City of Needles, California
Request for City Council Action

☒ CITY COUNCIL ☐ NPUA ☒ Regular ☐ Special

Meeting Date: September 10, 2019

Title: City Council Resolution No. 2019-59 Authorizing the City Manager or his designee to administer Chapter 13, Article VIII, "Removal of Abandoned Vehicles," of the Needles Municipal Code.

Background: Section 13-80 Article VIII of Chapter 13 of the Needles Municipal Code, "Removal of Abandoned Vehicles," requires a person be designated by the City Council to administer this article.

City Staff recommends the City Manager and his designee be authorized by the City of Needles City Council to administer Chapter 13, Article VIII "Removal of Abandoned Vehicles," of the Needles Municipal Code.

Fiscal Impact: No additional costs to the City.

Recommended Action: Approve City Council Resolution 2019-59 Authorizing the City Manager or his designee to administer Chapter 13, Article VIII, "Removal of Abandoned Vehicles," of the Needles Municipal Code.

Submitted By: Patrick Martinez, Director of Development Services

City Management Review: Rick **Date:** 9/3/19

Approved: ☐	Not Approved: ☐	Tabled: ☐	Other: ☐
			Agenda Item: 15

RESOLUTION 2019-59

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEEDLES AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO ADMINISTER CHAPTER 13, ARTICLE VIII, "REMOVAL OF ABANDONED VEHICLES," OF THE NEEDLES MUNICIPAL CODE

WHEREAS, pursuant to Section 13-80 of Article VIII of Chapter 13 of the Needles Municipal Code, "Removal of Abandoned Vehicles," the administration of Article VIII shall be by a person designated by resolution of the City Council; and

WHEREAS, according to the City Council, the City Manager and/or his designee is the appropriate person to administer Article VIII of Chapter 13 of the Needles Municipal Code, "Removal of Abandoned Vehicles," on behalf of the City.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Needles as follows:

Section 1. The City Council hereby designates the City Manager and his designee as the person responsible for the administration of Article VIII of Chapter 13 of the Needles Municipal Code, "Removal of Abandoned Vehicles,"

1. Section 2. This Resolution shall become effective immediately upon its adoption and approval.

PASSED, APPROVED AND ADOPTED this 10th day of September 2019 by the following roll call vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

APPROVED:

_____
Mayor Edward T. Paget, M.D., Mayor

ATTEST:

_____
Dale Jones, City Clerk

APPROVED AS TO FORM:

_____
John O. Pinkney, City Attorney

places where the city traffic engineer determines that there is a particular hazard to pedestrians crossing the roadway subject to the limitations contained in subsection (b) of this section.

(b) Other than crosswalks at intersections no crosswalks shall be established in any block which is less than four hundred feet in length. Elsewhere except near schools not more than one additional crosswalk shall be established in any one block and such crosswalk shall be located as nearly as practicable at midblock. (Ord. No. 257 N.S.)

Sec. 13-75. Required use of crosswalks. No pedestrian shall cross a roadway other than by a crosswalk in any business district. (Ord. No. 257 N.S.)

Sec. 13-76. Manner of crossing roadway. No pedestrian shall cross a roadway at any place other than by a route at right angles to the curb or by the shortest route to the opposite curb except in a marked crosswalk. (Ord. No. 257 N.S.)

Sec. 13-77. Standing, sitting, etc., roadway. No person shall stand in any roadway other than in a safety zone or in a crosswalk if such action interferes with the lawful movement of traffic. No person shall sit or lie in any roadway. This section shall not apply to any public officer or employee, or employee of a public utility when necessary upon a street in line of duty. (Ord. No. 257 N.S.)

Sec. 13-78. Distributing newspapers, etc., in roadway. No person shall sell or give away any newspaper or other printed matter from a position or place in or upon any roadway. (Ord. No. 257 N.S.)

Article VIII. Removal of Abandoned Vehicles.

Sec. 13-79. Authority. This ordinance set out in this article is made in conformance with, pursuant to, and under the authority of, the California Vehicle Code and, in particular, Section 22661 thereof. (Ord. No. 252-AC, § 1.)

Sec. 13-80. Administration. The administration of this article shall be by the person designated by the city council by resolution. The removal of vehicles or parts thereof from land, however, may be made by any other person duly authorized by the person, designated by the city council. Any such authorized person may enter upon private property for the purposes specified in this article, to examine a vehicle or parts thereof declared to be a nuisance pursuant to this article. (Ord. No. 252-AC, § 9.)

Sec. 13-81. Abandoned, wrecked, dismantled, inoperative vehicles prohibited. The presence of any abandoned, wrecked, dismantled or inoperative vehicle, or parts thereof, on public or private property reasonably within public view, which is within the city limits, is unlawful and subject to the penalties set forth within this code. (Ord. No. 252-AC, § 2; Ord. No. 380-AC(part).)

Sec. 13-81.1. Definitions. As used in this article, and other sections of this code related to vehicles, the terms "inoperative vehicle," "abandoned vehicle," "dismantled vehicle" and "wrecked vehicle" shall have the following meanings:

Abandoned vehicle. A vehicle is abandoned if it reasonably appears that the vehicle owner has renounced his or her ownership rights.

Inoperative vehicle. A vehicle is inoperative if it cannot be legally operated on streets or highways in California.

Dismantled vehicle. A vehicle is dismantled if it is partially or totally taken apart or broken down to its individual parts.

Wrecked vehicle. A vehicle is wrecked if it cannot be moved safely under its own power. (Ord. No. 380-AC(part).)

Sec. 13-82. Exception. This article shall not apply to:

(a) A vehicle or part thereof which is completely enclosed within a building in a lawful manner, and is not visible from the street or other public or private property; or

(b) 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. 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. No. 252-AC, § 3.)

Sec. 13-83. Repealed by Ordinance No. 380-AC.

Sec. 13-84. Removal procedure--Notice to owner. (a) There shall be issued to the owner of the land where the vehicle is located, and to the owner of the vehicle if ascertainable, a ten-day notice of intent to abate and remove the vehicle, or part thereof, as a public nuisance; provided, however, if the landowner and the vehicle owner

have signed releases authorizing removal and waiving further interest in the vehicle or part thereof, such notice need not be given.

(b) The ten-day notice of intention is not required for removal of a vehicle or part thereof, if:

(1) The vehicle is inoperable because of absence of motor, transmission, or wheels and is incapable of being towed; and

(2) The vehicle is valued at less than two hundred dollars by a person designated to appraise vehicles by the city council, or an appraiser as that person is identified in Vehicle Code Section 22855; and

(3) The vehicle is determined by the city council to be a public nuisance presenting an immediate threat to public health and safety; and

(4) The landowner has signed a release authorizing removal and waiving further interest in the vehicle or part thereof.

(c) With respect to a vehicle valued at less than two hundred dollars, if evidence of registration was recovered from the vehicle or part thereof prior to final disposition thereof, the designated city employee shall mail to the registered and legal owner notice of intent to dispose of the vehicle or part. If the vehicle or part is not claimed and removed within twelve days after the notice is mailed, from a location specified in Section 13-86, final disposition may proceed.

(d) This section applies only to inoperable vehicles located upon a land parcel that is:

(1) Zoned for agricultural use; or

(2) Not improved with a residential structure containing one or more dwelling units.

(e) The ten-day notice of intention to abate and remove a vehicle or part thereof, when required by this section, shall contain a statement of the hearing rights of the owner of the land and of the owner of the vehicle. 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. No. 252-AC § 5.)

Sec. 13-85. Public hearing. (a) If the vehicle owner or the owner of the land upon which such vehicle is located requests a public hearing under the provisions of this article, the hearing shall be before the city council, or any board, commissioner or official of the city that the city council may from time to time designate for that purpose. The person requesting the hearing shall do so by application to the city council within ten days after the mailing of the notice of intention to abate and remove the vehicle, or at the time of signing the release mentioned in subsection (a) of section 13-83.

(b) If the owner of the land upon which the vehicle is located submits a sworn written statement denying responsibility for the presence of the vehicle on his or her land within the ten-day period, such statement shall be construed as a request for hearing which does not require the presence of the owner submitting such request.

(c) In any event, if the city does not receive a request for a hearing, or a sworn statement, within the ten-day period, the designated person shall thereafter have the authority to remove the vehicle.

(d) The owner of the land on which the vehicle is located may appear in person at the hearing or present a sworn written statement as aforesaid, denying responsibility for the presence of the vehicle on the land and setting forth reasons for the denial. If the city council, or the appointed board, commissioner or official, determines at the hearing that the vehicle was placed on the land without the consent of the landowner and that the landowner has not subsequently acquiesced in its presence, then the city council, or the appointed board, commissioner or official, shall not assess costs of administration or removal of the vehicle against the property upon such which the vehicle is located or otherwise attempt to collect such costs from such landowner. (Ord. No. 252-AC, § 6.)

Sec. 13-86. Removed vehicles not to be reconstructed. After a vehicle has been removed pursuant to this article, it shall not be reconstructed or made operable unless it is a vehicle which qualifies for either (a) horseless carriage license plates or (b) historical vehicle license plates, in which case the vehicle may be reconstructed or made operable. (Ord. No. 252-AC, § 7.)

Sec. 13-87. Vehicle disposal. The vehicles or parts thereof removed pursuant to this article may be disposed of by removal to a scrapyard, or any suitable site for processing as scrap, or other final disposition consistent with the provisions of this article and the Vehicle Code.

The city may thus make final disposition of such vehicles or parts, or transfer such vehicles or parts to another, provided such disposal shall only be as scrap. (Ord. No. 252-AC, § 8.)

Article IX. Private Roadways and Parking Areas.

Sec. 13-88. Regulation of private roads and parking areas used by the general public. (a) Whenever this chapter designates any privately owned roadway or parking area as being open for use for vehicle traffic by the general public and are interconnected with highways and public streets then, pursuant to section 21107.6 of the Vehicle Code of the state of California, regulation of traffic in these areas shall be in accordance with all the provisions of the Vehicle Code of the state of California.

(b) In accordance with this section the following privately owned area(s) are hereby found and declared to be open to public use for purpose of vehicle traffic:

Towne Centre Shopping Plaza.
(Ord. No. 348-AC, § 1.)

Article X. Uniform Bail Schedule.

Sec. 13-89. San Bernardino County uniform bail schedule adopted by reference for parking violations. Those sections of the San Bernardino County uniform bail schedule pertaining to and establishing bail amounts for parking violations are adopted by reference, without publications in the manner provided by Needles, City Charter Section 523. Not less than three copies of the San Bernardino County uniform bail schedule have been filed for use and examination by the public in the office of the city clerk. (Ord. No. 394-AC.)

Article XI. Procedure for Processing Parking Citations.

Sec. 13-90. Needles parking citation processing manual adopted by reference. The Needles parking citation processing manual is adopted by reference, without publication in the manner provided by Needles City Charter Section 523. Non-moving traffic citations shall be processed in conformity with the procedures contained in the Manual. Not less than three copies of the Needles parking citation processing manual have been filed for use and examination by the public in the office of the city clerk. (Ord. No. 395-AC.)