

10. VEHICLES AND TRAFFIC

Title 10

VEHICLES AND TRAFFIC

Chapter 10.04

ONE-WAY STREETS

Chapters:

- 10.04 One-Way Streets**
- 10.08 Parking Regulations**
- 10.12 Abandoned Vehicles**

Sections:

10.04.010 Designated.

10.04.010 Designated.

The following are designated as one-way streets:

A. That portion of East School Street from Water Street to the south lot line of the elementary school playground is declared a one-way street for vehicular traffic, the permissible direction of travel to be northward from Water Street to the south lot line of the elementary school playground.

B. That portion of West School Street from Water Street to the south lot line of the elementary school playground is declared a one-way street for vehicular traffic, the permissible direction of travel to be southward from south lot line of the elementary school playground to Water Street.

C. The city council shall cause to be erected such signs, type and size as determined by law, to carry out the provisions of this chapter. (Ord. 45 §§ 1—3, 1971)

Chapter 10.08

PARKING REGULATIONS

Sections:

- 10.08.010** Parking regulations.
- 10.08.020** Overnight parking or camping.
- 10.08.030** Recreational vehicles, campers, trailers, truck tractors or similar vehicles.
- 10.08.040** Repairs of vehicles.
- 10.08.050** Violations—Penalties.

10.08.010 Parking regulations.

A. Designation—Authority. In order to expedite the determination and designation of parking for the purpose of regulating vehicular traffic upon city streets, the city council may designate, by resolution, no parking, limited parking or restricted parking on city streets.

B. Parking—Conformity With Markings and Signs Required. No person shall leave a vehicle standing or parked, whether attended or unattended, upon a city street in violation of any curb marking or sign.

C. Red Curb—No Parking Area. No person shall stop, allow to stand, or park any vehicle, whether attended or unattended on any portion of the street where the curbing adjacent thereto is painted red.

D. Yellow Curb—Loading Zone. No person shall stop, allow to stand, or park any vehicle, whether attended unattended, on any portion of the street where the curbing adjacent thereto is painted yellow except for the purpose of loading or unloading passengers or freight for such time as may be specified by resolution.

E. White Curb. No person shall stop, allow to stand, or park any vehicle, whether at tended or unattended, on any portion of the street where the curbing is painted white except for the loading or unloading of passengers for such time as may be specified by resolution.

F. Green Curb. No person shall stop, allow to stand, or park any vehicle, whether attended or unattended on any portion of the street where the curbing adjacent thereto is painted green for a period longer than fifteen (15) minutes unless outside of posted times.

G. Blue Curb. No person shall stop, allow to stand, or park any vehicle, whether attended or unattended, other than a vehicle of a physically handicapped person as described in Section 5007,22511.55 and 22511.59 of the California

Vehicle Code, on any portion of the street where the curbing adjacent thereto is painted blue. (Ord. 149 § 1 (part), 2002; Ord. 143,2000)

10.08.020 Overnight parking or camping.

A. No overnight parking or camping in public parking lots.

B. No overnight camping on public streets. (Ord. 101 § 1, 1991)

10.08.030 Recreational vehicles, campers, trailers, truck tractors or similar vehicles.

A. It is unlawful within the city for any person to park or allow to park any recreational vehicle, camper, trailer, truck tractor, or similar vehicle or vessels on any street, alley or highway, or any other public place within the city limits of the city except as provided in this chapter.

B. Parking is permitted on any street, alley or highway for not longer than seventy-two (72) hours subject to any other and further prohibitions, regulations or limitations imposed by the traffic and parking regulations or ordinances for that street, alley or highway.

C. It is unlawful for any person to use as sleeping quarters any motor vehicle, recreational vehicle, camper, trailer or vessel parked on any street, alley or highway or other public place within the city limits of the city.

D. Trailers to be used for commercial or business purposes (i.e. office space, night watchman's trailer) can be approved by the city council on appropriately zoned land; upon application to the city for a use permit for a period not exceeding two years, No extensions of the use permit shall be permitted and the trailer must be removed from the premises at the end of the use permit period. (Ord. 139 (part), 2000)

10.08.040 Repairs of vehicles.

It is unlawful, within the limits of the city for any person to perform repairs on any type of vehicle, recreational vehicle, camper or other type of trailer while said vehicle, recreational vehicle, camper or trailer is parked on any public street, alley, highway, roadway or other public place except as provided in subsection B of this section.

B. Emergency repairs (flat tire, jump start) not exceeding twelve (12) hours duration may be performed subject to any other prohibitions, regulations or limitations imposed by the traffic and parking regulations for that street, alley or highway. (Ord. 139 (part), 2000)

10.08.050 Violations — Penalties.

Any person found guilty of violating any provisions of this chapter shall be deemed guilty of an infraction and shall be fined no less than one hundred dollars (\$100.00) and all cost of removal and every day such violation exists shall constitute a separate offense and be punishable as such hereunder. (Ord. 139 (part), 2000)

Chapter 10.12

ABANDONED VEHICLES

Sections:

- 10.12.010 Declaration of nuisance.**
- 10.12.020 Definitions.**
- 10.12.030 Exceptions.**
- 10.12.040 Chapter not exclusive regulation.**
- 10.12.050 Enforcement authority—
Right of entry.**
- 10.12.060 Contract or franchise—
Right of entry for
removal of a vehicle.**
- 10.12.070 Administrative costs determination.**
- 10.12.080 Notice of intention to abate and
remove vehicle.**
- 10.12.090 Conduct of hearing.**
- 10.12.100 Appeal to authority.**
- 10.12.110 Order of vehicle removal—
Assessment of costs.**
- 10.12.120 Exceptions to hearing requirement.**
- 10.12.130 Disposition of vehicle or parts.**
- 10.12.140 Notice to Department of
Motor Vehicles.**
- 10.12.150 Collection of delinquent assessment.**
- 10.12.160 Collection of costs.**
- 10.12.170 Refusal to remove
vehicle—Misdemeanor.**

10.12.010 Declaration of nuisance.

In addition to and in accordance with the determination made and the authority granted by the state under Section 22660 of the Vehicle Code to remove abandoned, wrecked, dismantled or inoperative vehicles or parts thereof as public nuisances, the city council makes the following findings and declarations:

The accumulation and storage of abandoned, wrecked, dismantled or inoperative vehicles or parts thereof on private or public property is found to create a condition tending to reduce the value of private property, to promote blight and deterioration, to invite plundering, to create fire hazards, to constitute an attractive nuisance creating hazard to the health and safety of children, to create a harborage for rodents and insects and to be injurious to the health, safety and general welfare. Therefore, the presence of an abandoned, wrecked, dismantled or inoperative vehicle

or part thereof, on private or public property, except as expressly hereinafter permitted, is declared to constitute a public nuisance which may be abated as such in this chapter. (Ord. 117§ 1 (part), 1995)

10.12.020 Definitions.

As used in this chapter:

“Abandoned vehicle” means a motor vehicle left on a highway, public property, or private property in such inoperable or neglected condition that it may be reasonably inferred that the owner’s intention is to relinquish all further rights or interests in the vehicle.

A vehicle is presumed to be “abandoned” when it is left on a highway for seventy-two (72) hours or more without being moved, is parked, resting, or otherwise immobilized on any highway or public right of way and lacks an engine, transmission, wheels, tires, doors, windshield, or any other part or equipment necessary to operate safely on the highway. Vehicles found in such a condition on a highway or public right of way are presumed to be a hazard to public health, safety, and welfare and may be removed immediately upon discovery by a peace officer or other designated employee.

“Authority” means the Amador County abandoned vehicle abatement authority.

“Collector” means the owner of one or more vehicles who collects, purchases, acquires, trades or disposes of such vehicle(s), or vehicle parts thereof, for his or her own or her own use, in order to preserve, restore and maintain such vehicle(s) for hobby or historical purpose.

“Designated employee” means a representative of the Amador City council or of the Amador County sheriff and/or the code enforcement division of the Amador County district attorney.

“Dismantled vehicle” means any motor vehicle that is partially or wholly disassembled.

“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.”

“Inoperative vehicle” means any motor vehicle which either:

1. Cannot move under its own power; or
2. Has mechanical violations which would constitute an unsafe vehicle within the meaning of Section 24002 of the Vehicle Code.

“Public property” includes “streets” and “highways.”

“Street” includes all or part of, or any right in, a state

highway or other public highway, road, street, avenue, alley, lane, driveway, place, court, trail, or other public right-of-way or easement, or purported public street or highway, and rights connected therewith, including, but not limited to, restrictions of access or abutters’ rights, sloping easements, or other incidents to a street or 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.

“Wrecked vehicle” means any motor vehicle that is damaged to such an extent that it cannot lawfully be operated upon the highway. A vehicle which has been wrecked in a traffic collision, then removed from the roadway to a storage facility, but not yet claimed by its owner, will not be considered an abandoned vehicle. (Ord. 126, 1996; Ord. 117 § 1.00.010, 1995)

10.12.030 Exceptions.

A. This chapter shall not apply to:

1. A vehicle or part thereof 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;

2. Nothing in this section shall authorize the maintenance of a public or private nuisance as defined under the provisions of law other than Chapter 10 (commencing with Section 22650) of Division 11 of the Vehicle Code and this chapter.

B. Collector may maintain one or more vehicles on private property as long as the:

1. Storage area does not exceed ten (10) percent of the total parcel;

2. Vehicle storage is designated to one area of the parcel;

3. Storage area will have a twenty (20) foot setback from street edge;

4. Stored vehicles are maintained in a manner as not to constitute a health and safety hazard i.e, dry grass, broken glass, leaking fuel from stored vehicles;

5. Vehicles shall not be stacked on top of one another;

6. Vehicle storage area shall be cleared of all vegetation that constitutes a fire hazard, refuse and vehicle parts including tires that are not stored within a vehicle;

7. Stored vehicles that are visible from private or public property shall be screened by either a solid wood or masonry fence which complies with city requirement,

or alternative screening such as vegetation, terrain or other screening approved by the abandoned vehicle authority directors. (Ord. 117 § 1.00.020, 1995)

10.12.040 Chapter not exclusive regulation.

The provisions of this chapter are not the exclusive regulation of abandoned, wrecked, dismantled or inoperative vehicles. It is in addition to the other regulatory codes, statutes and ordinances heretofore or hereafter enacted by the county, the state or any other legal entity or agency having jurisdiction. (Ord. 117 § 1.00.030, 1995)

10.12.050 Enforcement authority— Right of entry.

Except as otherwise provided herein, the provisions of this chapter may be administered and enforced by the Amador County sheriff and the code enforcement division of the Amador County district attorney's office. In enforcing this chapter such employees may enter upon private or public property to examine a vehicle or parts thereof, or obtain information as to the identity of a vehicle (and to remove or cause the removal of a vehicle or parts thereof) declared to be a nuisance pursuant to this chapter, provided, however, that such entry shall be made in a lawful manner. (Ord. 117 § 1.00.040, 1995)

**10.12.060 Contract or franchise—
Right of entry for removal of a vehicle.**

When the 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, provided, however, that such entry shall be made in a lawful manner. (Ord. 117 § 1.00.050, 1995)

10.12.070 Administrative costs determination.

The authority shall from time to time determine and fix an amount to be assessed as administrative costs (excluding the actual cost of removal of any vehicle or part thereof) under this chapter. Such amount shall be based on an analysis of the staff time reasonably necessary to process each case involving the removal of a vehicle, and shall not exceed the good-faith estimate of such administrative costs based on such analysis. (Ord. 117 § 1.00.060, 1995)

10.12.080 Notice of intention to abate and remove vehicle.

Unless both the property owner and the owner of the vehicle have signed releases authorizing removal and waiving further interest in the vehicle or part thereof, not less than ten days before the date of intended removal of the vehicle pursuant to the provisions of this chapter, a notice of intention to abate and remove the abandoned, wrecked, dismantled, or inoperative vehicle shall be sent by the designated employee by registered or certified mail, to the owner of the land on which the vehicle is located, as shown on the last equalized assessment roll, and to the last registered and legal owners of the vehicle, unless the vehicle is in such condition that identification numbers are not available to determine ownership. It shall not be a prerequisite to removal of the vehicle pursuant to this section that the return receipt be received showing delivery of the notice. Such notice of intention shall contain a statement that the owner of the property and the owner of the vehicle have a right to request a hearing before the designated employee, at which hearing the property owner may in lieu of appearing, submit a sworn written statement denying responsibility for the presence of the vehicle on the land, with his or her reasons for such denial. If such a statement is submitted, it shall be construed as a request for hearing on the issue of assessment of costs which does not require the presence of the property owner submitting such request, although the submission of such a statement shall not preclude the owner from presenting testimony at the hearing if he or she should decide to do so. If, based on the inspection by the designated employee or his or her designated representative, there is evidence that a known third party who is not the property owner or the vehicle owner left the vehicle on the property without the consent of the vehicle owner or the property owner, the notice referenced above in this section shall be sent to said third party in the manner specified in this section, at the best known address available to the designated employee. The request shall be made to the designated employee within ten (10) days after the mailing of the notice of intention to abate and remove the vehicle. If such a request is not received within such period, the designated employee shall have authority to remove or cause the removal of the vehicle. (Ord. 117 § 1.00.070, 1995)

10.12.090 Conduct of hearing.

If either the property owner or the vehicle owner requests a hearing within ten days after the mailing of the notice of intention to abate and remove the vehicle, the person or persons making such request shall be entitled to a hearing before the designated employee, who shall hear all facts and testimony the designated employee deems pertinent. (Ord. 117 § 1.00.080, 1995)

10.12.100 Appeal to authority.

A. Any interested party may appeal the decision of the designated employee by filing a written notice of appeal with the designated employee within five days of his or her decision.

B. Such appeal shall be heard by the authority, which may affirm, amend, or reverse the order or take such other action as it deems appropriate.

C. The authority shall give written notice of the time and place of the hearing to the appellant and those persons specified as entitled to notice under Section 10.12.080.

D. In conducting the hearing, the authority shall not be limited by the technical rules of evidence. (Ord. 117 § 1.00.090, 1995)

10.12.110 Order of vehicle removal

— Assessment of costs.

If no request for a hearing is received by the designated employee within ten (10) days after the notice is mailed, or both the property owner and the owner of the vehicle have signed releases authorizing removal and waiving further interest in the vehicle, and the designated employee finds, at the conclusion of the hearing, that the vehicle or part thereof is abandoned, wrecked, dismantled, or inoperative within the meaning of this chapter, and in the event of an appeal to the authority, the authority upholds such officer's findings, such officer may order the vehicle removed from the property as a public nuisance and disposed of as hereinafter provided, and determine the administrative costs and the costs of removal to be charged against the owner of the vehicle, the owner of the property on which it is located, and/or the person who placed the vehicle on the property if that fact has been determined at the hearing. Such officer may impose such conditions and take such other action as he or she deems appropriate under the circumstances to carry out the purposes of this chapter, including without limitation delaying the time for removal of the vehicle or part thereof if, in his or her opinion, the circumstances justify it. If the vehicle is ordered

removed, the order shall include a description of the vehicle or part thereof and the correct identification number and license number, if available. (Ord. 117 § 1.00.100, 1995)

10.12.120 Exceptions to hearing requirement.

A hearing as provided above in this chapter shall not be required in the following circumstances:

A. When both the property owner and the owner of the vehicle have signed releases authorizing removal and waiving further interest in the vehicle or part thereof; or

B. When the vehicle is located upon a parcel zoned A, AG, or RI-A, or not improved with a residential structure, is inoperable due to the absence of a motor, transmission, or wheels and is incapable of being towed, is valued at less than three hundred dollars (\$300.00) by the designated employee or any of his or her designated representatives, the Amador County sheriff or any of his or her deputies, or any California Highway Patrol officer, is determined by the designated employee or any of his or her designated representatives to be a public nuisance presenting an immediate threat to public health or safety, and the property owner has signed a release authorizing removal and waiving further interest in the vehicle or part thereof. Prior to final disposition pursuant to Section 10.12.130 of this chapter, of such a low-valued vehicle for which evidence of registration is available, the designated employee shall provide notice to the registered and legal owners of intent to dispose of the vehicle, or part, and if the vehicle or part is not claimed and removed within ten days after the notice is mailed, from the disposal site to which the vehicle was taken, final disposition may proceed. (Ord. 117 § 1.00.110, 1995)

10.12.130 Disposition of vehicle or parts.

Vehicles or parts thereof removed pursuant to this chapter may be disposed of by removal to a scrap yard, automobile dismantled s yard, or any suitable site authorized under applicable county ordinances to receive junk and/or dismantled vehicles. After a vehicle or part thereof has been removed, it shall not be reconstructed or made operable, unless it is a vehicle which qualifies for either horseless carriage license plates or historical vehicle license plates, pursuant to Vehicle Code Section 5004, in which case the vehicle may be reconstructed or made operable. (Ord. 117 § 1.00.120, 1995)

10.12.140 Notice to Department of Motor Vehicles.

Within five days after the date of removal of the vehicle

pursuant to this chapter, notice shall be given by the designated employee to the department of motor vehicles, identifying the vehicle or part thereof any evidence of registration available, including, but not limited to, the registration card, certificates of ownership, or license plates. (Ord. 117 § 1.00.130, 1995)

10.12.150 Collection of delinquent assessment.

If the administrative costs and costs of removal are charged against the owner of the land pursuant to Section 10.32.110 and are not paid within thirty (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 25845 of the Government Code, and shall be transmitted to the tax collector for collection subject to collection in any manner specified in said section. Such assessment shall have the same priority as other county taxes. (Ord. 117 § 1.00.140, 1995)

10.12.160 Collection of costs.

If the administrative costs and costs of removal are not paid within thirty days after the date of the order, or the final disposition of an appeal therefrom, the designated employee shall have the right, in addition to any other manner provided by law for the collection of such costs, to recover such administrative costs and costs of removal from the property, from the registered owner and/or legal owner of any vehicle removed from property pursuant to this chapter, and/or from the third party, if any, responsible for placing such vehicle on the property from which it was removed in an action in a court of competent jurisdiction over the amount of such costs. (Ord. 117 § 1.00.150, 1995)

**10.12.170 Refusal to remove vehicle—
Misdemeanor.**

It is unlawful and a misdemeanor for any person to fail or refuse to remove an abandoned, wrecked, dismantled or inoperative vehicle or part thereof or refuse to abate such nuisance when ordered to do so in accordance with the abatement provisions of this chapter or state law where state law is applicable. This offense is punishable by a fine of not more than five hundred dollars (\$500.00) or imprisonment in the county jail not to exceed six months, or by both such fine or imprisonment. (Ord. 117 § 1.00.160, 1995)