

# **Title 10**

## **VEHICLES AND TRAFFIC**

### **Chapters:**

- 10.04 Traffic Control Devices**
- 10.08 Stopping, Standing and Parking**
- 10.12 In Lieu Parking**
- 10.16 Vehicle Repair**
- 10.20 Operation of Vehicles on Beaches and Dunes**
- 10.30 Abandoned Vehicles**

### **Chapter 10.04**

#### **TRAFFIC CONTROL DEVICES**

##### **Sections:**

**10.04.010 Stop sign on California and Holly Streets.**

**10.04.010 Stop sign on California and Holly Streets.**

A. A stop sign shall be installed on California Street at the corner of California and Holly Streets, regulating the flow of traffic in both directions on California Street, and all persons operating any vehicle through this intersection shall cause such vehicle to come to a complete stop at such corner before proceeding through the intersection.

B. Any person violating any part of this section shall be guilty of an infraction, and upon conviction thereof shall be punishable by a fine, not to exceed the maximum amount prescribed by law. (Ord. 83-10 §§1, 2, 1983)

## **Chapter 10.08**

### **STOPPING, STANDING AND PARKING**

#### **Sections:**

**10.08.010 Parking Zones.**

**10.08.020 Traffic and Parking Control Devices**

**10.08.030 Parking of vehicles in designated areas.**

**10.08.010 Parking Zones.** Stopping, standing and parking may be regulated under authority of the City Council within zones defined by markings and/or signage as follows:

**10.08.010.1 Red Zone.** No stopping, standing or parking at any time, except that a bus may stop in a red zone marked or signed a bus zone, and except in the vicinity of a fire hydrant when permitted by the State Vehicle Code.

**10.08.010.2 Yellow Zone.** No stopping, standing or parking for longer than twenty minutes at any time between the hours of eight a.m. and ten p.m. of any day for any purpose other than loading or unloading of passengers or freight, which loading or unloading will not exceed ten minutes.

**10.08.010.3 Green Zone.** No stopping, standing or parking for longer than twenty minutes at any time between eight a.m. and six p.m. of any day, except Sundays and holidays.

**10.08.010.4 No Parking Zone.** No stopping, standing or parking at any time.

**10.08.010.5 Park Only in Designated Spaces.** When parking stalls are indicated by painted lines, plastic markers or any other markings upon a public street, indicating parallel, angle, or other type of parking, it shall be unlawful to stand or park a vehicle other than wholly within the stall so marked.

**10.08.010.6 Park Only in Designated Space in Public Access Parking Lots.** Whenever a privately owned parking lot is posted and/or signed so as to restrict the use of the lot with respect to stopping, standing and parking, and when parking stalls are indicated by painted lines, plastic markers or any other markings upon a public street, indicating parallel, angle, or other type of parking, it shall be unlawful to stand or park a vehicle other than wholly within the stall so marked. (Ord 05-02, 2005).

**10.08.020 Traffic and Parking Control Devices.** Traffic and parking control devices including, but not limited to signage, lane markings, barriers, mechanical devices or lights may be installed and maintained as authorized by the City Council.

**10.08.020.1 Failure to Obey Signs or Barriers.** No person shall fail to obey any traffic or parking regulations stated on any sign installed pursuant to this Chapter. No person shall disregard any traffic or parking control barrier erected pursuant to this Chapter.

**10.08.020.2 Parking a Vehicle in Excess of Ten Feet in Height within Twenty Feet of an Intersection.** No person shall park a vehicle which exceeds ten feet in height within twenty feet of a street intersection.

**10.08.020.3 Parking Spaces Designated for Exclusive Use.** The City Council may designate certain parking spaces for exclusive use of a named person or titled official. No person other than the named person or designated office holder may park in that designated space.

**10.08.020.4 Reserved Parking Spaces.** The City Council may reserve certain parking space for exclusive use of a certain class of persons, such as “visitors”. No person may park in the reserved space except a person for whom the space is reserved.

**10.08.020.5 Parking on Street for Major Repairs.** No person shall park a vehicle upon any street for the primary purpose of repairing such vehicle except for repairs caused by an emergency. Violation of this section shall constitute an infraction.

**10.08.030 Parking of vehicles in designated areas.**

A. No person shall stop, stand or park any vehicle, at any time:

1. Contra Costa Avenue. On the north side from the west edge of California at the intersection of California and Contra Costa west to the state property line of State Highway 1.
2. California Avenue. On either side within the area bounded by the intersections of Orland and Fir Streets.
3. Orland Street. On either side within the area bounded by the intersections of California Avenue and Beach Way.
4. Fir Street. On either side within the area bounded by the intersections of California Avenue and Beach Way.

5. Hickory Street. On the east or west side within the area bounded by Redwood Avenue and the intersection of Diaz Avenue.

6. Tioga Avenue. On the east side within the area bounded by the Southern Pacific right-of-way and the intersection of Alta Street, or on the west side within the area bounded by Merle Street and the intersection of Alta Street.

7. Contra Costa Street. Within the area bounded by the Southern Pacific Company right-of-way and the intersection of Elder Avenue, or on the west side within the area bounded by the Southern Pacific Company right-of-way and the intersection of Shasta Avenue.

B. Any persons violating any part of this section shall be guilty of an infraction, and upon conviction thereof shall be punishable by a fine not to exceed the maximum amount prescribed by law. (Ord 87-5 Art. 3 §1.0 (part), 1987; Ord. 86-7 Art. 3 §1.2 (part), 1986; Ord. 83-1 5§1, 2, 1983; Ord. 69-58 §§(1)--(4), 1969; Ord 68-54 §§(1)--(4), 1968; Ord. 62-32 §§1, 2, 1962)

## **Chapter 10.12**

### **IN-LIEU PARKING**

#### **Sections:**

**10.12.010 Purpose**

**10.12.020 Adjustment fee**

**10.12.030 Use of Funds**

**10.12.040 Calculation of Fees**

**10.12.050 Payment of Fees**

**10.12.060 Parking Adjustment**

**10.12.061 Application**

**10.12.062 Public Hearing**

**10.12.063 Findings of the City Council**

**10.12.064 Issuance of Permit Procedure**

**10.12.010 Purpose.** The purpose of this ordinance is to provide an equitable fee system for owners or their tenants who wish to utilize the property in such a way that they are not able to provide all of the off-street parking for such use as would be required by Title 18 of the Sand City Municipal Code. The funds collected under the authority of this ordinance are a "users fee to be used for the construction, operation, and maintenance of parking facilities within the City. (Ord. 88-2 §1, 1988)

**10.12.020 Adjustment.** Each property owner or his/her tenant within the City shall pay an annual fee for each parking space for which a parking adjustment is granted. All parking adjustment fees collected by the City are non-refundable. Adjustments shall be granted, in whole or in part, or denied in accordance with this ordinance. This ordinance shall not be construed to give a property owner a vested right to pay a fee in lieu of providing the required parking. Said determination shall be within the sound discretion of the City Council, subject to the provisions of this ordinance. (Ord. 88-2 §2, 1988)

**10.12.030 Use of funds.** All fees collected pursuant to this ordinance shall be specially funded in an appropriately titled fund and used solely for the purpose of providing parking in the City. Such purpose includes but is not limited to paying for studies of methods of providing additional parking in the City, for the purchase of land for parking, the construction of parking facilities (including but not limited to paying bonded indebtedness on any future parking facility within the City), the improvement of parking facilities, the replacement of existing improvements and maintenance of facilities. (Ord. 88-2 §3, 1988)

**10.12.040 Calculation of fees.** The adjustment fee shall be calculated as follows:

A. The number of parking spaces required shall be as set forth in Title 18 of the Municipal Code, effective on the date on which an adjustment is granted.

B. The fee shall be five hundred dollars (\$500.00) per year for each space for which an adjustment is granted. This fee may be adjusted from time to time by resolution of the City Council. (Ord. 88-2 §4, 1988)

**10.12.050 Payment of fees.** The annual fees determined under §040 hereof shall be paid initially, prior to the time the operator of the subject business obtains a business license for such business. Thereafter, the annual fee referred to in §040 hereof shall be paid in advance at the time said business license is renewed. In the event an adjustment is granted under this ordinance, it shall not be effective until the initial fee described herein is paid. Such adjustment shall become null and void and of no further effect in the event the annual fee is not paid as required herein, and the operator's business license will be of no further force and effect. (Ord. 88-2 §5, 1988)

**10.12.060 Parking adjustment.**

**10.12.061 Application.** Application for the parking adjustment described in this ordinance shall be made by the property owner, tenant, or an agent of the owner or tenant, to the Planning Department on a form provided by the City. An application fee shall be required, which shall not be refundable. Maps, drawings, and other data may

be required by the Planning Department to demonstrate that the criteria for parking adjustment as set forth in this ordinance apply to the subject property. The Planning Director may, in his/her sole discretion, require any other data necessary for the City Council to make a full, fair, and equitable decision with regard to the issuance of a parking adjustment under this ordinance. (Ord. 88-2 §6, 1988)

**10.12.062 Public hearing.** Upon receipt of an application for a parking adjustment permit, the matter shall be set for a public hearing before the City Council. A notice of the application shall be mailed to all owners of property, shown on the most recent Monterey County tax assessment roll, within a minimum of three hundred feet (300) of all property boundaries. The notice shall be distributed not less than ten (10) days prior to hearing date.

Failure of the owners of such properties to receive notice of a hearing, when mailed in accordance with the above procedures, shall in no way effect the validity of the action taken by the City Council. (Ord. 88-2 §6, 1988)

**10.12.063 Findings of the City Council.** Prior to the issuance of any permit under this ordinance, the City Council must make the following findings:

A. That the property or properties for which a parking adjustment permit is requested under this Ordinance can not otherwise be economically utilized.

B. That there are no reasonable alternative means by which parking, in full compliance with the standards of Title 18 of the City's Municipal Code, may be created, either on the parcel or parcels to be developed, or by obtaining off-site parking by means of purchase, lease, or other legally binding arrangement.

C. That the issuance of such permit will not be of substantial detriment to neighboring property and the use and enjoyment thereof will not materially effect or impair the purposes of the Municipal Code, the public interest, or the public health, safety and welfare.

D. Or, in lieu of paragraph A., B., and C., above, that the proposed joint uses of the property do not, because of the joint use, require the full application of the parking standards of Title 18 of the Sand City Municipal Code. (Ord. 88-2 §6, 1988)

**10.12.064 Issuance of permit procedure.** Upon the decision of the City Council to issue a permit under this ordinance, the Planning Department shall mail to the applicant a permit form containing the name of the applicant, the name of the business proposed to be conducted on the subject property, the name of the property owner, the address and legal description of the subject property for which the permit was issued, the number of spaces for which an adjustment was issued, and any terms or conditions upon which the permit was issued. Said permit form shall contain a place for the

signature of both the applicant and the property owner and a statement that both understand and agree to the issuance of the permit and to any terms or conditions imposed in conjunction therewith. No permit shall be valid or effective until it has been signed by both the property owner and the applicant, returned to the City, and the fee for said adjustment has been paid in accordance with §.050 above. (Ord. 88-2 §6, 1988)

## **Chapter 10.16**

### **VEHICLE REPAIR**

#### **ARTICLE I.**

##### **REPAIR WHILE ON PUBLIC WAY**

###### **Sections:**

**10.16.010 Prohibited--Exception.**

#### **ARTICLE II.**

##### **REPAIR OF VEHICLES ON RESIDENTIAL PREMISES**

###### **Sections:**

- 10.16.020 Restricted when in public view.**
- 10.16.030 Nuisance--Abatement.**
- 10.16.040 Notice to Department of Motor Vehicles.**
- 10.16.050 Applicability.**
- 10.16.060 Notice of intention to abate-when required.**
- 10.16.070 Notice of intention to abate--Statement of hearing rights.**
- 10.16.080 Public hearing.**
- 10.16.090 Reconstruction of removed vehicle.**
- 10.16.100 Denial of responsibility by landowner.**
- 10.16.110 Violation--Penalty.**

#### **ARTICLE III.**

##### **CONDUCTING BUSINESS OUT OF VEHICLE**

**Sections:**

- 10.16.120 Vehicle service in public place prohibited.**
- 10.16.130 Vehicle repair on private property.**
- 10.16.140 Disposal of vehicle waste substances.**
- 10.16.150 Violation--Penalty**

**ARTICLE I.**

**REPAIR WHILE ON PUBLIC WAY**

**10.16.010 Prohibited--Exception.**

A. No person shall make any repairs to, or install any part or accessory on, any vehicle while it is upon any highway, road, street, lane, alley, or sidewalk in the city, with the exception of emergency repairs necessary to effect removal of a disabled vehicle from any such highway, road, street, lane, alley, or sidewalk.

B. Penalty. Any person violating any part of this section shall be guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not more than five hundred dollars (\$500.00), or by imprisonment for a term not exceeding six months, or both. (Ord. 61-24 §§1, 2, 1961)

**ARTICLE II.**

**REPAIR OF VEHICLES ON  
RESIDENTIAL PREMISES**

**10.16.020 Restricted when in public view.** In any area occupied for residential use, no one shall keep or maintain a motor vehicle or major part thereof at such place where such vehicle or part is within the view of or able to be seen by any person standing on a public street, or way or upon other private property, for a period of five consecutive days or longer, when such vehicle or part thereof is either under repair or is not mechanically or legally able to be driven on a public street. (Ord 68-55 §1, 1968)

**10.16.030 Nuisance--Abatement.** In the event of violation hereof, such vehicle or part of vehicle shall be deemed to be a nuisance and may be removed and abated in the same manner as is provided for removal of abandoned vehicles on public or private property. (Ord. 87-5 §1.0 (part), 1987; Ord. 86-7 §7.0 (part), 1986; Ord. 68-55 §2 (part), 1968)

**10.16.040 Notice to Department of Motor Vehicles.** The chief of police shall give notice to the department of motor vehicles within five days after the date of removal, identifying the vehicle or part thereof and any evidence of registration, including, but not limited to, the registration card, certificates of ownership, or license plates. (Ord. 87-5 §1.0 (part), 1987; Ord. 86-7 §7.0 (part), 1986; Ord. 68-55 §2(a), 1968)

**10.16.050 Applicability.** This article does not apply to (1) 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 (2) 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, or a junkyard. This exception shall not, however, authorize the maintenance of a public or private nuisance as defined under provisions of law other than this article. (Ord. 87-5 §1.0 (part), 1987; Ord. 86-7 §7.0 (part), 1986; Ord. 68-55 §2(b), 1968)

**10.16.060 Notice of intention to abate-When required.**

A. The chief of police shall issue not less than a ten-day notice of intention to abate and remove the vehicle or part thereof as a public nuisance, unless the property owner and the owner of the vehicle have signed releases authorizing removal waiving further interest in the vehicle or part thereof. However, the notice of intention is not required for removal of a vehicle or part thereof which is inoperable due to the absence of a motor, transmission, or wheels and incapable of being towed, is valued at less than two hundred dollars (\$200.00) by a person specified in Section 22855 of the Vehicle Code, and is determined by the chief of police to be a public nuisance presenting an immediate threat to public health or safety, provided that the property owner has signed a release authorizing removal and waiving further interest in the vehicle or part thereof. Prior to final disposition under Section 22662 of the Vehicle Code of such a low-valued vehicle or part for which evidence of registration was recovered pursuant to Section 10.16.040, the chief of police shall provide notice to the registered and legal owners of intent to dispose of the vehicle or part, and if the vehicle or part is not claimed and removed within twelve days after the notice is mailed, from a location specified in Section 22662 of the Vehicle Code, final disposition may proceed. No local agency or contractor thereof shall be liable for damage caused to a vehicle or part thereof by removal pursuant to this article.

B. This section applies only to inoperable vehicles located upon a parcel that is (1) zoned for agricultural use or (2) not improved with a residential structure containing one or more dwelling units. (Ord. 87-5 §1.0 (part), 1987; Ord. 86-7 §7.0 (part), 1986; Ord. 68-55 §2(c), 1968)

**10.16.070 Notice of intention to abate--Statement of hearing rights.** The ten-day notice of intention to abate and remove a vehicle or part thereof, when required by this article, shall contain a statement of the hearing rights of the owner of the property on

which the vehicle is located and of the owner of the vehicle. The statement shall include notice to the property owner that he may appear in person at a hearing or may submit a sworn written statement denying responsibility for the presence of the vehicle on the land, with his reasons for such denial, in lieu of appearing. The notice of intention to abate shall be mailed, by registered or certified mail, to the owner of the land as shown on the last equalized assessment roll and to the last registered and legal owners of record unless the vehicle is in such condition that identification numbers are not available to determine ownership. (Ord. 87-5 §1.0 (part), 1987; Ord. 86-7 §7.0 (part), 1986; Ord. 68-55 §2(d), 1968)

**10.16.080 Public hearing.** A public hearing shall be held before the city council upon request for such a hearing by the owner of the vehicle or the owner of the land on which such vehicle is located. This request shall be made to the city within ten days after the mailing of notice of intention to abate and remove the vehicle or at the time of signing a release pursuant to Section 10.16.050. If the owner of the land on which the vehicle is located submits a sworn written statement denying responsibility for the presence of the vehicle on his land within such time period, this statement shall be construed as a request for hearing which does not require the presence of the owner submitting such request. If such a request is not received within such period, the police chief shall have the authority to remove the vehicle. (Ord. 87-5 §1.0 (part), 1987; Ord. 86-7 §7.0 (part), 1986; Ord. 68-55 §2(e), 1968)

**10.16.090 Reconstruction of removed vehicle.** After a vehicle has been removed, it shall not be reconstructed or made operable, unless it is a vehicle which qualifies for either horseless carriage license plates or historical vehicle license plates, pursuant to Section 5004 of the Vehicle Code, in which case the vehicle may be reconstructed or made operable. (Ord. 87-5 §1.0 (part), 1987; Ord. 86-7 §7.0 (part), 1986; Ord. 68-55 §2(f), 1968)

**10.16.100 Denial of responsibility by landowner.** The owner of the land on which the vehicle is located may appear in person at the hearing or present a sworn written statement denying responsibility for the presence of the vehicle on the land, with his reasons for such denial. 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, then the city shall not assess costs of administration or removal of the vehicle against the property on which the vehicle is located or otherwise attempt to collect such cost from such owner. (Ord. 87-5 §1.0 (part), 1987; Ord. 86-7 §7.0 (part), 1986; Ord. 68-55 §2 (g) , 1968)

**10.16.110 Violation--Penalty.** Any person violating any part of this article shall be guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not more than five hundred dollars (\$500.00) or by imprisonment for a term not exceeding six months, or both. (Ord. 68-55 §3, 1968)

## ARTICLE III.

### CONDUCTING BUSINESS OUT OF VEHICLE

**10.16.120 Vehicle service in public place prohibited.** No person shall construct, repair, grease, or service any vehicle or any part thereof on any public street, park, or other public place in the city. (Ord. 83-5 §2, 1983)

**10.16.130 Vehicle repair on private property.** No person who is requested by a vehicle owner to repair or service the owner's vehicle on the owner's private property shall do so if such repair or service requires such vehicle to be dismantled for more than twenty-four hours. (Ord. 83-5 §3, 1983)

**10.16.140 Disposal of vehicle waste substances.** No person shall discharge or drain any vehicle fuel, lubricants toxic wastewater or other toxic liquid substance onto the ground. (Ord. 83-5 §4, 1983)

**10.16.150 Violation--Penalty.** Any person violating any part of this article shall be guilty of an infraction, and upon conviction thereof, such person shall be punishable by a fine not to exceed the maximum amount prescribed by law and such person's Sand City business license may be revoked or suspended. (Ord. 83-5 §5, 1983)

## Chapter 10.20

### OPERATION OF VEHICLES ON BEACHES AND DUNES

#### Sections:

**10.20.010 Prohibited on city property--Exception.**

**10.20.020 Prohibited on private property without permission.**

**10.20.030 Police authority to remove vehicle in violation.**

**10.20.040 Violation--Penalty.**

**10.20.010 Prohibited on city property--Exception.** No person shall drive or operate any vehicles on any beach, park, or other property owned by the city except on designated roads or parking areas unless such driving or operation is for governmental purpose, emergency rescue work or necessitated by authorized construction work. (Ord.

83-3 §1, 1983)

**10.20.020 Prohibited on private property without permission.** No person shall drive or operate any vehicles on private property in the dunes area of the city located on the bay side of State Highway 1 unless such driving is by the owner of the property or unless the owner has granted permission to the operator of any such vehicles and a copy of the written permission is on file with the police department of the city. (Ord. 83-3 §2, 1983)

**10.20.030 Police authority to remove vehicle in violation.** Any regularly employed officer of the police department of the city may remove or cause to be removed any vehicle found to be in violation of this chapter. (Ord. 83-3 §4, 1983)

**10.20.040 Violation--Penalty.** Any person violating any part of this chapter shall be guilty of an infraction, which upon conviction thereof shall be punishable by a fine not to exceed the maximum amount prescribed by law. (Ord. 83-3 §3, 1983)

## **CHAPTER 10.30**

### **ABANDONED VEHICLES**

#### **Sections:**

- 10.30.010 Findings and Declarations.**
- 10.30.020 Definitions.**
- 10.30.030 Provisions Not Exclusive.**
- 10.30.040 Exemptions.**
- 10.30.050 Enforcement**
- 10.30.060 Authority of Peace Officer or Vehicle Abatement Officer to Remove Abandoned Vehicles.**
- 10.30.061 Authority of Contractor to Remove Abandoned Vehicles.**
- 10.30.062 Authority of Contracted Person to Enter Private Property.**
- 10.30.063 Parking Over 72 Hours**
- 10.30.064 Authority to Immediately Remove from a Highway Vehicles which Lack Necessary Equipment.**
- 10.30.070 Determination of Abatement Costs.**

**10.30.071 Removal--Collection of Costs.**

**10.30.072 Appeal of Abatement Costs.**

**10.30.080 Abandoned Vehicles on Public or Private Property, Excluding a Highway.**

**10.30.090 Removal--Request for Hearing.**

**10.30.100 Removal--Hearing Procedure.**

**10.30.110 Removal--Disposal, Disposition of**

**10.30.120 Removal--Notice to Department of Motor Vehicles.**

**10.30.121 Removal--Notice to Department of Justice.**

**10.30.130 Storage of Vehicle--Mileage.**

**10.30.140 Notice and Hearing**

**10.30.150 Storage--Notice and Hearing.**

**10.30.160 Notice to California**

**10.30.170 Penalty.**

**10.30.010 Findings and Declarations.** In addition to and in accordance with the determination made and the authority granted by the State of California under Vehicle Code Section 22660 to abate and remove the public nuisances of abandoned, wrecked, dismantled or inoperative vehicles or parts thereof from private or public property including highways, the council of the city of Sand City makes the following findings and declarations:

Abandoned V

Rights--Low V

Highway Patr

The accumulation and storage of abandoned, wrecked, dismantled, or inoperative vehicles or parts thereof on private or public property, including highways, creates a condition tending to reduce the value of private property, promotes blight and deterioration, invites plundering, creates fire hazards, constitutes an attractive nuisance creating a hazard to the health and safety of minors, creates a harborage for rodents and insects, and; is 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, including highways, except as expressly permitted by this chapter, constitutes a public nuisance which may be abated as such in accordance with the provisions of this chapter. (Ord. 93-01, 1993)

**10.30.020 Definitions.** For purposes of this chapter, the following words have the following meanings:

A. "Abandonment." In reference to highways, "abandonment" is presumed to have occurred if a vehicle is left 72 hours or more on the highway, or is parked, resting, or otherwise immobilized on any highway or public right of way; or it lacks an engine, or transmissions, or wheels, or tires, or doors, or windshield, or any other part or equipment necessary to operate safely on the highway. Such vehicles are presumed to be a hazard

to public health, safety, and welfare and may be removed immediately upon discovery by a peace officer or other designated employee.

B. "Employee." An "employee" means a city employee designated by the city manager to do all that is necessary to abate abandoned vehicles.

C. "Highway." A "highway" means a way or place, or whatever nature, publicly maintained and open to the use of the public for purposes of vehicular traffic. Highway includes a street, and all or any part of the entire width of the right of way of said highway.

D. "Peace Officer." A "peace officer" means an individual as defined in chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code.

E. "Vehicle." A "vehicle" is a device in, upon, or by which any person or property is or may be propelled, moved or drawn upon a highway, excepting a device moved by human power or used exclusively upon stationary rails or tracks.

F. "Abandoned Vehicle." A vehicle is an "abandoned vehicle" if it is left on a highway, public property, or private property in such inoperable or neglected condition that it may be reasonably concluded that the owner intends to relinquish all further rights or interests in it. An

abandoned vehicle includes a public nuisance vehicle.

G. "Vehicle Abatement Officer" is the city manager or his designee designate to perform the functions specified in Section 22669 (Removal of Abandoned Vehicles) of the California Vehicle Code.

H. "Dismantled Vehicle." A "dismantled vehicle" is any vehicle that is partially or wholly disassembled.

I. "Inoperative Vehicle." An "inoperative vehicle" is any motor vehicle that cannot be moved under its own power.

J. "Public Nuisance Vehicle." A "public nuisance vehicle" is any vehicle or parts thereof that is abandoned, wrecked, dismantled or inoperative, that is left on public or private property, not including highways; or that creates a condition tending to reduce the value of private property, or promotes blight and deterioration, or invites plundering, or creates fire hazards, or constitutes an attractive nuisance or endangers the health and safety of minors, or harbors rodents or insects, or jeopardizes health, safety, and general welfare.

K. "Wrecked Vehicle." A "wrecked vehicle" is any vehicle that is damaged to such an extent that it cannot be operated upon the highway. 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. (Ord. 93-01, 1993)

**10.30.030 Provisions Not Exclusive.**

This chapter is not the exclusive regulation of abandoned, wrecked, dismantled or inoperative vehicles within the city of Sand City. It shall supplement and be in addition to the other regulatory codes, statutes, and ordinances heretofore or hereafter enacted by the city of Sand City, the state, or any other legal entity or agency having jurisdiction. (Ord. 93-01, 1993)

**10.30.040 Exemptions.**

A. This section shall not apply to:

1. 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.

2. 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, or junkyard.

B. 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 and this chapter. (Ord, 93-01, 1993)

**10.30.050 Enforcement Authority.**

A. Except as otherwise provided in this chapter or by law, the city council designates that the provisions of this chapter shall be administered and enforced by the city manager or his designee.

B. In the enforcement of this chapter, the "vehicle abatement officer," as defined in Section 10.30.020, having reasonable grounds to believe that a vehicle has been abandoned as determined pursuant to Section 22523 of the California Vehicle Code, 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. 93-01, 1993)

**10.30.060 Authority of Peace Officer or Vehicle Abatement Officer to Remove Abandoned Vehicles.** Any peace officer or vehicle abatement officer, as defined in Section 10.30.020, in the territorial limits in which the officer or vehicle abatement officer is authorized to act, who has reasonable grounds to believe that a vehicle has been abandoned, may remove the vehicle from a highway or from

public or private property. (Ord. 93-01, 1993)

**10.30.061 Authority of Contractor to Remove Abandoned Vehicles.**

When the city council has contracted with or granted a franchise to any person or persons pursuant to subdivision (a) of Vehicle Code Section 22710, such person or persons may remove a vehicle or parts thereof from a highway or may enter upon private property to remove or cause the removal of a vehicle or parts thereof, after a determination and authorization by a peace officer or vehicle abatement officer that the vehicle is abandoned. (Ord. 93-01-1993)

**10.30.062 Authority of Contracted Person to Enter Private Property.**

When the city council has contracted with or granted a franchise to any person or persons for the abatement of abandoned vehicles, 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 declared to be a nuisance pursuant to this chapter. (Ord. 93-01, 1993)

**10.30.063 Parking Over 72 Hours.**

In the event a vehicle is parked or left standing upon a street for a consecutive period of seventy-two (72) hours or more, any member of the police department authorized by the chief of police may remove such vehicle from the street in a manor consistent with the Vehicle Code requirements. (Ord.05-02, 2005)

**10.30.064 Authority to Immediately Remove from a Highway Vehicles which Lack Necessary Equipment.** Motor vehicles which are abandoned, parked, resting, or otherwise immobilized on any highway or public right of way and which lack an engine, or transmission, or wheels, or tires, or doors, or windshield, or any other part or equipment necessary to operate safely on the highways of this state are a public nuisance and may be removed immediately upon discovery by a peace officer or employee. (Ord. 93-01, 1993)

**10.30.070 Determination of Abatement Costs.** The city council or their designee shall, from time to time, determine and fix an amount to be assessed as vehicle abatement costs, for removal of any vehicle or part thereof under this chapter. Such costs shall include administrative, hearing, and appeal costs, the salary and overhead of a vehicle abatement officer and secretary, vehicle mileage, postage, any necessary photographs, and towing charges. These costs are independent of those costs which might be assessed pursuant to Section 22523 (c) of the California Vehicle Code. (Ord. 93-01, 1993)

**10.30.071 Removal--Collection of Costs.** If the administrative costs and the cost of removal which are charged against a parcel of land pursuant to Sections 10.30.090 and

10.30.100 are not paid within thirty days of the date of the order, such costs shall be assessed against the parcel of land pursuant to Section 25845 of the Government Code and shall be transmitted to the tax collector for collection. Said assessment shall have the same priority as other county taxes. In the event that the vehicle was abandoned on a highway, or when the owner of the involved parcel of land is successful in his or her appeal challenging the abatement cost, the last registered owner of record is responsible for the abandonment of the vehicle and is thereby liable for the cost of removal and disposition of the vehicle. (Ord. 93-01, 1993)

**10.30.072 Appeal of Abatement Costs.** Any appeal challenging the abatement cost assessed in Section 10.30.070 must be submitted in writing to the city manager within fifteen days of receiving notice of an assessment. Said appeal will be reviewed by the city manager or his designee. Their written findings must be mailed to the appealing party within fifteen days of receiving said party's letter of appeal. (Ord. 93-01, 1993)

**10.30.080 Abandoned Vehicles on Public or Private Property Excluding a Highway.** Upon discovery, on public or private property, excluding a highway, of an abandoned vehicle or a vehicle which lacks an engine, or transmission, or wheels, or tires, or doors or windshield, or other major

part or equipment necessary to operate safely on the highway, the city manager, or his designee, shall have the authority to cause the abatement and removal of said vehicle in accordance with the procedure prescribed in this section.

A. Notice of intention to abate and remove a vehicle or part thereof as a public nuisance shall be given in writing at least ten days before such abatement and removal, unless the property owner and owner of the vehicle have signed releases authorizing removal and waiving further interest in the vehicle or part thereof. A notice of intention is not required for removal of a vehicle or part thereof inoperable due to the absence of a motor, transmission, or wheels and incapable of being towed, is valued at less than two hundred dollars (\$200.00) by a person specified in CVC Section 22855, and is determined to be a public nuisance presenting immediate threat to public health or safety, provided the property owner has signed a release authorizing removal and waiving further interest in the vehicle or part thereof. Prior to final disposition under CVC Section 22662 of such a low-valued vehicle or part for which evidence of registration was recovered pursuant to 10.30.120, the city manager shall provide notice to the registered and legal owners of intent to dispose of the vehicle or part. If the vehicle or part is not claimed and removed within 12 days after the notice is mailed, from a location specified in

CVC Section 22662, final disposition may proceed.

Neither the city or its contractor shall be liable for damage caused to a vehicle or part thereof by removal pursuant to this section.

B. Such notice shall contain a statement of the hearing rights of the owner of the property on which the vehicle is located and the owner of the vehicle. The statement shall include notice to the property owner that he or she may appear in person at a hearing or may present a sworn written statement denying responsibility for the presence of the vehicle on the land with his or her reasons for such denial, in lieu of appearing. If it is determined at the hearing the vehicle was placed on the land without consent of the landowner and he or she has not acquiesced in its presence, the local authority shall not assess 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.

C. The notice of intention to abate and remove shall be mailed by registered or certified mail to the owner of the land, as shown on the last equalized 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. (Ord. 93-01, 1993)

**10.30.090 Removal--Request for Hearing.**

A. A public hearing shall be held before the city manager, or his designee, upon request for such hearing by the owner of the vehicle or the owner of the land on which such vehicle is located. The request shall be made in writing to the city manager, or his designee, within ten days after the mailing of notice of intention to abate and remove the vehicle.

B. The owner of the land on which the vehicle is located is authorized to appear in person at the hearing or present a sworn written statement denying responsibility for the presence of the vehicle on his or her land within such time period with his or her reason for such denial. This statement shall be construed as a request for a hearing which does not require the presence of the owner submitting such request.

C. If such a request is not received within such period, the city manager, or his designee, shall cause the removal of said vehicle. In such cases the city manager, or his designee, shall assess administrative and removal costs.

D. Fifteen days notice of hearing shall be mailed to all parties requesting a hearing and to all land owners who have submitted sworn written statements denying liability. (Ord. 93-01, 1993)

**10.30.100 Removal--Hearing Procedure.**

A. All hearings under this chapter shall be before the city manager, or his designee, at city hall, 1 Sylvan Park, Sand City, California, who shall hear all relevant facts and testimony. Said 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 city manager, or his designee, shall not be limited by the technical rules of evidence. The owner of land on which the vehicle is located or his or her written designee may appear in person at the hearing or may present a sworn written statement denying responsibility for the presence of the vehicle on the land, with his or her reasons for such denial.

B. The city manager, or his designee, may impose such conditions and take such other appropriate action as he is authorized under the California Vehicle Code under the circumstances to carry out the purpose of this chapter. Any such action may delay the time for removal of the vehicle or part thereof, if the circumstances justify it. At the conclusion of the hearing, the city manager, or his designee, may find that a vehicle or part 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 provided in this chapter, and determine the administrative costs and the costs 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 an interested person makes a written presentation to the city manager, or his designee, but does not appear, that person shall be notified in writing of any decision within five working days. (Ord. 93-01, 1993)

**10.30.110 Removal--Disposition of Abandoned Vehicles.**

A. Upon removal of a vehicle as provided by under Section 10.30.090, or not less than thirty days after action by the city manager, or his designee, authorizing removal, whichever comes first, the vehicle or parts, thereof may be disposed of by removal to a scrap yard, automobile dismantler's yard, or other such suitable site.

B. Prohibition Against Reconstruction. After a vehicle has been removed, it shall not thereafter be reconstructed or be made operable, unless it is a vehicle which qualifies for either horseless carriage license plates or historical vehicle

license plates, pursuant to Vehicle Code Section 5004, in which case the vehicle may be reconstructed or made operable. (Ord. 93-01, 1993)

**10.30.120 Removal--Notice to Department of Motor Vehicles.**

Within five 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. 93-01, 1993)

**10.30.121 Removal--Notice to Department of Justice.**

A. Whenever an officer or an employee removing a California registered vehicle from a highway or from public property for storage under this chapter does not know and is not able to ascertain the name of the owner or for any other reason is unable to give notice to the owner as required by Section 22852, the officer or employee shall immediately notify, or cause to be notified, the department of justice, stolen vehicle system, of its removal. The officer or employee shall file a notice with the proprietor of any public garage in which the vehicle may be stored. The notice shall include a complete description of the vehicle, the date, time, and place from which removed, the amount of

mileage on the vehicle at the time of removal, and the name of the garage or place where the vehicle is stored.

B. Whenever an officer or an employee removing a vehicle not registered in California from a highway or from public property for storage under this chapter does not know and is not able to ascertain the owner or for any other reason is unable to give the notice to the owner as required by Section 22852, the officer or employee shall immediately send, or cause to be sent, a written report of the removal by mail to the department of justice at Sacramento and shall file a copy of the notice with the proprietor of any public garage in which the vehicle may be stored. The report shall be made on a form furnished by that department and shall include a complete description of the vehicle, the date, time, and place from which the vehicle was removed, the amount of mileage on the vehicle at the time of removal, the grounds for removal, and the name of the garage or place where the vehicle is stored.

C. Whenever an officer or employee or private party removing a vehicle from private property for storage under this chapter does not know and is not able to ascertain the name of the owner or for any other reason is unable to give the notice to the owner as required by Section 22852 and if the vehicle is not returned to the owner within a period of 120 hours, the officer or employee or private party shall immediately

send, or cause to be sent, a written report of the removal by mail to the department of justice at Sacramento and shall file a copy of the notice with the proprietor of any public garage in which the vehicle may be stored. The report shall be made on a form furnished by that department and shall include a complete description of the vehicle, the date, time, and place from which the vehicle was removed, the amount of mileage on the vehicle at the time of removal, the grounds for removal, and the name of the garage or place where the vehicle is stored. (Ord. 93-01, 1993)

**10.30.130 Storage of Vehicle-- Mileage.**

A. Whenever a peace officer or employee removes a vehicle from a highway, or from public or private property, unless otherwise provided, he or she shall take the vehicle to the nearest garage or other place of safety or to a garage designated by the city, where the vehicle shall be placed in storage.

B. At the time of removal, the officer or employee shall determine the amount of mileage on the vehicle.

C. A vehicle placed in storage shall be released to the owner or person in control of the vehicle only if the owner or person furnishes, to the law enforcement agency or employee who placed the vehicle in

storage, satisfactory proof of current registration. (Ord. 93-01, 1993)

**10.30.140 Notice and Hearing Rights--Low Value Vehicles.** If any peace officer or vehicle abatement officer or employee I decides that an abandoned vehicle or vehicle parts have a value not exceeding three hundred dollars (\$300.00), that peace officer or employee shall provide notice and the opportunity for a hearing and disposal in accordance with Vehicle Code Sections 22851.2 through Section 22851.12. (Ord. 93-01, 1993)

**10.30.150 Storage--Notice and Hearing.** Whenever a peace officer or employee directs the storage of any vehicle, the vehicle's registered and legal owners of record, or their agents, shall be given notice and the opportunity for a post-storage hearing if required by Vehicle Code Section 22852. (Ord. 93-01, 1993)

**10.30.160 Notice to California Highway Patrol.** An employee, other than a peace officer or employee of a sheriff's department, designated to remove vehicles pursuant to Section 22669 of the Vehicle Code may do so only after he or she has mailed or personally delivered a written report identifying the vehicle and its location to the department of California Highway Patrol located nearest to the vehicle. (Ord. 93-01, 1993)

**10.30.170 Penalty.**

A. Unlawful to Abandon or Store - Exception. It is 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 part thereof which is in an abandoned, wrecked, dismantled, or inoperative condition upon any private property or public property not including city streets within the city for a period in excess of thirty days, unless such vehicle or part 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 dismantler, licensed vehicle dealer, or a junkyard.

B. Unlawful to Fail or Refuse to Remove. It is unlawful and a misdemeanor for any person to fail or refuse to remove an abandoned, wrecked, dismantled, or inoperative vehicle or part thereof, or refuse to abate such nuisance when ordered to do so in accordance with the abatement provisions of this chapter or state law where such state law is applicable.

C. No person shall abandon a vehicle upon any highway. Any violation of this section constitutes an infraction.

D. Every person who parks or leaves a vehicle on a highway for seventy-two consecutive hours or more is guilty of an infraction.

E. No person shall abandon a vehicle upon public or private property without the express or implied consent of the owner or person in lawful possession or control of the property. Any violation of this section constitutes a misdemeanor.

F. Any person convicted of a violation of this section shall be billed as set forth in Sections 10.30.070 and 10.30.071 of this Chapter, or shall be punished by a fine of not less than one hundred dollars (\$100.00) and shall provide proof that the costs of removal and disposition of the vehicle have been paid. No part of any fine imposed shall be suspended. The fine may be paid in installments if the court determines that the defendant is unable to pay the entire amount in one payment.

G. Proof that the costs of removal and disposition of the vehicle have been paid shall not be required if proof is provided to the court that the vehicle was stolen prior to abandonment. That proof may consist of a police report or other evidence acceptable to the court. (Ord. 93-01, 1993)