

ORDINANCE NO. 0-15344
(New Series)

SEP 22 1980

AN ORDINANCE AMENDING CHAPTER VIII, ARTICLE 1,
OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING
SECTION 81.10 RELATING TO REMOVAL AND DIS-
POSAL OF ABANDONED, ETC., VEHICLES NOT ON
HIGHWAYS.

BE IT ORDAINED, by the Council of The City of San Diego,
as follows:

Section 1. That Chapter VIII, Article 1, of the San Diego
Municipal Code be and the same is hereby amended by amending
Section 81.10 to read as follows:

SEC. 81.10 REMOVAL AND DISPOSAL OF ABANDONED, ETC.,
VEHICLES NOT ON HIGHWAYS

(a) The purpose and intent of the Council in
adopting this section is to establish procedures pur-
suant to Sections 22660 to 22664 of the California Vehicle
Code for the abatement, removal and disposal, as public
nuisances, of abandoned, wrecked, dismantled or inopera-
tive vehicles or vehicle parts from private or public
property, not including highways.

(b) Any vehicle located on property other than a
highway may be removed as a public nuisance and disposed
of in accordance with the following procedures:

(i) Not less than ten (10) days prior to
any removal or disposal of a vehicle, a notice of
intention to abate and remove the vehicle as a

public nuisance shall be issued unless the property owner and the owner of the vehicle have signed releases authorizing removal and waiving further interest in the vehicle. The notice shall contain a statement of the hearing rights of the owner of the vehicle and of the owner of the property on which the vehicle is located. 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.

(ii) Upon request by the owner of the vehicle or the owner of the land on which the vehicle is located, a public hearing shall be held before the City Manager or any other regularly salaried full-time employee of the City whom the City Manager may designate. This request shall be made to the Manager or his designee within ten (10) days after the mailing of the notice of intention to abate and remove the vehicle.

(iii) The owner of the land on which the vehicle is located may appear in person at the hearing. Instead of making an appearance, he may present a sworn written statement, in time for consideration at the hearing, denying responsibility for the presence of the vehicle on the land, with his reasons for his denial. This statement shall be construed as a request for a hearing which does not require the presence of the owner submitting the request. 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 costs of administration or removal of the vehicle shall not be assessed against the property upon which the vehicle is located or collected from the landowner.

(iv) No person shall reconstruct or make operable any vehicle removed under the provisions of this section, unless it is a vehicle which qualifies for either horseless carriage license plates or historical vehicle license, pursuant to Section 5004 of the California Vehicle Code, in which case the vehicle may be reconstructed or made operable.

(v) This section shall not apply to (1) a vehicle 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 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 section.

(vi) Vehicles may be disposed of by removal to a scrapyard, automobile dismantler's yard or any suitable site for processing as scrap, or other final disposition consistent with subparagraph (v) of this paragraph.

(vii) Notice shall be given to the Department of Motor Vehicles within five (5) days after the date of removal, identifying the vehicle and any evidence of registration available including, but not limited to, the registration card, certificates of ownership or license plates.

(viii) The cost of removal and disposal of any vehicle and the administrative cost thereof may be charged against the person who is determined to be responsible for the maintenance of the vehicle as a public nuisance.

(ix) Provisions of this section shall be administered by regularly salaried full-time employees of the City except that the removal of vehicles from property may be by any other duly authorized person.

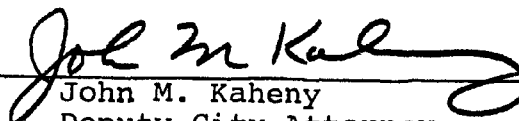
Any such authorized person may enter upon private property for the purposes specified in this section to examine a vehicle, and remove or cause to be removed the vehicle declared to be a nuisance pursuant to this section.

(x) Any licensed dismantler or commercial enterprise acquiring vehicles removed pursuant to this section shall be excused from the reporting requirements of Section 11520 of the California Vehicle Code; and any fees and penalties which would otherwise be due the Department of Motor Vehicles, are hereby waived, provided that a copy of the resolution or order authorizing disposition of the vehicle is retained in the dismantler's or commercial enterprise's business records.

Section 2. This ordinance shall take effect and be in force on the thirtieth day from and after its passage.

APPROVED: JOHN W. WITT, City Attorney

By


John M. Kaheny
Deputy City Attorney

JMK:rc:044.1

4/7/80

Or. Dept.: T&LU Committee

SEP 22 1980

Passed and adopted by the Council of The City of San Diego on _____
by the following vote:

Councilmen	Yeas	Nays	Not Present	Ineligible
Bill Mitchell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bill Cleator	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bill Lowery	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Leon L. Williams	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Fred Schnaubelt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mike Gotch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Larry Stirling	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lucy Killea	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Pete Wilson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

PETE WILSON
Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, California.

(Seal)

By *Rita Andrews*, Deputy.

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

SEP 9 1980

SEP 22 1980

_____, and on _____

~~I FURTHER CERTIFY that said ordinance was read in full prior to its final passage.~~

I FURTHER CERTIFY that the reading of said ordinance in full was dispensed with by a vote of not less than a majority of the members elected to the Council, and that there was available for the consideration of each member of the Council and the public prior to the day of its passage a written or printed copy of said ordinance.

CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, California.

(Seal)

By *Rita Andrews*, Deputy.

Office of the City Clerk, San Diego, California

Ordinance Number 0-15344 Adopted SEP 22 1980

CERTIFICATE OF PUBLICATION

RECEIVED
CITY CLERK'S OFFICE
1980 OCT 16 AM 10:21
SAN DIEGO, CALIF.

San Diego, City of
12th floor, City Admin. Bldg.
202 C St., San Diego, CA 92101
ATTN: Rita Andrews

IN THE MATTER OF

NO.

AN ORDINANCE AMENDING CHAPTER VIII, ARTICLE 1, OF
THE SAN DIEGO MUNICIPAL CODE BY AMENDING SEC-
TION 81.10 RELATING TO REMOVAL AND DISPOSAL OF ETC.

0-15344 NS

ORDINANCE NO. O-15344
(New Series)
AN ORDINANCE AMENDING CHAPTER VIII, ARTICLE 1, OF
THE SAN DIEGO MUNICIPAL CODE BY AMENDING SEC-
TION 81.10 RELATING TO REMOVAL AND DISPOSAL OF
ABANDONED, ETC. VEHICLES NOT ON HIGHWAYS.
This ordinance provides for the removal from private or
public property, not including highways, of abandoned vehicles
and establishes a hearing process in accordance with the
California Vehicle Code.
A complete copy of the Ordinance is available for inspection
in the Office of the City Clerk of the City of San Diego, 12th Floor,
City Administration Building, 202 "C" Street, San Diego, CA
92101.
Introduced on September 8, 1980.
Passed and adopted by the Council of The City of San Diego
on September 22, 1980.
AUTHENTICATED BY: PETE WILSON,
Mayor of The City of San Diego, California.
CHARLES G. ABDELNOUR,
City Clerk of The City of San Diego, California.
(SEAL)
By RITA ANDREWS, Deputy,
October 8, 1980

I, Camille Simpson, am a citizen
of the United States and a resident of the County aforesaid; I am over the
age of eighteen years, and not a party to or interested in the above-entitled
matter. I am the principal clerk of the San Diego Daily Transcript, a
newspaper of general circulation, printed and published daily, except
Saturdays and Sundays, in the City of San Diego, County of San Diego, and
which newspaper has been adjudged a newspaper of general circulation by
the Superior Court of the County of San Diego, State of California, under
the date of January 23, 1909, Decree No. 14894; and the

ORDINANCE NO. O-15344 (New Series)

is a true and correct copy of which the annexed is a printed copy and was
published in said newspaper on the following date(s), to wit:

October 6, 1980

I certify under penalty of perjury that the foregoing is true and correct.

Dated at San Diego, California this 6th day of Oct., 19 80.

Camille Simpson
(Signature)

2 1/8" x 2 x 7.33 = 31.15