



# CITY OF HUNTINGTON BEACH

## REPEAL HUNTINGTON BEACH MUNICIPAL CODE (HBMC) CHAPTER 8.48 INOPERABLE VEHICLES & ADOPT REPLACEMENT CHAPTER RELATING TO PUBLIC NUISANCE ABATEMENT OF ABANDONED VEHICLES

COMMUNITY DEVELOPMENT DEPARTMENT

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CODE ENFORCEMENT DIVISION

JULY 20, 2020

# Topics for Discussion

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1. Code Enforcement's role in the community
2. Importance of Abatement of Inoperable and Abandoned Vehicle
3. California Vehicle Code (CVC) 22660
4. HBMC 8.48
5. Enforcement Procedure
6. Recommendation



# CODE ENFORCEMENT'S ROLE IN THE COMMUNITY

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1. Communities face challenges with unmaintained properties, illegal construction, substandard housing violations, zoning issues, and **inoperable and abandoned vehicles**.
2. Communities that have areas of blight and deteriorated properties may eventually see an increase in the amount of crime and a significant decrease in property values.
3. Code Enforcement officers provide the first line of action in making sure that these issues are managed in a responsible and effective way.



# IMPORTANCE OF ABATEMENT OF INOPERABLE AND ABANDONED VEHICLE

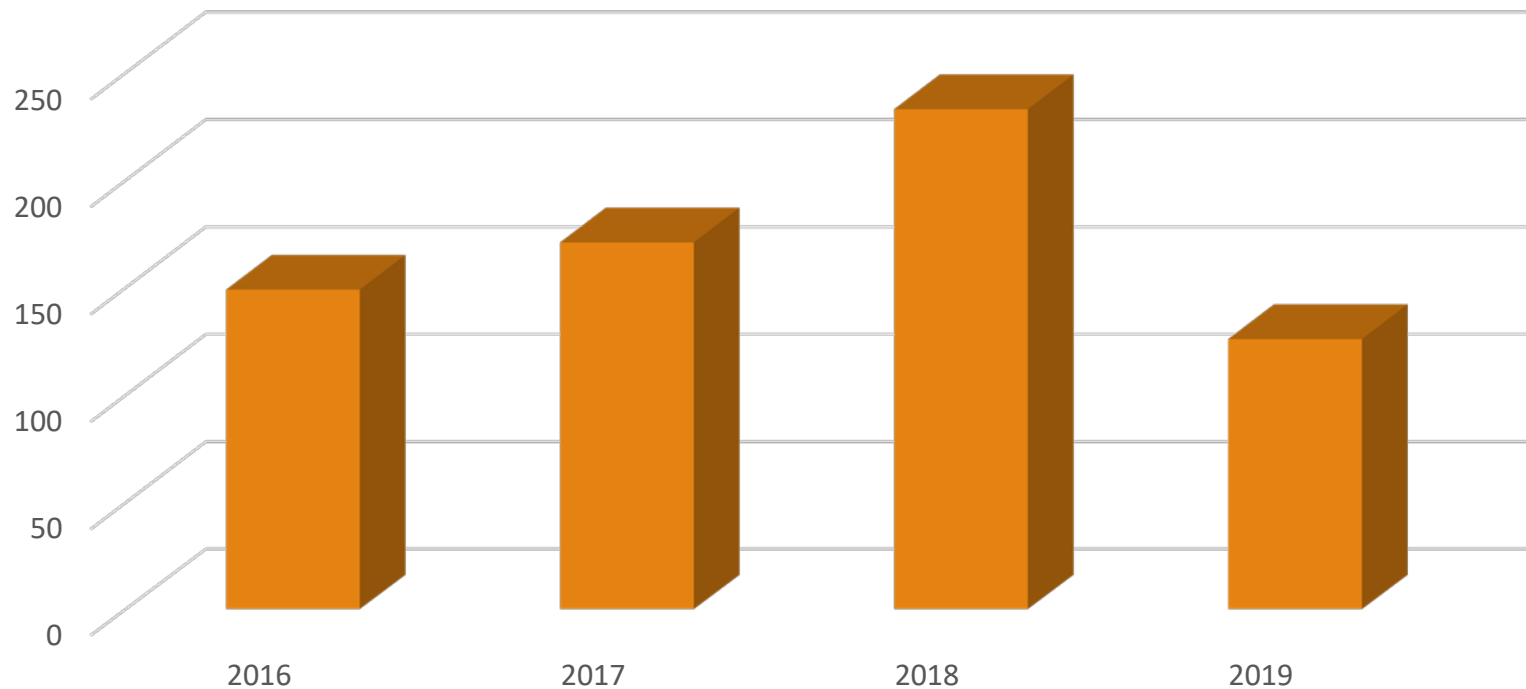
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- FIRE HAZARD
- ENVIRONMENTAL HAZARD (OIL OR FUEL SPILL)
- PUBLIC NUISANCE
- BROKEN WINDOW THEORY
- CHRONIC OUTDOOR STORAGE
- ILLEGAL AUTO REPAIR
- ILLEGAL DUMPING
- REDUCES PROPERTY VALUE



# REPORTED PROPERTIES WITH ABANDONED & INOPERABLE VEHICLES TO CODE ENFORCEMENT

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Annual Average 170 Properties

# CALIFORNIA VEHICLE CODE

## CVC 22660

### VEHICLE CODE - VEH

#### **DIVISION 11. RULES OF THE ROAD [21000 - 23336]**

*( Division 11 enacted by Stats. 1959, Ch. 3. )*

#### **CHAPTER 10. Removal of Parked and Abandoned Vehicles [22650 - 22856]**

*( Chapter 10 enacted by Stats. 1959, Ch. 3. )*

#### **ARTICLE 1. Authority to Remove Vehicles [22650 - 22711]**

*( Article 1 enacted by Stats. 1959, Ch. 3. )*

**22660.** Notwithstanding any other provision of law, a city, county, or city and county may adopt an ordinance establishing procedures for the abatement and removal, as public nuisances, of abandoned, wrecked, dismantled, or inoperative vehicles or parts thereof from private or public property, and for the recovery, pursuant to Section 25845 or 38773.5 of the Government Code, or assumption by the local authority, of costs of administration and the removal. *(Amended by Stats. 1988, Ch. 126, Sec. 1.)*

[California Legislative Information](#)



# Huntington Beach Municipal Code

## 8.48.180 – Inoperable Vehicle

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“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)”

# ADDED DEFINITIONS TO HBMC 8.48.020

**“Abandoned Vehicle”** means a vehicle abandoned on a street, public property, or private property in such an inoperable or neglected condition and the Director determines that the owner relinquished all rights or interest in the vehicle.

**“Dismantled Vehicle”** means any vehicle which is partially or wholly disassembled.

**“Inoperable vehicle”** means any vehicle that in a condition that renders it unable to drive or unsafe for operation upon a street, or in which operation upon a street would violate the Vehicle Code or any other law or regulation related to the operation of vehicles upon a street in the City of Huntington Beach or State of California.

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**“Vehicle Part”** includes, but is not limited to, any item, device, component, frame, bumper, wheel or glass associated with a vehicle.



# DEFINITIONS CONTINUED...

“**Vehicle**” generally means a device, or substantial part of a device by which any person or property may be propelled, moved or drawn upon a street, except a device moved by human power or used exclusively upon stationary rails or tracks. The term Vehicle includes **automobiles, tractors, boats, motorcycles, special purpose vehicle**, etc., as well as **trailers** designed for carrying persons or property on its own structure and for being drawn by a motor Vehicle and so constructed that no part of its weight rests upon any other Vehicle. The term Vehicle includes any Abandoned, Dismantled, Inoperable, Wrecked or Part of a Vehicle.

“**Wrecked vehicle**” means any vehicle, or a substantial part of a vehicle that is damaged to such an extent that it cannot be operated upon a street. 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, is not an abandoned vehicle.

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# INOPERABLE AND ABANDONED VEHICLES





# INOPERABLE AND ABANDONED VEHICLES FROM A HOARDING INVESTIGATION

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# INOPERABLE AND ABANDONED VEHICLES FROM SINGLE FAMILY HOME OR MULTI-FAMILY DWELLING

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# INOPERABLE AND ABANDONED VEHICLES



# ENFORCEMENT PROCEDURE

## Violation

- Reactive or Proactive; Take Action on a Confirmed Inoperable/ Abandoned Code Violation
- Officers Will Contact Property Owner/ Occupant At Subject Property

## Notices

- Officers Will Obtain Registered Owner's Information from Latest DMV Record
- Abatement Notices Issued to Property Owner and Registered Owner of Vehicle for a Ten (10) Day Compliance
- Copy of Notice will be posted on Vehicle and at Subject Property

## Hearing

- Abatement Notices Will Provide 10 Days to Comply or Request A Hearing
- Appearance at Hearing or Sworn Written Statement

## Resources

- Different Resources Are Provided to the Property Owner/ Vehicle Owner for Voluntary Compliance
- Time Extension May Be Warranted Depending On Underlining Circumstances

## Abatement

- Vehicle Is Removed from Property Through Voluntary Compliance or City Abatement Efforts
- City will obtain an Abatement Warrant from Court



# RECOMMENDATION

Approve for Introduction Ordinance No. 4201 Repealing Chapter 8.48 and Adopting A New Chapter 8.48 of the Huntington Beach Municipal Code Relating to the Public Nuisance Abatement of Abandoned Vehicles.





# Thank You and Questions

