



Presentation to the Public Safety Committee

March 15, 2019



Office of the City Attorney
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Amendments to RMC Chapter 9.28- Abandoned, Wrecked or Inoperative Vehicles,
RMC Chapter 6.15 – Abatement of Public Nuisances

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NUISANCE VEHICLES INTRODUCTION

RMC Chapter 9.28 deals with abandoned, wrecked, dismantled, or inoperative vehicles.

RMC Chapter 6.15 deals with abatement of public nuisances

To pursue nuisance abatement actions against problem vehicles:

1. Amend RMC Chapter 9.28 to reflect updates to the Vehicle Code by removing the phrase "not including highways."
2. Amend RMC Chapters 9.28 and 6.15 to define the terms "abandoned", "wrecked", "dismantled", "inoperative."



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NUISANCE VEHICLES BACKGROUND

Vehicle Code section 22660 authorizes cities to establish procedures to abate abandoned, wrecked, dismantled or inoperative vehicles as public nuisances.

The 1970 version of VC 22660 authorized removal of such vehicles from "private or public property not including highways."

"Highways" includes public streets.



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NUISANCE VEHICLES BACKGROUND

RMC section 9.28.010, adopted in 1971, has the same restrictive language "not including highways."

In 1988, the legislature amended VC 22660 by deleting the phrase "not including highways."

RMC section 9.28.010 has not been amended to reflect this important change.



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NUISANCE VEHICLES BACKGROUND

The odd result:

The Vehicle Code allows the City to declare abandoned, wrecked, dismantled or inoperative vehicles on a public street a public nuisance.

The current version of the RMC does not.



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NUISANCE VEHICLES PROPOSED ORDINANCE

"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 . . . and to be injurious to the health, safety and general welfare."



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NUISANCE VEHICLES PROPOSED ORDINANCE

“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.”



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NUISANCE VEHICLES NEED TO DEFINE THE TERMS

RMC Chapter 9.28 does not define “abandoned”, “wrecked”, “dismantled” or “inoperative” vehicles.

RMC Chapter 6.15 (Abatement of Public Nuisances) has outdated definitions for “abandoned” and “inoperative vehicles.”

Fix this by using definitions from the California Highway Patrol Handbook.



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NUISANCE VEHICLES CHP DEFINITIONS

Abandoned Vehicle. A vehicle is considered to be abandoned if it is left on a highway, public property, or private property in such inoperable or neglected condition that the owner's intent to relinquish all further rights or interest in it may be reasonably concluded. In reaching a reasonable conclusion, one must consider the amount of time the vehicle has not been moved, its condition, statements from the owner and witnesses, etc.



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NUISANCE VEHICLES DEFINITIONS

Wrecked Vehicle. Any vehicle that is damaged to such an extent that it cannot be operated upon the highway is termed a wrecked vehicle. A vehicle which has been wrecked in a traffic accident, and which has been removed from the roadway to a storage facility, but which has not been claimed by its owner, will not be considered an abandoned vehicle for the purposes of this program.



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**CITY ATTORNEY'S OFFICE
NUISANCE VEHICLES
DEFINITIONS**

Dismantled Vehicle. Any vehicle which is partially or wholly disassembled.



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**RMC 6.15 ABATEMENT OF PUBLIC NUISANCES
DEFINITIONS**

Inoperable Vehicle. Inoperable vehicle means mechanically incapable of being driven.



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RMC 9.28 DISCUSSION

Two methods to abate nuisance vehicles:

- 1) RMC section 9.28.080 – Notice of Intention to Abate (Abandoned, wrecked, dismantled, inop.)
 - Ten-day notice mailed to registered owner.
 - Owner can request a hearing.
 - Specifics mandated by VC 22661

- 2) Abatement warrant signed by a judge. (Any public nuisance.)



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CITY ATTORNEY'S OFFICE PUBLIC SAFETY DIVISION RECOMMENDATION

1. This Committee approve the proposed changes to RMC Chapters 9.28 and 6.15; and

2. Recommend the City Council adopt an ordinance amending RMC Chapters 9.28 and 6.15



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