

BEFORE THE CITY COUNCIL OF THE CITY OF FORT BRAGG

**AN ORDINANCE ADDING CHAPTER
10.60 (NUISANCE VEHICLES) TO TITLE
10 (VEHICLES AND TRAFFIC) OF THE
FORT BRAGG MUNICIPAL CODE**

ORDINANCE NO. 950-2019

The City Council of the City of Fort Bragg ordains as follows:

Section 1. Legislative Findings. The City Council hereby finds as follows:

1. The City of Fort Bragg, pursuant to its police power, may adopt regulations to protect the health, safety and welfare of the public (Cal. Const. art XI, § 7; Govt. Code § 37100) and thereby is authorized to declare what uses and conditions constitute a public nuisance.
2. The purpose of establishing standards for nuisance vehicles is to protect the public health, safety and welfare of the public by clearly defining certain conditions that constitute a public nuisance.
3. There is no possibility that the adoption of this ordinance will have a significant impact on the environment, and therefore, the adoption of this ordinance is exempt from the California Environmental Quality Act ("CEQA"), pursuant to Section 15061(b)(3) of the CEQA Guidelines (Title 14, Chapter 3 of the California Code of Regulations).

Section 2. Chapter 10.60 entitled **NUISANCE VEHICLES** is hereby added to Title 10 (Vehicles and Traffic) as follows:

**CHAPTER 10.60
NUISANCE VEHICLES**

10.60.010 DEFINITION OF NUISANCE VEHICLE.

A "nuisance vehicle" is a motor vehicle, recreational vehicle (as defined in California Health and Safety Code Section 18010), boat, or other vehicular device designed for use as a human habitation (but shall not include a manufactured home, as that term is defined in 42 U.S.C. §5402, or its successor provisions), in a condition of appearance and maintenance substantially below the average reasonable condition of appearance and maintenance of similar vehicles of make, year and model creating blight and degradation of the appearance of a neighborhood. Indicia of substantially below average appearance and maintenance are obvious signs of physical damage; unpainted, primed, mismatched, or peeling paint; damaged, missing or disconnected body parts or panels; lack of current registration or valid registration as an inoperable vehicle; leaking of fluids causing visible stains and accumulations to form which would contaminate the ground or storm water; missing or non-functioning standard drive train and electrical systems consistent with the make, year and model of the

vehicle; and excessive storage of personal property such as clothing, bedding debris, papers and other household goods.

10.60.020 ABATEMENT OF NUISANCE VEHICLE.

A Nuisance Vehicle is hereby declared a public nuisance subject to abatement under Chapter 6.12 of this code, or by procedures set forth in the California Vehicle Code, or in any other manner provided by law.

Section 3. Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of the Ordinance. The City Council of the City of Fort Bragg hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause and phrase thereof irrespective of the fact that one or more sections, subsections, sentences, clauses or phrases may be held invalid or unconstitutional.

Section 4. Effective Date and Publication. This ordinance shall be and the same is hereby declared to be in full force and effect from and after thirty (30) days after the date of its passage. Within fifteen (15) days after the passage of this Ordinance, the City Clerk shall cause a summary of said Ordinance to be published as provided in Government Code §36933, in a newspaper of general circulation published and circulated in the City of Fort Bragg, along with the names of the City Council voting for and against its passage.

The foregoing Ordinance was introduced by Councilmember _____ at a regular meeting of the City Council of the City of Fort Bragg held on July 22, 2019 and adopted at a regular meeting of the City of Fort Bragg held on August 12, 2019 by the following vote:

**AYES:
NOES:
ABSENT:
ABSTAIN:
RECUSED:**

**William V. Lee,
Mayor**

ATTEST:

**June Lemos, CMC
City Clerk**

**PUBLISH: July 25, 2019 and August 22, 2019 (by summary).
EFFECTIVE DATE: September 11, 2019.**