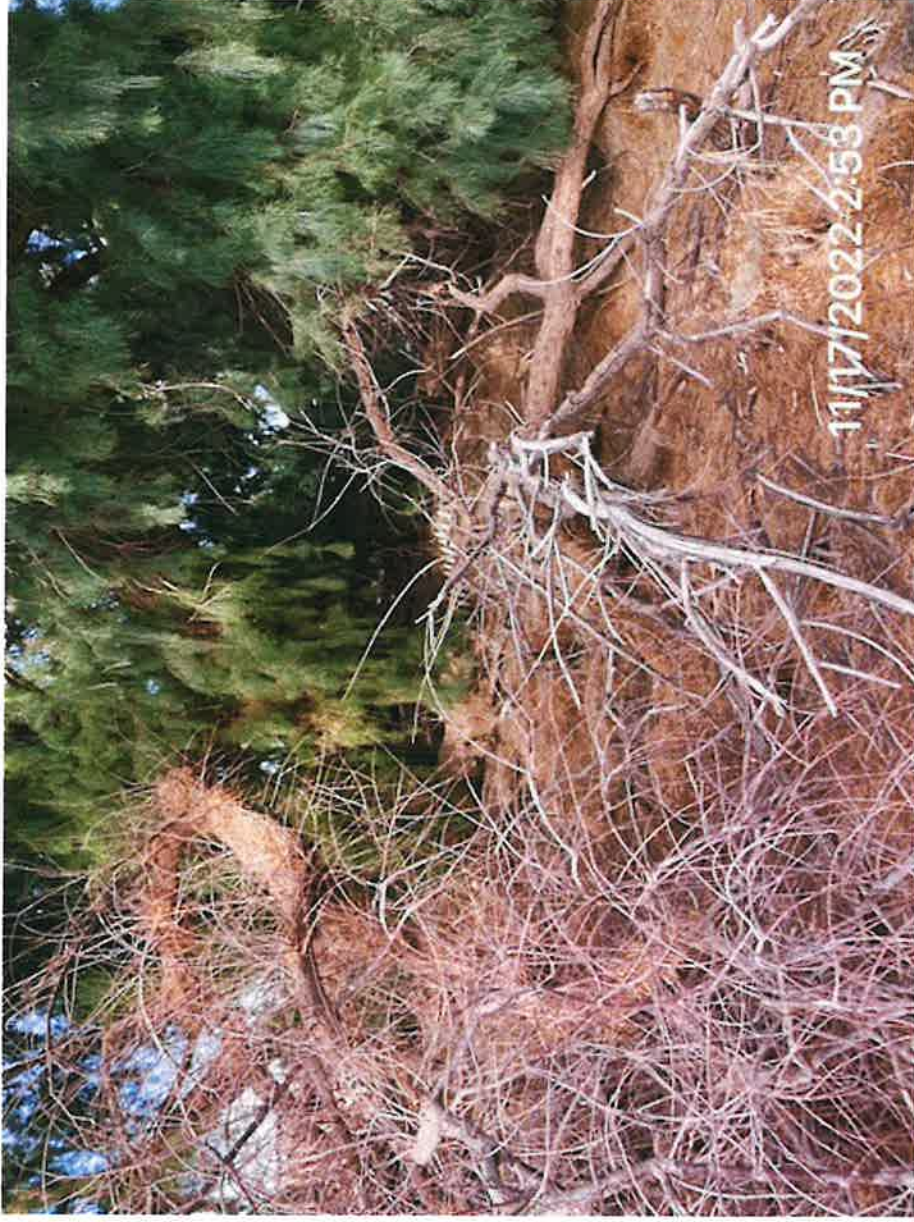


044-200-063 JP DILAPIDATED CARPORT



11/17/2022 2:47 PM

044-200-063 JP DILAPIDATED CARPORT (2)



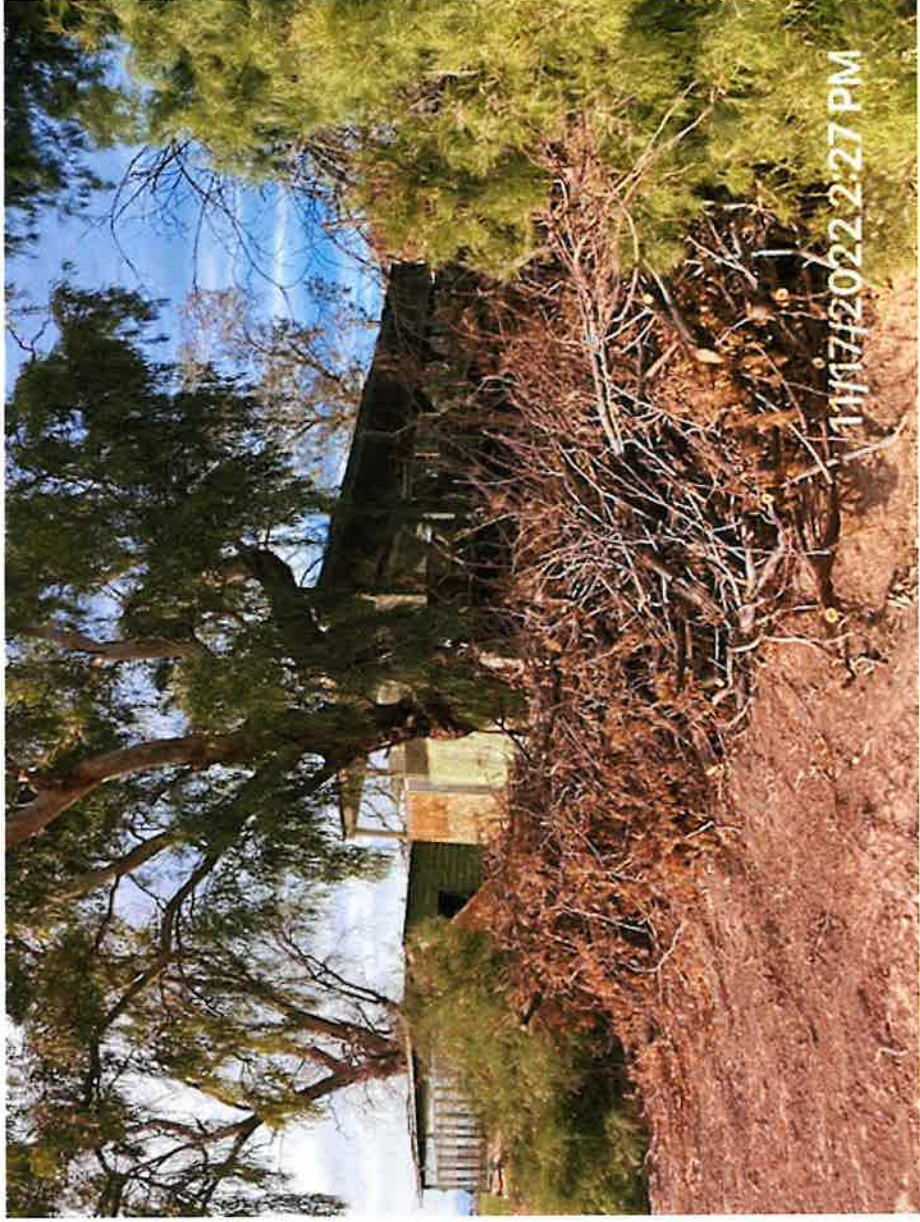
044-200-063 JP DEAD VEGETATION



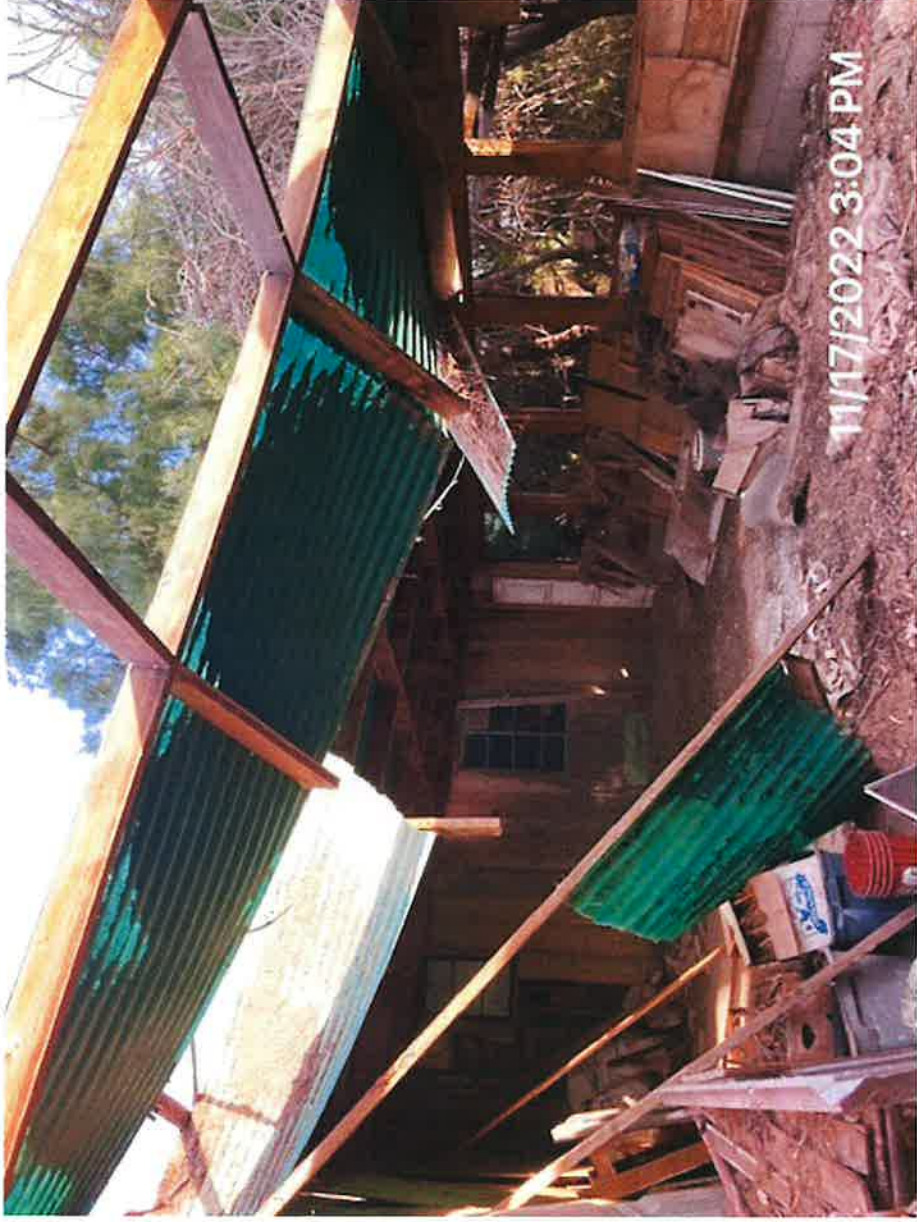
044-200-063 JP DEAD VEGETATION AND TRASH



044-200-063 JP DEAD VEGETATION



044-200-063 JP DEAD VEGETATION (2)



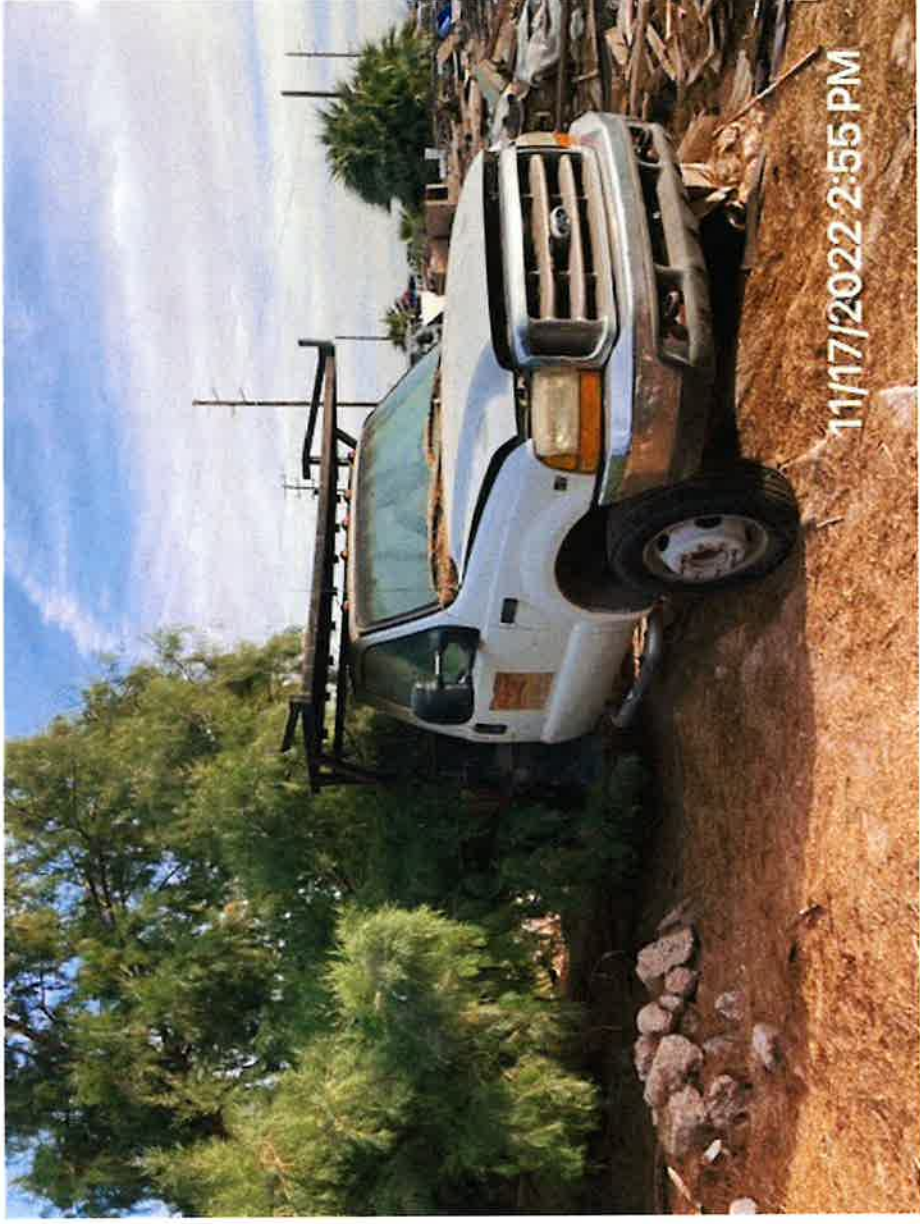
044-200-063 JP COLLAPSED ROOF



044-200-063 JP COLLAPSED ROOF



044-200 063 JP TAGS TO OLD RV



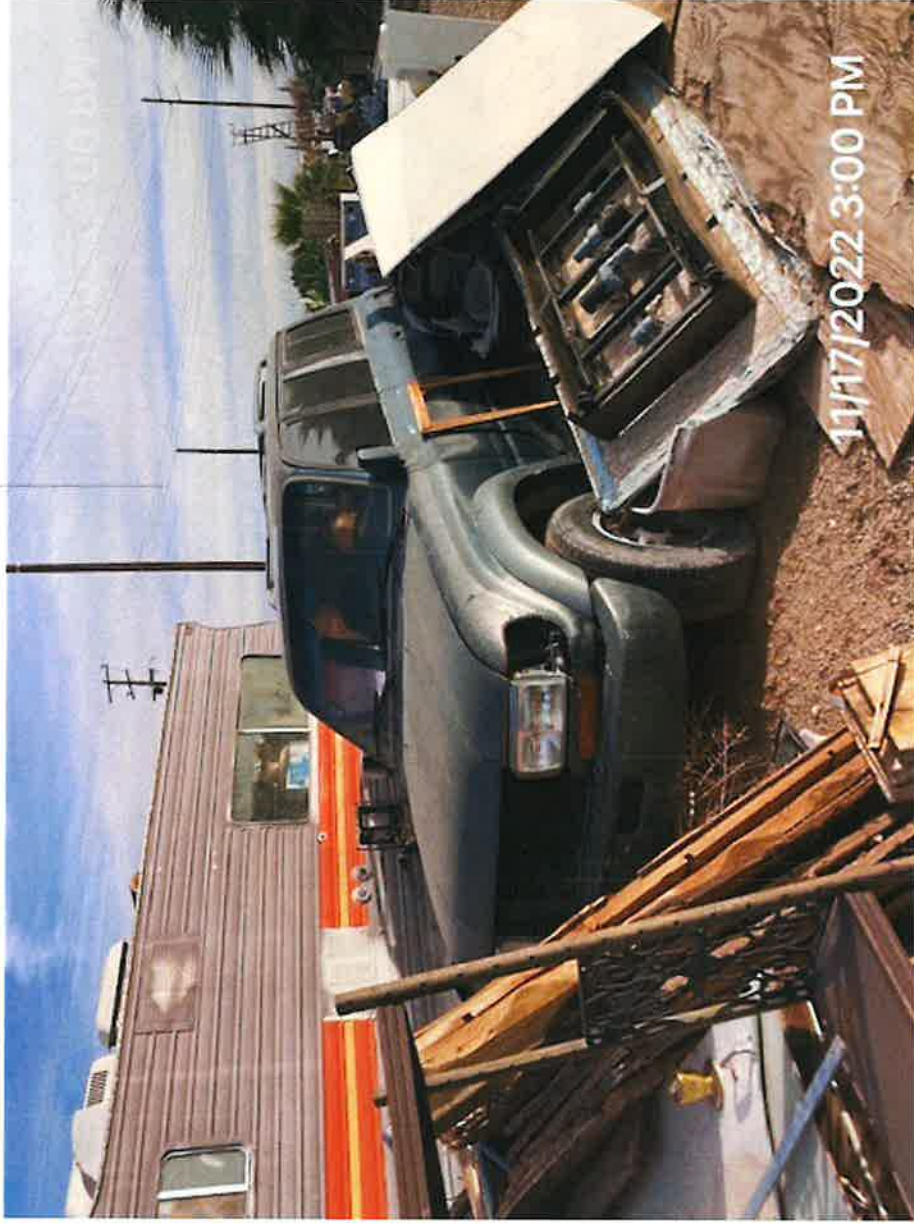
044-200 063 JP INOPERABLE VEHICLE



044-200 063 JP INOPERABLE VEHICLE (5)



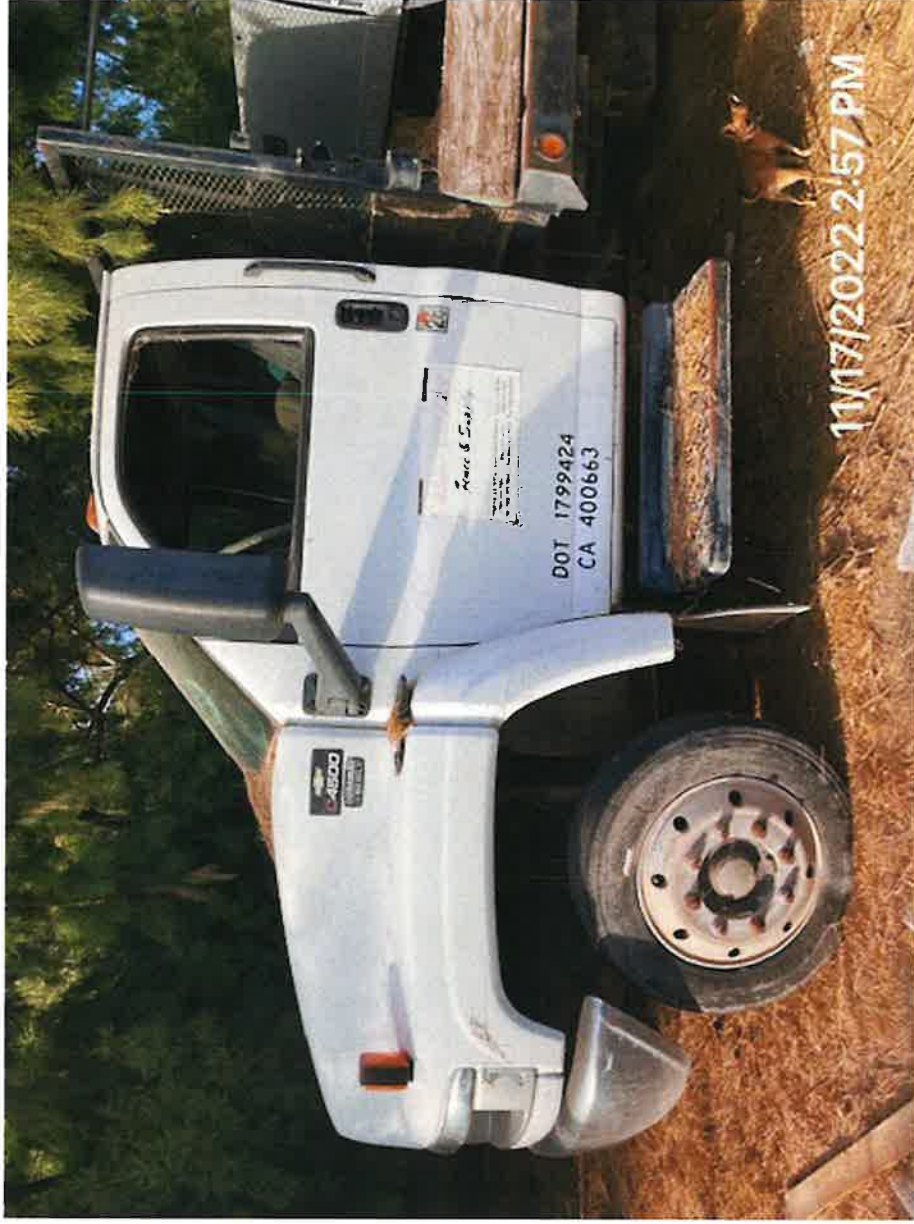
044-200 063 JP INOPERABLE VEHICLE (4)



044-200 063 JP INOPERABLE VEHICLE (3)



044-200 063 JP INOPERABLE VEHICLE (2)



044-200 063 JP INOPERABLE VEHICLE



044-200 063 JP EXPIRED TAGS TO UTILITY TRUCK



044-200 063 JP EXPIRED TAGS TO RV



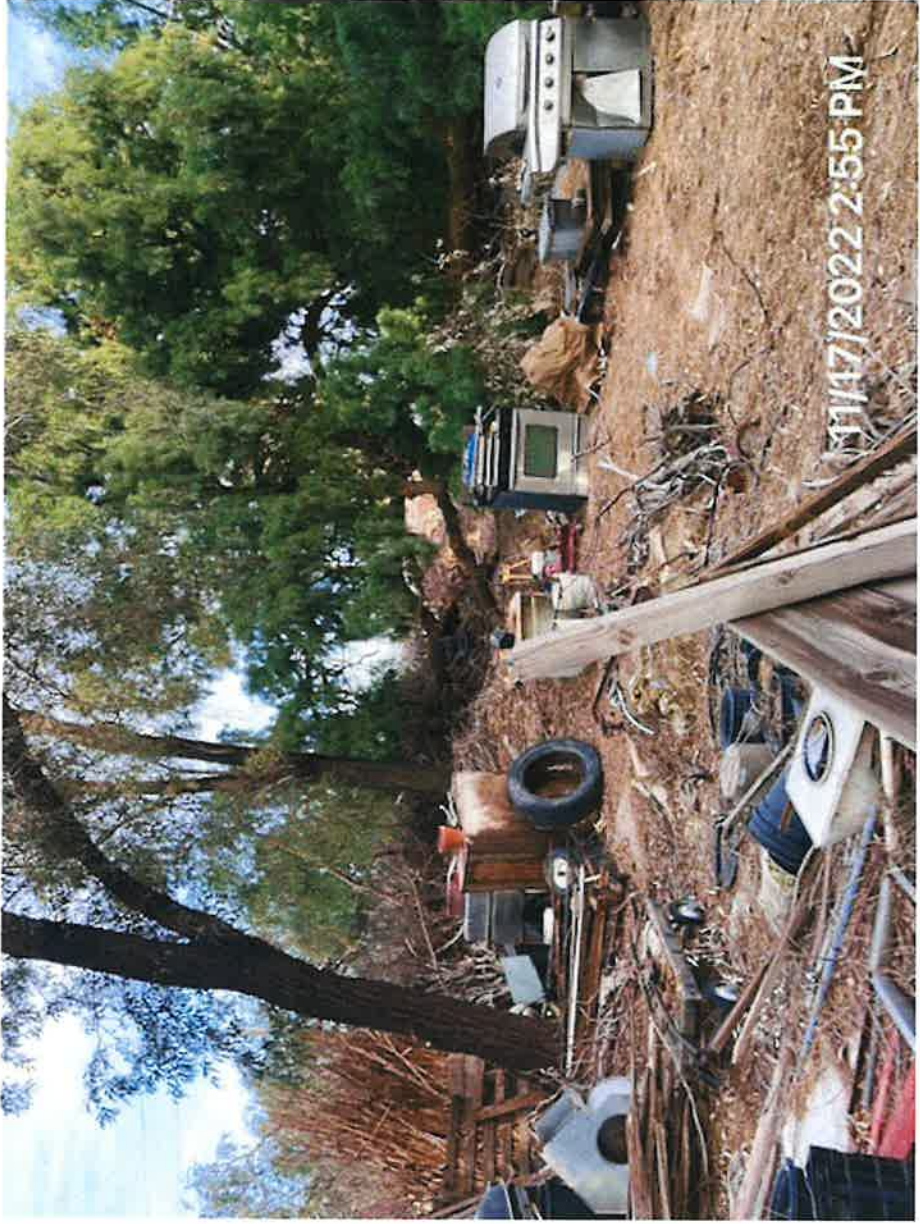
044-200 063 JP EXPIRED TAGS TO INOPERABLE VEHICLE



044-200 063 JP DILAPIDATED MOBILE HOME



044-200 063 JP CONCRETE DEBRIS



044-200 063 JP MISC ITEMS

ATTACHMENT "E"
CODE SECTIONS

- C. Radio and/or television antenna incidental to the structure, or chimneys, or any other architectural feature shall not exceed 60 feet in height.

§ 90502.08 MINIMUM DISTANCE BETWEEN STRUCTURES

The following requirements apply to the minimum distances between structures in the R-1 Zone.

- A. There shall be a minimum of ten (10) feet between primary residential use buildings, except for 0 lot line approved subdivisions.
- B. There shall be a minimum distance of six (6) feet between a residential building and any detached accessory building, except that any detached structure used to house, keep or maintain animals, permitted in this zone shall be separated as follows:
 - 30 ft. from primary residence
 - 80 ft. from front lot line
 - 25 ft. from any side or rear lot line
 - 100 ft. from any school or public park
 - 100 ft. from any water well
- C. Swimming pools refer to 90501.16

NOTE: A covered walkway or breeze way is not considered attached.

§ 90502.09 PARKING

Off-street parking shall be provided in the R-1 Zone according to the standards contained in Sections 90402.00 through 90402.16 of this Title. RV's, trailers and other vehicles may be stored on site only if they are within the rear yard and not readily visible or accessible to public view with a primary use on the property.

§ 90502.10 SIGNS

The following signs shall be permitted in the R-1 Zone; however, all signs shall be subject to Section 90401.00 et. seq. as applicable.

1. Temporary real estate signs not exceeding 10 square feet, and advertising the property for sale or lease, and meeting requirements of Division 4, Chapter 1.
2. Temporary construction signs related to construction on said property, meeting requirements of Division 4, Chapter 1.
3. Temporary political, religious, civic and campaigning signs not to exceed three (3) months, meeting requirements of Division 4, Chapter 1.
4. Institutional signs.
5. Signs approved in conjunction with a Conditional Use Permit approved for the site.

§ 90502.11 LANDSCAPING

Every R-1 lot, parcel or use shall meet the requirements of Section 90302.06.

§ 90502.12 YARD/PROPERTY MAINTENANCE

The areas within an R-1 lot area shall at all times be maintained so as to not create a fire or life safety, or health hazards either to the occupants or the public.

TITLE 9

DIVISION 29: PARKS & RECREATION REGULATIONS

CHAPTER 3: CAMPING RESTRICTIONS

§ 92903.00	SHORT TITLE
§ 92903.01	DEFINITIONS
§ 92903.02	PROHIBITION
§ 92903.03	EXEMPT LOCATIONS
§ 92903.04	EXEMPT VEHICLES, STRUCTURES AND ACTIVITIES
§ 92903.05	VIOLATION - PENALTY
§ 92903.06	PERMIT SYSTEM
§ 92903.07	ABATEMENT OF NUISANCES
§ 92903.08	NOTICE OF CITATION
§ 92903.09	ENFORCEMENT

§ 92903.00 SHORT TITLE.

The short title of this chapter shall be "The Imperial County Camping Ordinance." (Prior code § 51900)

§ 92903.01 DEFINITIONS.

As used in this chapter the following terms are defined.

"Abandoned vehicle" means a vehicle which is inoperative and not currently registered, located other than on the property of its owner, or any other vehicle which is clearly abandoned by its lawful owner.

"Camping" or "camp" means living in, maintaining a residence in, sleeping in or otherwise inhabiting a structure, vehicle or location other than a bona fide residential dwelling or mobilehome.

"Recreational vehicle" means a motor vehicle constructed or permanently modified to act as temporary living quarters for human habitation. Only vehicles currently licensed to operate on the highway as recreational vehicles and which are functional shall be considered recreational vehicles.

"Residential dwelling" means a building permanently constructed in full accordance with zoning, building, and health and safety laws for purposes of human habitation.

"Shanty" or "shack" means a building, lean-to or shelter or shack used for human habitation which is made of various materials in such a manner that it does not qualify as a "residential dwelling." (Prior code § 51901)

§ 92903.02 PROHIBITION.

It is unlawful within the jurisdiction of Imperial County to do any of the following:

- A. To camp in, dwell in, or inhabit any campsite, area, property or structure other than with the written permission of the lawful owner thereof, however, nothing herein shall authorize a private property owner to operate an unauthorized campground, trailer park or recreational vehicle park or grant permission to anyone to camp on their property when such conduct would violate this chapter or any other provision of law;
- B. To construct, maintain, or allow to remain, any shanty, shack or abandoned vehicle used for purposes of human habitation;
- C. To camp in, dwell in, or inhabit an abandoned vehicle;
- D. In addition to subsection A of this section, to park a vehicle, recreational vehicle or mobilehome for purposes of camping in, sleeping in, dwelling in or otherwise inhabiting it in any area or on any property other than a licensed campground, recreational vehicle park, mobilehome park or in a governmentally controlled campground or public use area for which camping is a specifically authorized public use;
- E. Discharging or depositing any sewage, food refuse or other trash or garbage in or on any lands or waters other than in facilities specifically designated for discharge of human waste or for deposit of such trash and garbage;
- F. To camp, or park any vehicle or recreational vehicle within one quarter mile of any posted animal watering hole;
- G. To camp, or park any vehicle or recreational vehicle in or near immediately adjacent to any area or property which is:
 - 1. Designated or posted as a hazardous or dangerous area,
 - 2. Designated or posted as a "No Trespassing" area. (Prior code § 51902)

§ 92903.03 EXEMPT LOCATIONS.

Provisions of this chapter shall not apply to any area or property where an act prohibited is specifically authorized for such location by any lawful federal, state, or local law, regulation or license. The County provides both motorized and unmotorized camping opportunities a number of camping locations. Camping is permitted in the following County Parks: (Prior code § 51903)

- A. Recreational vehicle/ travel trailer camping is permitted at the following county parks only, Wiest Lake, Red Hill Marina, and Palo Verde Park. Sunbeam Lake Park has privately operated Recreational Vehicle Park, therefore there is no recreational vehicle/ travel trailer camping in the public portion of the Park.
- B. Tent camping is permitted at the following county parks only, Sunbeam Lake Park, Wiest Lake Park Red Hill Marina, Palo Verde Park, Ocotillo Park. Individual and/or group tent camping shall not exceed 7 continuous days.
- C. There is no camping of any kind at Pioneers Park.

§ 92903.04 EXEMPT VEHICLES, STRUCTURES AND ACTIVITIES.

Vehicles, structures and camping activities operated or owned by any federal, state, or local governmental entity are exempt. Vehicles, structures and camping activities operated by private individuals on public lands without the knowledge and specific approval of the public agency involved shall not be exempt. (Prior code § 51904)

§ 92903.05 VIOLATION--PENALTY.

- A. A violation of this chapter is a misdemeanor and shall be punishable by a fine of not more than five hundred dollars (\$500.00) or by imprisonment in the County jail for not more than six months or both such fine and imprisonment.
- B. Continuance or recurrence of a violation more than twenty-four (24) hours after a previous citation therefore shall be considered a separate violation and shall be cited as such. (Prior code § 51905)

§ **92903.06** **PERMIT SYSTEM.**

- A. The director may, by appropriate departmental regulation, establish a system for the issuance of permits for camping for periods of more than fourteen (14) days on public and private lands in Imperial County.
- B. Such permit system shall be operated in full conformity with and in support of any federal, state, and local camping, recreation and land use laws and regulations.
- C. The regulations for the permit system may establish an appropriate fee for such permits to cover cost of the program's administration and cost of sanitation and recreational support facilities in the County.
- D. The regulations for the permit system as promulgated by the director shall be subject to the approval and revision of the board of supervisors.
- E. Failure to pay any fee required by the permit system shall be violation of this chapter. (Prior code § 51906)

§ **92903.07** **ABATEMENT OF NUISANCES.**

- A. Any shanty or other structure found to be involved in or which constitutes a violation of this chapter shall be considered a dangerous building and shall be dealt with in accordance with Chapter 9.272 of this code, or other applicable law.
- B. Any abandoned vehicle involved in a violation of this chapter shall be dealt with in accordance with the Vehicle Code, or other applicable law.
- C. Abatement of this vehicle or structure found to be in violation of this chapter may be undertaken by County employees or agents twenty-four (24) hours after service of the citation. (Prior code § 51907)

§ **92903.08** **NOTICE OF CITATION.**

- A. If personal service on the individual found to be in violation of this chapter is not possible, service of the citation by firmly affixing a notice of citation to a conspicuous object in the campsite, or to a vehicle or structure shall be considered proper service of the citation.
- B. A notice of citation under this section shall be a tag of durable paper of a red or orange color not less than twenty-four (24) square inches in size which contains all essential elements of the citation.
- C. If service by posting such notice of citation is made, a copy of the citation shall be mailed to any known address, including the registered vehicle address, of the violator. (Prior code § 51908)

§ 92903.09 Enforcement.

Violations of this chapter may be enforced by any federal, state, or local peace officer or ranger with peace officer status, or by any officer or employee of the County of Imperial who may be assigned such duty. (Prior code § 51909)

up to the nearest whole number, and at no case shall the number of dedicated parking space(s) be less than 1.

- c) MF Dwellings, 17 or more units: 3% of the total number of provided parking spaces provided shall be EVCS capable of future installation of EVSE as required by California Green Building Standards Code, Section 4.106.4.2 to provide EVCS-readiness. In addition, at a minimum, 50% of the EVCS ready parking spaces shall have the necessary EVSE installed to provide an active EVCS for daily use; if 100% of the EVCS provided by the development are active for daily use, the number of required regular parking spaces may be reduced by 10%. Calculations for the number of EVCS spaces shall be rounded up to the nearest whole number, and at no case shall the number of active EVCS space(s) for daily use be less than 1.
- d) Where determined by the Imperial County Planning & Development Services Director, any nonresidential uses shall provide service capacity necessary and EVSE for 3% of the total provided parking spaces but at no case less than the requirements shown on Table in Subsection 90501.19 (f). In addition, at a minimum, 50% of the EVCS ready parking spaces shall have the necessary EVSE installed to provide an active EVCS for daily use; if 100% of the provided EVCS are active for daily use, the number of regular parking may be reduced by 10%. Calculations for the number of EVCS spaces shall be rounded up to the nearest whole number, and at no case shall the number of active EVCS for daily use space(s) be less than 1.

e) Table 90501.19 (e)

TOTAL NUMBER OF PARKING SPACES	NUMBER OF REQUIRED EV CHARGING SPACES
0-25	1
26-50	2
51-100	3
101 and over	3%*

*Calculations for spaces shall be rounded up to the nearest whole number.

- f) Residential Exception for unfeasible conditions: The Planning & Development Services Director may determine if any of the above requirements in Subsection a., b., c., and d. are not feasible based upon one or more of the following conditions:
 - i. Where there is no commercial power supply;
 - ii. Where there is insufficient electrical supply that the utility is unable to provide;
 - iii. Where there is evidence substantiating that meeting the requirements will alter the local utility infrastructure design requirements on the utility side of the meter so as to increase the utility side cost to the homeowner or developer by more than \$400.00 per dwelling unit.
- 2) Any EV charging spaces provided in accordance to the Land Use Ordinance shall count towards meeting the minimum parking spaces required by Division 4, Chapter 2 (Parking).
- 3) All EV charging spaces shall be provided in accordance to the California Green Standards and Electrical Codes.
- 4) Future EV charging spaces shall qualify as low-emitting, fuel-efficient vehicle(s) and carpool vehicle(s) designated parking requirements, pursuant to Section 5.106.5.2 of the California Green Building Standards Code.
- 5) The EV charging spaces shall be developed in accordance to Section 90402.13 (M) but in no case in violation of any State or Federal laws.

§ 90501.20 UNLAWFUL ACCUMULATION OF WASTE

Every person who causes or permits to be accumulated on private property any trash, rubbish, garbage, swill, cans, bottles, paper, ashes, refuse, which may support any verminous vectors of public health is guilty of a misdemeanor and/or infraction.

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ORDINANCE NO. _____

AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF THE COUNTY OF IMPERIAL RELATING TO ABATEMENT AND REMOVAL OF ABANDONED, WRECKED, DISMANTLED OR INOPERATIVE VEHICLES

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

SECTION 1: Chapter 1 of Division 6 of Title 8 of the Codified Ordinances of the County of Imperial entitled "Abatement and Removal of Abandoned, Wrecked, Dismantled or Inoperative Vehicle" is hereby rescinded.

SECTION 2: A new Chapter 1 of Division 26 of Title 9 of the Codified Ordinances of the County of Imperial entitled "Abatement and Removal of Abandoned, Wrecked, Dismantled or Inoperative Vehicles" is hereby re-enacted to read as follows:

CHAPTER 1: ABANDONED VEHICLE ABATEMENT

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§ 92601.00 ABANDONED VEHICLES AS NUISANCES

In addition to and in accordance with the determination made and the authority granted by the State of California under Section 22660 of the California Vehicle Code (VC) to remove abandoned, wrecked, dismantled, or inoperative vehicles or parts thereof as public nuisances, the County of Imperial makes the following findings and declarations:

The accumulation and storage of abandoned, wrecked, dismantled, or inoperative vehicles or parts thereof on private or public property not including highways 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, to be injurious to the health, safety, and general welfare. Therefore, the presence of an abandoned, wrecked, dismantled or inoperative vehicle or parts thereof, on private or public property, not including highways except as expressly permitted in this chapter, constitutes a public nuisance which may be abated as such in accordance with the provisions of this Chapter.

§ 92601.01 DEFINITIONS

As used in this Chapter, the following words and phrases are defined as set out in this section:

- a. "Highway" means a way or place of whatever nature, publicly maintained and open to the use of the public for purposes of vehicular travel. Highway includes street.
- b. "Owner of the land" means the owner of the land on which the vehicle, or parts thereof, is located, as shown on the last equalized assessment roll.
- c. "Owner of the vehicle" means the last registered owner and legal owner of record.
- d. "Vehicle" means a device by which any person or property may be propelled, moved, or drawn upon a highway except a device moved by human power or used exclusively upon stationary rails or tracks.
- e. "Public Property" does not include highways.

§ 92601.02 EXCEPTIONS

This Chapter shall not apply to:

- a. A vehicle, or part thereof, which is completely enclosed within a building in a lawful manner where it is not visible from the highway or other public or private property;
- b. 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 a junkyard or when such storage or parking is necessary to the operation of a lawfully conducted business or commercial enterprise.

Nothing in this section authorizes the maintenance of a public or private nuisance as defined under provision of law other than Chapter 10 (commencing with Section 22650) of Division 11 of the Vehicle Code and this Chapter.

§ 92601.03 NONEXCLUSIVITY OF REGULATION

This Chapter is not the exclusive regulation of abandoned, wrecked, dismantled, or inoperative vehicles within the unincorporated area of the County. It shall supplement and be in addition to the other regulatory codes, statutes, and ordinances heretofore or hereafter enacted by the County of Imperial, the State, or any other legal entity or agency having jurisdiction.

§ 92601.04 OFFICER DESIGNATED

Except as otherwise provided herein, the provisions of this Chapter shall be administered and enforced by the vehicle abatement officer as designated by the (designated agency head responsible for abandoned vehicle abatement operations in the designated County). In the enforcement of this Chapter, such officers and deputies may enter upon private or public property 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 to be a nuisance pursuant to this Chapter.

§ 92601.05 ACT OF ABANDONMENT

It is unlawful and an infraction for any person to abandon, store, leave, or permit the abandonment, storing, or leaving of any licensed or unlicensed vehicle or parts thereof which is abandoned, wrecked, dismantled or inoperative upon any private property or public property, including highways, within the County for a period in excess of 72 or more consecutive hours unless such vehicle or parts thereof is completely enclosed within a building in a lawful manner where it is not plainly visible from the street or other public or private property, or

unless such vehicle is stored or parked in a lawful manner on private property in connection with the business of a licensed dismantler or licensed vehicle dealer or a junkyard.

§ **92601.06 AUTHORITY OF VEHICLE ABATEMENT OFFICER**

Upon discovering the existence of an abandoned, wrecked, dismantled or inoperable vehicle, or parts thereof, on private property or public property within the County, the vehicle abatement officer shall have the authority to cause the abatement and removal thereof in accordance with the procedure described in this Chapter.

§ **92601.07 AUTHORITY OF PRIVATE CONTRACTOR**

When the County has contracted with or granted a franchise to any person or persons, such person or persons shall be authorized to enter upon private property or public property to remove or cause the removal of a vehicle or parts thereof declared to be a nuisance pursuant to this Chapter.

§ **92601.08 ADMINISTRATION COSTS**

The County shall, from time to time, determine and fix an amount to be assessed as administrative costs (excluding the actual cost of removal of any vehicle or part thereof) under this Chapter.

§ **92601.09 NOTICE OF INTENTION TO ABATE**

- a. A 10-day notice of intention to abate and remove the vehicle, or parts thereof, as a public nuisance shall be mailed by registered or certified mail to the owner of the land as shown on last equalized assessment roll and to the last registered and legal owner of record, unless the vehicle is in such condition that identification numbers are not available to determine ownership. The notices of intention shall be in substantially the following form:

**"NOTICE OF INTENTION TO ABATE AND REMOVE AN
ABANDONED, WRECKED, DISMANTLED, OR INOPERATIVE
VEHICLE OR PARTS THEREOF AS A PUBLIC NUISANCE"**

(Name and address of owner of the land)

"Based on a site inspection of your property, the Vehicle Abatement Officer has determined that conditions exist at the property legally known as _____, Assessor's Parcel Numbers _____ which are not in compliance with Section 92601 the Imperial County Land Use Ordinance. On the subject property there exists an (or parts of an) abandoned, wrecked, dismantled, or inoperative vehicle registered to _____, license number _____, which constitutes a public nuisance pursuant to the provision of (Chapter of Division 26 of Title 9 Imperial County)." The Imperial County Tax Assessor's "Current Roll" identifies the above person(s) as the current owners of the subject property.

"You are hereby notified to abate said nuisance by the removal of said vehicle (or said parts of a vehicle) within 10 days from the date of mailing of this notice, and upon your failure to do so the same will be abated and removed by the County and the costs thereof, together with administrative costs, assessed to you as owner of the land on which said vehicle (or said parts of a vehicle) is located."

"As owner of the land on which said vehicle (or said parts of a vehicle) is located, you are hereby notified that you may, within 10 days after the mailing of this notice of intention, request a public hearing and if such a request is not received by the Imperial County within such 10-day period, the County Vehicle Abatement Officer shall have the authority to abate and remove said vehicle (or said parts of a vehicle) as a public nuisance and assess the costs as aforesaid without a public hearing. You may submit a sworn written statement within such 10-day period denying responsibility for the presence of said vehicle (or said parts of a vehicle) on said land, with your reasons for denial, and such statement shall be construed as a request for a hearing at which your presence is not required. You may appear in person at any hearing requested by you or the owner of the vehicle or, in lieu thereof, may present a sworn written statement in time for consideration at such hearing."

- b. A notice of intention to abate shall not be required if (1) the property owner and the owner of the vehicle has signed releases authorizing removal and waives further interest in the vehicle or part thereof, or (2) all the following conditions are satisfied:
- 1) The vehicle or part thereof is inoperable due to the absence of a motor, transmission, or wheels and is incapable of being towed:
 - 2) The vehicle or part thereof is valued at less than three hundred dollars (\$300.00) by the Vehicle Abatement Office:
 - 3) Imperial County has determined that the vehicle or part thereof is a public nuisance presenting an immediate threat to public health or safety;
 - 4) the property owner has signed a release authorizing the removal and waiving further interest in the vehicle or part thereof; and
 - 5) the vehicle is located upon a parcel that is either zoned for agricultural use or is not improved with a residential structure containing one or more dwelling units.

If a vehicle is removed pursuant to subdivision (2), prior to final disposition, the registered or legal owner shall be notified of the intent to dispose of the vehicle or parts thereof. If the vehicle or part thereof is not claimed and removed from the scrapyards, automobile dismantler's yard or public disposal area within 12 days after the notice to dispose of vehicle is mailed, final disposition may proceed.

§ 92601.10 PUBLIC HEARING – REQUESTED

Upon request by the owner of the vehicle or owner of the land received by the County's Vehicle Abatement Officer within 10 days after the mailing of the notices of intention to abate and remove, a public hearing shall be held by the (Planning Director or his designated subordinate as hearing officer) on the question of abatement and removal of the vehicle, or parts thereof, as an abandoned, wrecked, dismantled or inoperative vehicle, and the assessment of the administrative costs and cost of removal of the vehicle, or parts thereof, against the property on which it is located.

If the owner of the land submits a sworn written statement-denying responsibility for the presence of the vehicle on his/her land within such 10-day period, said statement shall be construed as a request for a hearing, which does not require his/her presence. Notice of the hearing shall be mailed, by registered mail, at least 10 days before the hearing to the owner of the land and to the owner of the vehicle, unless the vehicle is in such condition that identification numbers are not available to determine ownership. If such a request for hearing is not received within said 10 days after mailing of the notice of intention to abate and remove, the County shall have the authority to abate and remove the vehicle, or parts thereof, as a public nuisance without holding a public hearing.

§ 92601.11 PUBLIC HEARING PROCEDURE

All hearings under this Chapter shall be held before the (Planning Director or his designated subordinate as hearing officer), which shall hear all facts and testimony deemed pertinent. Said facts and testimony may include testimony on the condition of the vehicle, or part thereof, and the circumstances concerning the vehicle's location on the private property or public property. The (Planning Director or his designated subordinate as hearing officer) shall not be limited by the technical rules of evidence. The owner of the land on which the vehicle is located may appear in person at the hearing or present a written statement in time for consideration at the hearing, and deny responsibility for the presence of the vehicle on the land, with reasons for such denial. The (hearing officer) may impose such conditions and take such other action as it deems appropriate under the circumstances to carry out the purpose of this Chapter. This may delay the time for removal of the vehicle, or part thereof, if, in the opinion of the hearing officer, the circumstances justify the delay.

At the conclusion of the public hearing, the (hearing officer) may find that a vehicle, or part thereof, has been abandoned, wrecked, dismantled or is inoperative on private or public property, and by resolution order the same removed from the property as a public nuisance and disposed of as provided in this Chapter and determine the administrative costs and the cost of removal to be charged against the owner of the parcel of land on which the vehicle, or part thereof, is located.

The order requiring removal shall include a description of the vehicle, or part thereof, and the correct identification number and license number of the vehicle, if available at the site.

If it is determined at the hearing that the vehicle was placed on the land without the consent of the land owner and that (s)he has not subsequently acquiesced in its presence, the (hearing officer) 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 such costs from such land owner.

If an interested party makes a written presentation to the (hearing officer), but does not appear, (s)he shall be notified in writing of the decision.

§ 92601.12 APPEALS

Any interested party may appeal the decision of the hearing office by filing a written notice of appeal with the said hearing office within five days after this decision. Such appeal shall be heard by the Board of Supervisors, which may affirm, amend or reverse the order or take other action deemed appropriate. The Clerk of the Board of Supervisors shall give written notice of the time and place of the hearing to the appellant and those persons specified in Section 92601.11. In conducting the hearing the Board of Supervisors shall not be limited by the technical rules of evidence.

§ 92601.13 VEHICLE DISPOSAL

(a) Five days after adoption of the order declaring the vehicle or parts thereof to be a public nuisance or five days from the date of mailing of notice of the decision, as required by Section 92601.10, whichever date is later, the vehicle or parts thereof may be disposed of by removal to a scrapyard or automobile dismantler's yard. If such commercial sites are not available or are inadequate the vehicle/or parts may be disposed at any public disposal, which will accept the same. After a vehicle has been removed, it shall not thereafter 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 California Vehicle Code, in which case the vehicle may be reconstructed or made operable.

(b) With respect to abandoned or inoperable vehicles located upon a parcel that is either (1) zoned for agricultural use or (2) not improved with a residential structure containing one or more dwelling units, prior to the final disposition of a vehicle or part therefore where notice pursuant to Section 92601.09 was not required and for which evidence of registration was recovered pursuant to Section 92601.14 the Enforcement Officer or a contractor or franchisee under Section 92601.07 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 Vehicle Code 22662, final disposition may proceed. Neither the County nor a contractor or franchisee under this chapter shall be liable for damage caused to a vehicle or part thereof for removal pursuant to this ordinance.

§ 92601.14 NOTICE TO DEPARTMENT OF MOTOR VEHICLES

Within five days after the date of removal of the vehicle or parts thereof, notice shall be given to the Department of Motor Vehicles by the persons authorized to remove the vehicle identifying the vehicle or parts thereof removed. At the same time there shall be transmitted to the Department of Motor Vehicles any evidence of registration available, including registration certificates, certificates of title, and license plates.

§ 92601.15 COST RECOVERY

If the administrative costs and the costs of removal which are charged against the owner of a parcel of land pursuant to Section 92601.11 are not paid within 30 days of the date of the order, such costs shall be assessed against the parcel of land pursuant to Government Code Section 25845 or 38773.5 and shall be

transmitted to the tax collector for collection. Said assessment shall have the same priority as other county taxes.

§ **92601.16 REFUSAL TO ABATE**

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

§ **92601.17 SEVERABILITY**

Should any section, subsection, paragraph, clause, or phrase of this Chapter for any reason be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this Chapter.

SECTION 3: This ordinance shall take effect and shall be in force thirty (30) days after the date of its adoption and prior to the expiration of fifteen (15) days from the passage thereof shall be published at least once in the Holtville Tribune, a newspaper of general circulation, printed and published in the County of Imperial, State of California, together with the names of the members of the Board of Supervisors voting for and against the same.

PASSED, ADOPTED AND APPROVED by the Board of Supervisors of the County of Imperial this

_____ day of _____, 2002.

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