

CITY COUNCIL MEETING  
SEPTEMBER 30, 1987

3

PUBLIC HEARING SET  
TO CONSIDER ADOPTION  
OF AMENDED TRAFFIC  
ORDINANCE AND THE  
ACCOMPANYING TRAFFIC  
RESOLUTION

CC-45(a)  
CC-48(a)

Council set a Public Hearing for 7:30 p.m., October 21, 1987 to consider adoption of Ordinance No. 1402, "Regulating the Use of and Traffic Upon the Streets, Sidewalks, and Other Public and Private Places in the City of Lodi; the Use, Parking, and Control of Vehicles Thereon; and Repealing Ordinance No. 493 and all Ordinances and Parts of Ordinances Amendatory Thereof and in Conflict Herewith", and the Accompanying Traffic Resolution.



# CITY OF LODI

PUBLIC WORKS DEPARTMENT

## COUNCIL COMMUNICATION

TO: City Council  
FROM: City Manager  
MEETING DATE: September 30, 1987

AGENDA TITLE: Set Public Hearing for October 21, 1987 to Consider Adoption of Ordinance No. 1402, "Regulating the Use of and Traffic Upon the Streets, Sidewalks, and Other Public and Private Places in the City of Lodi; the Use, Parking, and Control of Vehicles Thereon; and Repealing Ordinance No. 493 and all Ordinances and Parts of Ordinances Amendatory Thereof and in Conflict Herewith", and the Accompanying Traffic Resolution

RECOMMENDED ACTION: That the City Council set a public hearing for October 21, 1987 to consider adoption of Ordinance No. 1402 and the accompanying Traffic Resolution.

BACKGROUND INFORMATION: Council has had a number of meetings and hearings regarding the new Traffic Ordinance and Resolution which include establishment of truck routes. At the last meeting, the matter was postponed to the October 21 meeting.

In order to provide full public input and be able to consider implementation of AB 815 (which requires a public hearing), it is recommended the October 21 agenda include a public hearing on the Traffic Ordinance.

AB 815 is a new bill that was recently signed by the Governor. It allows cities to prohibit truck parking in residentially-zoned areas between the hours of 2 a.m. and 6 a.m. The Traffic Ordinance, as previously introduced, prohibits truck parking off the truck routes. By also implementing AB 815, truck parking would be restricted on truck routes that extend through residential zones (i.e., Turner Road).

  
Jack L. Ronsko  
Public Works Director

JLR/RCP/ma

APPROVED:

THOMAS A. PETERSON, City Manager

FILE NO.

ORDINANCE NO. 1402

AN ORDINANCE OF THE LODI CITY COUNCIL REPEALING ORDINANCE NO. 493 AND ALL ORDINANCES AND PARTS OF ORDINANCES AMENDATORY THEREOF, THEREBY REPEALING TITLE 10, CHAPTER 10 OF THE LODI MUNICIPAL CODE, REGULATING VEHICLES AND TRAFFIC UPON THE STREETS WITHIN THE CITY OF LODI, AND ADDING A NEW TITLE 10, CHAPTER 10 TO THE LODI MUNICIPAL CODE REGULATING VEHICLES AND TRAFFIC UPON THE STREETS WITHIN THE CITY OF LODI.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LODI AS FOLLOWS:

SECTION I. City of Lodi Ordinance 493 and all ordinances amendatory thereof, and Lodi Municipal Code Title 10, Chapter 10 regulating vehicles and traffic upon the streets of the City of Lodi are hereby repealed in their entirety. There is hereby added to the Lodi Municipal Code a new Title 10, Chapter 10 regulating vehicles and traffic upon the streets, sidewalks, and other public and private places within the City of Lodi; and regulating the use, parking, and control of vehicles thereon, within of the City of Lodi, as follows:

TITLE 10

VEHICLES AND TRAFFIC

Chapter 10.04

WORDS AND PHRASES DEFINED

Section 10.04.010 - Definitions of Words and Phrases

- A. Whenever any words or phrases used herein are not defined, but are defined in the California Vehicle Code (VC) and subsequent amendments, such definitions shall apply. (VC 100 et seq.)
- B. Sections of the Vehicle Code authorizing or relating to sections of this ordinance are shown in parentheses and are included for information and reference only.

- C. The following words and phrases when used in this ordinance shall, for the purpose of this ordinance, have the meanings respectively ascribed to them in this chapter.
1. "Council" means the City Council of the City of Lodi.
  2. "Holidays", within the meaning of this ordinance, are:
    - a. Any day adopted by Council Resolution;
    - b. January 1st (New Year's Day);
    - c. The third Monday in February (Washington's Birthday);
    - d. The last Monday in May (Memorial Day);
    - e. July 4th (Independence Day);
    - f. The first Monday in September (Labor Day);
    - g. The fourth Thursday in November (Thanksgiving Day); and
    - h. December 25th (Christmas Day).
  3. "Loading Zone" means the space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers or materials.
  4. "Parkway" means that portion of a street right of way between the roadway and the sidewalk.
  5. "Passenger Loading Zone" means the space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers.
  6. "Police Officer" means every officer of the Police Department of this City or any person authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.
  7. "Public Works Director" means the Public Works Director and City Engineer of the City of Lodi.
  8. "Traffic Resolution" means the resolution adopted by the Council and

amended from time to time pursuant to this ordinance which specifies traffic regulations and restrictions which shall be noticed by official traffic control devices. (VC 32)

#### Chapter 10.08

#### TRAFFIC ADMINISTRATION

##### Section 10.08.010 - Traffic Engineering Responsibilities

The Public Works Director is responsible for providing the traffic engineering function for the City and is responsible for exercising the powers and duties with respect to traffic as provided in this ordinance.

#### Chapter 10.12

#### ENFORCEMENT AND OBEDIENCE TO TRAFFIC REGULATIONS

##### Section 10.12.010 - Authority of Police and Fire Department Officials

Officers of the Police Department and such persons as are assigned by the Police Chief are hereby authorized to direct all traffic by voice, hand, or other signal in conformance with traffic laws. Notwithstanding the provisions to the contrary contained in this ordinance or the Vehicle Code, officers of the Police Department or Fire Department may direct traffic as conditions may require in emergencies. (VC 21100)

##### Section 10.12.020 - Required Obedience to Traffic Regulations

It shall be unlawful for any person to violate the traffic regulations as promulgated by this ordinance or to fail to obey any device erected or maintained pursuant to this ordinance or the Traffic Resolution.

(VC 21461 et seq.)

##### Section 10.12.030 - Unauthorized Persons Shall Not Direct Traffic

No person shall direct or attempt to direct traffic by voice, hand, or other signal, except in the following circumstances:

- A. Officers of the Police and Fire Departments as described in this chapter;
- B. Persons authorized by the Police Chief;
- C. Persons authorized by a Police or Fire officer in an emergency.

Section 10.12.040 - Obstruction or Interference With Police or Authorized  
Officers

No person shall interfere with or obstruct in any way any police officer or other officer or employee of this City in their enforcement of the provisions of this ordinance or the Traffic Resolution. The removal, obliteration, or concealment of any chalk mark or other distinguishing mark or object used by any person authorized by this City in connection with the enforcement of the parking regulations of this ordinance shall, if done for the purpose of evading the provisions of this ordinance, constitute such interference or obstruction.

Chapter 10.16

TRAFFIC CONTROL DEVICES

Section 10.16.010 - Authority to Install Traffic Control Devices (VC 21351, 21360)

- A. As specifically authorized by the Council in the Traffic Resolution, the Public Works Director shall place and maintain traffic signals, and stop, speed limit, one way, weight limit, yield, and parking restriction official traffic control devices as required by the Vehicle Code to make effective the provisions of City ordinances or resolutions.
- B. The Public Works Director shall place and maintain all other official traffic control devices deemed necessary to properly indicate and carry

out the provisions of the Vehicle Code or the ordinances and resolutions of the City or to regulate, warn, or guide traffic, unless otherwise directed by the Council.

Section 10.16.020 - Authority to Remove, Relocate, and Discontinue Traffic Control Devices

The Public Works Director is hereby authorized to remove, relocate, or discontinue the operation of any traffic control device not specifically required by the Vehicle Code or installed under this ordinance or the Traffic Resolution whenever the Public Works Director determines in any particular case that the conditions which warranted or required the installation no longer exist.

Section 10.16.030 - Traffic Control Devices: Hours of Operation

The Public Works Director shall determine the hours and days during which any traffic control device shall be in operation or be in effect, except in those cases where such hours or days are specified in this ordinance or by resolution of the Council.

Section 10.16.040 - Unauthorized Painting of Curbs

No person or agency, unless authorized by the Public Works Director, shall paint any street, sidewalk, or curb surface; provided, however, that this section shall not apply to the painting of numbers on a curb surface by any person who has complied with the provisions of any resolution or ordinance of this City pertaining thereto.

Section 10.16.050 - Shrubbery, Etc., Obstructing Visibility

Whenever the Public Works Director finds that any hedge, shrubbery, or tree growing within the street right of way obstructs the view of any traffic control device or of any intersection, or any traffic upon the streets

approaching such intersection, the Public Works Director shall cause the hedge, shrubbery, or tree to be removed or trimmed to remove the obstruction.

Section 10.16.060 - New Pavement and Freshly Painted Markings

No person shall drive any vehicle over or across any newly made pavement or freshly painted markings in any street when a barrier sign, cone marker, or other warning device is in place warning persons not to drive over or across such pavement or markings.

Chapter 10.20

SPEED REGULATIONS

Section 10.20.010 - Speed Zones

- A. The State traffic laws regulating the speed of vehicles shall be applicable upon all streets within this City except where special speed zones are established by Council resolution in accordance with the procedures provided in the Vehicle Code.
- B. Speed limits established in the Traffic Resolution pursuant to this section shall become effective when appropriate signs giving notice thereof are erected upon said street.

(VC 22357 et seq.)

Section 10.20.020 - Regulation of Speed by Traffic Signals

The Public Works Director is authorized to regulate the timing of traffic signals so as to permit the movement of traffic in an orderly and safe manner at speeds slightly at variance from the speed otherwise applicable, and may erect appropriate signs giving notice thereof.

(VC 22401)

Section 10.20.030 - Speed Limit of Vehicles in Lodi Lake Park

All of that certain park belonging to the City known as Lodi Lake Park is a public playground and a place of public assemblage and all the highways

and driveways in the park pass places of public assemblage and through such public playground, and all of such highways and driveways are subject to the provisions of the Vehicle Code of the State and this ordinance.

It shall be prima facie unlawful for any person to operate any vehicle upon any such highways or driveways at a speed greater than 15 miles per hour. The Public Works Director is hereby authorized and directed to erect appropriate signs, along the lines of such highways and driveways, giving notice of such speed limit. (VC 21113)

#### Chapter 10.24

##### TURNING MOVEMENTS

###### Section 10.24.010 - Regulation of Turns at Intersections

The Public Works Director is authorized to place official traffic control devices within or adjacent to intersections controlling movements therein. Such turns may be prohibited between certain hours of any day. (VC 22101)

#### Chapter 10.28

##### STOP AND YIELD INTERSECTIONS

###### Section 10.28.010 - Authority for Stop Signs and Yield Signs

Through streets or intersections at which vehicular traffic shall stop or yield before entering the intersection may be designated in the Traffic Resolution. The Public Works Director shall place and maintain official traffic control devices giving notice thereof and no such designations shall be effective until such devices are in place. (VC 21355, 21356)

Chapter 10.32

RAILROAD TRAINS

Section 10.32.010 - Railroad Trains

No person shall operate any train or train of cars so as to permit the same to remain standing and block the movement of traffic upon any street for a period of time longer than ten minutes.

Section 10.32.020 - Train Speed

The City may establish the maximum speed (subject to California Public Utilities Commission approval) that a train engineer or conductor may cause a train under their control to travel on or across a City street.

Chapter 10.36

PEDESTRIANS' RIGHTS AND DUTIES

Section 10.36.010 - Crosswalks

- A. The Public Works Director shall establish, designate and maintain crosswalks by appropriate devices, marks or lines upon the surface of the roadway where, in the Public Works Director's opinion, there is particular danger to pedestrians crossing the roadway.
- B. The Public Works Director may install signs at or adjacent to an intersection or other appropriate locations directing that pedestrians shall not cross. It is unlawful for any pedestrian to cross at the location(s) prohibited by a sign. (VC 21106)

Chapter 10.40

REGULATIONS FOR BICYCLES

Section 10.40.010 - Bicycle License Required

- A. All bicycles operated in the City shall be licensed and registered by the City.
- B. Bicycle licenses shall be issued by the Police Chief. The Police Chief

is authorized to issue rules and regulations, not inconsistent with this section or accompanying Council resolution, governing the issuance and display of bicycle licenses.

- C. The Police Chief shall collect a fee as established by resolution of the Council from time to time for each license issued.
- D. This section does not apply to bicycle manufacturers or dealers transporting, displaying, or demonstrating bicycles, or to the operators of bicycles not residing within the City limits; provided that such operators not residing within the City limits have complied with any registration and licensing requirements of the local authority in which they reside.
- E. The Police Department shall have the right to impound and retain possession of any bicycle in violation of the provisions of this section, and may retain possession of such bicycle until the provisions of this chapter are complied with.

Section 10.40.020 - Bicycle Riding Rules

- A. No person shall operate a bicycle on the sidewalk in a Business District.
- B. Persons operating bicycles on the sidewalk shall yield the right of way to any pedestrian approaching thereon, and shall exercise due care for the safety of any person upon the sidewalk.
- C. Persons operating bicycles on the sidewalk shall obey any signs posted by the Public Works Director regulating or prohibiting the riding, walking, or parking of bicycles. (VC 21206)

## Chapter 10.44

### STOPPING, STANDING, AND PARKING

#### Section 10.44.010 - Public Works Director to Maintain No Stopping, No Parking, and Restricted Parking Zones

The Public Works Director is hereby authorized to maintain, by appropriate signs or by paint upon the curb surface, all no stopping zones, no parking areas, and restricted parking areas, as required in the Vehicle Code and as described in this ordinance or established by the Council in the Traffic Resolution.

When said curb markings or signs are in place, no operator of any vehicle shall stop, stand, or park such vehicle adjacent to any such legible curb marking or sign in violation of any of the provisions of this ordinance or the Traffic Resolution.

(VC 22500 et seq.)

#### Section 10.44.020 - Prohibited Stopping, Standing, or Parking

No person shall stop, park, or leave standing any vehicle, whether unattended or attended, except when necessary to avoid conflict with other traffic or in compliance with the direction of a police officer or other authorized person or official traffic control device, in any of the following places:

- A. In any area established by the Council in the Traffic Resolution as a no parking area, when such area is indicated by appropriate signs or by red paint upon the curb surface.
- B. Within any parkway or on a sidewalk.
- C. In any alley, except for the purpose of the loading or unloading of persons or materials.
- D. On any street or public right of way where the use such street or right

of way or a portion thereof is necessary for the cleaning, repair, or construction of the street or the installation 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, chapters, 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 of such no parking are erected or placed at least 24 hours prior to the effective time of such no parking.

- E. On one side of the South Hutchins Street and Lower Sacramento Frontage Roads; said side to be the one adjacent to the major street.
- F. In any area 20 feet or less in length, where the Public Works Director determines that the parking or stopping of any vehicle would constitute a traffic hazard or would endanger life or property, or on the approach to a traffic control device when such place is indicated by appropriate signs or by red paint upon the curb surface.
- G. In front of a wheelchair ramp when such place is indicated by appropriate signs or by red paint upon the curb surface. (VC 22500-1)

Section 10.44.030 - Parking for Consecutive Period of 72 Hours - Prohibited

No person who owns or has possession, custody, or control of any vehicle shall park such vehicle upon any street or public right of way for more than a consecutive period of 72 hours.

Section 10.44.040 - Parking for Certain Purposes Prohibited

No person shall park a vehicle or vessel:

- A. Upon a public or private street, public right of way, parking lot, or any public or private property for the purpose of displaying such vehicle or

vessel thereon for sale, hire, or rental, unless the property is duly licensed and zoned by the City to transact that type of business at that location. This section shall not prohibit persons from parking vehicles or vessels on private residential property belonging to the owner of the vehicle or vessel, nor on the public street immediately adjacent to said private residential property.

The parking or placing of any vehicle or vessel with a sign or other advertising device thereon or proximate thereto, indicating such vehicle or vessel is for sale, hire, or rental, shall constitute prima facie evidence that such vehicle or vessel was parked or placed for the purpose of displaying same for sale, hire, or rental.

- B. Upon any street, public right of way, or public property for the principal purpose of painting, greasing, or repairing a vehicle or vessel or property thereon except repairs necessitated by an emergency.
- C. Upon any street, public right of way, or public property for the principal purpose of washing or polishing such a vehicle or any part thereof when a charge is made for such service.

Section 10.44.050 - Parking Not to Obstruct Traffic

No person shall park any vehicle in such a position as to obstruct the normal movement of traffic or within the roadway as defined by a painted edge line.

Section 10.44.060 - No Stopping in Intersection That Would Obstruct Traffic

No operator of any vehicle shall enter any intersection or a marked crosswalk unless there is sufficient space on the other side of the intersection or crosswalk to accommodate the vehicle being operated without obstructing the passage of other vehicles or pedestrians, notwithstanding any traffic control signal indication to proceed.

Section 10.44.070 - Parking Not to Obstruct Sight Distance

No person shall park or leave standing a vehicle which is 6 feet or more in height, including any load thereon within 100 feet of any intersection so designated in the Traffic Resolution. (VC 22507)

Section 10.44.080 - Unlawful Parking - Peddlers, Vendors

- A. Except as otherwise provided in this section, no person shall stand or park any vehicle, wagon, or pushcart from which goods, wares, merchandise, fruits, vegetables, or food stuffs are sold, displayed, solicited, or offered for sale or bartered or exchanged, or any lunch wagon or eating car or vehicle, on any portion of any street OR PUBLIC RIGHT OF WAY within this City except that such vehicles, wagons, or pushcarts may stand or park only at the request of a bona-fide purchaser for a period of time not to exceed ten minutes at any one place. The provisions of this subsection shall not apply to persons delivering such chapters 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 or public right of way any lunch wagon, eating cart, vehicle, or pushcart from which any chapters of food are sold or offered for sale without first obtaining a written permit to do so from the Council which shall designate the specific location in which such cart shall stand.
- C. No person shall park or stand any vehicle or wagon used or intended to be used in the transportation of property for hire on any street while awaiting patronage for such vehicle or wagon without first obtaining a written permit to do so from the Council which shall designate the specific location where such vehicle may stand.
- D. Whenever any permit is granted under the provisions of this section and a

particular location to park or stand is specified therein, no person shall park or stand any vehicle, wagon, or pushcart on any location other than as designated in such permit. In the event that the holder of any such permit is convicted in any court of competent jurisdiction for violating the provisions of this section, such permit shall be forthwith revoked by the Council upon the filing of the record of such conviction with the Council and no permit shall thereafter be issued to such person until six months have elapsed from the date of such revocation. (VC 22455)

Section 10.44.090 - Temporary Parking

- A. Restrictions: Whenever the Public Works Director or the Police Chief determine that a traffic congestion is likely to result from the holding of public or private assemblages, gatherings, or functions, or for other reasons, they 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 as they 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 Public Works Director shall cause such signs to be removed promptly thereafter.
- B. Permits: Whenever construction work or other temporary activities interfere with normal parking, the finance director may issue temporary parking permits exempting vehicles from the street parking restrictions described in the traffic resolution.

Section 10.44.100 - Angle Parking

On any of the streets or portions of streets established in the Traffic Resolution as angle parking zones, when signs or pavement markings are in place indicating such angle parking, it shall be unlawful for the operator of

any vehicle to park said vehicle except:

- A. At the angle to the curb indicated by signs or pavement markings allotting space to parking vehicles and entirely within the limits of said allotted space.
- B. With the front wheel nearest the curb within six inches of said curb.  
(VC 22503)

Section 10.44.110 - Parking Space Markings

The Public Works Director is authorized to install and maintain parking space markings to indicate parking spaces where authorized parking is permitted.

When such parking space markings are placed on the street or parking lot, 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.

Section 10.44.120 - Disabled Persons' Parking Spaces

The Public Works Director is authorized to designate exclusive disabled persons' parking stalls both on-street and in City operated parking lots in accordance with the provisions of the Vehicle Code. (VC 22511.7)

Section 10.44.130 - Establishment of Restrictions and Permit Parking in  
Parking Lots

- A. The Council may, in the Traffic Resolution, provide for and establish time restrictions and permit parking in City maintained parking lots and charge for the use of a parking space in said lots.
- B. No person shall park or stand any vehicle in a permit parking lot contrary to the provisions of Council resolutions adopted pursuant to this ordinance.

Section 10.44.140 - Parking on City Property

- A. The City Manager shall have the authority to prohibit, limit, or restrict the parking or standing of vehicles in parking lots at City facilities in order to provide orderly, efficient conduct of City business. City facilities include, but are not limited to, the Civic Center, Municipal Service Center, Hutchins Street Square, fire houses, parks, and other City buildings, but do not include downtown public/permit parking lots.
- B. When signs authorized by the provisions of this chapter are in place giving notice thereof, no person shall park or stand any vehicle contrary to the directions or provisions of such signs or markings.

Section 10.44.150 - Public Works Director to Designate Loading Zones and Passenger Loading Zones

- A. The Public Works Director is authorized to determine the location of loading zones and passenger loading zones and shall place and maintain appropriate signs or markings indicating the same and stating the hours during which the provisions of this chapter and the Vehicle Code are applicable, except as provided in this ordinance.
- B. Loading zones shall mean no stopping, standing, or parking at any time as indicated for any purpose other than the loading or unloading of passengers or freight, provided that the loading or unloading of passengers shall not consume more than 3 minutes nor the loading or unloading of freight more than 20 minutes. Unless indicated otherwise, loading zone restrictions shall be in effect between 10:00 a.m. and 6:00 p.m. of any day except Sundays and holidays.
- C. Passenger loading zones shall mean no stopping, standing, or parking for any purpose other than loading or unloading of passengers, or for the purpose of depositing mail in an adjacent mailbox, which shall not exceed

three minutes, and such restrictions shall apply between 9:00 a.m. and 6:00 p.m. of any day except Sundays and holidays and except as follows:

1. When such zone is in front of a hotel or in front of a mailbox, the restrictions shall apply at all times.
2. When such zone is in front of a theater, school, park, or church, the restrictions shall apply at all times except when such facility is closed.

Section 10.44.160 - Public Works Director to Designate Public Carrier Stops and Stands

The Public Works Director is authorized to establish bus stops, bus stands, taxicab stands, and stands for other passenger common-carrier motor vehicles on such streets, in such places, and in such number as the Public Works Director shall determine to be of the greatest benefit and convenience to the public, and every such bus stop, bus stand, taxicab stand, or other stand shall be designated by appropriate official traffic control devices. (VC 21458, 22500 et seq.)

Chapter 10.48

PERMIT PARKING

Section 10.48.010 - Zones on Designated Streets - Authorized

The Council may designate in the Traffic Resolution certain residential streets or any portions thereof as a preferential parking zone for the benefit of residents and merchants adjacent thereto, in which zone vehicles displaying a permit or other authorized indication may be exempt from parking prohibitions or restrictions otherwise posted, marked, or noticed.

No preferential parking Council resolution shall apply until signs or markings giving adequate notice thereof have been posted.

Section 10.48.020 - Permit - Issuance

Parking permits shall be issued by the Finance Director. The Finance Director is authorized to issue rules and regulations, not inconsistent with this chapter or authorizing Council resolution, governing the manner in which persons shall qualify for and display parking permits.

Section 10.48.030 - Fees

The Finance Director shall collect a fee as established from time to time by resolution of the Council for each permit issued.

Section 10.48.040 - Exemptions

The provisions of this chapter shall not apply to any delivery vehicle, which vehicles are under the control of an individual providing service to property located on a street in a permit parking area, nor to any emergency motor vehicle including, but not limited to, an ambulance, fire engine, or police vehicle.

(VC 22507)

Chapter 10.52

Reserved as to Numerical Sequence

Chapter 10.56

REMOVAL OF VEHICLES

Section 10.56.010 - Removal From Streets and/or From Privately-Owned or Publicly-Owned Parking Facilities

Any officer of the Police Department or regularly employed and salaried employee who is engaged in enforcing parking laws and regulations of this

City may remove or cause to be removed a vehicle in accordance with the provisions of the Vehicle Code and the following:

- A. Any vehicle that has been parked or left standing upon a street or alley for 72 or more consecutive hours.
- B. Any vehicle which is parked or left standing upon a street when such parking or standing is prohibited by ordinance or resolution and signs are posted giving notice of removal.
- C. Any vehicle which is parked or left standing upon a street where the use of such street or any portion thereof is necessary for the cleaning, repair, or construction of the street or for the installation of underground utilities, or where the use of the street or any portion thereof is necessary for the movement of equipment, chapters, 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 24 hours prior to the removal. (VC 22650 et seq.)

Section 10.56.020 - Removal From Private Property

- A. Findings and Declarations: In addition to and in accordance with the determination made and the authority granted by the State of California under Section 22660 of the Vehicle Code to remove abandoned, wrecked, dismantled, or inoperative vehicles or parts thereof as public nuisances, the Council hereby 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 hereby 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 parts thereof on private or public property, not including highways, except as expressly hereinafter permitted, is hereby declared to constitute a public nuisance which may be abated as such in accordance with the provisions of this chapter.

B. Definitions: As used in this chapter:

1. The term "public property" does not include "highway".
2. The term "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.

C. Exceptions: This chapter shall not apply to:

1. A vehicle, or parts 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 parts thereof, which is located behind a solid fence six feet or more in height or which is not plainly visible from a highway; or
3. A vehicle, or parts 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 junk dealer, or when such storage or parking is necessary to the operation of a lawfully-conducted business or commercial enterprise. 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 chapter.

- D. Non-Exclusive Regulations: This chapter is not the exclusive regulation of abandoned, wrecked, dismantled, or inoperative vehicles within the City of Lodi. It shall supplement and be in addition to the other regulatory codes, statutes, and ordinances heretofore or hereafter enacted by the City of Lodi, the State, or any other legal entity or agency having jurisdiction.
- E. Administration: Except as otherwise provided herein, the provisions of this chapter shall be administered and enforced by the Community Development Director. In the enforcement of this chapter, such officer and deputies 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.
- F. Contractor or Franchise Holder - Entry to Remove Vehicle: When the 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 chapter.
- G. Administrative Costs: The Council shall from time to time determine and fix an amount to be assessed as administrative costs (excluding the actual cost of removal of any vehicle or parts thereof) under this chapter.
- H. Community Development Director - Authority to Cause Abatement: Upon discovering the existence of an abandoned, wrecked, dismantled, or inoperative vehicle, or parts thereof, on private property or public

property within the City of Lodi, the Community Development Director shall have the authority to cause the abatement and removal thereof in accordance with the procedure prescribed herein.

- I. Notice of Intention: A 10-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 notice of intention shall be in substantially the following form:

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), you are hereby notified that the undersigned, pursuant to Ordinance No. \_\_\_\_, 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 provisions of Ordinance No. \_\_\_\_.

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 Community Development Director within such 10-day period, the Community Development Director 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 a hearing at which your presence is not required. You may appear in person at any hearing requested by you or the owner of the vehicle, or in lieu thereof, may present a sworn written statement as aforesaid in time for consideration at such hearing.

Notice Mailed \_\_\_\_\_ s/ \_\_\_\_\_  
(Date) Community Development Director

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 Ordinance No. \_\_\_\_, has determined that said vehicle (or parts of a vehicle) exists as an abandoned, wrecked, dismantled, or inoperative vehicle at (described location on public or private property) and constitutes a public nuisance pursuant to the provisions of Ordinance No. \_\_\_\_.

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 Community Development Director within such 10-day period, the Community Development Director shall have the authority to abate and remove said vehicle (or said parts of a vehicle) without a hearing.

Notice Mailed \_\_\_\_\_ s/ \_\_\_\_\_  
(Date) Community Development Director

- J. Public Hearing: Upon request by the owner of the vehicle or owner of the land, received by the Community Development Director within 10 days after the mailing of the notices of intention to abate and remove, a public hearing shall be held by the Community Development Director 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.

If the owner of the land submits a sworn written statement denying responsibility for the presence of the vehicle on his/her land within such 10-day period, said statement shall be construed as a request for a hearing, which does not require the owner's presence. Notice of the hearing shall be mailed, by registered mail, at least 10 days before the hearing, to the owner of the land and to the owner of the vehicle, unless the vehicle is in such condition that identification numbers are not available to determine ownership. If such a request for hearing is not received within said 10 days after mailing of the notice of intention to abate and remove, the City of Lodi shall have the authority to abate and remove the vehicle or parts thereof as a public nuisance without holding a public hearing.

- K. Public Hearing by Community Development Director: All hearings under this chapter shall be held before the Community Development Director who shall hear all facts and testimony he/she deems pertinent. Said 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 Community Development Director 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 reasons for such denial.

The Community Development Director may impose such conditions and take such other action he/she deems appropriate under the circumstances

to carry out the purpose of this chapter. The Community Development Director may delay the time for removal of the vehicle or parts thereof if, in his/her opinion, the circumstances justify it. At the conclusion of the public hearing, the Community Development Director may find that a vehicle or parts thereof has been abandoned, wrecked, dismantled, or is 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.

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 owner has not subsequently acquiesced in its presence, the Community Development Director 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.

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

- L. Appeal to Council: Any interested party may appeal the decision of the Community Development Director by filing a written notice of appeal with the Community Development Director within five days after the decision.

Such appeal shall be heard by the Council which may affirm, amend, or reverse the order or take other action deemed appropriate.

The City Clerk shall give written notice of the time and place of the hearing to the appellant and those persons specified in Section I.

In conducting the hearing, the Council shall not be limited by the technical rules of evidence.

- M. Removal of Vehicles: Five days after adoption of the order declaring the vehicle or parts thereof to be a public nuisance, five days from the date of mailing of notice of the decision if such notice is required by Section K, or fifteen days after such action of the governing body authorizing removal following appeal, the vehicle or parts thereof may be disposed of by removal to a scrapyard or automobile dismantler's yard. After a vehicle has been removed, it shall not thereafter be reconstructed or made operable.
- N. Notice to Department of Motor Vehicles: Within five days after the date of removal of the vehicle or parts thereof, notice shall be given to the Department of Motor Vehicles identifying the vehicle or parts thereof removed. At the same time, there shall be transmitted to the Department of Motor Vehicles any evidence of registration available, including registration certificates, certificates of title, and license plates.
- O. 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 K are not paid within 30 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 tax collector for collection. Said assessment shall have the same priority as other City of Lodi taxes.

- P. Unlawful to Abandon, Park, Store, or Leave Vehicle: It shall be unlawful for any person to abandon, park, store, or leave or permit the abandonment, parking, storing, or leaving of any licensed or unlicensed vehicle or parts 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 seven days unless such vehicle or parts 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 junkyard, or when such storage or parking is necessary to the operation of a lawfully-conducted business or commercial enterprise.
- Q. Unlawful to Refuse to Comply With Order: It shall be unlawful for any person to fail or refuse to remove an abandoned, wrecked, dismantled, or inoperative vehicle, or parts thereof, or refuse to abate such nuisance when ordered to do so in accordance with the abatement provisions of this chapter or State law where such State law is applicable. (VC 22660)

SECTION 2. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

SECTION 3. This ordinance shall be published one time in the "Lodi News Sentinel", a daily newspaper of general circulation printed and published in the City of Lodi and shall be in force and take effect thirty days from and after its passage and approval.

Approved this \_\_\_\_\_ day of \_\_\_\_\_

\_\_\_\_\_  
EVELYN M. OLSON  
Mayor

Attest:

ALICE M. REIMCHE  
City Clerk

State of California  
County of San Joaquin, ss.

I, Alice M. Reimche, City Clerk of the City of Lodi, do hereby certify that Ordinance No. \_\_\_\_\_ was reintroduced at a regular meeting of the City Council of the City of Lodi held \_\_\_\_\_ and was thereafter passed, adopted and ordered to print at a regular meeting of said City Council held \_\_\_\_\_ by the following vote:

Ayes: Council Members -  
Noes: Council Members -  
Absent: Council Members -  
Abstain: Council Members -

I further certify that Ordinance No. \_\_\_\_\_ was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.

ALICE M. REIMCHE  
City Clerk

Approved as to Form

RONALD M. STEIN  
City Attorney

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