

## Chapter 10.52

### ABANDONED VEHICLES

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10.52.010 Declarations and definitions. (a) 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 Ross town 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 a public nuisance which may be abated as such in accordance with the provisions of this chapter.

(b) As used in this chapter:

(1) "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.

(2) "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.

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

(4) "Owner of the land" means the owner of the land on which the vehicle or part thereof is located, as shown on the last equalized assessment roll.

(5) "Owner of the vehicle" means the last registered owner and legal owner of record. (Ord. 369 §1(part), 1976).

10.52.020 Exclusions. (a) This chapter shall not apply to:

(1) 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

(2) 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.

(b) 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. 369 §1 (part), 1976).

10.52.030 Procedure not exclusive. This chapter is not the exclusive regulation of abandoned, wrecked, dismantled or inoperative vehicles within the town. It shall supplement and be in addition to the other regulatory codes, statutes and ordinances heretofore or hereafter enacted by the town, the state or any other legal entity or agency having jurisdiction. (Ord. 369 §1(part), 1976).

10.52.040 Enforcement. Except as otherwise provided herein, the provisions of this chapter shall be administered and enforced by the chief of police. In the enforcement of this chapter 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 part thereof declared to be a nuisance pursuant to this chapter. (Ord. 369 §1(part), 1976).

10.52.050 Franchise holder. When the town 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. 369 §1(part), 1976).

10.52.060 Costs. The town council shall from time to time determine and fix an amount to be assessed as administrative costs under this chapter, excluding the actual cost of removal of any vehicle or part thereof. (Ord. 369 §1(part), 1976).

10.52.070 Authority to abate or remove vehicles. Upon discovering the existence of an abandoned, wrecked, dismantled or inoperative vehicle or parts thereof on private property or public property within the town, the chief of police shall have the authority to cause the abatement and removal thereof in accordance with the procedure set forth in this chapter. (Ord. 369 §1(part), 1976).

10.52.080 Notices of intention. A ten-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 the identification number of the vehicle is 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 the 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 the provisions of Chapter 10.52 of Title 10 of the Ross 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 Section 10.52.010 of the Ross Municipal Code.

You are hereby notified to abate said nuisance by the removal of said vehicle (or said parts of a vehicle) within ten 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 town 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 ten days after the mailing of this notice of intention, request a public hearing, and if such a request is not received by the chief of police within such ten-day period, the chief of police 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 ten-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 a 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 the 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 10.52.010 of the Ross 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 10.52 of Title 10 of the Ross Municipal Code.

You are hereby notified to abate said nuisance by the removal of said vehicle (or said parts of a vehicle) within ten 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 ten days after the mailing of this notice of intention, request a public hearing, and if such a request is not received by the chief of police within such ten-day period, the chief of police 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)”

(Ord. 369 §1(part), 1976).

10.52.090 Requests for hearings--Notices. (a) Upon request by the owner of a vehicle or owner of the land, received by the chief of police within ten days after the mailing of the notices of intention to abate and remove, a public hearing shall be held by the chief of police 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-day period, such 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 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 a hearing is not received within ten days after the mailing of the notice of intention to abate and remove, the town shall have the authority to abate and remove the vehicle or parts thereof as a public nuisance without holding a public hearing. (Ord. 369 §1(part), 1976).

10.52.100 Hearings--Determinations. (a) All hearings held pursuant to the provisions of this chapter shall be held before the chief of police, who shall hear all facts and testimony he deems pertinent. Such facts and testimony may include testimony on the condition of the vehicle or parts thereof, and the circumstances concerning its location on private or public property. The

chief of police 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 chief of police may impose such conditions and take such other action as he deems appropriate under the circumstances to carry out the purposes of this chapter. He may delay the time for removal of the vehicle or parts thereof, if in his opinion the circumstances so justify. At the conclusion of the public hearing, the chief of police may find that a vehicle or parts thereof has been abandoned, wrecked or dismantled, or is inoperative on private or public property and may order the same removed from the property as a public nuisance and disposed of as provided in this chapter, and determine the administrative costs and the costs 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 chief of police 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 person makes a written presentation to the chief of police but does not appear, he shall be notified in writing of the decision.(Ord. 369 §1(part), 1976).

10.52.110 Hearings--Appeals. (a) Any interested party may appeal the decision of the chief of police by filing a written notice of appeal with the chief of police within five days after his decision.

(b) Such appeal shall be heard by the council, which may affirm, amend or reverse the order, or take other action deemed appropriate.

(c) The town clerk shall give written notice of the time and place of the hearing to the appellant and those persons specified in Section 10.52.080.

(d) In conducting the hearing, the council shall not be limited by the technical rules of evidence. (Ord. 369 §1(part), 1976).

10.52.120 Time for removal of vehicles. Five days after the adoption of the order declaring the vehicle or parts thereof to be a public nuisance, or five days from the date of mailing of the notice of the decision, if such notice is required by the provisions of Section 10.52.100, the vehicle or parts thereof may be disposed of by removal to a scrapyard or auto/mobile dismantler's yard. After a vehicle has been removed it shall not thereafter be reconstructed or made operable. (Ord. 369 §1(part), 1976).

10.52.130 Notices 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 of the state, 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. 369 §1(part), 1976).

10.52.140 Uncollected costs--Assessment--Lien. If the administrative costs and the costs of removal which are charged against the owner of the land pursuant to the provisions of

Section 10.52.100 of this chapter are not paid within thirty days from 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 the provisions of Section 38773.5 of the Government Code of the state, and shall be transmitted to the tax collector for collection. Such assessment shall have the same priority as other town taxes. (Ord. 369 §1(part), 1976).

10.52.150 Violations--Abandonment of vehicles. It is unlawful 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 or public property, not including highways, within the town 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 such vehicle or part thereof 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 vehicle-dealer or a junkyard. (Ord. 369 §1(part), 1976).

10.52.160 Violations--Failure to remove abandoned vehicles. It is unlawful for any person to fail or 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 or state law where such state law is applicable. (Ord. 369 §1(part), 1976).