

TITLE 2 LICENSES, BUSINESS REGULATIONS AND BUSINESS TAXES\*

DIVISION 1. BUSINESS REGULATIONS\*

CHAPTER 6. JUNK YARDS AND MOTOR VEHICLE WRECKING YARDS\*

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\***Note**--Repealed and reenacted by Ord. No. 4193 (N.S.), effective 12-6-73.

**Cross reference(s)**--Accumulation of junk, § [68.701](#) et seq.; abatement of existing unlawful accumulation of junk, § [68.714](#).

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### **SEC. 21.601. PURPOSE.**

Junk yards and motor vehicle wrecking yards may receive vehicles, vehicle parts and other personal property that have been stolen from the rightful owners. Junk yards and motor vehicles wrecking yards also pose potential hazards to the community, because they are usually unsightly and likely to impact surrounding properties and they may also attract children or others who will not appreciate the hazards presented by these businesses. It is necessary to regulate junk yards and motor vehicle wrecking yards by requiring them to keep and maintain detailed records of items they buy to maximize recovery of stolen items and to prevent dealers from trafficking in stolen goods. It is also necessary to regulate the manner in which these businesses are carried out to protect the community from potential hazards. This chapter is to be construed to carry out these goals.

(Added by Ord. No. 9889 (N.S.), effective 10-26-07)

### **SEC. 21.602. DEFINITIONS.**

The following definitions shall apply to this chapter:

(a) "Dealer" means a person who operates a junk yard or a motor vehicle wrecking yard.

(b) "Inoperative vehicle" means a motor vehicle that cannot be moved under its own power.

(c) "Junk" means secondhand or used: machinery, equipment, appliances, furniture, motor vehicle parts, tires, lumber, rope, bottles, pipe, wire, drums, scrap metal, construction material, packaging material, items made of, or containing wood, metal, paper, plastic, clay, brick, glass, porcelain, rubber, concrete, or other personal property.

(d) "Junk yard" means real property used for dismantling, salvage, outside storage, purchase, sale or exchange of junk. It is not an exception to this definition that a person intends or proposes to use the junk for some purpose.

(e) "Motor vehicle" has the same definition as the term "motor vehicle" in California Vehicle Code section 415.

(f) "Motor vehicle wrecking yard" means a place where wrecked or inoperative motor vehicles are stored, kept, parked, left, accumulated, exchanged, crushed, dismantled, sold, sold for parts, sold for scrap or for any other purpose. Any parcel or property made up of one or more contiguous parcels having three or more wrecked or inoperative motor vehicles shall be considered a motor vehicle wrecking yard and subject to the requirements of this chapter. An automotive repair dealer registered with the California Department of Consumer Affairs under Business and Professions Code section 9884 that temporarily stores inoperative or wrecked motor vehicles while the vehicles are being repaired, however, is not subject to this chapter.

(g) "Wrecked motor vehicle" means a motor vehicle that is damaged to such an extent that it cannot be operated safely on the highway.

(Amended by Ord. No. 9889 (N.S.), effective 10-26-07)

**Cross reference(s)**--Definitions, § [12.101](#) et seq.

## **SEC. 21.603. LICENSE REQUIRED.**

It shall be unlawful for a person to operate a junk yard or a motor vehicle wrecking yard in the unincorporated area of the County without obtaining a license from the Issuing Officer. The Sheriff shall be the Issuing Officer for any license required by this chapter. A person may operate a yard that is both a junk yard and motor vehicle wrecking yard, but is only required to obtain one license under this chapter. The license required by this chapter shall be subject to sections [21.101](#)- [21.117](#) of this code and this chapter. No person shall be eligible for a license under this chapter until he obtains a Major Use Permit from the County Department of Planning and Land Use, for the junk yard or motor vehicle wrecking yard, under applicable County zoning regulations.

(Amended by Ord. No. 5200 (N.S.), effective 8-10-78; amended by Ord. No. 5290 (N.S.), effective 11-30-78; amended by Ord. No. 7428 (N.S.), effective 2-4-88; amended by Ord. No. 8049 (N.S.), effective 5-7-92; amended by Ord. No. 9889 (N.S.), effective 10-26-07)

**Cross reference(s)**--Sheriff's regulatory fees, § [21.1901](#).

#### **SEC. 21.604. YARD REGULATIONS.**

It shall be unlawful for any person to operate a junk yard or a motor vehicle wrecking yard in the unincorporated area of the County in violation of one or more of the following conditions:

(a) A junk yard or motor vehicle wrecking yard shall be operated entirely within an enclosed building or buildings or on property completely enclosed by a solid fence or wall at least six feet in height and constructed according to the requirements of this code. The County may grant an exception to this requirement on one or more sides of the facility pursuant to approval of the Major Use Permit for the yard if the operator can demonstrate that natural topographical features prevent access to the side of a facility for which an exception is sought, without the need for a wall or fence.

(b) The fence or wall required by paragraph (a) above shall be maintained in a neat, clean and safe condition and shall be painted, unless it is constructed of masonry or rust-proof metals.

(c) No junk yard or motor vehicle wrecking yard may have any advertising on its outside walls or fences, except that it may advertise in a space not to exceed six feet in height and 15 feet in length on each side of the outer wall of the business. The advertising, shall also comply with all other provisions of this code and any zoning regulations.

(d) The access gates for the yard shall open inwardly and the gates shall be kept closed when the yard is not open for business.

(e) No junk, wrecked or inoperative motor vehicles shall be piled or permitted to be piled in excess of the height of the enclosing fence or wall or be closer than three feet from an enclosing fence or wall. The California Fire Code or County Fire Code may further limit the height that certain items may be piled, may limit the width of piles or may require certain items to be further from a fence or wall than three feet. The Fire Codes may also require the operator to have aisles between items in the yard. The dealer shall be responsible to determine any Fire Code requirements and comply with them. The failure to comply with any Fire Code requirement is a violation of this section.

(f) Within 24 hours of acquiring a wrecked or inoperative motor vehicle or item of junk a dealer shall drain and remove all flammable or hazardous liquids and all gases from the vehicle or item of junk.

(g) The yard and all items in it shall be maintained at all times so that fire, health, law enforcement and building officials have access to and can inspect any junk, wrecked or inoperative motor vehicles in the yard.

(Amended by Ord. No. 9889 (N.S.), effective 10-26-07)

#### **SEC. 21.605. DEALER RECORDS.**

(a) In addition to reports dealers may be required to prepare and maintain under State law, a dealer shall complete a legible daily report, in duplicate, of any junk, inoperative or wrecked motor vehicles the dealer acquires in the course of a day, on a form approved by the Sheriff or provided by the Sheriff at his cost. The dealer shall provide the daily report to the Sheriff by the close of the following business day. If some or all of the information required by this section is contained on a daily reporting form the dealer is required to prepare under State law, the dealer may provide the Sheriff with a copy of the State form or, if the State form contains only a portion of the information required by this section, the dealer may supplement the State daily reporting form by providing the additional information on the Sheriff's daily reporting form and providing both forms to the Sheriff. The daily reports required by this section shall contain the following information:

(1) The seller's full name and current address,

(2) The seller's identifying information. The only acceptable forms of identification for the purpose of this chapter are: a valid driver's license or identification card issued by any state of the United States that contains the full name, address, photograph and signature of the seller, or a valid passport issued by the United States, and

(3) A complete and accurate description of the property, including serial numbers or other identifying marks, symbols, inscriptions, owner-applied numbers, manufacturer's name brand and model name and number. If the property does not contain any of the foregoing identifying marks and numbers, the description shall include the type, size, color and approximate weight of the property.

(b) When the dealer obtains the information from the seller to satisfy the requirements of paragraph (a)(1) and (2) above, the dealer shall also obtain from the seller:

(1) A statement signed by the seller under penalty of perjury verifying that the seller is the owner of the property, or that the seller has the owner's consent to sell the property and the seller verifies the owner's full name and address, and

(2) A legible thumbprint taken from seller.

(c) The dealer shall keep each daily report and the documents required by paragraph (b) above for two years and shall produce them at the request of any peace officer.

(Amended by Ord. No. 9889 (N.S.), effective 10-26-07)

#### **SEC. 21.606. SHERIFF'S RECORDS.**

The Sheriff shall maintain a file of all dealer reports received pursuant to this chapter for two years and the reports shall be available for any peace officer of this State to inspect.

(Amended by Ord. No. 9889 (N.S.), effective 10-26-07)

#### **SEC. 21.607. RETENTION OF GOODS.**

Except for second hand motor vehicles, a dealer shall hold all property the dealer acquires for 15 days after filing a report with the Sheriff that lists the property. During the holding period the dealer shall display the property during normal business hours and not allow the property to be cleaned, repaired, painted or modified in any way.

(Amended by Ord. No. 9889 (N.S.), effective 10-26-07)

#### **SEC. 21.608. HOLD ORDER FOR PROPERTY SUSPECTED OF BEING STOLEN.**

When the Sheriff has probable cause to believe property in the possession of a dealer is stolen the Sheriff may place a 90 day hold on the property consistent with Business and Profession Code section 21609 and the provisions of section 21609 shall apply.

(Amended by Ord. No. 9889 (N.S.), effective 10-26-07)

#### **SEC. 21.609. LICENSE SUSPENSION OR REVOCATION.**

In addition to the reasons for suspending or revoking a license issued pursuant to this chapter under section [21.112](#) the Sheriff may also suspend or revoke a dealer's license if the dealer, dealer's agents or employees:

- (a) Failed to comply with any provision of this chapter,
- (b) Failed to allow any inspection authorized under this chapter,
- (c) Is convicted of receiving stolen property, or
- (d) Committed fraud in the acquisition, sale or disposal of property.

(Amended by Ord. No. 9889 (N.S.), effective 10-26-07)

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