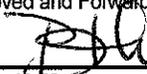




STAFF REPORT

Date: October 13, 2015
To: Bryan H. Montgomery, City Manager
From: Troy Edgell, Code Enforcement Manager
SUBJECT: Ordinance Amending Sections 4.7.002 and 4.7.004 regarding the City's Abandoned Vehicle Ordinance

Approved and Forwarded to City Council:


Bryan H. Montgomery, City Manager

Summary and Background

Recent Code Enforcement efforts reveal there are two areas of the OMC regarding Abandoned Vehicles that need to be changed or deleted in order to be compatible with OMC 4.29 (Neighborhood Preservation) and prevent the accumulation of "Junk" or Abandoned Vehicles proliferating on lots greater than 1 acre in size.

Specifically, OMC 4.7.002 needs the term "unlicensed" to be removed from the Ordinance and OMC 4.7.004 needs paragraph (b) "Subject to other limitations contained herein, there shall be no limit on the number of nuisance vehicles that may be stored on lots or parcels larger than one acre" to be deleted.

The requested changes will bring needed consistency within the OMC affecting residential lots and allow Code Enforcement to actively target blight created by the storage of nuisance vehicles on lots greater than 1 acre in size.

Fiscal Impact

It is anticipated the fiscal impact will be neutral.

Recommendation

Staff recommends the City Council adopt the Ordinance amending Title 4, Chapter 7.

Attachments

- 1) Proposed Ordinance
- 2) Red-Line Version of Existing Title 4, Chapter 7 Sections 002 – 004
- 3) Proposed Version of Title 4, Chapter 7 Sections 002 – 004

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OAKLEY AMENDING
SECTIONS 4.7.002 and 4.7.004 OF THE OAKLEY MUNICIPAL CODE, DEALING
WITH ABANDONED VEHICLES**

The City Council of the City of Oakley does ordain as follows:

Section 1. Section 4.7.002 of the Oakley Municipal Code is hereby amended to read as follows:

4.7.002 Findings and policy.

a) This Chapter is adopted under Sections 22660, 22669 and 22710 of the California Vehicle Code to effectuate the removal of abandoned, wrecked, dismantled and inoperative vehicles or vehicle parts from private property or from public property, including highways, and the recovery of costs of administration and removal of such violations.

b) This City of Oakley finds and declares that the accumulation and storage of abandoned, wrecked, dismantled and inoperative vehicles or vehicle parts on private or public property, including highways, creates 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 a hazard to health and safety, to create a harborage for rodents and insects, and to be injurious to public health, safety and general welfare.

c) Based on the foregoing, the presence of an abandoned, wrecked, dismantled or inoperative vehicle or vehicle parts on private or public property, including highways, except as expressly hereinafter permitted, constitutes a public nuisance that may be abated as such in accordance with the provisions of this Chapter.

Section 2. Paragraph (b) of section 4.7.004 of the Oakley Municipal Code is hereby deleted.

Section 3. California Environmental Quality Act (CEQA) Finding.

This ordinance is exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3), Review for Exemption, because it can be seen with certainty that the project will not have a significant effect on the environment; therefore the project is not subject to CEQA.

Section 4. Severability.

In the event any section or portion of this ordinance shall be determined to be invalid or unconstitutional, such section or portions shall be deemed severable and all other sections or portions hereof shall remain in full force and effect.

Section 5. Effective Date and Publication.

This ordinance shall take effect and be in force thirty (30) days from and after the date of its passage. The City Clerk shall cause the ordinance to be published within fifteen (15) days after its passage in a newspaper of general circulation, or by publishing a summary of the proposed ordinance, posting a certified copy of the proposed ordinance in the City Clerk's Office at least five (5) days prior to the City Council meeting at which the ordinance is to be adopted, and within fifteen (15) days after its adoption, publishing a summary of the ordinance with the names of the Council Members voting for and against the ordinance.

The foregoing ordinance was adopted with the reading waived at a regular meeting of the Oakley City Council on _____, 2015 by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

APPROVED:

Doug Hardcastle, Mayor

ATTEST:

Libby Vreonis, City Clerk

Date

**CHAPTER 7
ABANDONED VEHICLES**

4.7.002 Findings and Policy.

a. This chapter is adopted under Sections 22660, 22669, and 22710 of the California Vehicle Code to effectuate the removal of abandoned, wrecked, dismantled, unlicensed and inoperative vehicles or vehicle parts from private property or from public property, including highways, and the recovery of costs of administration and removal of such violations.

b. The City of Oakley finds and declares that the accumulation and storage of abandoned, wrecked, dismantled, unlicensed, and inoperative vehicles or vehicle parts on private or public property, including highways, creates 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 a hazard to health and safety, to create a harborage for rodents and insects, and to be injurious to public health, safety and general welfare.

c. Based on the foregoing, the presence of an abandoned, wrecked, dismantled, unlicensed, and inoperative vehicle or vehicle parts, on private or public property, including highways, except as expressly hereinafter permitted, constitutes a public nuisance that may be abated as such in accordance with the provisions of this chapter.

4.7.004 Exemptions.

a. The storage of up to three nuisance vehicles, or parts thereof, on a residential lot or parcel of one acre or less shall be exempt from this chapter under the following conditions:

1) That all of the vehicles, or parts thereof, are stored either in a completely enclosed building, or

2) That all of the vehicles, or parts thereof, are stored in the property's side or rear yard, and are not visible from the street or streets that abut the property. Vehicles located in a side or rear yard and screened by a solid fence or wall or by a chain-link fence with wooden slats shall be deemed not visible from the street or streets that abut the property.

b. ~~Subject to other limitations contained herein, there shall be no limit on the number of nuisance vehicles that may be stored on lots or parcels larger than one acre.~~

c. This chapter shall not apply to a vehicle or part thereof that is stored or parked in a lawful manner or on private property in connection with the business of a licensed dismantler, licensed vehicle dealer, or junkyard, or when such storage or parking is otherwise necessary to the operation of a lawfully conducted business or commercial enterprise.

d. Nothing in this section shall be construed to authorize the maintenance of a public or private nuisance as defined under provisions of law other than this chapter and Chapter 10 of Division 11 of the California Vehicle Code.

e. The storage of abandoned, wrecked, dismantled, or inoperative vehicles in compliance with this section shall not constitute the operation of a junkyard or require a permit, as provided for in the Zoning Ordinance, unless such storage is for any commercial purpose.

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