

Chapter 10.48

ABANDONED AND INOPERATIVE VEHICLES

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10.48.010 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 of the State to remove abandoned, wrecked, dismantled or inoperative vehicles or parts thereof as public nuisances, the City Council 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 found to create a condition tending to reduce the value of the property, to promote blight and deterioration, to invite plundering, to create fire hazards, to constitute an attractive nuisance creating a hazard to health and safety of minors, to create a harborage for rodents and insects and to be injurious to the health, safety and general welfare. In addition, the outdoor storage of an excessive number of vehicles by automobile repair shops also contributes to the aforementioned adverse impacts. 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, and the outdoor storage of an excessive number of vehicles by automobile repair shops is declared to constitute a public nuisance which may be abated as such in accordance with the provisions of this Chapter. The storage of excessive numbers of vehicles by automobile repair shops shall be governed by the provisions of Section 10.48.160 and 10.48.170(d) of this Chapter. (Ord. 653 §1, 2002)

10.48.020 Definitions

As used in this Chapter:

(a) “Automobile Repair Shop” means any business located in the City of Ripon, whose business includes the service or repair of vehicles, including gas and service stations, garages, repair shops, and smog inspection stations.

(b) “Highway” means a way or place of whatever nature, publicly maintained or opened to the use of the public for purposes of vehicular traffic. “Highway” includes “street.”

(c) “Inoperative” includes, but is not limited to, a vehicle which is not currently and validly registered for operation or use on the highways and streets in the State as required under the provisions of Division 3 (commencing at Section 4000 et seq.) of the Vehicle Code of the State. “Inoperative” also means any vehicle which, in the judgment of the Vehicle Abatement Officer, is not capable of being operated in accordance with applicable law at the time of inspection thereof.

(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 the last legal owner of record.

(f) "Public property" does not include "highway."

(g) "Repair Bay" means an individual, indoor, enclosed work station or defined work area within an Automobile Repair Shop, used for the service or repair of vehicles within such Automobile Repair Shop.

(h) "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.

(i) "Vehicle Abatement Officer" means the Chief of Police or his designated representative or any other employee of the City appointed by the City Administrator. (Ord. 653 §1, 2002)

10.48.030. 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 street or other public or private property;

(b) A vehicle or part thereof which is stored in a lawful manner on private property in connection with the business of a licensed dismantler, licensed vehicle dealer, or a junk yard; provided, however, that this exception shall not 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 II of the Vehicle Code, and this Chapter;

(c) Historic Vehicle. A vehicle or part thereof which qualifies as a vehicle of historic value and has special identification plates for a historical vehicle as described in section 5004 of the California Vehicle Code; or

(d) Screened from Public View. One (1) vehicle, for which Certificate of Non-operation has been filed with the Department of Motor Vehicles pursuant to Section 4604 of the California Vehicle Code, that is screened behind a six (6) foot high fence, which is in compliance

with the requirements of this Title, and that is not otherwise a public nuisance. (Ord. 653 §1, 2002)

10.48.040 Non-Exclusive Regulation

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. 596 §1, 1999; Ord. 653 §1, 2002)

10.48.050 Abandoned Vehicle Abatement Hearing Board of Established Membership

There is hereby established an Abandoned Vehicle Abatement Hearing Board. The Board shall consist of three members, as appointed by the Ripon City Council. (Ord. 653 §1, 2002)

10.48.060 Administration and Enforcement

Except as otherwise provided herein, the provisions of this Chapter shall be administered and enforced by the Vehicle Abatement Officer. The California Highway Patrol may enforce these provisions when designated by agreement entered into pursuant to California vehicle Code Section 22665. In the enforcement of this Chapter, such persons charged with administration and enforcement may enter upon private or public property to examine the 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. 653 §1, 2002)

10.48.070. Right to Enter on Private Property

When the City Council has contacted 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. (Ord. 653 §1, 2002)

10.48.080 Fixing Administrative Costs

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 Chapter. Said determination of administrative costs shall include a determination of amounts to be reimbursed to the California Department of Highway Patrol for its administrative costs when such department is designated to administer or enforce any section of this Chapter pursuant to Section 10.48.050. (Ord. 653 §1, 2002)

**10.48.090 Abatement and Removal –
Notice of Intention**

A ten (10) day notice of intention to abate and remove the vehicle or parts thereof, as a public nuisance, shall be mailed by the Vehicle Abatement Officer via registered or certified mail to the owner of the land and to the owner of the vehicle, unless the vehicle is in such a condition that identification numbers are not available to determine ownership. The form of the notice shall be such as prescribed by the Vehicle Abatement Officer, and approved by the City Attorney. (Ord. 653 §1, 2002)

**10.48.100 Abatement and Removal –
Request for Public Hearing**

(a) Upon request by the owner of the vehicle or owner of the land received by the Vehicle Abatement Officer within ten (10) days after the mailing of the Notice of Intention to Abate and Remove, a public hearing shall be held by the Abandoned Vehicle Abatement Hearing Board 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 costs of removal of the vehicle or parts thereof against the property on which it is located.

(b) If the owner of the land submits a sworn, written statement denying responsibility for the presence of the vehicle on his land within such ten (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 the Vehicle Abatement Officer via registered or certified mail at least ten (10) days before the hearing date 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 request for a hearing is not received within ten (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 public nuisance without holding a public hearing, upon the written order of the Vehicle Abatement Officer. (Ord. 653 §1, 2002)

**10.48.110 Abatement and Removal –
Conduct of Public Hearings –
Decision**

(a) All hearings under this Chapter shall be held before the Abandoned Vehicle Abatement Hearing Board, which shall hear all facts and testimony it deems pertinent. Said facts and testimony may include the testimony on the condition of the vehicle or parts thereof and the circumstances concerning its location on the private property or public property. The Board 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.

(b) The Board 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 Board 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.

(c) 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 Board 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.

(d) 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 Board but does not appear, he shall be notified in writing of the decision. (Ord. 653 §1, 2002)

**10.48.120 Abatement and Removal –
When**

Ten (10) days after the adoption of the order declaring the vehicle or parts thereof to be a public nuisance, or ten (10) days from the date of mailing of the decision of such notice authorizing removal following appeal, the vehicle or parts thereof may be disposed of by removal to a scrap yard or automobile dismantler's yard. After a vehicle has been removed, it shall not thereafter be reconstructed or made operable, unless it is a vehicle which qualified for horseless carriage license plates and historical vehicle license plates pursuant to California Vehicle Code Section 5004, in which case the vehicle may be reconstructed or made operable. (Ord. 653 §1, 2002)

**10.48.130 Abatement and Removal –
Notice and Transmittals to
Department of Motor Vehicles**

With five (5) 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. (Ord. 653 §1, 2002)

**10.48.140 Abatement and Removal –
Assessment of Costs to Land
Owners**

If the administrative costs and the costs of removal which are charged against the owner of a parcel of land pursuant to Section 10.48.080 are not paid within forty-five (45) 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. (Ord. 653 §1, 2002)

**10.48.150 Vehicles Valued Less Than Two
Hundred Dollars (\$200.00)**

No notice of intention or hearing shall be required for removal of a vehicle or part thereof which is inoperable due to the absence of a motor, transmission, or wheels and incapable of being towed, and is valued at less than two hundred dollars (\$200) by the Vehicle Abatement Officer and provided, further, that the following conditions are met:

(a) The owner of the land on which the vehicle, or part thereof, is located has signed a release authorizing the removal of the vehicle, or part, and waiving further interest in the same;

(b) The other applicable provisions of this Chapter pertaining to the removal and abatement of inoperative vehicle are complied with;

(c) Said inoperable vehicle or part is located on a parcel of land that is zoned for agricultural use or not improved with residential structures containing one (1) or more dwelling units;

(d) Prior to final disposition of such a low value vehicle or part for which evidence of registration has been recovered, the Vehicle Abatement Officer shall provide notice to the registered and legal owner of intent to dispose of the vehicle or part and that if the vehicle or part is not claimed and removed within twelve (12) days after notice is mailed, final disposition may proceed. (Ord. 653 §1, 2002)

10.48.160 Storage of Excessive Numbers of Vehicles—Automobile Repair Shops

Automobile Repair Shops, as defined in Section 10.48.020, shall be permitted to store not more than two vehicles per Repair Bay outdoors within the boundaries of their property after normal business hours, while said vehicles are under the control and supervision of the Automobile Repair Shop and are in the process of repair. The presence of more than two vehicles per Repair Bay outdoors on the property of any Automobile Repair Shop after normal business hours, other than vehicles used by the owners and employees of the Automobile Repair Shop, shall be per se evidence of a violation of this Section 10.48.160. (Ord. 653 §1, 2002)

10.48.170 Penalties

(a) It is unlawful for any person who has previously had any vehicle owned by him or placed on his land abated in accordance with the provisions of this Chapter, excepting the owner

of land exonerated pursuant to Section 10.48.110, to abandon, park, store, or permit or leave 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 of Ripon unless such vehicles 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 conjunction with the business of a licensed dismantler, licensed vehicle dealer, or junk yard.

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

(c) Any violation of this Chapter shall be considered an infraction, and may be prosecuted pursuant to the abatement provisions herein, or in accordance with Chapters 1.08 or 1.12 of this Code.

(d) Notwithstanding subsections (a), (b) and (c) of this Section 10.48.170, the penalty for the excessive storage of vehicles by automobile repair shops, as set forth in Section 10.48.160, shall be one hundred dollars (\$100.00) for the first offense in any 12 month period, two hundred fifty dollars (\$250.00) for the second such offense in any 12 month period, and five hundred dollars (\$500.00) for each subsequent offense in any 12 month period. (Ord. 653 §1, 2002)