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ORDINANCE NO. 2559

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

WHEREAS in accordance with the authority granted by the State of California under California Vehicle Code Section 22660 to remove abandoned, wrecked, dismantled, or inoperative vehicles, or parts thereof, as public nuisances, the Council of the City of Chico has previously adopted ordinances to exercise such authority within the City of Chico under Title 10.52 of the Chico Municipal Code relating to abandoned vehicle abatement;

WHEREAS the Ninth Circuit Court of Appeals has recently amended the requirements of providing notice prior to abatement of abandoned vehicles;

WHEREAS to provide such required additional notice and due process to owners of abandoned vehicles prior to removal and abatement in accordance with existing and new case law, staff has engage in enhanced notice provisions, despite such enhanced provisions not being currently codified within the applicable Chico Municipal Code; and

WHEREAS the amendment of Title 10.52 is now made to conform such code to required additional notice and due process requirements.

NOW THEREFORE, be it ordained by the Council of the City of Chico:

SECTION 1. The City Council of the City of Chico hereby determines and finds that the facts set forth in the recitals are true and correct and are hereby adds as substantiative findings.

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**

1 **Sections 10.52.010 to 10.52.070**

2 [No Change]

3
4 **10.52.080 Abatement and Removal - Notice of Intention**

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

12 The notice shall include the following:

- 13 A. Notice to the property owner on which the vehicle is located, and the owner of the vehicle,
14 of their right to a hearing;
- 15 B. Notice to the property owner that the property owner may appear in person at the hearing;
16 and
- 17 C. In lieu of appearing at the hearing, notice to the property owner that the property owner
18 may submit a sworn written statement denying responsibility for the presence of the
19 vehicle on the property, with reasons for such denial.

20 **10.52.085 Abatement and Removal - Notice Not Required Under Certain Conditions**

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

- 22 A. If the property owner and the owner of the vehicle have signed releases authorizing the
23 removal of the vehicle or part, and waiving further interest in the vehicle or part; or
- 24 B. Any two of the following conditions are met:
 - 25 1. The vehicle is parked, resting, or otherwise immobilized on any highway or any
26 public right-of way and lacks a motor/engine, transmission, wheel(s), tires, doors,
27 windshield, or any other part or equipment necessary to operate safely on the
28 highways and is incapable of being towed;
 - 2. The vehicle abatement officer has determined that the vehicle or part is a public
nuisance presenting an immediate threat to public health or safety;
 - 3. The property owner has signed a release authorizing the removal and waiving further

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interest in the vehicle or part; and

4. The vehicle is located upon a parcel of land that is either zoned for agricultural use or is not improved with a residential structure containing one or more dwelling units.

C. If evidence of registration is recovered prior to final disposition of the low value vehicle or part pursuant to this section, notice shall be given to the registered and legal owners of the intent to dispose of the vehicle or part, and the time period for claiming and removing the vehicle or part. If the vehicle or part is not claimed and removed from the scrapyard, automobile dismantler's yard or other scrap disposal area within 12 days after the notice to dispose is mailed, final disposition may proceed.

Sections 10.52.090 to 10.52.150

[No Change]

THE FOREGOING ORDINANCE was adopted by the City Council of the City of Chico at its meeting held on January 5, 2021, by the following vote.

AYES: Brown, Denlay, Huber, Morgan, Tandon, Reynolds, Coolidge


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)