

1  
2  
3 **ORDINANCE NO. 2555**  
4

5 **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO,**  
6 **AMENDING TITLE 10.52 OF THE CHICO MUNICIPAL CODE RELATING TO**  
7 **ABANDONED VEHICLE ABATEMENT AND AMENDING, ADDING OR**  
8 **REPEALING PROVISIONS IN TITLE 10.52 OF THE CHICO MUNICIPAL**  
9 **CODE FOR THE ADMINISTRATION AND ENFORCEMENT BY THE CITY'S**  
10 **CODE ENFORCEMENT DIVISION**  
11

12 **BE IT ORDAINED** by the Council of the City of Chico:

13 **SECTION 1.** In addition to and in accordance with the determination made and the  
14 authority granted by the State of California under Section 22660 of the Vehicle Code of the State  
15 to remove abandoned, wrecked, dismantled, or inoperative vehicles, or parts thereof, as public  
16 nuisances, the Council of the City of Chico finds as follows:

17 A. The accumulation and storage of abandoned, wrecked, dismantled, or inoperative  
18 vehicles, or parts thereof, on private or public property, is found to create a deteriorating  
19 environmental condition that, if ignored and allowed to grow, will damage and eventually ruin the  
20 security, health, and economic vitality of a business district or a neighborhood;

21 B. Such a condition tends to reduce the value of private property, to promote deterioration,  
22 to invite plundering, to create fire hazards, to constitute an attractive nuisance creating a hazard to  
23 the health and safety of minors, to create a harborage for rodents and insects, and to be injurious to  
24 the health, safety, and general welfare; and

25 C. Therefore, the presence of abandoned, dismantled, wrecked, or inoperative vehicles or  
26 parts thereof, on private or public property, not including highways, and except as expressly  
27 permitted by law, is declared to constitute a public nuisance which may be abated as such in  
28 accordance with the applicable provisions of State law and the Chico Municipal Code.

**SECTION 2.** Title 10 entitled, "Vehicles and Traffic," of the Chico Municipal Code shall  
be amended by adding a new Chapter 10.52 entitled, "Abandoned Vehicles," to read as follows:

**Chapter 10.52**  
**ABANDONED VEHICLES**

**Sections:**

**10.52.010 Definitions.**

**10.52.020 Exceptions.**

**10.52.030 Non-Exclusive Regulation.**

**10.52.040 Administration and Enforcement.**

**10.52.050 Right of Entry - Contractor or Franchisee**

**10.52.060 Fixing of Administrative Costs.**

**10.52.070 Abatement Officer Designated; Abatement Authority.**

**10.52.080 Abatement and Removal - Notice of Intention.**

**10.52.085 Abatement and Removal - Notice Not Required Under Certain Conditions.**

**10.52.090 Abatement and Removal - Request for Hearing.**

**10.52.100 Abatement and Removal - Hearing Procedures and Determinations.**

**10.52.110 Appeal.**

**10.52.120 Vehicle Removal and Disposal.**

**10.52.130 Notice to Department of Motor Vehicles.**

**10.52.140 Assessment and Cost Recovery.**

**10.52.150 Parking, Storing or Leaving of Abandoned Vehicles Unlawful.**

**10.52.010 Definitions**

Unless the contrary is stated or clearly appears from the context, the following definitions shall govern the construction of the words or phrases used in this chapter:

A. Abandoned vehicle. Includes the following:

1. Public nuisance vehicle. Any vehicle, or parts thereof, that is abandoned, dismantled, partially dismantled, wrecked, or inoperative, that is left on public or private property, and which creates a deteriorating environmental condition, reduces the value of private property, promotes the deterioration of a business district or neighborhood, invites plundering, creates fire hazards, constitutes an attractive nuisance endangering the health and safety of minors, harbors rodents and insects, or jeopardizes the health, safety, or general welfare of the public.

- 1 2. Abandoned vehicle. A vehicle is abandoned if it is left on public property, highways, or  
2 on private property, in such an inoperable and neglected condition that the owner's  
3 intention to relinquish the right of possession or all further rights or interests in it may  
4 reasonably be concluded.
- 5 B. Dismantled vehicle. Any vehicle which is partially or wholly disassembled, or in pieces,  
6 and is disabled by such condition.
- 7 C. Hearing Officer. The city manager or the city manager's designee.
- 8 D. Highway. A way or place of whatever nature, publicly maintained and open to the use of  
9 the public for purposes of vehicular travel. Highway includes street.
- 10 E. Inoperative vehicle. Any vehicle that is:
- 11 1. Mechanically incapable of being driven because it is missing any part essential for  
12 movement or such essential parts are broken or defective; or
- 13 2. Not currently and validly registered for operation or use on the highways and streets in  
14 the State as required under the provisions of Division 3 (commencing at Section 4000  
15 et seq.) of the Vehicle Code of the State.
- 16 F. Owner of the vehicle. The last registered owner and last legal owner of record as  
17 determined by the state department of motor vehicles.
- 18 G. Property Owner. The owner of the land on which the vehicle, or part thereof, is located, as  
19 shown on the last equalized assessment roll, or supplemental roll, whichever is more  
20 current.
- 21 H. Public Property. Does not include "highway."
- 22 I. Vehicle. A device by which any person or property may be propelled, moved, or drawn  
23 upon a highway, except a device moved by human power or used exclusively upon  
24 stationary rails or tracks.
- 25 J. Vehicle abatement officer. Any employee of the city appointed by the city manager or the  
26 city manager's designee and assigned the task of enforcing the provisions of this chapter.
- 27 K. Wrecked vehicle. A wrecked vehicle is one which is destroyed, disabled, seriously  
28 damaged, crashed or ruined to such an extent that it cannot operate under its own power  
upon the highway without significant repairs. 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, shall not be considered an abandoned vehicle that  
is subject to the provisions of this chapter.

1 **10.52.020 Exceptions**

2 [No Change]

3  
4 **10.52.030 Non-Exclusive Regulation**

5 [No Change]

6 **10.52.040 Administration and Enforcement**

7 [No Change]

8  
9 **10.52.050 Right of Entry - Contractor or Franchisee**

10 [No Change]

11  
12 **10.52.060 Fixing of Administrative Costs**

13 [No Change]

14 **10.52.070 Abatement Officer Designated; Abatement Authority**

15 [No Change]

16  
17 **10.52.080 Abatement and Removal - Notice of Intention**

18 A 10-day notice of intention to abate and remove the vehicle or parts thereof, as a public  
19 nuisance, shall be mailed to the last registered and legal owner of record, or posted to the vehicle  
20 by the vehicle abatement officer , unless the vehicle is in such a condition that identification  
21 numbers are not available to determine ownership. If the vehicle or parts thereof are located on  
22 private property, a 10-day notice of intention to abate and remove the vehicle shall be mailed to the  
23 last registered and legal owner of record. The form of the notice shall be as determined by the city  
24 manager or the city manager's designee, and approved by the city attorney.

The notice shall include the following:

- 25 A. Notice to the property owner on which the vehicle is located, and the owner of the vehicle,  
26 of their right to a hearing;
- 27 B. Notice to the property owner that the property owner may appear in person at the hearing;  
28 and
- C. In lieu of appearing at the hearing, notice to the property owner that the property owner

1 may submit a sworn written statement denying responsibility for the presence of the  
2 vehicle on the property, with reasons for such denial.

3  
4 **10.52.085 Abatement and Removal - Notice Not Required Under Certain Conditions**

5 A notice of intention to abate shall not be required:

- 6 A. If the property owner and the owner of the vehicle have signed releases authorizing the  
7 removal of the vehicle or part, and waiving further interest in the vehicle or part; or  
8 B. Any two of the following conditions are met:  
9 1. The vehicle or part thereof is inoperable due to the absence of a motor, transmission,  
10 or wheels, and is incapable of being towed;  
11 2. The vehicle or part is valued at less than \$500 by the vehicle abatement officer;  
12 3. The vehicle abatement officer has determined that the vehicle or part is a public  
13 nuisance presenting an immediate threat to public health or safety;  
14 4. The property owner has signed a release authorizing the removal and waiving further  
15 interest in the vehicle or part; and  
16 5. The vehicle is located upon a parcel of land that is either zoned for agricultural use or is  
17 not improved with a residential structure containing one or more dwelling units.  
18 C. If evidence of registration is recovered prior to final disposition of the low value vehicle or  
19 part pursuant to this section, notice shall be given to the registered and legal owners of the  
20 intent to dispose of the vehicle or part, and the time period for claiming and removing the  
21 vehicle or part. If the vehicle or part is not claimed and removed from the scrapyards,  
22 automobile dismantler's yard or other scrap disposal area within 12 days after the notice to  
23 dispose is mailed, final disposition may proceed.

24 **10.52.090 Abatement and Removal - Request for Hearing**

[No Change]

25 **10.52.100 Abatement and Removal - Hearing Procedures and Determinations**

26 [No Change]

27  
28 **10.52.110 Appeal**

[No Change]

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**10.52.120 Vehicle Removal and Disposal**

Fifteen days after the vehicle, or parts thereof, is ordered removed by the vehicle abatement officer, or 15 days from the date of mailing of the order of the hearing officer ordering such removal, or 15 days after affirmation by the council of the order for removal, 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, unless it is a vehicle which qualifies for either horseless carriage license plates or historical vehicle license plates pursuant to Section 5004 of the California Vehicle Code, in which case the vehicle may be reconstructed and made operable.

**10.52.130 Notice to Department of Motor Vehicles**

Immediately after removal of the vehicle, the abatement officer shall notify the Chico Police Department of the removal for entry into the Stolen Vehicle System of the Department of Justice in Sacramento.

**10.52.140 Assessment and Cost Recovery**

[No Change]

**10.52.150 Parking, Storing, or Leaving of Abandoned Vehicles Unlawful**


[No Change]

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**THE FOREGOING ORDINANCE** was adopted by the City Council of the City of Chico  
at its meeting held on 09-15-2020, 2020, by the following vote.

- AYES: Huber, Morgan, Ory, Reynolds, Stone, Brown, Schwab
- NOES: None
- ABSENT: None
- ABSTAINED: None
- DISQUALIFIED: None

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Andrew Jared  
City Attorney\*

**ATTEST:**

  
\_\_\_\_\_  
Deborah R. Presson  
City Clerk

\*Pursuant to The Charter of the City of Chico, Section 906(E)