

Chapter 9.52 ABANDONED AND INOPERATIVE VEHICLES

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9.52.010 Nuisance declared – Definitions.

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 council makes the following findings and declaration:

The accumulation and storage of abandoned, wrecked, dismantled or inoperative vehicles or parts thereof on private or public property not including highways is 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 declared to constitute a public nuisance which may be abated as such in accordance with the provisions of this chapter.

As used in this chapter:

A. "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. "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. "Public property" does not include "highway."

D. "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. "Owner of the vehicle" means the last registered owner and legal owner of record. (Ord. 343 § 1, 1973).

9.52.020 Exceptions.

This chapter shall not apply to:

A. A vehicle, or parts thereof, which is completely enclosed within a building or enclosure 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 or junk dealer, or when such storage or parking is necessary to the operation of a lawfully conducted business or commercial enterprise;

C. A vehicle, or parts thereof, which is located behind a solid fence six feet in height or which is not plainly visible from a highway.

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 chapter. (Ord. 343 § 2, 1973).

9.52.030 Chapter not exclusive.

This chapter 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. (Ord. 343 § 3, 1973).

9.52.040 Administration and enforcement.

Except as otherwise provided herein, the provisions of this chapter shall be administered and enforced by the building inspector. In the enforcement of this chapter, any authorized official of the city may enter upon private or public property, as provided in HMC [1.08.010](#), 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 chapter. (Ord. 343 § 4, 1973).

9.52.050 Contracted persons – Right of entry.

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, as provided in HMC [1.08.010](#), to remove or cause the removal of a vehicle or parts thereof declared to be a nuisance pursuant to this chapter. (Ord. 343 § 5, 1973).

9.52.060 Removal – Cost assessment – Resolution.

The council shall, from time to time, determine and fix by resolution an amount to be assessed as administrative costs (excluding the actual cost of removal of any vehicle or parts thereof) under this chapter. (Ord. 343 § 6, 1973).

9.52.070 Removal – Authority.

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 building inspector shall have the authority to cause the abatement and removal thereof in accordance with the procedure prescribed herein. (Ord. 343 § 7, 1973).

9.52.080 Removal – Notice.

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 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 contain such statements as are required by California Vehicle Code Section [22660](#). (Ord. 343 § 8, 1973).

9.52.090 Removal – Hearing – Notice.

Upon request by the owner of the vehicle or owner of the land received by the building inspector 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 or certified 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. (Ord. 343 § 9, 1973).

9.52.100 Removal – Hearing – Procedure.

All hearings under this chapter shall be held before the council which shall hear all facts and testimony. Said facts and testimony may include testimony on the condition of the vehicle, or parts thereof, and the circumstances concerning its location on the private property or public property. The 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 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 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 council shall not assess the cost 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. (Ord. 343 § 10, 1973).

9.52.110 Disposal of vehicle.

Five days after the 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 HMC [9.52.100](#), or 15 days after such action of the governing body authorizing removal following appeal, the vehicles 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. (Ord. 343 § 11, 1973).

9.52.120 Removal – Notice to Department of Motor Vehicles.

Within five days after the date of removal of the vehicle or part 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. (Ord. 343 § 12, 1973).

9.52.130 Removal – Cost – Nonpayment – Assessment.

If the administrative costs and the cost of removal which are charged against the owner of a parcel of land pursuant to HMC [9.52.100](#) are not paid within 30 days 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. (Ord. 343 § 13, 1973).

9.52.140 Parking – Time limit – Enclosure required.

It is unlawful and a misdemeanor for any person to abandon, park, store, or leave or permit the abandonment, parking, storing or leaving of any licensed or unlicensed vehicle or part thereof which is in an abandoned, wrecked, dismantled or inoperative condition upon any private property or public property not including highways within the city for a period in excess of three days unless such vehicle or part 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, licensed vehicle dealer or a junkyard. (Ord. 343 § 14, 1973).

9.52.150 Removal order – Noncompliance a misdemeanor.

It is unlawful and a misdemeanor for any person to fail or refuse to remove an abandoned, wrecked, dismantled or inoperative vehicle, or parts 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. (Ord. 343 § 15, 1973).