

ORDINANCE NUMBER 972

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PERRIS AMENDING CHAPTER 7.30 OF THE PERRIS MUNICIPAL CODE PERTAINING TO NOTICING REQUIREMENTS FOR ABANDONED VEHICLE ABATEMENT PROCEDURES, INCORPORATING THE CIRCUMSTANCES UNDER WHICH NOTICING IS NOT REQUIRED, TO INCLUDE THE CIRCUMSTANCES WHEN, AFTER REMOVAL OF AN ABANDONED VEHICLE, SUCH VEHICLE CAN BE RECONSTRUCTED OR MADE OPERABLE, AND TO SET FORTH THE BOARD OF ZONING ADJUSTMENT AS THE DECISION MAKING BODY FOR DETERMINATIONS AND FINDINGS PERTAINING TO ABANDONED VEHICLES

WHEREAS, the Perris Municipal Code includes Section 7.30 which sets forth regulations for abandoned vehicles and the abatement thereof; and

WHEREAS, the City Council of the City of Perris adopted Ordinance Number 930 on September 14, 1992; and

WHEREAS, Ordinance Number 930 gives authority to the City of Perris Board of Zoning Adjustment to hear and decide on vehicle abatement proceedings pursuant the Chapter 7.30 of the Perris Municipal Code; and

WHEREAS, determination of the existence of abandoned vehicles as public nuisances presenting immediate threats to public health and safety, pursuant to the State of California Vehicle Code Section 22661, is consistent with the assigned duties of the Board of Zoning Adjustment; and

WHEREAS, The City of Perris is a participant in the Riverside County Abandoned Vehicle Abatement Program; and

WHEREAS, amendment of Section 7.30 of the Perris Municipal Code with respect to noticing requirements, and circumstances when vehicles may be reconstructed or made operable are necessary for participation in the Riverside County Abandoned Vehicle Abatement Program; and

WHEREAS, participation in the Riverside County Abandoned Vehicle Abatement program will result in additional revenues for use in City of Perris Code Enforcement programs; and

WHEREAS, the amendments to the Ordinance are consistent with the abandoned vehicle regulations within the State of California Vehicle Code Section 22661; and

WHEREAS, the City Council of the City of Perris has determined that it is in the best interest of the City of Perris to participate in the Riverside County Abandoned Vehicle Abatement Program, and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Perris hereby ordains as follows:

SECTION 1. Chapter 7.30.080 of the Perris Municipal Code is hereby amended as follows:

7.30.080 Notice of intention to abate. A ten (10) day notice of intention to abate and remove the vehicle, or parts thereof, as a public nuisance, shall be mailed by registered or certified mail to the owner of the land and to the owner of the vehicle or parts thereof, unless the vehicle is in such condition that identification numbers are not available to determine ownership.

In the event that both the property owner, and the owner of the vehicle have signed releases authorizing removal of an abandoned vehicle and waiving further interest in the vehicle or parts thereof, a ten (10) day notice of intention to abate and remove an abandoned vehicle shall not be required.

A ten (10) day notice of intent to abate and remove an abandoned vehicle shall not be required for removal of a vehicle or parts thereof which is inoperable due to absence of a motor, transmission, or wheels and is incapable of being towed if all the following criteria are met:

- a. Such inoperable vehicle or part thereof shall be valued at less than two hundred (\$200) by an authorized individual pursuant to State of California Vehicle Code Section 22855, including the following:
 1. any regularly employed and salaried police officer or other employee designated by the Chief of Police of the City of Perris
 2. Any regularly employed and salaried deputy sheriff or other employee designated by the Sheriff of Riverside County
 3. Any member of the California Highway Patrol designated by the Commissioner

4. Any member of the California State Police designated by the Chief thereof
 5. Any regularly salaried employee of a city, county, or city and county designated by a Board of Supervisors or a City Council pursuant to Subdivision A of Section 22669 of the State of California Vehicle Code.
- b. Such inoperable vehicle or parts thereof shall be located upon a parcel of land that is:
1. Zone for agricultural use; and
 2. Not improved with a residential structure containing one or more dwelling units.
- c. Such inoperable vehicle shall have been determined by the Board of Zoning Adjustment of the City of Perris to be a public nuisance presenting an immediate threat to public health or safety.
- d. The owner of the property on which such abandoned vehicle is located shall have signed a release authorizing removal and waiving further interest in the vehicle or parts thereof.

Pursuant to Section 22654 of the State of California Government Code, property owner releases are not required in order to commence abatement procedures by removing abandoned vehicles or parts thereof from public right-of-way. All other noticing and owner release must be met prior to disposal of any such vehicle.

Prior to final disposition of such a low-valued vehicle or part thereof for which evidence of registration was recovered, notice shall be provided to the registered and legal owners of the intent to dispose of the vehicle or parts. In the event that such vehicle or parts thereof is not claimed or removed from the location of storage from the location of storage within twelve (12) days after the notice is mailed, final disposition of the vehicle or part thereof may proceed.

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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 7.30.070 of the Perris Municipal Code, has determined that there exists upon said land an abandoned, wrecked, dismantled or inoperative vehicle, or parts thereof, registered to _____, license number _____, which constitutes a public nuisance pursuant to the provisions of Municipal Code Chapter 7.30.

You are hereby notified to abate said nuisance by the removal of said vehicle or parts thereof within ten (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 and the costs thereof, together with administrative costs, will be assessed to you as owner of the land on which said vehicle or parts thereof is/are located.

As owner of the land on which said vehicle or parts thereof is/are located, you are hereby notified that you may, within then (10) days after the mailing of this notice of intention, request a public hearing and if such a request is not received by the Board of Zoning Adjustment within such ten (10) day period, the Chief of Police or his designee shall have the authority to abate and remove said vehicle or parts thereof as a public nuisance and assess the costs as state above, without a public hearing. You may submit a sworn written statement within such ten (10)day period denying responsibility for the presence of said vehicle or parts thereof 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 stated above in time for consideration at such hearing.

Notice mailed: _____
(date)

Signed: _____
(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 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 7.30.070 of the Perris Municipal Code, has determined that said vehicle, or parts thereof, exist(s) 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 Municipal Code Chapter 7.30.

You are hereby notified to abate said nuisance by the removal of said vehicle, or parts thereof, within ten (10) days from the date of mailing of this notice.

As registered (and/or legal) owner of record of said vehicle, or parts thereof, you are hereby notified that you may, within ten (10) days after the mailing of this notice of intention, request a public hearing and if such a request is not received by the Board of Zoning Adjustment within such ten (10) day period, the Chief of Police or his designee shall have the authority to abate and remove said vehicle or parts thereof without a hearing.

Notice mailed: _____ Signed: _____
(date) (locally designated officer)

SECTION 2. Chapter 7.30.120 of the Perris Municipal Code is hereby amended as follows:

7.30.120 Removal -- Procedure. Five (5) days after the adoption of the order declaring the vehicle or parts thereof to be a public nuisance, five (5) days from the date of the mailing of notice of decision if such notice is required by Section 7.30.100, or fifteen (15) days after such action of the governing body authorizing removal following an 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, it shall not thereafter be reconstructed or made operable, unless one of the following criteria are met, in which case the vehicle or parts thereof may be reconstructed or made operable:

- a. The vehicle, or parts thereof, qualifies for horseless carriage license plates pursuant to Section 5004 of the State of California Vehicle Code; or,

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- b. The vehicle, or parts thereof, qualifies for historical vehicle license plates pursuant to Section 5004 of the State of California Vehicle Code.

SECTION 3. The Mayor shall sign and the City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published and posted pursuant to the provisions of law in this regard, and this Ordinance shall take effect thirty (30) days after its passage.

ADOPTED, SIGNED and APPROVED this 13th day of December, 1993.

Attest:

MAYOR OF THE CITY OF PERRIS

City Clerk

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss
CITY OF PERRIS)

I, Beti An Hynes, duly elected City Clerk of the City of Perris, California, do hereby certify that the foregoing Ordinance Number 972 was introduced at a regular meeting held November 29, 1993, and adopted by the City Council at a regular meeting thereof held the 13th day of December, 1993, by the following called vote:

Ayes: Denney, Long, Torres and Baitinger
Noes: None
Absent: Fletcher

CITY CLERK