

AN ORDINANCE PROVIDING FOR THE ABATEMENT AND REMOVAL AS PUBLIC NUISANCES OF ABANDONED, WRECKED, DISMANTLED OR INOPERATIVE VEHICLES OR PARTS THEREOF FROM PRIVATE PROPERTY OR PUBLIC PROPERTY NOT INCLUDING HIGHWAYS, AND RECOVERY OF COSTS OF ADMINISTRATION THEREOF AS AUTHORIZED BY SECTION 22660 VEHICLE CODE

The City Council of the City of El Paso de Robles does hereby ordain as follows:

Sec. 1. In addition to and in accordance with the determination made and the authority granted by the State of California under Section 22660 of the Vehicle Code to remove abandoned, wrecked, dismantled or inoperative vehicles or parts thereof as public nuisances, the City Council hereby 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 is hereby found to create a condition tending to reduce the value of private property, to promote blight and deterioration, to invite plundering, to create fire hazards, to constitute an attractive nuisance creating a hazard to the health and safety of minors, to create a harborage for rodents and insects and to be injurious to the health, safety and general welfare. 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 hereinafter permitted, is hereby declared to constitute a public nuisance which may be abated as such in accordance with the provisions of this Ordinance.

As used in this Ordinance:

(a) The term "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.

(b) The term "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.

(c) The term "public property" does not include "highway".

(d) The term "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.

(e) The term "owner of the vehicle" means the last registered owner and legal owner of record.

Sec. 2. This Ordinance shall not apply to:

(a) A vehicle, or parts thereof, which 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

(b) A vehicle, or parts 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, a junk dealer, or when such storage or parking is necessary to the operation of a lawfully conducted business or commercial enterprise.

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

Sec. 3. This Ordinance is not the exclusive regulation of abandoned, wrecked, dismantled or inoperative vehicles within the city. It shall supplement and be in addition to the other regulatory codes, statutes, and ordinances heretofore or hereafter enacted by the city, the State, or any other legal entity or agency having jurisdiction.

Sec. 4. Except as otherwise provided herein, the provisions of this Ordinance shall be administered and enforced by the Chief of Police. In the enforcement of this Ordinance such officer and his deputies may enter upon private or public property to examine

a vehicle or parts thereof, or obtain information as to the identity of a vehicle and to remove or cause the removal of a vehicle or parts thereof declared to be a nuisance pursuant to this Ordinance.

Sec. 5. When the City Council 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 Ordinance.

Sec. 6. The City Council shall from time to time determine and fix an amount to be assessed as administrative costs under this Ordinance. Said administrative costs shall be exclusive of the actual cost of removal of any vehicle or parts thereof under the provisions of this Ordinance.

Sec. 7. Upon discovering the existence of an abandoned, wrecked, dismantled, or inoperative vehicle, or parts thereof, on private property or public property within the city, the Chief of Police shall have the authority to cause the abatement and removal thereof in accordance with the procedure prescribed herein.

Sec. 8. A 10-day notice of intention to abate and remove the vehicle, or parts thereof, as a public nuisance shall be mailed by registered mail 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. The notices of intention shall be in substantially the following forms:

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)

As owner shown on the last equalized assessment roll of the land located at (address), you are hereby notified

that the undersigned pursuant to (section of ordinance or municipal code) has determined that there exists upon said land an (or parts of an) abandoned, wrecked, dismantled or inoperative vehicle registered to _____, license number _____, which constitutes a public nuisance pursuant to the provisions of (ordinance or municipal code chapter number).

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 (city or 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 (hearing body or officer) within such 10-day period, the (locally designated 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 parts of a vehicle) on said land, with your reasons for denial, and such statement shall be construed as a request for 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 as aforesaid in time for consideration at such hearing.

Notice Mailed _____ s/ _____
(date) (locally designated officer)

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 last registered and/or
legal owner of record of vehicle - notice
should be given to both if different)

As last registered (and/or legal) owner of record
of (description of vehicle - make, model, license, etc.),
you are hereby notified that the undersigned pursuant to
(section of ordinance or municipal code) has determined
that said vehicle (or parts of a vehicle) exists as an
abandoned, wrecked, dismantled or inoperative vehicle at
(describe location on public or private property) and con-
stitutes a public nuisance pursuant to the provisions of
(ordinance or municipal code chapter number).

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.

As registered (and/or legal) owner of record of said
vehicle (or said parts of a vehicle), 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 (hearing body or officer) within such
10-day period, the (locally designated officer) shall have
the authority to abate and remove said vehicle (or said
parts of a vehicle) without a hearing.

Notice Mailed _____ s/ _____
(date) (locally designated officer)

Sec. 9. Upon request by the owner of the vehicle or owner
of the land received by the Chief of Police within 10 days after
the mailing of the notices of intention to abate and remove, a
public hearing shall be held by the City Council 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 the 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 land within such 10-day period, said statement shall be construed as a request for a hearing which does not require his 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 City shall have the authority to abate and remove the vehicle or parts thereof as a public nuisance without holding a public hearing.

Sec. 10. All hearings under this Ordinance shall be held before the City Council which shall hear all facts and testimony it deems pertinent. Said facts and testimony may include testimony on the condition of the vehicle or parts thereof and the circumstances concerning its location on the said private property or public property. The City Council shall not be limited by the technical rules of evidence. The owner of the land may appear in person at the hearing or present a sworn written statement in time for consideration at the hearing, and deny responsibility for the presence of the vehicle on the land, with his reasons for such denial.

The City Council may impose such conditions and take such other action as it deems appropriate under the circumstances to carry out the purpose of this chapter. It may delay the time for removal of the vehicle or parts thereof if, in its opinion, the circumstances justify it. At the conclusion of the public hearing, the City Council may find that a vehicle or parts thereof has been abandoned, wrecked, dismantled, or is inoperative on private or public property and order the same removed from the property as a public nuisance and disposed of as hereinafter provided and determine the administrative costs and the cost of removal to be charged against the owner of the land. The order requiring removal shall include a description of the vehicle or

parts 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 owner of the land and that he has not subsequently acquiesced in its presence, the City Council shall not assess the 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 owner of the land.

If the owner of the land submits a sworn written statement denying responsibility for the presence of the vehicle on his land but does not appear, or if an interested party makes a written presentation to the City Council but does not appear, he shall be notified in writing of the decision.

Sec. 11. Five days after adoption of the order declaring the vehicle or parts thereof to be a public nuisance, five days from the date of mailing of notice of the decision if such notice is required by Section 10, or 15 days after such action of the governing body authorizing removal following appeal, the vehicle or parts thereof may be disposed of by removal to a scrapyard or automobile dismantler's yard. After a vehicle has been removed it shall not thereafter be reconstructed or made operable.

Sec. 12. Within five days after the date of removal of the vehicle or parts thereof, notice shall be given to the Department of Motor Vehicles 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.

Sec. 13. If the administrative costs and the cost of removal which are charged against the owner of a parcel of land pursuant to Section 10 are not paid within 30 days of the date of the order, or the final disposition of an appeal therefrom such costs shall be assessed against the parcel of land pursuant to Section 38773.5 of the Government Code and shall be transmitted to the tax collector for collection. Said assessment shall have the same priority as

other City taxes.

Sec. 14. This Ordinance shall take effect thirty days
(30) after its adoption.

PASSED AND ADOPTED this 1st day of October,
1973.

AYES: COUNCILMEN BARNHART, HANSON, MINSHULL, STOCKDALE
AND SCHWARTZ

NOES: NONE

ABSENT: NONE

Barney Schwartz
MAYOR

ATTEST:

Donald B. Steyer
CITY CLERK