

Public Safety Committee Memorandum

City of Arts & Innovation

TO: PUBLIC SAFETY COMMITTEE MEMBERS DATE: MAY 15, 2019

FROM: CITY ATTORNEY'S OFFICE WARD: ALL

SUBJECT: AN AMENDMENT TO CHAPTERS 6.15 AND 9.28 OF THE RIVERSIDE MUNICIPAL CODE REGARDING ABANDONED, WRECKED OR INOPERATIVE VEHICLES.

ISSUE:

The adoption of an ordinance amending Sections 6.15.015 and 9.28.010 of the Riverside Municipal Code to comply with State Law for abandoned, wrecked or inoperative vehicles.

RECOMMENDATION:

That the Public Safety Committee:

1. Approve the proposed changes to Chapters 6.15 and 9.28 of the Riverside Municipal Code regarding Abandoned, Wrecked or Inoperative Vehicles; and
2. Recommend the City Council adopt an ordinance amending Chapters 6.15 and 9.28 of the Riverside Municipal Code regarding Abandoned, Wrecked or Inoperative Vehicles, including sections 6.15.015 and 9.28.010.

BACKGROUND:

California Vehicle Code section 22660 (hereinafter VC 22660), as amended in 1970, authorized local jurisdictions to establish procedures for the abatement of abandoned vehicles from private and public property "not including highways" as follows:

Notwithstanding any other provision of law, a city, county, or and city and county may adopt an ordinance establishing procedures for the abatement and removal, as public nuisances, of abandoned, wrecked, dismantled, or inoperative vehicles or parts thereof from private property or public property, **not including highways**, and recovery, pursuant to sections 25845 or 38773.5 of the Government Code . . . (emphasis added, 1970 amendments.)

In 1971, the Riverside City Council used the authority of VC 22660 to enact Riverside Municipal Code (RMC) Chapter 9.28 – Abandoned, Wrecked or Inoperative Vehicles. City streets are included in the definition of "Highways." In 1988, the state legislature amended VC 22660 by deleting the words "not including highways" – thus authorizing the removal of abandoned vehicles from highways (aka "streets"). However, RMC section 9.28.010 has not been amended to reflect this important change to VC 22660 and continues to use the phrase "not including highways." As

a result, abandoned vehicles on public streets in the City cannot currently be abated as public nuisances— even though such abatement is authorized by state law.

DISCUSSION:

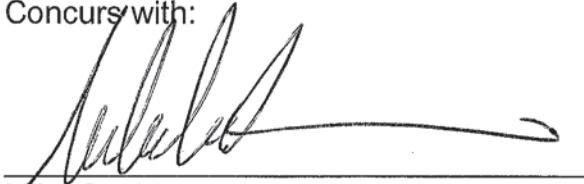
To be consistent with state law and allow the City more flexibility in removing abandoned, wrecked or inoperative vehicles, an update to RMC sections 6.15.015 and 9.28.010 is necessary. The update will delete the phrase “not including highways” from the RMC. These proposed changes will enable officers to pursue nuisance abatement actions against abandoned, wrecked and/or inoperative vehicles parked on City streets.

FISCAL IMPACT:

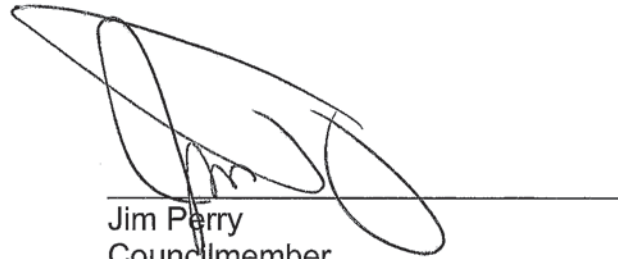
There is no fiscal impact associated with this report.

Prepared by: Gary G. Geuss, City Attorney

Concurs with:



Mike Soubirous,
Councilmember



Jim Perry
Councilmember

Attachments:

1. Draft Ordinance