ORDINANCE NO. 2006-06

AN ORDINANCE OF THE CITYCOUNCIL
OF THE CITY OF SAN JUAN BAUTISTA
AMENDING CHAPTER 7-4 OF THE SAN JUAN BAUTISTA MUNICIPAL CODE
ENTITLED "STOPPING, STANDING, AND PARKING"

THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA HEREBY ORDAINS AS FOLLOWS:

SECTION 1. Chapter 7.4 of the San Juan Bautista Municipal Code, entitled "Stopping, Standing, and Parking," is hereby amended as follows:

Article 1 "Stopping, Standing, and Parking"

7-4-100 Stopping Prohibited in specified places.

It shall be unlawful for the operator of a vehicle to stop such vehicles in any of the following places except when necessary to avoid conflict with other traffic or in compliance with the direction of a law enforcement officer or traffic sign or signal:

(A) Between a safety zone and the adjacent curb or within twenty feet (20') of a point on the curb immediately opposite the end of a safety zone;

(B) Within thirty feet (30') of an intersecting roadway except buses at a designated stop.

Upon all streets within any business districts, the City Manager shall designate the provisions of subsections (A) and (B) of this Section by placing and maintaining red paint or other red material upon the entire curb surface within such area, omitting any crosswalk area or by placing and maintaining appropriate signs directing that the stopping of vehicles is prohibited.

7-4-105 Standing for loading only in certain places.

(A) It shall be unlawful for the operator of a vehicle to stop said vehicle for a period of time longer than is necessary for the loading or unloading of passengers or materials, provided that the loading or unloading of passengers shall not consume more than three (3) minutes, nor the loading or unloading of materials more than twenty (20) minutes, in any of the following places:

(1) In any alley;
(2) In any "loading zone";
(3) At any curb within fifty feet (50') of the entrance to any police station;
(4) At any curb within fifteen feet (15') of a fire hydrant;
(5) In any marked bus stop.

(B) The City Manager shall determine the location of "loading zones" and shall mark by appropriate signs or as specifically required herein those places where standing for loading only is permitted under this Section, subject to the following requirements and limitations:

Bus stops shall be designated by appropriate signs at those places determined by the City Council by resolution, except that a bus stop shall not exceed fifty feet (50') in length and shall not be placed adjacent to a safety zone;

Every loading zone, also that portion of every curb reserved for loading only by subsections (A)(3) and (4) of this Section shall be designated by yellow paint or other yellow material upon the entire curb surface therein with the words “LOADING ONLY” in black letters thereon;

Within any business district not more than one-half (1/2) of the total curb length in any one (1) block may be set apart as a loading zone.

7-4-110 Parking time limited in specified places.

Repealed by Ord. 2003-03.

7-4-115 Parking parallel with curb.

A. Except as otherwise provided, every vehicle stepped or parked upon a roadway where there are adjacent curbs shall be stopped or parked with the righthand wheels of such vehicle parallel with and within eighteen inches (18”) of the righthand curb, except that motorcycles shall be parked with at least one wheel or fender touching the righthand curb. Where no curbs or barriers bound any two-way roadway, righthand parallel parking is required unless otherwise indicated.

B. Upon a one-way roadway, vehicles may be stopped or parked as provided in subsection A of this section or with the lefthand wheels parallel to and within eighteen inches (18”) of the lefthand curb, except that motorcycles, if parked on the lefthand side, shall have either one wheel or fender touching such curb. Where no curb or barriers bound any such one-way roadway, parallel parking on either side is required unless otherwise indicated. The provisions of this subsection shall not apply upon the roadways of a divided highway.

C. In the event a highway includes two or more separate roadways and traffic is restricted to one direction upon any such roadway, no person shall stop or park a vehicle upon the left hand side of such one-way roadway unless signs are in place permitting such stopping or parking. The City traffic engineer is authorized to determine when stopping or parking may be permitted on the lefthand side of any one-way roadway of a highway having two or more separate roadways and shall erect signs giving notice thereof.

D. Requirement of parallel parking shall not apply to commercial vehicles actually engaged in the process of loading or unloading of freight, goods, merchandise or passengers on, or from, such vehicle and while anything connected with such loading or unloading is being executed, in which case the vehicle may be backed to the curb; provided, however, that such vehicle shall not extend beyond the center of the street.

7-4-120 Parking vehicles for sale.

It shall be unlawful for the operator of any vehicle to park any vehicle upon any street in any business district from which said vehicle merchandise is being sold.

7-4-125 Parking vehicles on streets for certain purposes.

No person shall park a vehicle upon any street, municipal parking lot or City property for the principal purpose of doing any of the following acts:

A. Displaying such vehicle for sale; or

B. Greasing or repairing such vehicle, except repairs necessitated by an emergency; or

C. Washing such vehicle, when such person is engaged in the business of washing vehicles. Nothing contained in this subsection shall prevent the owner or lawful possessor of a vehicle from having it washed on the street at his or her residence by a person employed by such owner.

7-4-130 Parking and storage of boats restricted.

No person shall abandon, park, store, leave, keep or maintain, or permit to be abandoned, parked, stored, left, kept or maintained, any boat upon any public or private property, except one boat, thirty (30) feet or less in length, may be parked, stored, left, kept or maintained in the rear or to the side of any residential unit, other than a duplex, apartment, motel or hotel, provided:

A. If such boat does not have an enclosed cabin, it is located at least eighteen inches (18") from any property line, at least three feet (3') from any building used for human occupancy and at least three feet from any building attached to a building used for human occupancy; or

B. If such boat has an enclosed cabin, it is located at least four feet (4') from any property line, at least five feet (5') from any building used for human occupancy and at least five feet (5') from any building attached to a building used for human occupancy. This section shall not be construed to prohibit parking, storing, leaving, keeping or maintaining of one boat completely within any garage appurtenant to any residential unit, other than a duplex, apartment, motel or hotel, nor to prohibit the temporary parking, storing, leaving, keeping or maintaining, for a period not in excess of seven days, any boat thirty feet (30') or less in length in the driveway of any residential unit, other than a duplex, apartment, motel or hotel.

7-4-135 Parking on private property prohibited—Citations.

A. No person shall park a motor vehicle upon any private property or upon property used for private parking purposes without the consent of the owner of such property, the person entitled to the possession thereof for the time being or the authorized agent of either; provided, that signs specifying conditions under which parking is permitted shall have been posted at all entrances to such property. Such signs shall be approved both as to wording and posting by the City traffic engineer.

B. Any regularly employed and salaried officer of the City staff may issue a citation to the owner or driver of any motor vehicle that has been parked or left standing on any private property, driveway, private parking lot or property used for private parking purposes, in violation of this section.

7-4-140 Parking or standing of vendors' vehicles, pushcarts, etc,—Permit required.

A. Except as otherwise provided in this chapter, no person shall park or stand any vehicle, wagon or pushcart from which goods, wares, merchandise, fruits, vegetables or foodstuffs are sold, displayed, solicited or offered for sale, bartered or exchanged, or any lunch wagon or eating car or vehicle, on any street, municipal parking lot or City property, except that such vehicles, wagons or pushcarts may park or

stand only at the request of a bona fide purchaser for a period of time not exceeding ten minutes at any one place. The provisions of this section shall not apply to persons delivering such articles upon order of or by agreement with a customer from a store or other fixed place of business or distribution.

B. No person shall park or stand on any street any lunch wagon, eating cart, vehicle or pushcart from which tamales, peanuts, popcorn, candy or other articles of food are sold or offered for sale without first obtaining a written permit to do so from the City Manager or his or her delegate who shall designate the specific location in which such cart shall stand.

7-4-145 Emergency temporary parking signs.

A. Whenever the City traffic engineer shall determine that an emergency traffic congestion is likely to result from the holding of public or private assemblages, gatherings or functions or for other reasons, the City traffic engineer shall have power and authority to order temporary signs to be erected or posted indicating that the operation, parking or standing of vehicles is prohibited on such streets and alleys as the City traffic engineer shall direct during the time such temporary signs are in place. Such signs shall remain in place only during the existence of such emergency and the City traffic engineer shall cause such signs to be removed promptly thereafter.

B. When signs authorized by the provisions of this section are in place giving notice thereof, no person shall operate, park or stand any vehicle contrary to the directions and provisions of such signs.

7-4-150 Parking space markings.

The City traffic engineer is authorized to install and maintain parking space markings to indicate parking spaces adjacent to curbs where authorized parking is permitted. When such parking space markings are placed in the highway, subject to other and more restrictive limitations, no vehicle shall be stopped, left standing or parked other than within a single space unless the size or shape of such vehicle makes compliance impossible.

7-4-155 Areas where stopping, standing or parking prohibited at all times.

The City traffic engineer may appropriately sign or mark the following places and when so signed or marked, no person shall stop, stand or park a vehicle within any of such places:

A. Generally.

1. Any place described and designated by resolution of the City council upon recommendation of the City traffic engineer that parking in such location creates a traffic hazard;

2. Any place within twenty feet (20') of a point on the curb immediately opposite any mid-block end of a safety zone;

3. Any place within twenty feet (20') of a crosswalk at an intersection in the central traffic district or in any business district; except that a bus may stop at a designated bus stop;

4. Within twenty feet (20') of the approach to any traffic signal, boulevard stop sign or official electric flashing device;

5. Fifteen feet either side of any fire hydrant in the City.

B. Named Streets: attached as Exhibit A].

7-4-160 Areas where stopping, standing or parking prohibited except for loading and unloading.

Except for the purposes of loading and unloading passengers, cargo or materials, no person shall stop, stand or park a vehicle in any of the following places:

A. Attached as Exhibit A.

7-4-165 Parking on narrow streets.

The City traffic engineer is authorized to place signs or markings indicating no parking upon any street when the width of the roadway does not exceed twenty feet (20') or upon one side of a street as indicated by such signs or markings when the width of the roadway does not exceed thirty feet (30').

7-4-170 Loading zones.

The City traffic engineer is authorized to determine and to mark loading zones and passenger loading zones as follows:

A. At any place in the central traffic district or any business district;

B. Elsewhere in front of the entrance to any place of business or in front of any hall or place used for the purpose of public assembly.

C. In no event shall more than one-half (1/2) the total curb length in any block be reserved for loading zone purposes.

7-4-185 Stopping, standing or parking in alleys.

A. No person shall stop, stand or park a vehicle in any alley except so as to block or obstruct less than one-half (1/2) the width of such alley.

B. In the central traffic district, no person shall stop, stand or park a vehicle in any alley for any purpose other than the loading or unloading of persons, not to exceed three (3) minutes, or the loading or unloading of materials, not to exceed thirty (30) minutes, and then only so as to block or obstruct less than one-half (1/2) the width of such alley.

Article 2. Curb Markings

7-4-200 Restricted curb marking.

The City Manager is authorized to and shall place the following curb markings at the direction of the Council and in conformity with California Vehicle Code Section 21458.

7-4-205 Loading or unloading time periods for yellow zones.

Loading or unloading passengers or freight in yellow zones as designated by yellow curb markings shall be for a period not to exceed thirty (30) minutes.

7-4-210 Passenger loading and unloading and mail depositing time period for white zones.

Passenger loading or unloading in white zones and stopping for the purpose of depositing mail in an adjacent mailbox as designated by white curb marking shall be for a period not to exceed ten (10) minutes.

7-4-215 Time limit parking in green zones.

Parking adjacent to curbs painted green shall be limited to a twenty (20) minute period.

7-4-220 Days during which prohibitions do not apply.

All restrictions provided by this Article, except blue curb markings, apply each day of the week except Sundays and all legal holidays as established by State law and between the hours of 8:00 a.m. and 5:00 p.m. only.

Article 3. Hour Restrictions

7-4-300 With appropriate signage.

Sections 22507 and 22507.5 of the Vehicle Code authorize local authorities to prohibit or restrict the parking of motor vehicles between the hours of 3:00 a.m. and 6:00 a.m., on those streets upon which appropriate signs have been placed.

7-4-305 Prohibition.

Pursuant to the foregoing authority, the parking or standing of motor vehicles between the hours of 3:00 a.m. and 6:00 a.m., of each day, upon all of those streets upon which appropriate signs have been placed is prohibited.

7-4-310 Appropriate sign intervals.

Such signs shall be installed at intervals of not over two hundred feet (200') apart, on Third Street from Muckelemi to Franklin Street, on each side of said Third Street.

7-4-315 Additional signs.

Hereafter, additional signs may be ordered by resolution.

Article 4. Handicapped Parking

7-4-400 Use of blue curb spaces.

Persons using "blue curb" parking spaces shall comply with the following:

(A) Blue curb parking spaces shall be operative twenty-four (24) hours a day, Sundays, and holidays included.

(B) Parking zones for disabled persons and disabled veterans are subject to any temporary parking prohibitions established by the City of San Juan Bautista.

7-4-405 On-street parking.

The City Manager shall designate special "blue curb" parking spaces for the purpose of providing on-street parking for exclusive use by disabled persons or disabled veterans.

7-4-410 Off-street/publicly owned facilities.

The City Manager shall designate parking stalls or spaces in publicly owned, leased, or controlled off-street parking facilities for exclusive use by disabled persons or disabled veterans.

7-4-415 Off-street/privately financed facilities.

The City hereby declares that there are privately owned and operated parking facilities which may reserve parking stalls for exclusive use by disabled persons or disabled veterans.

7-4-420 Parking in spaces designated for disabled persons.

A. It is unlawful for any person to park or leave standing any vehicle in a stall or space designated for physically handicapped persons, if, immediately adjacent to and visible from such stall or space, there is posted a sign consisting of a profile view of a wheelchair with occupant in white on a blue background or the space is outlined in blue markings and there is on the ground in the space a similar profile view depicting a wheelchair with occupant, unless the vehicle displays either one of the distinguishing license plates or a place card issued pursuant to Section 22511.5 of the Vehicle Code or to disabled veterans, as specified in Section 9105 of the Vehicle Code.

B. The provisions of this section shall apply to all off-street parking facilities owned or operated by a local authority and to any privately owned and maintained off-street parking facility.

7-4-425 Removal of unauthorized vehicles from disabled person's parking spaces.

Any person described in SJBMC 7-4-425 may cause the removal, from a stall or space designated for the exclusive use of vehicles of disabled persons in an off-street parking facility owned or operated by the City, to the nearest garage, of any vehicle not displaying one of the distinguishing placards or license plates described in Section 22511.8 of the Vehicle Code of the State of California, if signs giving notice of such removal are posted in compliance with the provisions of said section.

Article 5. Repair of Vehicles in Residential Districts.

7-4-500 Purpose and intent.

The City Council finds that the repair and/or dismantling of vehicles in residential districts has a negative impact on the livability and appearance of the City, on the availability of driveways for parking, on property

values, and can pose safety and/or health hazards to children and adults. The City Council determines that the public health, safety and welfare require the prohibition of the repairing or dismantling of vehicles in residential areas, except under certain circumstances.

7-4-505 Definitions.

Unless otherwise apparent from the context, certain words and phrases used in this chapter are defined as follows:

"Immediate family" means parents, grandparents, spouse, and children related by blood, marriage or adoption.

"Major repairs" means and includes the pulling of an engine block, or head, repair or replacement of a transmission, front or rear axles, major body repair, painting over twelve (12) square feet of surface area, dismantling, and similar work.

"Registered/registration" means a current, valid California registration for a vehicle conforming to California Vehicle Code Section 4000 or Section 9840, et seq., for boats.

"Residential districts" means those areas of the City zoned for residential use, whether for single-family or multiple-family dwellings.

"Routine maintenance" means the changing of oil and tires, replacement of a water pump, alternator, brakes, shock absorbers, oil and air filters, spark plugs and similar work.

"Vehicle" means a device by which any person or property may be propelled, moved or drawn upon a highway or street, excepting a device moved exclusively by human power or used exclusively upon stationary rails or tracks.

7-4-510 Routine repairs permitted.

The registered owner of a vehicle or boat may perform routine maintenance on that vehicle or boat, or a vehicle or boat registered to a member of his or her immediate family, in public view in a designated on-site parking space, driveway, garage or fenced rear yard of his or her residence. For the purpose of repairing any vehicle or boat, parking of the vehicle or boat shall be prohibited at any time in the front yard area of a residence or in the parkway area of a public right-of-way in front of any residence. Pursuant to Section 7-4-125, repairing any vehicle or boat, except repairs necessitated by an emergency, is prohibited on any street, municipal parking lot or City property. Proof of registration of any vehicle or boat on which any routine maintenance is being performed shall be submitted to any peace officer on the request of such officer.

7-4-515 Major repairs prohibited.

It is unlawful for any person in any residential district to perform major repairs or dismantling on or of any vehicle or boat or part or parts thereof, except for major repairs or dismantling which takes place in a fully enclosed garage. When such work takes place in a fully enclosed garage, the garage door shall be closed when the work is not in progress. The painting of surfaces in excess of twelve (12) square feet is prohibited.

7-4-520 Cleanup.

On completion of any work allowed under this chapter to be performed in public view, the property shall be cleaned of all debris, oil, grease, gasoline, cloths, rags and equipment or material used in the work, and shall be left in such a condition that no hazard to persons or property shall remain.

7-4-525 Noise.

No noise-producing work, whether routine maintenance or major repairs, shall take place before eight a.m. or after nine p.m. on any day.

Article 6. Abandoned Vehicles.

7-4-600 Findings of council.

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 not including highways 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 a hazard to the health and safety of minors, 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 not including highways, except as expressly hereinafter permitted, is declared to constitute a public nuisance which may be abated as such in
accordance with the provisions of this chapter.

7-4-605 Definitions.

For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

"Highway" means a way or place of whatever nature, publicly maintained and opened to the use of the public for the purpose of vehicular travel. Highway includes street.

"Owner of land" means the owner of the land on which the vehicle, or parts thereof, is located, as shown on the last equalized assessment roll.

"Owner of the vehicle" means the last registered owner and legal owner of record.
Public Property. Such term does not include "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 on stationary rails or tracks.

7-4-610 Applicability.

A. This article 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; or

2. 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.

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

7-4-615 Article to supplement other regulations.

This article 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 the City, the state, or any other legal entity or agency having jurisdiction.

7-4-620 Enforcement.

Except as otherwise provided herein, the provisions of this article shall be administered and enforced by the City Manager. In the enforcement of this article such officer and his or her delegates 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 part thereof declared to be a nuisance pursuant to this article.

7-4-625 Right of entry.

When the City 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 article.

7-4-630 Administrative costs to be determined by council.

The City Council shall from time to time, by resolution, determine and fix an amount to be assessed as administrative costs and the cost of removal of any vehicle or part thereof under this article.

7-4-635 Abatement and removal— Authority of City Manager.

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 City Manager or his or her delegate shall have the authority to cause the abatement and removal thereof in accordance with the procedure prescribed herein.

7-4-640 Notices to owners of land and vehicle.

A ten-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 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 or common name), you are hereby notified that the undersigned pursuant to the provisions of Chapter 7-4 of the San Juan Bautista 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 San Juan Bautista 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 City Council within such 10 day period, the City Manager or his or her delegate 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) (name of issuing official)
City of San Juan Bautista

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 different)

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 the provisions of Chapter 7-4 of the San Juan Bautista 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 Chapter 7-4 of the San Juan Bautista 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. 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 City Council within such 10 day period, the City Manager or his or her delegate shall have the authority to abate and remove said vehicle (or said parts of a vehicle) without a hearing.

Notice Mailed_____s/_____
(date) (name of issuing official)
City of San Juan Bautista

7-4-645 Public hearing.

A. Upon request by the owner of the vehicle or owner of the land received by the City within ten (10) days after the mailing of the notices of intention to abate and remove, a public hearing shall be held by the City Council 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.

B. If the owner of the land submits a sworn written statement denying responsibility for the presence of the vehicle on his or her land within such ten (10) day period, such statement shall be construed as a request for a hearing which does not require the landowner's presence. Notice of the hearing shall be mailed, by registered 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 a hearing is not received within such 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.

7-4-650 Hearing procedure—Order to remove.

A. All hearings under this article shall be held before the City Council, which shall hear all facts and testimony it deems pertinent. Such facts and testimony may include testimony on the condition of the vehicle or parts thereof and the circumstances concerning its location on the private property or public property. The City Council 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 the landowner's reasons for such denial.

B. The City Council may impose such conditions and take such other action as it deems appropriate under the circumstances to carry out the purpose of this article. 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 City Council may find that a vehicle or parts thereof have been abandoned, wrecked, dismantled or are 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.

C. 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 the landowner has not subsequently acquiesced in its presence, the City Council 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.

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

7-5-655 Disposal of vehicle.

Five (5) days after adoption of the order declaring the vehicle or parts thereof to be a public nuisance, the vehicle or parts thereof may be disposed of by removal to a scrap yard or automobile dismantler's yard. After a vehicle has been removed it shall not thereafter be reconstructed or made operable.

7-4-660 Notice to Department of Motor Vehicles.

Within five days after the date of removal of the vehicle or part thereof, notice shall be given to the Department of Motor Vehicles identifying the vehicle or part 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.

7-4-665 Assessment of costs.

If the administrative costs and the cost of removal which are charged against the owner of a parcel of land pursuant to Section 7-4-645 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 Section 38773.5 of the Government Code of the state and shall be transmitted to the tax collector for collection. Such assessment shall have the same priority as other City taxes.

7-4-670 Unlawful acts.

It is unlawful and a misdemeanor for any person to abandon, park, store or leave or permit the abandonment, parking, storing or leaving of any licensed or unlicensed vehicle or part thereof which is in an abandoned, wrecked, dismantled or inoperative condition upon any private property or public property not including highways within the City for a period in excess of thirty (30) days unless such vehicle or part thereof is completely enclosed within a building in a lawful manner where it is not plainly visible from the street or other public or private property, or unless such vehicle is stored or parked in a lawful manner on private property in connection with the business of a licensed dismantler, licensed vehicle dealer or a junk yard. 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 article or state law where such state law is applicable.

Article 7. Remedies and Penalties

7-4-700 Penalty.

Any person violating any of the provisions of this Chapter, or any rule or regulation made by the City Council or City Manager or by any other person or officer authorized by this Chapter to make any rule or regulation hereunder or pursuant thereto shall be guilty of an infraction, and upon conviction thereof, shall be punished for the first violation by a fine not to exceed one hundred dollars ($100.00); for a second violation within a period of one (1) year, by a fine not to exceed two hundred fifty dollars ($250.00); for a third and each additional violation committed within one (1) year by a fine not exceeding five hundred dollars ($500.00).

7-4-705 Disposition of fines and forfeitures.

All fines and forfeitures collected upon conviction or upon forfeiture of bail of any person charged with a violation of any of the provisions of this Chapter shall be paid into the City Treasury.

7-4-710 When vehicles may be removed from streets.

Any regularly employed and salaried employee of the County Sheriff who is designated by the Sheriff and who is engaged in the direction of traffic or enforcement of parking laws and regulations, may remove a vehicle from a street under the following circumstances:

(A) When a vehicle is parked or left standing upon a street for seventy-two (72) or more consecutive hours;

(B) When a vehicle is parked or left standing upon a street when such parking or standing is prohibited by ordinances or resolution of the City Council and signs are posted giving notice of such removal;

(C) When any vehicle is parked or left standing upon a street where the use of such street or portion thereof is necessary for the cleaning, repair or construction of the street or for the installation or repair of underground utilities or where the use of the street or any portion thereof is authorized for a purpose other than the normal flow of traffic or where the use of the street or any portion thereof is necessary for the movement of equipment, articles or structures of unusual size and the parking of such vehicle would prohibit or interfere with such use or movement; provided, that signs giving notice that such vehicle may be removed are erected or placed at least twenty-four (24) hours prior to the removal.

7-4-715 Oversized parking prohibited - Off-street parking of certain size vehicles.

(A) Residential Streets.

(1) No motor vehicle exceeding the following two (2) dimensions: twenty feet (20') in length and seven feet (7') in height shall be parked or left standing upon any street in any residence district as defined by California Vehicle Code Section 515 between the hours of 2:00 a.m. and 6:00 a.m. Emergency vehicles as defined by the California Vehicle Code Section 165 are exempt from this provision.

(2) No motor vehicle shall be parked or left standing upon any street in any Residence District as defined by California Vehicle Code Section 515 between the hours of 2:00 a.m. and 6:00 a.m., if any portion of such vehicle, when so parked or left standing, extends beyond eight feet (8') from the face of the curb. Emergency vehicles as defined by California Code Section 165 are exempt from this provision.

(3) The City Manager may exempt an individual vehicle from the provisions of this Section upon a showing by the person in possession and control of such vehicle of a reasonable need thereof. Such exemption shall expire at a specified time within seventy-two (72) hours, except that the City Manager may

extend such exemption for additional periods of seventy-two (72) hours upon a showing by the person in possession and control of such vehicle that because of unusual circumstances, enforcement of said provision as to such vehicle would cause undue hardship to such person.

(4) The City Manager may grant an exception from the provisions of this Section if, from the information presented in an application for such variance, the following facts are established.

(a) The vehicle in question would otherwise be subject to the provisions of this Section; and

(b) Such vehicle is the sole vehicle registered to persons residing at the premises in question and is customarily parked at such premises; and

(c) Such vehicle is unable to be parked off-street in compliance with the provisions of this Section.

An exception granted pursuant to these provisions shall remain valid only so long as the necessary facts established in order to obtain die variance continue to exist.

(5) The provisions of this Section shall not apply on the same date or dates on which City or Chamber of Commerce sponsored events are scheduled to take place.

(B) Nonmotorized Vehicles. No vehicle other than a motor vehicle as defined by California Vehicle Code Section 415 shall be parked or left standing upon any street between the hours of 2:00 a.m. and 6:00 a.m.

7-4-720 Removal of vehicles parked on private property.

A. Any regularly employed and salaried officer of the City, the owner of any private property, the person entitled to the possession thereof for the time being or the authorized agent of either, may remove or cause to be removed any motor vehicle that has been parked or left standing on any private property, driveway, private parking lot or property used for private parking purposes, in violation of Section 7-4-145.

B. Any person referred to in Section 7-4-145 who removes any vehicle from any private property in the City is authorized to remove such vehicle to the nearest garage or other place of safety or to a garage designated or maintained by the City.

C. Any person referred to in Section 7-4-145 who removes a vehicle from private property shall give notice to the owner of the motor vehicle as provided for and required by Sections 22852 and 22853 of the state Vehicle Code.

D. If a vehicle removed from private property was rightfully there, the person who complained of the presence of such vehicle or the person, other than a member of City staff, who caused such vehicle to be removed, shall be liable for all charges for towage and for caring for and keeping safe such vehicle.

E. The keeper of any garage in which any vehicle is removed from private property and stored in accordance with the provisions of this chapter shall have a lien thereon for his or her compensation for towage and for caring for and keeping safe such vehicle. Such keeper may satisfy such lien upon compliance with and under the conditions stated in Section 22851 of the state Vehicle Code.

SECTION 2. Severability. This ordinance and the various parts thereof are hereby declared to be severable. Should any section of this ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any portion thereof other than the section so declared to be unconstitutional or invalid.

SECTION 3. Effective Date. This Ordinance shall go into effect thirty (30) days after the date of its adoption.

THE FOREGOING ORDINANCE was first read at a regular meeting of the San Juan Bautista City Council on the 18th day of April, 2006, and was adopted at a regular meeting of the San Juan Bautista City Council on the 16th day of May, 2006 by the following vote:

AYES: Reed, Hill, Medina, Geiger, Dias
NOES: None
ABSENT: None
ABSTAIN: None

_____
By: Dan Reed
Its: Mayor

ATTEST:

_____
By: Trish Paetz
Its: Deputy City Clerk

APPROVED AS TO FORM:

_____
By: Peter Spoerl
Its: City Attorney

Exhibit A

Ahwahnee Street
Church Street
Donner Street
First through Seventh Street
Franklin Circle
Franklin Street
Jefferson Street
Lang Court
Lang Street
Larios Drive
Lausen Drive
Marentis Court
Mariposa Street
Mission Street
Mission Vineyard Road
Monterey Street
Muckelemi
North Street
1 Nyland Drive
Pearce Lane
Pearce Street
Polk Street
San Antonio Street
San Jose Street
1-400 San Juan Hollister Road
Stephens Drive
Tahualami Street
The Alameda
Thomas Lane
Via Padre
Via Serra
Washington Street