

III | RECOMMENDATIONS

RECOMMENDATION #6

TO ADDRESS APPARENTLY INOPERABLE VEHICLES BACKED INTO DRIVEWAY



ISSUE

When vehicles are left unattended on a driveway in a residential area, they can create a visual blight for the neighborhood. In addition, these types of vehicles can serve as an attractive nuisance for children who are unaware of the risks and dangers this condition poses. This creates a health and safety concern for the neighborhood. In many cases, these vehicles are not operable or legally registered by the owner. When a vehicle is backed into a driveway, neither a Code Inspector nor a Police Officer is permitted to enter onto a property to conduct inspections without consent or without an inspection warrant. Therefore, this condition can exist at a residence for an extended period of time, creating a condition where an inoperable vehicle is continually stored in front of a residence.

BACKGROUND

Currently, a Code Enforcement Inspector will inspect to determine if evidence of inoperable vehicle exists and is visible from public right of way. If no inoperable vehicle conditions are confirmed from the public right of way, this is a non-enforcement issue as code does not regulate the appearance of vehicles believed to be abandoned but backed into driveways. Many Arizona cities prohibit unlicensed, unregistered and inoperable vehicles to be left unattended on private property. See Section IV Appendix, Exhibit #7 to view Arizona City Codes Regulating Unregistered Vehicles on Private Property.

TASK FORCE RECOMMENDED ACTION

While recognizing the conflict between the “Legal Considerations” noted below, the Task Force recommends that the City consider revised ordinance amendments to the Neighborhood Preservation Code Chapter 30 to include the following:

- Eliminate Cob-web/dust language in code and just state that vehicles need to be currently registered.
- Introduce language requiring that vehicles display and affix unexpired license plate.

The aforementioned ordinance amendments should be accompanied by enhanced enforcement procedures to include the following:

- Mandate that vehicles parked on driveways be street legal.
- Police to discourage residents from moving inoperable vehicles from streets to driveways as a means to comply with on-street violations.
- Directed or saturated parking enforcement.
- Collaborative enforcement efforts with the Police Department and the Code Enforcement Unit.
- Enlist pilot program of citizen volunteers for parking enforcement.

LEGAL CONSIDERATION

It is legal under Arizona State law to have a vehicle that is unregistered and on private property. Chandler cannot supersede the state law regarding non-registration on private property. The addition of other components to arguably allow it to be defined as a public nuisance, i.e., requiring unregistered vehicle to also have dust or cobwebs is the only way to be able to regulate parking such a vehicle on private property.