

LEGISLATIVE DRAFT  
HBMC 8.48

**Chapter 8.48 INOPERABLE VEHICLES**

**8.48.010 Intent and Purpose**

The intent and purpose of this chapter is to accomplish the removal of inoperable vehicles from public and private properties throughout the City of Huntington Beach, except as specified in Section 8.48.030. (1393 3/68)

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**8.48.020 Definitions**

For the purpose of this chapter, the following words and phrases shall have the meanings hereafter set forth unless a different meaning is clearly intended from the context in which such word or phrase is used. Any word or phrase not herein defined shall have the meaning attributed to it in ordinary usage:

“**Highway**” means a way or place of whatever nature publicly maintained and open to the use of the public for purposes of vehicular travel. “Highway” includes street.

“**Inoperable vehicle**” means any vehicle which does not qualify to be operated upon a highway under the Vehicle Code of the State of California.

“**Public property**” does not include highway.

“**Vehicle**” means a device by which any person or property may be propelled, moved or drawn upon a highway except a device moved by human power or used exclusively upon stationary rails or tracks. (1393 3/68, 1449 10/68)

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**8.48.030 Applicability**

This chapter shall not apply to:

A.—A vehicle or part thereof which is completely enclosed in a building in a lawful manner where it 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, a junk dealer or when such storage or parking is necessary to the operation of a lawfully conducted business or commercial enterprise. (1393 3/68)

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**8.48.040 Nuisance Not Authorized**

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. (1393 3/68)

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#### **8.48.050 Chapter Not Exclusive Regulation**

This chapter is not the exclusive regulation of abandoned, wrecked, dismantled or inoperative vehicles within the City. It shall supplement and be in addition to the other regulatory codes, statutes and ordinances heretofore or hereafter enacted by the City, the state, or any other legal entity or agency having jurisdiction. (1393 3/68)

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#### **8.48.060 Enforcement**

Except as otherwise provided herein, the provisions of this chapter shall be administered and enforced by the Police Chief or the Director of Planning. In the enforcement of this chapter, such officers and their deputies may enter upon private or public property to examine a vehicle or part thereof, or obtain information as to the identity of the vehicle and to remove or cause removal of a vehicle or part thereof declared to be a nuisance pursuant to this chapter. (1393 3/68, 1449 10/68, 2217 10/77, 3552 5/02)

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#### **8.48.070 Removal—Contracts or Franchises**

When the City Council has contracted with or granted a franchise to any person or persons, 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 thereof declared to be a nuisance pursuant to this chapter. (1393 3/68)

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#### **8.48.080 Administrative Costs**

The City Council shall from time to time determine and fix an amount to be assessed as administrative costs (excluding the actual costs of removal of any vehicle or part thereof) under this chapter. (1393 3/68)

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#### **8.48.090 Abatement—Hearing**

A public hearing shall be held on the question of abatement and removal of the vehicle or part thereof as an abandoned, wrecked, dismantled or inoperative vehicle and the assessment of the administrative costs and the cost of removal of the vehicle or part thereof against the property on which it is located. Notice of hearing shall be mailed at least 10 days before the hearing by certified mail, with a five day return requested 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. If any of the foregoing notices are returned undelivered by the United States Post Office, the hearing shall be continued to a date not less than 10 days from the date of such return. (1393 3/68)

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#### **8.48.100 Hearing—Notice to Highway Patrol**

Notice of hearing shall also be given to the California Highway Patrol identifying the vehicle or part thereof proposed for removal, such notice to be mailed at least 10 days prior to the public hearing. (1393-3/68)

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#### **8.48.110 Hearing—Facts and Testimony**

All hearings under this chapter shall be held before the City Council which shall hear all facts and testimony it deems pertinent. 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 Council shall not be limited by the technical rules of evidence. The owner of the land on which the vehicle is located may appear in person, or through an agent, at the hearing or present a written statement in time for consideration at the hearing, and deny responsibility for the presence of the vehicle on the land, with his or her reasons for such denial. (1393 3/68)

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#### **8.48.120 Abatement—Council Action**

The City Council may impose such conditions and take such other action as it deems appropriate under the circumstances to carry out the purpose of this chapter. It may delay the time for removal of the vehicle or part thereof if, in its opinion, the circumstances justify it. At the conclusion of the public hearing, the City Council 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 hereinafter provided and determine the administrative costs and the cost 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. (1393 3/68)

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#### **8.48.130 Landowner Not Assessed**

If it is determined at the hearing that the vehicle was placed on the land without the consent of the landowner and that he or she has not subsequently acquiesced in its presence, the City Council 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 landowner. (1393 3/68)

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#### **8.48.140 Decision Notice to Interested Party**

If an interested party makes a written presentation to the City Council but does not appear, he or she shall be notified in writing of the decision. (1393 3/68)

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#### **8.48.150 Order to Remove**

Five days after issuance of the order declaring the vehicle or parts thereof to be a public nuisance and five days from the date of mailing of notice of the decision as required by this chapter, the vehicles or parts thereof may be disposed of by removal to a scrapyard or automobile dismantler's yard. After a vehicle has been removed it shall not thereafter be reconstructed or made operable. (1393 3/68)

#### **8.48.160 Removal—Motor Vehicle Department Notified**

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. (1393 3/68)

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#### **8.48.170 Removal—Costs—Lien**

If the administrative costs and the cost of removal which are charged against the owner of a parcel of land pursuant to this chapter are not paid within 30 days of the date of the order, or the final disposition of an appeal therefrom, such costs shall be assessed against the parcel of land pursuant to Section 38773.5 of the Government Code and shall be transmitted to the tax collector for collection. The assessment shall have the same priority as other City taxes. (1393 3/68)

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#### **8.48.180 Violation—Abandonment**

It is unlawful and an infraction 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 highways within the City for a period in excess of 10 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. (1393 3/68, 1935 11/74)

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#### **8.48.190 Violation—Failure to Remove**

It is unlawful and an infraction for any person to fail or refuse to remove an abandoned, wrecked, dismantled or inoperative vehicle or part thereof or refused to abate such nuisance when ordered to do so in accordance with the abatement provisions of this chapter or state law where such law is applicable. (1393 3/68, 1935 11/74)