



# City of Placerville

## Abandoned and Wrecked Vehicle Code

### 9-9-1: NUISANCE DECLARED:

(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 council of the city hereby makes the following findings:

1. 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 chapter.

(B) As used in this chapter:

**HIGHWAY:** 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".

**PUBLIC PROPERTY:** The term "public property" does not include "highway".

**VEHICLE:** 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. 986, 11-26-1968)

### 9-9-2: 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; 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; or

(C) A vehicle or part thereof which is located behind a solid fence six feet (6') 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 II of the Vehicle Code and this chapter. (Ord. 986, 11-26-1968)

### 9-9-3: OTHER RELIEF:

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. 986, 11-26-1968)

**9-9-4: ENFORCEMENT:**

Except as otherwise provided herein, the provisions of this chapter shall be administered and enforced by the police department. 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. 986, 11-26-1968)

**9-9-5: ENTER ON PRIVATE PROPERTY:**

When the council has contracted with or granted a franchise to any person, such person 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.

If the local agency determines that commercial channels of disposition are not available or are inadequate, it may dispose of the vehicles by removal to any suitable site. The local agency may make final disposition of such vehicles or parts thereof or may transfer such vehicles or parts to another, provided such disposal is only for scrap. (Ord. 986, 11-26-1968)

**9-9-6: COSTS:**

The council shall from time to time determine and fix an amount to be assessed as administrative costs under this chapter. (Ord. 986, 11-26-1968)

**9-9-7: HEARING, NOTICE:**

The police department shall notify the owner of an abandoned, wrecked, dismantled or inoperative vehicle and the owner of the land on which such vehicle is located of its intent to have the vehicle removed pursuant to this chapter. Said notice shall be mailed at least twenty (20) days before the date set for removal of the vehicle. The notice shall inform the owner of the city's intent to remove the vehicle pursuant to this chapter and the date of said removal. The notice shall further inform the owner that the owner may request a public hearing on the question of abandonment and removal of the vehicle. Said request shall be transmitted to the police department, in writing, at least five (5) days before the date set for removal. 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, if such hearing is requested by the owner of the vehicle or the owner of the land on which the vehicle is located. At such hearing, if same is requested, the matter of and the assessment of administrative costs and the cost of removal of the vehicle or part thereof against the property on which it is located will also be considered and determined. Notice of hearing shall be mailed at least ten (10) days before the hearing by certified mail, with a five (5) 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 the return. (Ord. 1465, 4-24-1990)

**9-9-8: NOTICE OF HEARING:**

Notice of hearing shall also be given 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. (Ord. 986, 11-26-1968)

### **9-9-9: HEARING, PROCEDURE:**

- (A) All hearings, if requested, under this chapter, shall be held before the city council which shall hear all facts and testimony it deems pertinent. The facts and testimony may include testimony on the condition of the vehicle or part thereof, and the circumstances concerning its location on the private property or public property. The hearing body 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.
- (B) 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 chapter. 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 it removed from the property as a public nuisance and disposed of as provided in this chapter 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.
- (C) If it is determined at the hearing that the vehicle was placed on the land without the consent of the landowner and that he has not subsequently acquiesced in its presence, the city council shall not assess costs of administration or cost of removal of the vehicle against the property on which the vehicle is located or otherwise attempt to collect the cost from the landowner.
- (D) 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. 1465, 4-24-1990)

### **9-9-10: REMOVAL:**

The vehicle or part thereof declared to be a public nuisance shall be removed on the date set for removal by the police department as contained in the notice to the owner of the vehicle and/or the owner of the land on which the vehicle is located. In the event a public hearing is requested by the owner of the vehicle or the owner of the land on which the vehicle is located, the vehicle will be removed five (5) days after the decision of the city council authorizing removal. The vehicle or parts thereof may be disposed of by removal to a scrap yard or auto dismantler's yard. After a vehicle has been removed, it shall not thereafter be reconstructed or made operable. (Ord. 1465, 4-24-1990)

### **9-9-11: NOTICE OF REMOVAL:**

Within five (5) 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 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. (Ord. 1465, 4-24-1990)

### **9-9-12: COSTS ASSESSED:**

If the administrative costs, and the cost of removal which are charged against the owner of a parcel of land pursuant to section [9-9-9](#) of this chapter, are not paid within thirty (30) days of the date of the order, 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. 1465, 4-24-1990)