

Chapter 9.28**ABANDONED, WRECKED OR INOPERATIVE VEHICLES****Sections:**

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Section 9.28.010 Chapter purpose--Definitions.

In addition to and in accordance with the determination made and the authority granted by the State under Section 22660 of the Vehicle Code 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 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 declared to constitute a nuisance which may be abated as such in accordance with the provisions of this chapter.

As used in this chapter:

"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;

"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;

"Owner of the vehicle" means the last registered owner and legal owner of record.

"Public property" does not include "highway";

"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. (Ord. 3828 § 1 (part), 1971)

Section 9.28.020 Chapter exemptions.

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; or

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, 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 chapter. (Ord. 3828 § 1 (part), 1971)

Section 9.28.030 Chapter supplemental to other codes.

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. 3828 § 1 (part), 1971)

Section 9.28.040 Administration and enforcement.

Except as otherwise provided herein, the provisions of this Chapter shall be administered and enforced by the Chief of Police, the Community Development Director, and/or the Public Works Director and/or the authorized representative thereof. In the enforcement of this Chapter such code enforcement officers and law enforcement officers 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 part thereof) declared to be a nuisance pursuant to this Chapter. (Ord. 6844 § 16, 2006; Ord. 5847 § 1, 1990; Ord. 3823 § 1 (part), 1971)

Section 9.28.050 Franchise for removal.

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 chapter. (Ord. 3828 § 1 (part), 1971)

Section 9.28.060 Administration cost assessment.

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. (Ord. 3828 § 1 (part), 1971)

Section 9.28.070 Abatement and removal.

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, the Community Development Director, and/or the Public Works Director and/or the authorized representative thereof shall have the authority to cause the abatement and removal thereof in accordance with the procedure prescribed herein. (Ord. 6844 § 17, 2006; Ord. 5847 § 2, 1990; Ord. 3828 § 1 (part), 1971)

Section 9.28.080 Notice of intention to abate and remove.

A. Unless the property owner and the owner of the vehicle have signed releases authorizing removal and waiving further interest in the vehicle or part thereof, a ten-day notice of intention to abate and remove the vehicle or parts thereof as a public nuisance shall be mailed by certified mail to the owner of the land and to the owner of the vehicle except when the vehicle

is in such condition that identification numbers are not available to determine ownership of such vehicle.

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 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 of Riverside and the costs thereof, together with administrative costs, assessed to you as owner of the land on which said vehicle (or said part 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 Code Enforcement Manager, Code Enforcement Division of the Community Development Department of the City of Riverside within such 10-day period, the Chief of Police, the Community Development Director, the Public Works Director and/or the authorized representative thereof 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 said 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) (Title)" "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 Chapter 9.28 of the Riverside 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 constitutes a public nuisance pursuant to the provisions of Chapter 9.28 of the Riverside Municipal Code.

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 request is not received by the Code Enforcement Manager, Code Enforcement Division of the Community Development Department of the City of Riverside within such a 10-day period, the Chief of Police, the Code Enforcement Manager, the Public Works Director and/or the authorized representative thereof shall have the authority to abate and remove said vehicle (or parts of a vehicle) without a hearing. Notice mailed s/ Date) (Title)"

B. Notwithstanding the provisions of Subsection (A) above, the notice of intention is not 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, is valued at less than two hundred dollars by a person specified in Section 22855 of the Vehicle Code of the State of California,

and is determined by the City to be a public nuisance presenting an immediate threat to public health or safety, provided that the property owner has signed a release authorizing removal and waiving further interest in the vehicle or part thereof. Prior to final disposition under Section 9.28.110 of such a low-valued vehicle or part for which evidence of registration was recovered, the City shall provide notice to the registered and legal owners of intent to dispose of the vehicle or part, and if the vehicle or part is not claimed and removed within twelve days after the notice is mailed, from the location specified in Section 9.28.110, final disposition may proceed. This subsection applies only to inoperable vehicles located upon a parcel that is (1) zoned for agricultural use or (2) not improved with a residential structure containing one or more dwelling units. (Ord. 6844 § 18, 2006; Ord. 6091 § 1, 1993; Ord. 5927 § 1, 1991; Ord. 5847 § 3, 1990; Ord. 5491 § 1, 1987; Ord. 3828 § 1 (part), 1971)

Section 9.28.090 Request for hearing.

Upon request by the owner of the vehicle or owner of the land received by the Code Enforcement Manager, Code Enforcement Division of the Community Development Department within ten days after the mailing of the notices of intention to abate and remove, a public hearing shall be held as set forth in Section 6.15.030 by the hearing officer 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 ten-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 certified mail, at least ten 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 ten 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. 6844 § 19, 2006; Ord. 5927 § 2, 1991; Ord. 5491 § 2, 1987; Ord. 3828 § 1 (part), 1971)

Section 9.28.100 Hearing.

All hearings under this chapter shall be held before a hearing officer who shall hear all facts and testimony such hearing officer 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 hearing officer 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 hearing officer may impose such conditions and take such other action as the hearing officer deems appropriate under the circumstances to carry out the purpose of this chapter. The hearing officer may delay the time for removal of the vehicle or parts thereof if, in the hearing officer's opinion, the circumstances justify it. At the conclusion of the public hearing, the hearing officer 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 hearing officer 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 hearing officer but does not appear, he shall be notified in writing of the decision.

The decision of the hearing officer shall be final and the appellant may not appeal such decision to the City Council. (Ord. 5927 § 3, 1991; Ord. 5491 § 3, 1987; Ord. 3828 § 1 (part), 1971)

Section 9.28.110 Disposal of nuisance.

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 9.28.100, or fifteen days after such action of the hearing officer 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, said vehicle shall not thereafter be reconstructed or made operable unless it is a vehicle which qualifies for either horseless carriage license plates or historical vehicle license plates, pursuant to Section 5004 of the Vehicle Code, in which case the vehicle may be reconstructed or made operable. (Ord. 6091 § 2, 1993; Ord. 3828 § 1 (part), 1971)

Section 9.28.120 Notice to Department of Motor Vehicles.

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. (Ord. 3828 § 1 (part), 1971)

Section 9.28.130 Assessment of costs.

If the administrative costs and the cost of removal which are charged against the owner of a parcel of land pursuant to Sections 9.28.080 or 9.28.100 are not paid within thirty 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. 6091 § 3, 1993; Ord. 3828 § 1 (part), 1971)