



CITY OF SACRAMENTO

24 13

DEPARTMENT OF PLANNING AND DEVELOPMENT
1231 "I" Street Sacramento, Ca. 95814

CITY MANAGER'S OFFICE
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SEP 5 1989
Administration Room 300 449-5571
Building Inspections Room 200 449-5716
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Planning Room 200 449-5604

APPROVED
BY THE CITY COUNCIL

SEP 19 1989

OFFICE OF THE
CITY CLERK

PASSED FOR
PUBLICATION
& CONTINUED
TO 09.19.89

September 12, 1989

City Council
Sacramento, California

Honorable Members in Session:

**SUBJECT: An Ordinance Adding Section 61.611 to the Sacramento City Code
Relating to Cost Recovery for Abatement of Abandoned Vehicles.**

SUMMARY

This report recommends that the City Council adopt the attached ordinance relating to cost recovery for the abatement of abandoned vehicles from private property.

BACKGROUND

At the present time the City bears the costs for the removal of abandoned vehicles from private property at a cost of \$50.00 per vehicle. There is no way to recover costs for vehicle abatements except to lien properties. This is only done when vehicles are removed in conjunction with an abatement wherein junk and debris is present.

The lien procedure requires a Title Search at a cost of \$ 35.00, notification to the property owner(s), beneficiaries, and any other person(s) who have an interest in the property to be liened. In addition, two resolutions to Council; one fixes the hearing date, the second with Council action places the lien on a property. Title costs, postage, administrative and staff time does not justify the recovery of the cost (\$50.00) for abatement of a vehicle.

Staff has developed a new code section which will aid in cost recovery for abatement of vehicles without the use of the cumbersome lien process. When a vehicle is abated from private property the property owner and the last registered owner of the vehicle will be billed by the Revenue Division for the actual tow charge plus an administrative fee. The bill is the joint obligation of the property owner and registered owner of the vehicle. However, a registered owner who can satisfy the requirement of Section 22524(b) of the California Vehicle Code (filed Notice of Sale or Transfer pursuant to Section 5900 of the California Vehicle Code) will not be personally liable for costs.

A property owner upon notification by the City that a vehicle or vehicles, or parts thereof on their property constitute a Public Nuisance may request a Public Hearing in order to deny responsibility for the presence of the vehicle(s) on the property. The Hearing Examiner will hear the matter and render a decision which will either declare the property owner responsible, or not so. In the event a property owner requests a Public Hearing no abatement proceeding shall be started until a decision is rendered by the Hearing Examiner. Likewise, upon notification by the City to the registered owner of a vehicle that it constitutes a Public Nuisance, the registered owner may request a Public Hearing if he/she feels that the vehicle is not a public nuisance.

The City is required by State law to notify the property owner, registered owner and legal owner of any vehicle subject to abatement.

Failure upon the part of a property owner or registered owner to request a Public Hearing within the time specified by law, 10 days, shall be cause to commence abatement proceedings and cost recovery for the abatement.

FINANCIAL DATA

Staff will recommend to the Budget and Finance Committee that an administrative fee (in addition to any tow charge, which is currently \$50.00) be set by Council for abatement of abandoned, inoperative, or dismantled vehicles from private property. At that time staff will provide appropriate revenue and cost projections.

Staff projects that approximately 300 vehicles will be towed between now and the end of the calendar year. This will result in \$15,000.00 in towing charges. A 75% recovery of fees is projected which would result in \$11,250.00 in recovered tow charges.

POLICY CONSIDERATIONS

The implementation of towing recovery charges plus an administrative fee will be a new City policy. The current policy is that the City pays for the removal of inoperative, dismantled, or abandoned vehicles, or the parts thereof, at no cost to property owners or registered owners.

MBE/WBE EFFORTS

Not applicable.

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RECOMMENDATION

The attached ordinance be passed for publication on September 12, 1989 and continued to September 19, 1989 for hearing by the Council.

The City Council adopt the attached ordinance adding Section 61.611 to Chapter 61 of the Sacramento City Code (Nuisance Code) relating to cost recovery for the abatement of inoperative, dismantled, or abandoned vehicles from private property.

Respectfully submitted,

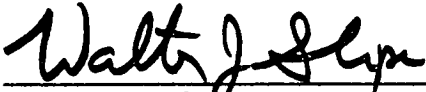


Michael M. Davis, Director
Planning and Development

September 12, 1989

All Districts

RECOMMENDATION APPROVED:



Walter J. Slive, City Manager

Contact Person: Thomas L. Long, 449-5948

24 13

ORDINANCE NO. 89-067

APPROVED
BY THE CITY COUNCIL

ADOPTED BY THE SACRAMENTO CITY COUNCIL

SEP 19 1989

ON DATE OF _____

OFFICE OF THE
CITY CLERK

**AN ORDINANCE ADDING SECTION 61.611 TO THE
SACRAMENTO CITY CODE, RELATING TO THE
COSTS OF ABATING ABANDONED VEHICLES**

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1.

Section 61.611 is hereby added to the Sacramento City Code to read as follows:

Notwithstanding any other provision of this code, the costs of abating any inoperative, dismantled or abandoned vehicle, or parts thereof, including the actual tow costs, plus an administrative fee covering direct and indirect overhead to be set by resolution of the City Council, is the joint and several personal obligation of the property owner and the last registered owner; provided, however, that a property owner who establishes lack of responsibility for the presence of the vehicle or parts on the property as permitted by sections 61.604 and 61.607 shall not be personally liable for the costs; and provided, further, that a last registered owner who can satisfy the requirements of Vehicle Code Section 22524(b) shall not be personally liable for the costs. The Director shall take the appropriate steps to collect the costs from those who are liable.

DATE PASSED FOR PUBLICATION:
DATE ENACTED:
DATE EFFECTIVE:

MAYOR

ATTEST:

CITY CLERK

FOR CITY CLERK USE ONLY

ORDINANCE NO.: _____

DATE ADOPTED: _____