



ORDINANCE NO. 2025-XX

AN ORDINANCE OF THE CITY OF ORLAND AMENDING CHAPTER 10.32 OF THE ORLAND MUNICIPAL CODE RELATING TO ABANDONED, WRECKED, DISMANTLED, AND INOPERATIVE VEHICLES

WHEREAS, the City Council of the City of Orland finds that the accumulation and storage of abandoned, wrecked, dismantled, and inoperative vehicles on private and public property creates conditions that reduce property values, promote blight and deterioration, invite plundering, create fire hazards, harbor rodents and insects, and are injurious to the health, safety, and general welfare of the community; and

WHEREAS, the State of California, under Section 22660 of the California Vehicle Code, has authorized local agencies to remove abandoned, wrecked, dismantled, or inoperative vehicles or parts thereof as public nuisances; and

WHEREAS, the City desires to update its ordinance to comply with current state law and establish clear procedures for the abatement of vehicle nuisances; and

WHEREAS, the City has partnered with Glenn County to establish an effective vehicle abatement program.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ORLAND DOES ORDAIN AS FOLLOWS:

SECTION 1.

Chapter 10.32 of the Orland Municipal Code is hereby amended to read as follows:

CHAPTER 10.32 ABANDONED, WRECKED, DISMANTLED, AND INOPERATIVE VEHICLES

10.32.010 - Definitions.

As used in this chapter:

- A. "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.
- B. "Inoperative vehicle" means and includes all vehicles which, through absence of or deteriorated condition of mechanical parts including but not limited to engine, transmission, driving axle, tires, and wheels, are unable to be driven upon a highway.
- C. "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.
- D. "Owner of the vehicle" means the last registered owner and legal owner of record.
- E. "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 exclusively upon stationary rails or tracks.

10.32.020 - Public nuisance declared.

In addition to and in accordance with the determination made and the authority granted by the State of California under Section 22660 of the California 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 creates a condition tending to reduce the value of private property, to promote blight and deterioration, to invite plundering, to create fire hazards, 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 permitted in this title, is declared to constitute a public nuisance which may be abated as such in accordance with the provisions of this title.

10.32.030 - Exceptions.

Section 10.32.020 shall not apply to:

- F. 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; or
- G. 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; or

- H. A vehicle which has remained inoperative for less than seventy-two (72) hours accumulated; provided, however, that this exception shall not apply to vehicles stored or parked in front yard areas; or
- I. A vehicle classified as a genuine antique and licensed as such under applicable state law.

10.32.040 - Administration of enforcement.

This chapter shall be administered and enforced by the Chief of Police or their designee.

10.32.050 - Non-exclusivity of 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 this City, the County, the State, or any other legal entity or agency having jurisdiction.

10.32.060 - Administrative costs.

The Council 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.

10.32.070 - Authority of vehicle abatement officer.

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 or their designee shall have the authority to cause the abatement and removal thereof in accordance with the procedures described in this chapter.

10.32.080 - Abatement notice of intention.

- J. A ten (10) day notice of intention to abate and remove the vehicle, or parts thereof, as a public nuisance 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 owner of record, unless the vehicle is in such condition that identification numbers are not available to determine ownership.

The notices of intention shall be in substantially the forms set forth in this section.

K. A notice of intention to abate shall not be required if:

1. The property owner and the owner of the vehicle have signed releases authorizing removal and waive further interest in the vehicle or part thereof; or
2. All the following conditions are satisfied:
 - a. The vehicle or part thereof is inoperable due to the absence of a motor, transmission, or wheels and is incapable of being towed;
 - b. The vehicle or part thereof is valued at less than three hundred dollars (\$300.00) by the Chief of Police of the City of Orland or their designee;
 - c. The Building Department has determined that the vehicle or part thereof is a public nuisance presenting an immediate threat to public health or safety;
 - d. The property owner has signed a release authorizing removal and waiving further interest in the vehicle or part thereof; and
 - e. The vehicle is located upon a parcel that is either zoned for agricultural use or is not improved with a residential structure containing one or more dwelling units.

L. If the vehicle is removed pursuant to subsection B(2), prior to final disposition, the registered or legal owner shall be notified of the intent to dispose of the vehicle or parts thereof. If the vehicle or part thereof is not claimed and removed from the scrap yard, the automobile dismantler's yard, or public disposal area within twelve (12) days after the notice to dispose of the vehicle is mailed, final disposition may proceed.

10.32.090 - Public hearing requested.

Upon request by the owner of the vehicle or owner of the land received by the Chief of Police or City Manager within ten (10) days after the mailing of the notices of intention to abate and remove, a public hearing shall be held before the City Manager or their designee 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 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 their land within such ten (10) day period, said statement shall be construed as a request for a hearing, which does not require their presence. Notice of the hearing shall be mailed, by registered or certified mail, at least ten (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 ten (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.

10.32.100 - Public hearing - Procedure and action.

All hearings under this chapter shall be held before the City Manager or their designee, who shall be the Hearing Officer. The Hearing Officer shall hear all facts and testimony deemed pertinent. Said facts and testimony may include testimony on the condition of the vehicle, or part thereof, and the circumstances concerning the vehicle's location on the private property or public property. The Hearing Officer 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 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 reasons for such denial.

The Hearing Officer may impose such conditions and take such other action as deemed appropriate under the circumstances to carry out the purpose of this chapter. This may delay the time for removal of the vehicle, or part thereof, if, in the opinion of the Hearing Officer, the circumstances justify the delay. At the conclusion of the public hearing, the Hearing Officer may find that a vehicle, or part thereof, has been abandoned, wrecked, dismantled, or is inoperative on private or public property, and may order the same removed from the property as a public nuisance and disposed of as provided in this chapter 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.

If it is determined at the hearing that the vehicle was placed on the land without the consent of the land owner and that they have not subsequently acquiesced in its presence, the Hearing Officer 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 land owner.

If an interested party makes a written presentation to the Hearing Officer but does not appear, they shall be notified in writing of the decision.

10.32.110 - Notice to Department of Motor Vehicles.

Within five (5) days after the date of removal of the vehicle or parts thereof, notice shall be given to the Department of Motor Vehicles by the persons authorized to remove the vehicle identifying the vehicle or parts 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.

10.32.120 - Cost recovery.

If the administrative costs and the costs of removal which are charged against the owner of a parcel of land pursuant to Section 10.32.100 are not paid within thirty (30) days of the date of the order, such costs shall be assessed against the parcel of land pursuant to Government Code Section 25845 or 38773.5 and shall be transmitted to the tax collector for collection. Said assessment shall have the same priority as other County taxes.

10.32.130 - Act of abandonment - Infraction.

It is unlawful and an infraction for any person to abandon, store, leave, or permit the abandonment, storing, or leaving of any licensed or unlicensed vehicle or parts thereof which is abandoned, wrecked, dismantled, or inoperative upon any private property or public property, including highways, within the City for a period in excess of seventy-two (72) consecutive hours unless such vehicle meets the exemptions outlined in this chapter.

10.32.140 - Refusal to abate - Infraction.

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 refuse to abate such nuisance when ordered to do so in accordance with the abatement provisions of this chapter or state law, where such state law is applicable.

10.32.150 - Severability.

Should any section, subsection, paragraph, clause, or phrase in this chapter for any reason be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this chapter.

SECTION 2. Environmental Determination.

The City Council finds that this ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the CEQA Guidelines because it can be seen with certainty that there is no possibility that the adoption of this ordinance will have a significant effect on the environment.

SECTION 3. Severability.

If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

SECTION 4. Effective Date.

This ordinance shall take effect thirty (30) days after its adoption by the City Council and shall be published in accordance with the provisions of law.

PASSED AND ADOPTED by the City Council of the City of Orland this _____ day of _____, 2025, by the following vote:

AYES: Councilmembers:
NOES: Councilmembers:
ABSENT: Councilmembers:
ABSTAIN: Councilmembers:

Matt Romano, Mayor

ATTEST:

Jennifer Schmitke, City Clerk

APPROVED AS TO FORM:

Scott Drexel, City Attorney

APPENDIX A NOTICE FORMS

1. NOTICE TO PROPERTY OWNER:

**NOTICE OF INTENTION TO ABATE AND REMOVE AN ABANDONED,
WRECKED, DISMANTLED, OR INOPERATIVE VEHICLE**

OR PARTS THEREOF AS A PUBLIC NUISANCE

[To be mailed to the name and address of the 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 Chapter 10.32 of the Orland Municipal Code has determined that there exists upon said land an (or parts of an) abandoned, wrecked, dismantled, or inoperative vehicle registered to [name], license or VIN number [number], which constitutes a public nuisance pursuant to the provisions of Orland Municipal Code Chapter 10.32.

You are hereby notified to abate said nuisance by the removal of said vehicle (or said parts of a vehicle) within ten (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 ten (10) days after the mailing of this notice of intention, request a public hearing. If such a request is not received by the City Manager of the City of Orland within such ten (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 statement within such ten (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 a 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: _____

Chief of Police
City of Orland

2. NOTICE TO VEHICLE OWNER:

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

[To be mailed to name and address of last registered owner and/or legal owner of record of vehicle - notice should be given to both if different]

As the 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

Chapter 10.32 of the Orland 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 Orland Municipal Code Chapter 10.32.

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

As the registered (and/or legal) owner of record of said vehicle (or said parts of a vehicle), you are hereby notified that you may, within ten (10) days after the mailing of this notice of intention, request a public hearing or may submit a sworn written statement denying responsibility for the presence of the vehicle on the land, with your reasons for such denial, in lieu of appearing. If such request is not received by the City Manager of the City of Orland within such ten (10) day period, the Chief of Police shall have the authority to abate and remove said vehicle (or said parts of a vehicle) without a hearing.

NOTICE MAILED: _____

Chief of Police
City of Orland