

Article VI. Abandoned, Wrecked, Dismantled or Inoperative Vehicles.

Sec. 29-18. Declared public nuisance; definitions.

In addition to and in accordance with the determination made and the authority granted by the state under section 22660 of the state Vehicle Code to remove abandoned, wrecked, dismantled or inoperative vehicles or parts thereof as public nuisances, the city council hereby 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 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 parts 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 article.

For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

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."

Owner of the land. The owner of the land on which the vehicle, or parts thereof, is located, as shown on the last equalized assessment roll.

Owner of the vehicle. The last registered owner and legal owner of record.

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. No. 310)

Sec. 29-19. Exemptions from article.

This article shall not apply to:

- (a) A vehicle, or parts 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.
- (b) A vehicle, or parts thereof, which is stored or parked in a lawful manner on private property in connection with the business of a licensed dismantled, licensed vehicle dealer or a junk dealer, or when such storage or parking is necessary to the operation of a lawfully conducted business or commercial enterprise.

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 of the state and this article. (Ord. No. 310)

VERSION 10/2007

Sec. 29-20

Sec. 29-24

Sec. 29-20. Article not exclusive regulation.

This article 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. No. 310)

Sec. 29-21. Enforcement of article; right of entry of city officers.

Except as otherwise provided herein, the provisions of this article shall be administered and enforced by the city manager. In the enforcement of this article 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 parts thereof declared to be a nuisance pursuant to this article. (Ord. No. 310)

Sec. 29-22. Right of entry of contractor for purpose of removal.

When the city 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 article. (Ord. No. 310)

Sec. 29-23. Establishing administrative costs.

The city council shall from time to time determine and fix an amount to be assessed as administrative costs, excluding the actual cost of removal of any vehicle or parts thereof, under this article. (Ord. No. 310)

Sec. 29-24. Abatement and removal--Authority of city manager.

Upon discovering the existence of an abandoned, wrecked, dismantled or inoperative vehicle or parts thereof, on private property or public property within the city, the city manager shall have the authority to cause the abatement and removal thereof in accordance with the procedure prescribed herein. (Ord. No. 310)

Sec. 29-25. Same--Notice to owner of land and vehicle; form of notices.

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 identification numbers are 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 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 29-18 of the Code of the City of Paramount 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 Chapter 1 of the City Code of the City of Paramount.

You are hereby notified to abate said nuisance by the removal of said vehicle (or said parts of a vehicle) within 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, 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 10 days after the mailing of this notice of intention, request a public hearing and if such a request is not received by the city manager within such ten-day period, the city manager 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 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 _____
(Date)

s/ _____
City Manager

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 29-18 et seq. of the City Code of the City of Paramount 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 1 of the City Code of the City of Paramount.

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 city manager within such ten-day period, the city manager shall have the authority to abate and remove said vehicle (or said parts of a vehicle) without a hearing.

Notice Mailed _____
(Date)

s/ _____
City Manager

(Ord. No. 310)

Sec. 29-26. Public hearing--Generally.

Upon request by the owner of the vehicle or owner of the land received by the city manager within ten days after the mailing of the notices of intention to abate and remove, a public hearing shall be held by the city manager 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 cost of removal of the vehicle or parts thereof against the property on which it is located.

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 such ten days after mailing of the notice of intention to abate and remove, the city shall have the authority to abate and remove the vehicle or parts thereof as a public nuisance without holding a public hearing. (Ord. No. 310)

VERSION 10/2007

Sec. 29-27

Sec. 29-29

Sec. 29-27. Same--Procedure; authority of city manager; order to remove.

All hearings under this article shall be held before the city manager, 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 the private property or public property. The city manager 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.

The city manager may impose such conditions and take such other action as he deems appropriate under the circumstances to carry out the purpose of this article. He may delay the time for removal of the vehicle or parts thereof if, in his opinion, the circumstances justify it. At the conclusion of the public hearing, the city manager may find that a vehicle or parts thereof has been abandoned, wrecked, dismantled or is inoperative on private or public property and order the same removed from the property as a public nuisance and disposed of as hereinafter provided and determine the administrative costs and the cost 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.

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 his presence, the city manager 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.

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 party makes a written presentation to the city manager but does not appear, he shall be notified in writing of the decision. (Ord. No. 310)

Sec. 29-28. Appeals to city council from decisions of city manager.

Any interested party may appeal the decision of the city manager by filing a written notice of appeal with the city manager within five days after his decision.

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

The clerk shall give written notice of the time and place of the hearing to the appellant and those persons specified in section 29-25.

In conducting the hearing the city council shall not be limited by the technical rules of evidence. (Ord. No. 310)

Sec. 29-29. Time of removal; reconstruction of removed vehicles prohibited.

Five days after adoption of the order declaring the vehicle or parts thereof to be a public nuisance, five days from the date of mailing of notice of the decision, if such notice is required by section 29-26, or fifteen days after such action of the governing body authorizing removal following appeal, the vehicle or parts thereof may be disposed of by removal to a scrap yard or automobile dismantler's yard. After a vehicle has been removed, it shall not thereafter be reconstructed or made operable. (Ord. No. 310)

VERSION 10/2007

Sec. 29-30

Sec. 29-33

Sec. 29-30. Notice of removal 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 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. No. 310)

Sec. 29-31. Assessment of costs of removal.

If the administrative costs and cost of removal which are charged against the owner of a parcel of land pursuant to section 29-26 are not paid within thirty days of 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 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 city taxes. (Ord. No. 310)

Sec. 29-32. Prohibited; exceptions.

It shall be unlawful and a misdemeanor for any person to abandon, park, store or leave, or permit the abandonment, parking, storing or leaving of any licensed or unlicensed vehicle, or parts thereof, which is in an abandoned, wrecked, dismantled or inoperative condition upon any private property or public property, not including highways, within the city for a period in excess of five days, unless such vehicle, or parts thereof, is completely enclosed within a building in a lawful manner where it 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 dismantle, licensed vehicle dealer or a junkyard. (Ord. No. 310)

Sec. 29-33. Refusal to remove when ordered to do so.

It shall be unlawful and a misdemeanor for any person to fail or refuse to remove an abandoned, wrecked, dismantled or inoperative vehicle or parts thereof or refuse to abate such nuisance when ordered to do so in accordance with the abatement provisions of this article or state law where such state law is applicable. (Ord. No. 310)

(Ord. No. 310)