

ORDINANCE NO. 90

AN ORDINANCE PROVIDING FOR THE ABATEMENT AND REMOVAL AS PUBLIC NUISANCES OF ABANDONED, WRECKED, DISMANTLED OR INOPERATIVE VEHICLES OR PARTS THEREOF FROM PRIVATE OR PUBLIC PROPERTY AS AUTHORIZED BY SECTION 22660 OF THE VEHICLE CODE

THE CITY COUNCIL OF THE CITY OF RIDGECREST DOES ORDAIN AS FOLLOWS:

Section 1. FINDINGS AND DECLARATIONS. 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 of the City of Ridgecrest 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 part 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.

Section 2. UNLAWFUL ACTIONS. It shall be unlawful for any person or firm 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 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 72 hours unless such vehicle or part thereof is completely enclosed within a building in a lawful manner or completely enclosed within a non-transparent, solid fence six feet or more in height such that such vehicle or part thereof is not plainly visible from the street or other public or private property.

Section 3. FAILURE OR REFUSAL TO REMOVE. It shall be unlawful for any person or firm 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 ordinance or State law where such State law is applicable.

Section 4. DISMANTLERS AND DEALERS. It shall be unlawful for a licensed automotive dismantler, licensed vehicle dealer, or junk dealer to park, store, or leave or permit the parking, storing, or leaving of any licensed or unlicensed vehicle or part thereof which is in a wrecked, dismantled, or inoperative condition upon any private property, including dealer's own property, unless such vehicle or part thereof is completely enclosed within a building in a lawful manner or completely enclosed within a non-transparent, solid fence six feet or more in height such that such vehicle or part thereof is not plainly visible from a street or other public or private property.

Section 5. DEFINITIONS. As used in this ordinance:

(a) VEHICLE - 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) HIGHWAY - 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) PUBLIC PROPERTY - The term "public property" does not include "highway."

Section 6. OTHER NUISANCES. Nothing in this ordinance shall authorize the maintenance of a public or private nuisance as defined under the provisions of law other than Chapter 10 (commencing with Section 22650) of Division 11 of the Vehicle Code of the State of California and this ordinance.

Section 7. OTHER REGULATION. This ordinance is not the exclusive regulation of abandoned, wrecked, dismantled, or inoperative vehicles within the City of Ridgecrest. It shall supplement and be in addition to the other regulatory codes, statutes, and ordinances heretofore or hereafter enacted by the City of Ridgecrest, the State, or any other legal entity or agency having jurisdiction.

Section 8. ADMINISTERING OFFICER. 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 to obtain information as to the identity of a vehicle and to remove or cause the removal of a vehicle or part thereof declared to be a nuisance pursuant to this ordinance.

Section 9. AUTO CONTRACTORS OR FRANCHISE HOLDERS. 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.

Section 10. ADMINISTRATIVE COSTS, DETERMINATION. The City Council 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 ordinance.

Section 11. PUBLIC HEARING, NOTICE. A public hearing shall be held on the question of abatement and removal of the vehicle or part 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 part thereof against the property on which it is located. Notice of the hearing shall be mailed by the City Clerk at least ten (10) days before the hearing by certified mail, with a five-day return requested, to the owner of the land as shown on the last equalized county 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. If any of the foregoing notices are returned undelivered by the United States Post Office, the hearing shall be continued to a date not less than ten (10) days from the date of such return.

Section 12. OTHER NOTICE OF HEARING. Notice of hearing shall also be given by the Chief of Police to the California Highway Patrol identifying the vehicle or part thereof proposed for removal, such notice to be mailed at least ten (10) days prior to the public hearing.

Section 13. HEARING BODY, ACTION BY. All hearings under this ordinance shall be held before the City Council of the City of Ridgecrest which shall hear all facts and testimony it deems pertinent. Said facts and testimony may include testimony on the condition of the vehicle or part 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 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 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 ordinance. It may delay the time for removal of the vehicle or part 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 part 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 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 he has not subsequently acquiesced in its presence, the City Council 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 City Council but does not appear, he shall be notified in writing of the decision.

Section 14. REMOVAL. Five days after the City Council adopts an order declaring the vehicle or parts thereof to be a public nuisance, the Chief of Police shall cause the removal of the vehicle or parts thereof to a scrapyard or automobile dismantler's yard. After the vehicle has been removed it shall not thereafter be reconstructed or made operable.

Section 15. NOTICE OF REMOVAL. Within five days after the date of removal of the vehicle or part thereof, the Chief of Police shall give notice to the Department of Motor Vehicles of the State of California identifying the vehicle or part 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.

Section 16. ASSESSMENT OF COSTS. If the administrative costs and costs of removal which are charged against the owner of a parcel of land pursuant to Section 13 are not paid within thirty (30) days of the date of the order of the City Council, 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 County tax collector for collection with real and personal property taxes.

Section 17. EXCLUSIONS. The abatement provisions of this ordinance, Section 8 through 16, shall not apply to:

(a) A vehicle or part thereof which is completely enclosed within a building in a lawful manner or fenced in accordance with Section 2.

(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.

Section 18. VIOLATION AND PENALTY. Any person violating Sections 2, 3, or 4 of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than \$25.00 nor more than \$500.00, or by being imprisoned for a term of not exceeding six (6) months, or by both such fine and imprisonment.

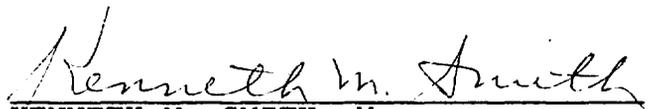
Section 19. The City Clerk shall certify to the adoption of this ordinance and cause it to be published in the manner required by law.

APPROVED AND ADOPTED this 21st day of November, 1968, by the following vote:

AYES: Mayor Smith, Councilmen Edwards, Fox, Kessler, and Shacklett

NOES: None

ABSENT: None

  
KENNETH M. SMITH, Mayor

ATTEST:

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City Clerk