

CITY OF SAN ANSELMO

ORDINANCE NO. 616

AN ORDINANCE AMENDING TITLE 3, CHAPTER 5, ARTICLE 17 OF THE MUNICIPAL CODE BY PROVIDING FOR THE ABATEMENT AND REMOVAL AS PUBLIC NUISANCES OF ABANDONED, WRECKED, DISMANTLED OR INOPERATIVE VEHICLES OR PARTS THEREOF FROM PRIVATE PROPERTY OR PUBLIC PROPERTY NOT INCLUDING HIGHWAYS, AND RECOVERY OF COSTS OF ADMINISTRATION THEREOF AS AUTHORIZED BY SECTION 22660 VEHICLE CODE.

The City Council of the City of San Anselmo do ordain as follows:

Section 1. Article 17, Chapter 5, Title 3, of the San Anselmo Municipal Code is hereby amended as follows:

(A) Section 3-5.1701 is amended by adding the following:

(d) The term "owner of the land" means the owner of the land on which the vehicle, or parts thereof, is located, as shown on the last equalized assessment roll.

(e) The term "owner of the vehicle" means the last registered owner and legal owner of record.

(B) The provisions of section 3-5.1707 are hereby repealed and said section is reenacted as follows:

3-5.1707. Upon discovering the existence of an abandoned, wrecked, dismantled, or inoperative vehicle, or parts thereof, on private property or public property within the city, the Chief of Police shall have the authority to cause the abatement and removal thereof in accordance with the procedure prescribed herein.

(C) The provisions of section 3-5.1708 are hereby repealed and said section is reenacted as follows:

3-5.1708. A 10-day notice of intention to abate and remove the vehicle, or parts thereof, as a public nuisance shall be mailed by registered mail to the owner of the land and to the owner of the vehicle, unless the vehicle is in such condition that identification numbers of the vehicles are not available to determine ownership.

The notices of intention shall be in substantially the following forms:

NOTICE OF INTENTION TO ABATE AND REMOVE AN
ABANDONED, WRECKED, DISMANTLED, OR INOPERATIVE
VEHICLE OR PARTS THEREOF AS A PUBLIC NUISANCE

(Name and address of owner of the land)

As owner shown on the last equalized assessment roll of the land located at (address), you are hereby notified that the undersigned pursuant to (section of ordinance or municipal code) has determined that there exists upon said land an (or parts of an) abandoned, wrecked, dismantled or inoperative vehicle registered to _____, license number _____, which constitutes a public nuisance pursuant to the provisions of section 3-5.1701 of the Municipal Code.

You are hereby notified to abate said nuisance by the removal of said vehicle (or said parts of a vehicle) within 10 days from the date of mailing of this notice, and upon your failure to do so the same will be abated and removed by the city and the costs thereof, together with administrative costs, assessed to you as owner of the land on which said vehicle (or said parts of a vehicle) is located.

As owner of the land on which said vehicle (or said parts of a vehicle) is located, you are hereby notified that you may, within 10 days after the mailing of this notice of intention, request a public hearing and if such a request is not received by the Chief of Police within such 10-day period, the Chief of Police shall have the authority to abate and remove said vehicle (or said parts of a vehicle) as a public nuisance and assess the costs as aforesaid without a public hearing. You may submit a sworn written statement within such 10-day period denying responsibility for the presence of said vehicle (or said parts of a vehicle) on said land, with your reasons for denial, and such statement shall be construed as a request for hearing at which your presence is not required. You may appear in person at any hearing requested by you or the owner of the vehicle or, in lieu thereof, may present a sworn written statement as aforesaid in time for consideration at such hearing.

Notice Mailed _____ s/
(date) (locally designated officer)

NOTICE OF INTENTION TO ABATE AND REMOVE AN
ABANDONED, WRECKED, DISMANTLED OR INOPERATIVE
VEHICLE OR PARTS THEREOF AS A PUBLIC NUISANCE

(Name and address of last registered
and/or legal owner of record of vehicle--
notice should be given to both if dif-
ferent)

As last registered (and/or legal) owner of record of (description of vehicle - make, model, license, etc.), you are hereby notified that the undersigned pursuant to section 3-5.1701 of the Municipal Code has determined that said vehicle (or parts of a

vehicle) exists as an abandoned, wrecked, dismantled or inoperative vehicle at (describe location on public or private property) and constitutes a public nuisance pursuant to the provisions of the Municipal Code, Title 3, Chapter 5, Article 17.

You are hereby notified to abate said nuisance by the removal of said vehicle (or said parts of a vehicle) within 10 days from the date of mailing of this notice.

As registered (and/or legal) owner of record of said vehicle (or said parts of a vehicle), you are hereby notified that you may, within 10 days after the mailing of this notice of intention, request a public hearing and if such a request is not received by the (hearing body or officer) within such 10-day period, the (locally designated officer) shall have the authority to abate and remove said vehicle (or said parts of a vehicle) without a hearing.

Notice Mailed _____ s/ _____
(date) (locally designated officer)

(D) The provisions of section 3-5.1709 are hereby repealed and said section is reenacted as follows:

3-5.1709. Upon request by the owner of a vehicle or owner of the land received by the Chief of Police within 10 days after the mailing of the notices of intention to abate and remove, a public hearing shall be held by the Chief of Police on the question of abatement and removal of the vehicle or parts 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 parts thereof against the property on which it is located.

If the owner of the land submits a sworn written statement denying responsibility for the presence of the vehicle on his land within such 10-day period, said statement shall be construed as a request for a hearing which does not require his presence. Notice of the hearing shall be mailed, by registered mail, at least 10 days before the hearing to the owner of the land and to the owner of the vehicle, unless the vehicle is in such condition that identification numbers are not available to determine ownership. If such a request for hearing is not received within said 10 days after mailing of the notice of intention to abate and remove, the city shall have the authority to abate and remove the vehicle or parts thereof as a public nuisance without holding a public hearing.

(E) The provisions of section 3-5.1710 are hereby repealed and said section is reenacted as follows:

3-5.1710. All hearings under this Ordinance shall be held before the Chief of Police who shall hear all facts and testimony it deems pertinent. Said facts and testimony may include testimony on the condition of the vehicle or parts thereof and the circumstances concerning its location on the said private property or public property. The hearing officer shall not be limited by the technical rules of evidence. The owner of the land may appear in person at the hearing or present a sworn written statement in time for consideration at the hearing, and deny responsibility for the presence of the vehicle on the land, with his reasons for such denial.

The hearing officer may impose such conditions and take such other action as it deems appropriate under the circumstances to carry out the purpose of this Municipal Code chapter. It may delay the time for removal of the vehicle or parts thereof if, in its opinion, the circumstances justify it. At the conclusion of the public hearing, the hearing officer may find that a vehicle or parts thereof has been abandoned, wrecked, dismantled, or it 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 land. The order requiring removal shall include a description of the vehicle or parts thereof and the correct identification number and license number of the vehicle, if available at the site.

If it is determined at the hearing that the vehicle was placed on the land without the consent of the owner of the land and that he has not subsequently acquiesced in its presence, the hearing officer shall not assess the 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 owner of the land.

If the owner of the land submits a sworn written statement denying responsibility for the presence of the vehicle on his land but does not appear, or if an interested party makes a written presentation to the hearing officer but does not appear, he shall be notified in writing of the decision.

(F) The provisions of section 3-5.1711 are hereby repealed and said section is reenacted as follows:

3-5.1711. Any interested party may appeal the decision of the hearing officer by filing a written notice of appeal with the said hearing officer within five days after its decision.

Such appeal shall be heard by the City Council which may affirm, amend or reverse the order or take other action deemed appropriate.

The clerk shall give written notice of the time and place of the hearing to the appellant and those persons specified in section 3-5.1708.

In conducting the hearing the City Council shall not be limited by the technical rules of evidence.

(G) Sections 3-5.1710, 3-5.1711, 3-5.1712, 3-5.1713, and 3-5.1714 are hereby renumbered to 3-5.1712, 3-5.1713, 3-5.1714, 3-5.1715 and 3-5.1716, respectively.

Section 2. This ordinance shall take effect and be in force thirty (30) days from and after its adoption.

Section 3. This ordinance shall be published once in full, within fifteen (15) days of its final passage and adoption in The Reporter, a newspaper published and of general circulation in the City of San Anselmo.


The foregoing ordinance was introduced at a Regular meeting of the San Anselmo City Council held on May 11, 1971, and was thereafter

at a regular meeting of the City Council held on
May 25, _____, 1971, duly passed and adopted by the following
vote:

AYES:	COUNCILMEN: Perry, Capurro, Reed, Stewart, Anderson
NOES:	COUNCILMEN: None
ABSENT:	COUNCILMEN: None


KENNETH L. ANDERSON

ATTEST:


ANITA GANNON, CITY CLERK