

Title 10

VEHICLES AND TRAFFIC

Chapters:

<u>10.04</u>	<u>Stop Intersections</u>
<u>10.05</u>	<u>One-Way Streets</u>
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<u>10.34</u>	<u>Applicability to Private Roads and Ways</u>
<u>10.38</u>	<u>Abandoned Vehicle Abatement</u>

Chapter 10.04STOP INTERSECTIONS\*\*Sections:

- 10.04.010 Designated.
- 10.04.020 Sign posting.
- 10.04.030 Compliance with stop signs.
- 10.04.040 Designation of additional stop intersections.
- 10.04.050 Violation--Penalty.

10.04.010 Designated. The intersections listed below are designated as "stop" intersections:

Broadway Street at South Highway 49  
 Frontier Drive at Broadway Street  
 Pioneer Circle at Frontier Drive  
 Quartz Circle at Frontier Drive  
 Broadway Street at Clinton Road-North  
 Broadway Street at Clinton Road-South  
 Clinton Road at South Highway 49  
 Shopping Drive at Clinton Road  
 French Bar Road at Highway 49-West  
 French Bar Road at Highway 49-East  
 St. Sava Mission Road at Broadway Street

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\* For inoperative vehicle provisions, see Ch. 8.08, this code.

\*\* For statutory provisions authorizing local authorities to place and maintain traffic control devices, see Veh. Code §21351 et seq.

Bright Avenue at Broadway Street  
South Avenue at Broadway Street  
South Avenue at South Highway 49  
Marcucci Lane at South Highway 49  
Marcucci Lane at South Avenue

Broadway Street at Highway 88-North  
 Broadway Street at Highway 88-South  
 Center Street at East Highway 88  
 Center Street at Bright Avenue  
 Golf Course Road at Bright Avenue  
 Bright Avenue at Pitt Street  
 Pitt Street at Bright Avenue  
 Peek Street at South Highway 49  
 Schober Avenue at South Highway 49  
 Endicott Avenue at Sargent Avenue  
 Sargent Avenue at Perry Street  
 Lloyd Street at South Highway 49  
 Mattley Street at Sutter Street  
 Hoffman Street at Sutter Street  
 Sierra View Drive at Hoffman Street  
 Walnut Street at Hoffman Street  
 Rex Avenue at Hoffman Street  
 Rex Avenue at Sutter Street  
 Vogan Toll Road at North Highways 49 and 88  
 Vogan Toll Road at Sutter Street  
 City Park Exit at Sutter Street  
 Main Street and Highways 49 and 88  
 California Street at Main Street  
 North Main Street at Main Street  
 Court Street at Main Street  
 Court Street at Summit Street  
 Broadway Street at Water Street  
 Broadway Street at East Highway 88  
 Summit Street at Water Street  
 McDowell Street at Water Street  
 Pitt Street at East Highway 88-North  
 Pitt Street at Water Street  
 Court Street at Water Street  
 New York Ranch Road at Court Street  
 Court Street at East Highway 88  
 Pitt Street at East Highway 88-South  
 Court Street at Church Street  
 Summit Street at North Street  
 Stasal Avenue at North  
 North at North Main  
 North Main at North - South  
 North Main at North - North  
 Church at North Main Street  
 China Graveyard Road at North Main Street  
 Amador Hospital Exits onto Court Street  
 Highway 88 at Highway 49  
 Exit from Wells Fargo Bank Parking Lot at Highways 49 and 88  
 Exit from Bank of America Parking Lot at Highways 49 and 88  
 Pine Street at Hoffman Street  
 Oak Street at Hoffman Street  
 Hill Street at Hoffman Street  
 Elizabeth Street at Vogan Toll Road  
 Jackson Highlands Mobile Home Park at Clinton Road

North Main Street at the Jackson Apartments  
Jackson Gate Road at China Graveyard Road  
Perry Street at French Bar Road  
Argonaut Lane at entrance of Jackson High School parking lot.  
(Ord. 457 §1, 1981; Ord. 392 §2, 1976; Ord. 343 §1, 1973).

10.04.020 Sign posting. There is or shall be posted at the aforesaid intersections a traffic sign designating the intersection as a "stop" intersection. (Ord. 343 §2, 1973).

10.04.030 Compliance with stop signs. When a "stop" traffic sign is in place it is unlawful for any person driving a vehicle to proceed into the intersection without first bringing the vehicle to a full and complete stop. (Ord. 343 §3, 1973).

10.04.040 Designation of additional stop intersections. The city council may from time to time designate additional locations as "stop" intersections by resolution adopted pursuant to this chapter. (ord. 343 §4, 1973).

10.04.050 Violation--Penalty. The penalty for violations of this chapter shall be as prescribed in Section 1.20.010. (Ord. 343 §5, 1973).

Chapter 10.05

ONE-WAY STREETS

Sections:

- 10.05.010 Designated.
- 10.05.020 Signposting.
- 10.05.030 Driving wrong way on one-way street unlawful.
- 10.05.040 Designation of additional one-way streets.
- 10.05.050 Violation--Penalty.

10.05.010 Designated. The following streets, or portions of streets, are restricted to traffic in only one direction as indicated:

McDowell Street between Court Street and Water Street in a southerly direction only;

Anita Street between Schober Avenue and Folger in a northerly direction only as marked;

Peek Street between Highway 88 and Schober Avenue in a southwesterly direction;

Pitt Street between Water Street to State Highway 88 E., in a southerly direction only. (Ord. 457 §2, 1981; Ord. 373 §2, 1975; Ord. 358-A §2(part), 1975).

10.05.020--10.05.050

10.05.020 Signposting. There is or shall be posted at the aforesaid intersections a traffic sign designating the street, or portion of a street, as "one-way" traffic only. (Ord. 358-A §2(part), 1975).

10.05.030 Driving wrong way on one-way street unlawful. It is unlawful to drive in or upon a one-way street in any direction but the one direction so designated. (Ord. 358-A §2(part), 1975).

10.05.040 Designation of additional one-way streets. The city council may from time to time designate additional streets, or portion of streets, by resolution adopted pursuant to this chapter. (Ord. 358-A §2(part), 1975).

10.05.050 Violation--Penalty. The penalty for violation of this chapter shall be as prescribed in Section 1.20.010. (Ord. 358-A §2(part), 1975).

Chapter 10.08PARKING RESTRICTIONS\*Sections:

- 10.08.010 Prohibited where.
- 10.08.020 Enforcement prerequisites.
- 10.08.030 Violation of Section 10.08.010--Penalty.
- 10.08.040 Designation of additional no parking streets.
- 10.08.050 Sign posting authority.
- 10.08.060 Vehicle defined.
- 10.08.070 Violation unlawful.
- 10.08.080 Limited parking--Defined.
- 10.08.090 Limited parking--Designation.
- 10.08.100 Limited parking--Time limits.
- 10.08.110 Curb painted red.
- 10.08.120 Curb painted green.
- 10.08.130 Curb painted yellow.
- 10.08.135 Curb painted white.
- 10.08.140 Sign posted areas.
- 10.08.150 Violation of Sections 10.08.110 through 10.08.140--Penalty.
- 10.08.160 Removal of illegally parked vehicles.

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\* For statutory provisions authorizing cities to prohibit or restrict the parking or standing of vehicles on certain streets, see Veh. Code §22501 et seq.

10.08.010 Prohibited where. It is unlawful to park any vehicle upon or along the following streets or portions of streets:

On the south side of Water Street between Broadway and a point one hundred fifty-five feet east of Broadway on the south side of Water Street;

On the south side of Water Street between Pitt Street and a point five hundred feet west of Pitt Street on the south side of Water Street;

On the north side of Water Street from McDowell Street twenty feet west of McDowell Street on the north side of Water Street;

On the south side of Kearney Street between Church Street and Summit Street;

Summit Street between California Street and the south side of the driveway of the house on the northwest corner of Summit and Water;

On the west side of North Main Street from Main Street to a point across from the north end of the ramp on North Main Street;

Broadway Street between State Highway 88 and Water Street;  
One hundred thirty-five feet along Summit Street between Court Street and Water Street;

In front of St. Patrick's Catholic Church between Church Street and Summit Street;

Court Street between Church Street on McDowell Street on south side;

East side of Broadway Street between State Highway 88 to Belluommi Street;

State Highway 88 between Broadway Street and 88 Fruit Stand;

South side of Pitt Street between State Highway 88 to 303 feet west of the eastern end of Pitt Street;

Pitt Street from Water Street to State Highway 88;

Rex Avenue between Hoffman Street and Spinks Res. on east side only during school hours;

Walnut Street adjacent to Hoffman Street on east side;

Rex Avenue curve;

State Highway 88 and 49 between Rex Avenue and Hoffman Street on west side;

Vogan Alley;

Court Street between Main Street and Summit Street on south and north side;

California Street between Main Street and Summit Street on north side;

East side of alley between Main Street and Summit Street which runs between California Street and Court Street;

North Street twenty feet east from North Main Street on the north side;

Peek Street between Peek Hill Market and Schober;

Ramp on east side of North Main between North Street and Church Street;

On both sides of State Highway 49 from a point approximately two hundred twenty-five feet north of the centerline of the north leg of Sutter Street (also known as Vogan Toll Road) to a point approximately two hundred forty-five feet south of the centerline of Main Street, and from a point approximately five hundred thirty five feet north of the centerline of State Highway 88 to a point approximately three hundred fifteen feet south of the centerline of State Highway 88;

Upon or along the west side of State Highway 49 and 88 between approximately Engineer's Station 589 plus 51 and Engineer's Station 594 plus 43, both of the Department of Public Works, Division of Highways, state of California;

West side of State Highway 49-88 from the southern side of Safeway's driveway to the north side of the Peek Hill Market driveway;

Court Street between Main Street and Summit Street on the north side;

North Main Street from a point one hundred feet from the northwest corner of the United States Post Office lot, six hundred forty-eight feet north on the west side;

North Main street from the northern boundary of Church Street, six hundred forty-eight feet north on the east side.

Twenty feet on the west side of Pine Street and five feet on the South side of Hoffman Street, at their intersection;

On North Main Street in front of St. Sava Church parking lot extending twenty-five feet north to a point thirty-five feet south of the corner of Argonaut Street;

On Broadway, forty-six feet south from the corner of Water Street;

On Water Street, eighty-three feet east from the corner of Broadway.

On Court Street, both north and south sides, between New York Ranch Road and State Highway 88 East;

On Broadway between Clinton Road and a point three hundred fifty feet northerly of Clinton Road. (Ord. 505 §1, 1986; Ord. 498 §2, 1986; Ord. 472 §1, 1982; Ord. 401 §2, 1977; Ord. 392 §1, 1976; Ord. 373 §1, 1975; Ord. 358-A §1, 1974; Ord. 344 §1, 1973; Ord. 341 §1, 1973; Ord. 292 §1, 1969; Ord. 266 §1, 1965).

10.08.020 Enforcement prerequisites. Parking restriction for Highway 49-88 in Section 10.12.010 shall not become effective until:

A. The same is approved in writing by the Department of Public Works, Division of Highways; and

B. Signs indicating "no parking" have been erected along that section of the highway on which parking is prohibited and the curb, if any, along that section has been properly marked in red in accordance with Section 21458 of the Vehicle Code of

this state, pursuant to a resolution of the city council ordering the erection of these signs and marking of these curbs on any particular portion of the State Highway, within the city limits, regularly passed subsequent to the council receiving written approval from the Department of Transportation, to prohibit parking in the particular portion of that highway described in the resolution. (Ord. 341 §2, 1973).

10.08.030 Violation of Section 10.08:010--Penalty. Penalty for violations of Section 10.08.010 shall be as prescribed in Section 1.20.010. (Ord. 334 §2(part), 1973: Ord. 266 §4, 1965).

10.08.040 Designation of additional no parking streets. The city council may from time to time by ordinance or resolution designate additional "no parking" streets or portions thereof. (Ord. 344 §2, 1973).

10.08.050 Sign posting authority. The superintendent of streets is directed to cause the streets described in Section 10.12.010 to be posted with "no parking" signs. (Ord. 292 §2, 1969).

10.08.060 Vehicle defined. "Vehicle," as used in this title means a device in, upon, or by which any person or property is or may be propelled, moved, or drawn upon a highway. (Ord. 266 §2, 1965).

10.08.070 Violation unlawful. It is unlawful for any person, firm or corporation, to violate any provisions or fail to comply with the requirements of this chapter. (Ord. 341 §3, 1973).

10.08.080 Limited parking--Defined. "Limited parking" is parking specified to be for certain specific definite time periods only. (Ord. 295 §2, 1969).

10.08.090 Limited parking--Designation. The city council may by ordinance or resolution from time to time designate limited parking on any street, parking lot, or city property within the city limits. These limited parking areas shall be posted by appropriate signs indicating the limited time period. (Ord. 295 §1, 1969).

10.08.100 Limited parking--Time limits. It is unlawful to park any vehicle for longer than the designated period between nine a.m. and six p.m., Sundays and holidays excluded. (Ord. 295 §3, 1969).

10.08.110 Curb painted red. It is unlawful to park a vehicle upon any portion of any street within the city within

the area designated by red paint and the words "no parking" upon the adjacent curb. (Ord. 188 §1, 1948).

10.08.120 Curb painted green. It is unlawful to park for a period longer than twelve minutes adjacent to any curb within the city limits where the adjacent curb is painted green. (Ord. 188 §2, 1948).

10.08.130 Curb painted yellow. It is unlawful for any vehicle except authorized mail or package delivery services and commercial freight hauling delivery trucks unloading or loading freight and merchandise to and from places of business or industrial facilities, to stop or park within any area adjacent to any curb painted yellow, between the hours posted. During the hours of regulation, no vehicle may park in the zone adjacent to any curb painted yellow more than fifteen minutes at any one time. These restrictions shall apply Monday through Saturday, excepting Sundays and legal holidays. (Ord. 521 §1, 1988: Ord. 256 §1, 1963: Ord. 188 §3, 1948).

10.08.135 Curb painted white. The white curb designation is for loading and unloading of passengers, or for the deposit of mail in an adjacent mailbox. It is unlawful for any vehicle to park for more than ten minutes adjacent to a white curb. No vehicle parked adjacent to a white curb may be left unattended by the operator. White curb regulations shall be in effect Monday through Friday, from seven a.m. until five p.m. Saturdays, Sundays and legal holidays are exempted from this regulation. Taxicabs parked in a designated taxicab stand, pursuant to Section 5.32.280 of this code, are exempt from the restrictions of this section. (Ord. 546 §1, 1991).

10.08.140 Sign posted areas. It is unlawful to park any vehicle upon any portion of any street within the city limits where the city, by appropriate signs, markings or traffic regulatory devices has indicated that no parking shall be permitted. (Ord. 546 §2, 1991: Ord. 188 §4, 1948).

10.08.150 Violation of Sections 10.08.110 through 10.08.140--Penalty. The penalty for violations of Sections 10.08.110 through 10.08.140, parking restrictions, shall constitute an infraction as prescribed in Section 1,20.020. (Ord. 401 §3, 1977: Ord. 334 §2, 1973; Ord. 188 §5, 1948).

10.08.160 Removal of illegally parked vehicles. Any vehicle parked, or left standing, in violation of Sections 10.08.110 through 10.08.140, parking restrictions, may be towed by the police department or their designee, at the expense of the owner of the vehicle. (Ord. 521 §3, 1988).

Chapter 10.14

TIME LIMITS FOR PARKING

Sections:

- 10.14.010 Paring Time Limit Zones.
- 10.14.020 Time Limit Enforcement Periods.
- 10.14.030 Sundays and Holidays.
- 10.14.040 Unlawful Parking.
- 10.14.050 Violations – Penalty

10.14.010 Parking Time Limit Zones. The following time limits zones are hereby established in the downtown Jackson area.

- a. Parking on Main Street, from the intersection of Main Street and Highway 49/88 south to Water Street shall be set to be three hours.
- b. Parking along Water Street, from Main Street to McDowell Street, shall be set be three hours.
- c. Parking in the parking lot on North Main Street, between the intersection with State Route 49/88 and North Street shall be set to be three hours.
- d. Parking in the parking spaces in the Civic Center parking garage, except for those spaces along the south wall and eastern area shall be three hours.
- e. Parking in the parking spaces along the south wall of the Civic Center garage shall be ten hours.
- f. Parking in the spaces in the parking lot adjacent to El Dorado Bank shall be one hour, except six spaces on the east side of the parking lot (four on the south side and two on the north side) shall be set at 15 minutes.

10.14.020 Time Limit Enforcement Periods. Time limited parking shall apply in parking areas only between nine a.m. and six p.m.

10.14.030 Sundays and holidays. Time limit parking shall not be in force on Sundays and holidays and at such other times as the City Council may from time to time establish by resolution.

10.14.040 Unlawful Parking. It is unlawful to park any vehicle in any time limited area between the hours of nine a.m. and six p.m., for the period longer than the posted time limit for the area.

10.14.050 Violations – Penalty. A. Overtime Parking. Any vehicle parking in a time limited area for a period of time exceeding the time posted is in violation of this section and the registered owner thereof is guilty of an infraction.

B. Overtime Parking Continuing. Any vehicle parked in violation of subsection (A) of this section, and having been cited for that violation, is guilty of a separate and additional violation for each period it remains exceeding the posted time limit within any twenty-four hour period. The bail or fine for multiple violations by the same vehicle within any twenty-four hour period may be set at any multiple amount set for the first violation.

C. Interfering With Marking Devices. Any person, firm or corporation, who in any manner interferes with the lawful enforcement of these regulations, by erasing or otherwise obscuring chalk marks or other marks or devices used by the enforcing officer to determine whether a violation has occurred, is guilty of an infraction.

D. Fines and charges for violation of this section shall be set from time to time by resolution.

Chapter 10.16

VEHICLE IMPOUNDMENT

Sections:

- 10.16.010 Purpose of chapter.
- 10.16.020 Obstruction of police and fire officials.
- 10.16.030 Illegal parking.
- 10.16.040 Impoundment--Conditions.
- 10.16.050 Impoundment--Notice.
- 10.16.060 Impoundment--Report required when.
- 10.16.070 Impoundment--Costs--Payment provisions.

10.16.010 Purpose of chapter. This chapter is intended to and does implement, extend, and provide other additional and alternative penalties to those set forth in Section 1.20.010 for illegal parking violations under present or future city ordinances. (Ord. 346 §1, 1973; Ord. 237 §1, 1961).

10.16.020 Obstruction of police and fire officials. It is unlawful to park any vehicle upon any street, lane or alley usually and normally used for and by the general public, used and utilized by the law enforcement department and officers of the city, used and utilized by the fire department, or the officers or members thereof while engaged in the operation of firefighting equipment, wherein, the manner or place of the parking constitutes an obstruction to the police and fire department of the city in the usual, normal, regular and necessary conduct of city business. (Ord. 237 §2, 1961).

10.16.030 Illegal parking. Wherein and by virtue of any city ordinance presently in effect or enacted in the future, the parking of any vehicle is and becomes thereby unlawful or illegally parked, the provisions set forth in Sections 10.16.040--10.16.070 apply. (Ord. 346 §2, 1973; Ord. 237 §3(part), 1961).

10.16.040 Impoundment--Conditions. Members of the police department are authorized to remove a vehicle from a street or highway to the nearest garage or other place of safety, or to a garage designated or maintained by the police department, or otherwise maintained by this city under the following additional circumstances:

A. When any vehicle is left unattended upon any bridge, viaduct, or causeway, or in any tube or tunnel where such vehicle constitutes an obstruction to traffic;

B. When a vehicle upon a highway is so disabled as to constitute an obstruction to traffic and the person or persons in charge of the vehicle are by reason of physical injury incapacitated to such an extent as to be unable to provide for its custody or removal;

C. When any vehicle is left unattended upon a street and is so parked illegally as to constitute a definite hazard or obstruction to the normal movement of traffic. (Ord. 237 §3(A), 1961).

10.16.050 Impoundment--Notice. Whenever an officer removes a vehicle from a street as authorized in Sections 10.16.030--10.16.070 and the officer knows or is able to ascertain from the registration records in the vehicle the name and address of the owner thereof, he shall immediately give or cause to be given notice in writing to such owner of the fact of such removal and the reasons therefor and of the place to which such vehicle has been removed. In the event any such

vehicle is stored in a public garage, a copy of such notice shall be given to the proprietor of the garage. (Ord. 237 §3(B), 1961).

10.16.060 Impoundment--Report required when. Whenever an officer removes a vehicle from a street under Sections 10.16.030--10.16.070 and does not know and is not able to ascertain the name of the owner, or for any other reason is unable to give the notice to the owner as provided in Section 10.16.050, and in the event the vehicle is not returned to the owner within a period of three days, then, and in that event, the officer shall immediately send, or cause to be sent, written report of such removal by mail to the State Department whose duty it is to register motor vehicles, and shall file a copy of such notice with the proprietor of any public garage in which the vehicle may be stored. Such notice shall include a complete description of the vehicle, the date, time, and place from which removed, the reasons for such removal, and name of the garage or place where the vehicle is stored. (Ord. 237 §3(C), 1961).

10.16.070 Impoundment--Costs--Payment provisions. In the event, and whenever, under the provisions of Section 10.16.030--10.16.070, a vehicle is impounded, the total costs for such impounding and storage, including the cost for tow-a-way, impounding and storage, must be, by the owner of the automobile, before he can or may reclaim the vehicle from such storage depository, pay all costs and charges incident to the tow-a-way, impounding and storage, directly to the agency physically providing the tow-a-way, impounding and storage, under the direction of the police department. (Ord. 237 §3(D), 1961).

VEHICLE WEIGHT RESTRICTIONS\*

Sections:

- 10.20.010 Truck route.
- 10.20.020 Bridge weight limits.
- 10.20.030 Exceptions.
- 10.20.040 When effective.
- 10.20.050 Violation--Penalty.

\* For statutory provisions regarding the authority of cities to prohibit the use of certain streets by any commercial vehicle or by any vehicle exceeding a maximum specified gross weight, see Veh. Code §35701.

10.20.010--10.20.050

10.20.010 Truck route. No person shall operate a motor vehicle or other object or contrivance on or over any city street except Hoffman Street, Clinton Road, French Bar Road from Highway 49 West, North Main Street, China Graveyard Road, New York Ranch Road, and Court Street from New York Ranch Road to Highway 88, when the weight of the motor vehicle or other object or contrivance, or vehicle, object, or contrivance and load on same, exceeds a total of twelve thousand pounds. (Ord. 307 §1, 1971).

10.20.020 Bridge weight limits. No person shall operate a motor or other vehicle or other object or contrivance, exceeding a total of twelve thousand pounds, or vehicle, object, or contrivance and load on same exceeding twelve thousand pounds over any city bridge. (Ord. 307 §2, 1971).

10.20.030 Exceptions. This chapter shall not be effective with respect to any vehicle which is a "passenger stage" as defined in Public Utilities Code, Sections 1031 et seq; any commercial vehicle for the purpose of making pickups or deliveries of goods, wares, and merchandise from or to any building or structure located on the restricted street, or for the purpose of delivering materials to be used in the actual and bona fide repair, alteration, remodeling, or construction of any building or structure upon the restricted street for which a building permit has previously been obtained; any ambulance or hearse when operated as same; or any vehicle owned, operated, controlled, or used by a public utility in the normal course of business. (Ord. 307 §3, 1971).

10.20.040 When effective. This chapter becomes effective May 30, 1971 and upon posting of signs giving notice of the limitations at all entrances to city streets affected by this chapter. (Ord. 307 §4, 1971).

10.20.050 Violation--Penalty. The penalty for violations of this chapter shall be as prescribed in Section 1.20.010. (Ord. 334 §2(part), 1973; Ord. 307 §5, 1971).

Chapter 10.30

PARKING FOR HANDICAPPED

Sections:

- 10.30.010 Designated--Authority.
- 10.30.020 Designated--Signs.
- 10.30.030 Regulations.
- 10.30.040 Violation--Penalty.

10.30.010 Designated--Authority. The chief of police shall designate parking stalls or spaces in publicly owned, leased, or controlled off-street parking facilities for exclusive use by physically handicapped persons. Owners of privately operated parking facilities may reserve parking stalls for exclusive use by physically handicapped persons. (Ord. 401 §5(part), 1977).

10.30.020 Designated--Signs. A. Designation of "blue curb" parking stalls shall be made by posting immediately adjacent to, and visible from, same, a sign consisting of the International Symbol of Access.

B. In addition a sign not less than seventeen inches by twenty-two inches in size must be posted, either at the entrance to the parking facility or immediately adjacent to and visible from the reserved stall, which states with lettering not less than one inch in height:

"Unauthorized vehicles not displaying distinguishing license plates or placards issued for physically handicapped persons will be issued citations."

C. All signs shall be posted at a height of eighty degrees from the ground. (Ord. 401 §5(part), 1977).

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

A. No person shall park or stand any vehicle in a disabled persons parking zone (blue curb) unless said vehicle bears a special license or displays a special placard issued under the provisions of Section 9105 or Section 22511.5 of the California Vehicle Code.

B. Blue curb parking spaces shall be operative twenty-four hours a day, Sundays and holidays included. (Ord. 401 §5(part), 1977).

10.30.040 Violation--Penalty. The penalty for violation of this chapter shall be as prescribed in Section 1.20.020 of this code. (Ord. 401 §5(part), 1977).

Chapter 10.34APPLICABILITY TO PRIVATE ROADS AND WAYSSections:

- 10.34.010 Applicability of Vehicle Code.
- 10.34.020 Posting of notice required.

10.34.010 Applicability of Vehicle Code. The city council finds and declares that within the designated areas described in this chapter there are privately owned and maintained roads and ways generally open to the public for vehicular traffic serving various establishments, whereby upon enactment of the ordinance codified in this chapter, the provisions of the Vehicle Code may apply to such privately owned and maintained roads and ways in conformance with provisions of the California Vehicle Code. (Ord. 512 §1(part), 1986).

10.34.020 Posting of notice required. The provisions of this chapter shall apply only during such times as the owners or operators of such private roads or ways maintain a notice to the effect that such private roads or ways are subject to the public traffic regulations enacted in this chapter. Such notice shall be posted in a conspicuous place at each entrance to such private roads and ways and shall be not less than seventeen by twenty-two inches in size, and shall have lettering not less than one inch in height. (Ord. 512 §1(part), 1986).

Chapter 10.38

ABANDONED VEHICLE ABATEMENT

Sections:

- 10.38.010 Declaration of nuisance.
- 10.38.020 Definitions.
- 10.38.030 Exceptions.
- 10.38.040 Chapter not exclusive regulation.
- 10.38.050 Enforcement authority--Right of entry.
- 10.38.060 Contract or franchise--Right of entry for removal of vehicle.
- 10.38.070 Administrative costs determination.
- 10.38.080 Notice of intention to abate and remove vehicle.
- 10.38.090 Conduct of hearing.
- 10.38.100 Appeal to city council.

Sections: (Continued)

- 10.38.110 Order of vehicle removal--Assessment of costs.
- 10.38.120 Exceptions to hearing requirement.
- 10.38.130 Disposition of vehicle or parts.
- 10.38.140 Prohibition against reconstruction.
- 10.38.150 Notice to Department of Motor Vehicles.
- 10.38.160 Notice to California Highway Patrol.
- 10.38.170 Collection of delinquent assessment.
- 10.38.180 Collection of costs.
- 10.38.190 Refusal to remove vehicle--Misdemeanor.

10.38.010 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, from private or public property, abandoned, wrecked, dismantled or inoperative vehicles or any 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 any 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 any 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. 573 §1(part), 1995).

10.38.020 Definitions. As used in this chapter:

A. "Abandoned vehicle" means a motor vehicle left on a highway, public property, or private property in such an 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 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 the vehicle 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.

B. "Designated employee" or "designee" means a city employee designated in writing by the city manager.

C. "Dismantled vehicle" means any motor vehicle that is partially or wholly disassembled.

D. "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 a street, and all or any part of the entire width of the right-of-way of said highway.

E. "Inoperative vehicle" means any motor vehicle that cannot move under its own power.

F. "Public property" includes streets and "highways."

G. "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.

H. "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. 573 §1 (part), 1995).

10.38.030 Exceptions. This chapter shall not apply to:

A. A vehicle or any 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

B. A vehicle or any 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, or a licensed junk dealer, or when such storage or parking is necessary to the operation of a lawfully conducted business or commercial enterprise; or

C. Nothing in this section shall authorize the maintenance of a public or private nuisance as defined under the provisions of law. (Ord. 573 §1(part), 1995).

10.38.040 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 city, the county, the state or any other legal entity or agency having jurisdiction. (Ord. 573 §1(part), 1995).

10.38.050 Enforcement authority--Right of entry. Except as otherwise provided herein, the provisions of this chapter may be administered and enforced by the city manager or designated employees. In enforcing this chapter,

designated 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. 573 §1(part), 1995).

10.38.060 Contract or franchise--Right of entry for removal of vehicle. When the city 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. 573 §1(part), 1995).

10.38.070 Administrative costs determination. The city council, by resolution, 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. 573 §1(part), 1995).

10.38.080 Notice of intention to abate and remove vehicle. A. Unless both the property owner and the owner of the vehicle have signed releases authorizing removal and waiving further interest in the vehicle or any 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 city manager or his designee 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.

B. 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 state-

ment 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 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 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. 573 §1(part), 1995).

10.38.090 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. 573 §1(part), 1995).

10.38.100 Appeal to city council. 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. Appellant shall pay an appeal fee of seventy-five dollars when filing an appeal with the city council. No such appeal fee shall be required unless the appeal is from such hearing.

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

C. The city council 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 10.38.080 of this chapter.

D. In conducting the hearing, the city council shall not be limited by the technical rules of evidence. (Ord. 573 §1(part), 1995).

10.38.110 Order of vehicle removal--Assessment of costs. A. If no request for a hearing is received by the city manager or his designee within ten 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 city manager or his designee 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 city council, the city council upholds the city manager or his designee's findings, then the city manager or his designee 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.

B. The city manager or his designee 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. 573 §1(part), 1995).

10.38.120 Exceptions to hearing requirement. A hearing as provided above in this chapter shall not be required under 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 any part thereof; or

B. When the property owner has signed a release authorizing removal and waiving further interest in the vehicle or any part thereof and the vehicle is located upon a parcel which is:

1. Either zoned for agricultural use, or is not improved with a residential structure containing one or more dwelling units, and

2. Inoperable due to the absence of a motor, transmission, or wheels and is incapable of being towed, and

3. Valued at less than three hundred dollars by the city manager or his designee, the Jackson police chief or any of his officers, or any California Highway Patrol officer, and

4. Determined by the city manager or his designee to be a public nuisance presenting an immediate threat to public health or safety.

Prior to final disposition pursuant to Section 10.38.130 of this chapter, of such a low-valued vehicle for which evidence of registration is available, the city man-

ager or his designee shall provide notice to the registered and legal owners of intent to dispose of the vehicle or any part thereof, and if the vehicle or any part thereof 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. 573 §1(part), 1995).

10.38.130 Disposition of vehicle or parts. Vehicles or any parts thereof removed pursuant to this chapter may be disposed of by removal to a scrap yard, automobile dismantler's yard, or any suitable site to receive junk and/or dismantled vehicles. (Ord. 573 §1(part), 1995).

10.38.140 Prohibition against reconstruction. After a vehicle or any 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. 573 §1(part), 1995).

10.38.150 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 city manager or his designee to the Department of Motor Vehicles, identifying the vehicle or any part thereof, and any evidence of registration available, including, but not limited to, the registration card, certificates of ownership, or license plates. (Ord. 573 §1(part), 1995).

10.38.160 Notice to California Highway Patrol. An employee, other than a peace officer or employee of a sheriff's department, designated to remove vehicles pursuant to Section 22669 of the Vehicle Code may do so only after he or she has mailed or personally delivered a written report identifying the vehicle and its location to the Department of California Highway Patrol located nearest to the vehicle. (Ord. 573 §1(part), 1995).

10.38.170 Collection of delinquent assessment. If the administrative costs and costs of removal are charged against the owner of the land pursuant to Section 10.38.110 and are not paid within thirty 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 38773.5 of the Government Code, and shall be transmitted to the finance officer for collection subject to collection in any manner specified in said section. Such assessment shall have the same priority as other municipal taxes. (Ord. 573 §1(part), 1995).

10.38.180 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, 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. 573 §1(part), 1995).

10.38.190 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 or imprisonment in the city jail not to exceed six months, or by both such fine or imprisonment. (Ord. 573 §1(part), 1995).