ORDINANCE NO.: 21-13

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
INGLEWOOD ADDING ARTICLE 7 TO CHAPTER 3 OF THE
INGLEWOOD MUNICIPAL CODE ESTABLISHING THE FORFEITURE
OF NUISANCE VEHICLES ENGAGED IN MOTOR VEHICLE SPEED
CONTESTS OR EXHIBITIONS OF SPEED.

WHEREAS, pursuant to California Vehicle Code Section 23109, motor vehicle
speed contests and exhibitions of speed (more commonly referred to as street racing,
drag racing and/or intersection takeovers) conducted on public streets and highways are
illegal. Streets, highways and street intersections within the City of Inglewood have been
the site of continuing and escalating illegal street racing and exhibitions of speed over
the past several years. Street racers accelerate to extremely high speeds without regard
to oncoming traffic, pedestrians, or vehicles parked and moving nearby. The racers move
quickly from street to street; intersection to intersection, racing for several heats and then
often move onto another street or intersection upon the arrival of police. Such street
racing and exhibitions of speed threaten the health and safety of the public, interfere with
pedestrian and vehicular traffic, create a public nuisance, and interfere with the right of
private business owners to enjoy the use of their property within the City of Inglewood.
Calls for police service have increased dramatically; and

WHEREAS, these illegal motor vehicle speed contests and exhibitions of speed
create an environment where persons engage in automobile performance
demonstrations and other activities known as “side show” activity, which is described as
dangerous driving behavior for the entertainment of participants and spectators,
including, “spinning donuts”, where vehicles are spun in circles; “peeling out”, and
reckless driving when fleeing law enforcement; and

WHEREAS, these illegal motor vehicle speed contests and exhibitions of speed
are planned and coordinated by participants and spectators through the use of the
Internet, cell phones, police scanners and other electronic devices that allows them to
move in their vehicles spontaneously from one location to another to avoid detection and
prosecution by local law enforcement agencies; and

WHEREAS, these illegal motor vehicle speed contests and exhibitions of speed
cause considerable damage to the street intersections within the City; consequently, the
expenditure of public funds is necessary to repair these damaged intersections; and

WHEREAS, the City Council of the City of Inglewood finds it is necessary and
appropriate to take steps to protect public health and safety. This Article is adopted to
declare that vehicles used in violation of California Vehicle Code Sections 23109(a) and
(c) are a nuisance and will be forfeited to the City. The civil forfeiture of these nuisance
vehicles will prevent the needless loss of life and property damage associated with illegal
motor vehicle speed contests and exhibitions of speed.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF INGLEWOOD does
ordain as follows:

SECTION 1. A new Article 7 entitled “Forfeiture of Nuisance Vehicles Engaged
in Motor Vehicle Speed Contests or Exhibitions of Speed” is hereby added to Chapter 3
of the Inglewood Municipal Code to read as follows:

Section 3-131. Findings and Purpose.

Certain streets and intersections within the City have been subject to continuing
nighttime illegal motor vehicle speed contests and exhibitions of speed over the past
several years. Such illegal motor vehicle speed contests and exhibitions of speed
constitute a nuisance, create potential hazards to the health and safety of the public, and
interfere with pedestrian and vehicular traffic within the City.

These illegal motor vehicle speed contests and exhibitions of speed create an
environment where persons engage in automobile performance demonstrations and
other activities known as “side show” activity, which is described as dangerous driving
behavior for the entertainment of participants and spectators, including, “spinning
donuts”, where vehicles are spun in circles; “peeling out”, and reckless driving when
fleeing law enforcement.
These illegal motor vehicle speed contests and exhibitions of speed cause considerable damage to the street intersections within the City; consequently, the expenditure of public funds is necessary to repair these damaged intersections. This Article is adopted as means to reduce illegal street racing and exhibitions of speed in the City by declaring the vehicles that are used in street racing activities and exhibitions of speed as nuisances and authorizing their seizure and forfeiture.

Section 3-132. Definitions.

(a) "City" means the City of Inglewood.

(b) "Days" means workdays not including weekends and holidays.

(c) "Police Chief" means the Inglewood Chief of Police or his/her designee.

(d) "Driver" means any person who drives a motor vehicle.

(e) "Exhibition of Speed" means any unlawful motor vehicle exhibition of speed as defined by California Vehicle Code Section 23109(c), whether or not the exhibition of speed is attended by persons other than the drivers performing such unlawful activity on City streets.

(f) "Immediate family" means spouse, mother, father, sister or brother.

(g) "Legal owner" means a person holding a security interest in a vehicle referred to in California Vehicle Code Section 370.

(h) "Motor vehicle" means a vehicle as defined in California Vehicle Code Section 670.

(i) "Motor vehicle speed contest" means any unlawful motor vehicle speed contest, as defined by California Vehicle Code Section 23109(a), whether or not the race is attended by persons other than the drivers racing the vehicles on City streets.

(j) "Registered owner" means a person registered by the Department of Motor Vehicles as the owner of a vehicle referred to in California Vehicle Code Section 505.
Section 3-133. Nonexclusive remedy.

This Article is not the exclusive regulation or penalty for participation in a motor vehicle speed contest or exhibition of speed. It supplements and is in addition to any other regulatory codes, statutes, and ordinances heretofore or hereafter enacted by the City, the State or any other legal entity or agency having jurisdiction.

Section 3-134. Seizure and forfeiture of nuisance vehicles.

A motor vehicle shall be declared a nuisance and shall be seized and subject to forfeiture under this Article if:

(a) It is used in violation of California Vehicle Code Section 23109(a) or (c); and

(b)

(1) It is driven by the registered owner of the vehicle at the time of the violation or the registered owner is a passenger in the vehicle at the time of the violation; or

(2) It is driven by a member of the registered owner's immediate family at the time of the violation, or a member of the registered owner's immediate family is a passenger in the vehicle at the time of the violation; or

(3) The driver or a passenger lives at the same address as the registered owner at the time of the violation; or

(4) The driver or a passenger in the vehicle at the time of the violation has a prior contact in the vehicle, as determined by law enforcement records.

(c) Declaration of this nuisance is made in accordance with the authority granted to the City in California Government Code Section 38771, and as amended from time to time.

Section 3-135. Seizure of vehicles subject to forfeiture.

(a) A peace officer may seize a vehicle subject to forfeiture under this Article upon the issuance of an order by a court having jurisdiction of the vehicle. Seizure without court order may be made in any of the following circumstances:

(1) The seizure is incident to an arrest or search under a search warrant;
(2) There is probable cause to believe the vehicle was used in violation of Section 3-134.

(b) A peace officer seizing a vehicle under this section shall complete a receipt in accordance with Penal Code Section 1412 and deliver it to the person from whose possession the vehicle was seized.

(c) An immediate investigation shall be made by the Police Chief or designee regarding the seizure as to any potential claimant to a vehicle whose right, title, interest, or lien is of record in the Department of Motor Vehicles of this or any other State or appropriate Federal agency. If the Police Chief or designee finds that any person, other than the registered owner, is the legal owner, and the ownership did not arise subsequent to the date and time of arrest or seizure of the vehicle or notification of the forfeiture proceedings, the Police Chief or designee shall, within two days of the vehicle’s seizure, send a notice of seizure to the legal owner at his or her address appearing on the records of the Department of Motor Vehicles of this or any other State or any appropriate Federal agency.

(d) The Police Chief or designee making the seizure of the vehicle shall provide any potential claimants discovered as a result of the investigation set out in subsection C with the opportunity for a post-seizure hearing to determine the validity of the seizure. The post-seizure hearing shall be conducted within two days of the request. The Police Chief or designee shall cause an independent hearing officer to hold the post-hearing proceedings. Failure of either a registered or legal owner to request a hearing as provided in herein or to attend a scheduled hearing shall satisfy the post-seizure hearing requirement.

Section 3-136. Notice of Seizure.

The notice of seizure shall include the following:

(a) A description of the vehicle.

(b) The date and place of seizure.
(c) The violation of law alleged with respect to forfeiture of the vehicle.

(d) The instructions for filing and serving a claim with the City Attorney pursuant to Section 3-138 and time limits for filing a claim.

(e) A vehicle seized pursuant to this Article, where appropriate, may be held as evidence in any proceeding brought by the City Attorney or District Attorney.

Section 3-137. Forfeiture and notice of intended forfeiture of vehicle.

(a) The City Attorney may, pursuant to this section, order the forfeiture of vehicles seized under this Article.

(b) If the City Attorney determines that the factual circumstances warrant forfeiture of the vehicle described in Section 3-134, the City Attorney shall serve a notice of intended forfeiture upon any person who has an interest in the seized vehicle. The notice shall be served as soon as practicable, but in any event within 30 days of the seizure of the vehicle subject to forfeiture.

(c) The notice of intended forfeiture shall be served as follows:

(1) The notice of intended forfeiture shall be served by personal delivery or certified mail, return receipt requested, upon any person who has an interest in the seized vehicle as determined pursuant to Section 3-135.

(2) In the event that the person entitled to service refuses to accept certified return receipt mail or cannot be personally served, service may be made by substituted service. Substituted service may be accomplished by any one of the following methods:

a. By leaving a copy during usual business hours at the recipient's business with the person who is apparently in charge, and by thereafter mailing by first class mail a copy to the recipient where the copy was left.

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b. By leaving a copy at the recipient's dwelling or usual place of
abode, in the presence of a competent member of the household
and thereafter mailing by first class mail a copy to the recipient
at the address where the copy was left.

(3) If the person entitled to service lives out of State and will not accept
certified return receipt mail, then service may be made by first class
mail.

(4) If the person entitled to notice cannot be located, or service cannot be
made as set forth in this subsection, service may be made by
publication in a Los Angeles newspaper of general circulation. Service
shall be deemed sufficient when it is accomplished pursuant to
Government Code Section 6063.

Section 3-138. Claims opposing forfeiture.
A person claiming an interest in the vehicle seized pursuant to Section 3-134,
must within 10 days from the date of the notice of intended forfeiture or within 30 calendar
days from the date of first publication of the notice of intended forfeiture, file with the
Superior Court of the county in which the vehicle was seized, a claim opposing forfeiture,
verified in accordance with Section 446 of the Code of Civil Procedure, stating his or her
interest in the vehicle. An endorsed copy of the claim shall be served upon the City
Attorney within 10 days of the filing of the claim.

Section 3-139. Administrative forfeiture.
If no claims are filed and served within 15 days of the mailing of the notice
pursuant to Section 3-137 or within five days of personal service of the notice, the City
Attorney shall prepare a written declaration of forfeiture of the vehicle to the City. A
written declaration of forfeiture signed by the City Attorney under this section shall be
deemed to provide good and sufficient title to the forfeited vehicle. A copy of the
declaration shall be provided on request to any person informed of the pending forfeiture
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pursuant to Section 3-135. A claim that is filed and later withdrawn by the claimant shall be deemed to not have been filed.

Section 3-140. Judicial forfeiture proceedings.

(a) The filing of a claim within the time limit specified in Section 3-138 is considered a jurisdictional prerequisite for initiating a forfeiture proceeding. A proceeding in the civil case is a limited civil case. The burden of proof in the civil case shall be on the City by a preponderance of the evidence. All questions that may arise shall be decided and all other proceedings shall be conducted as in an ordinary civil action.

(b) Upon proof that the vehicle was used for any of the purposes set forth in Section 3-134, the court shall declare the vehicle a nuisance and order that the vehicle be forfeited and the proceeds upon sale distributed as set forth in Section 3-148. The court may make a different distribution of the proceeds, if the court finds that the claimant did not know that the vehicle was used for a purpose that constitutes a violation of this Article.

(c) A judgment of forfeiture does not require as a condition precedent the conviction of a defendant for the current violation which gave rise to the nuisance and caused these forfeiture proceedings to be initiated.

Section 3-141. Community property interest releases.

If at the time of the violation there is a community property interest in the vehicle to be forfeited, and at the time of the violation the vehicle is the only vehicle available to the registered owner's immediate family that may be operated with a class C driver's license, the vehicle shall be released to a registered owner or to the community property interest owner upon compliance with all of the following requirements:

(a) The registered owner or the community property interest owner requests release of the vehicle and the owner of the community property interest submits proof of that interest; and

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(b) The registered owner or the community property interest owner submits proof that the vehicle is properly registered pursuant to the California Vehicle Code; and

(c) All towing and storage charges and any administrative charges authorized pursuant to California Vehicle Code Section 22850.5 and the Inglewood Municipal Code are paid; and

(d) The registered owner and the community property interest owner sign a stipulated vehicle release agreement, as described in Section 3-142, in consideration for the nonforfeiture of the vehicle.

Section 3-142. Stipulated vehicle release agreements.

(a) A stipulated vehicle release agreement shall provide for the consent of the signers to the automatic future forfeiture and transfer of title to the City of any vehicle registered to that person, if the vehicle is used in violation of California Vehicle Code Section 23109(a) or (c). The agreement shall be in effect for five years from the date of signing and shall be maintained by the Police Chief or designee.

(b) No vehicle shall be released pursuant to Section 3-141 if the Police Chief or designee has on file a prior stipulated vehicle release agreement signed by that person within the previous five years.

Section 3-143. Vehicle title vesting in the City.

All right, title, and interest in the vehicle shall vest in the City upon commission of the act giving rise to the nuisance under this Article.

Section 3-144. Sale of forfeited vehicle after declaration of forfeiture.

Any vehicle forfeited pursuant to this Article shall be sold once a declaration of forfeiture is issued by the City Attorney or an order of forfeiture is issued by a court, as the case may be, pursuant to Sections 3-139 and 3-140.
Section 3-145. Sale of forfeited vehicle by legal owner.

(a) Any legal owner who is a motor vehicle dealer, bank, credit union, acceptance corporation, or other licensed financial institution legally operating in this State, or the agent of that legal owner, may take possession and conduct the sale of the forfeited vehicle if the legal owner or agent notifies the Police Chief or designee of its intent to conduct the sale within 15 days of either the mailing of the notice or personal service of the notice pursuant to Section 3-137. Sale of the vehicle after forfeiture pursuant to this Article may be conducted at the time, in the manner, and on the notice usually given for the sale of repossessed or surrendered vehicles. The proceeds of any sale conducted by or on behalf of the legal owner shall be disposed of as provided in Section 3-148. A legal owner's notice to conduct the sale pursuant to this subsection may be presented in person, by certified mail, by facsimile transmission, or by electronic mail.

(b) The agent of a legal owner acting pursuant to this section shall be licensed, or exempt from licensure, pursuant to Chapter 11 (commencing with Section 7500) of Division 3 of the Business and Professions Code.

Section 3-146. Sale of forfeited vehicle.

If the legal owner or agent of the owner does not notify the Police Chief or designee of its intent to conduct the sale as provided in Section 3-145, the City shall offer the forfeited vehicle for sale at public auction within 60 days of receiving title to the vehicle. Low value vehicles shall be disposed of pursuant to Section 3-147.

Section 3-147. Disposition of low-value vehicles.

If the Police Chief or designee determines that the vehicle to be forfeited and sold pursuant to this Article is of so little value that it cannot readily be sold to the public generally, the vehicle shall be conveyed to a licensed dismantler or donated to a charitable organization. License plates shall be removed from any vehicle conveyed to a dismantler pursuant to this section.
Section 3-148. Distribution of sale proceeds.

(a) The proceeds of a sale of a forfeited vehicle shall be disposed of in the following priority:

(1) To satisfy the towing, storage and administrative costs following impoundment, the costs of providing notice pursuant to Section 3-136, the costs of sale, and the unfunded costs of judicial proceedings, if any; then

(2) To the City for all legal expenditures, made or incurred by the City Attorney's office in connection with the enforcement of this Article, including, but not limited to, costs for investigation, litigation, and notices resulting from enforcement of this Article; then

(3) To the City for local law enforcement for all expenditures other than personnel costs, made or incurred in connection with enforcement of this Article, including, but not limited to, costs for equipment, investigation and supplies related to enforcement of this Article; provided, however, that any overtime costs incurred by local law enforcement resulting from such enforcement of this Article will be reimbursed to the City; then

(4) To the City for all expenditures incurred by the Public Works Department for the necessary repairs to any public streets or intersections damaged as a result of the illegal street racing contest(s) or exhibitions of speed; then

(5) Upon satisfactory proof to the Police Chief or designee, to the legal owner in an amount to satisfy the indebtedness owed to the legal owner remaining as of the date of sale, excluding any accrued interest or finance charges and delinquency charges, providing that the principal indebtedness was incurred prior to the date of impoundment; then,

(6) To the holder of any subordinate lien or encumbrance on the vehicle, other than a registered or legal owner, to satisfy any indebtedness so secured if written notification of demand is received before distribution of the proceeds is completed. The holder of a subordinate lien or encumbrance, if requested,
shall furnish reasonable proof of its interest and, unless it does so upon request, is not entitled to distribution pursuant to this section; then

(7) To any other person, other than a registered or legal owner, who can reasonably establish an interest in the vehicle, including a community property interest, to the extent of his or her provable interest, if written notification is received before distribution of the proceeds is completed; then

(8) Of the remaining proceeds, 100% shall be transferred to the City via the Finance Director.

(b) A vehicle may be destroyed only if the condition of the vehicle warrants destruction and there are no lien holders or claimants who did not know that the vehicle was used for a purpose that constitutes a violation of this Article.

(c) A forfeited vehicle shall not be sold to any person identified under Section 3-134 at the time the vehicle was seized.

Section 3-149. Accounting of sale proceeds.

The person conducting the sale shall disburse the proceeds of the sale as provided in Section 3-148 and shall provide a written accounting regarding the disposition to the Police Chief or designee and, on request, to any person entitled to a share of the proceeds to any person validly claiming a share of the proceeds, as determined by the Police Chief or designee, within 15 days after the sale is conducted.

Section 3-150. Stolen vehicles.

No vehicle shall be sold pursuant to this Article if the Police Chief or designee determines the vehicle to have been stolen. In this event, the vehicle may be claimed by the registered owner at any time after impoundment, providing the vehicle registration is current and registered owner has no outstanding traffic violations or parking penalties on his or her driving record or on the registration record of any vehicle registered to the person. If the identity of the legal and registered owners of the vehicle cannot be reasonably ascertained, the vehicle may be sold.
Section 3-151. Towing and storage fees.

(a) The City is responsible for the costs incurred for towing and storage if it is determined that the driver at the time of impoundment did not violate California Vehicle Code Section 23109(a) or (c) and did not give rise to the nuisance.

(b) Charges for towing, storage and administrative for any vehicle impounded pursuant to this Article shall be set forth by resolution by the City Council.

Section 3-152. Recovery of monetary loss.

Nothing in this Article shall preclude an owner of a vehicle who suffers a monetary loss from the forfeiture of a vehicle under this Article from recovering the amount of the actual monetary loss from the person(s) who committed the act giving rise to forfeiture under this Article.”

SECTION 2. The City Council finds the approval of this ordinance is not subject to the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly. Alternatively, the City Council finds the approval of this ordinance is not a project under CEQA Regulation Section 15061(b)(3) because it has no potential for causing a significant effect on the environment.

SECTION 3. If any section, subsection, sentence, clause, phrase or word of this Ordinance is for any reason held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions this Ordinance. The City Council hereby declares that it would have passed and adopted this Ordinance, and each and all provisions thereof, irrespective of the fact that one or more provisions may be declared invalid.

SECTION 4. The City Clerk shall certify that to the approval, passage and adoption of this Ordinance by the City Council and shall cause the same to be published in
accordance with the City Charter, and thirty days from the final passage and adoption, 
this Ordinance shall be in full force and effect.

INTRODUCED at a regular meeting of the Inglewood City Council on 
______August 17____, 2021.

PASSED, APPROVED AND ADOPTED at a regular meeting of the Inglewood 
City Council on ______August 24____, 2021.

CITY OF INGLEWOOD:

[Signature]
James T. Butts, Jr., Mayor

ATTEST:

[Signature]
Aisha L. Thompson, City Clerk
STATE OF CALIFORNIA    )
COUNTY OF LOS ANGELES) SS.
CITY OF INGLEWOOD     )

I, AISHA L. THOMPSON, City Clerk of the City of Inglewood, California do hereby certify that the whole number of members of the CITY COUNCIL of said city is five; that the foregoing ordinance being Ordinance No. 21-13 is the full, true and correct original of Ordinance No. 21-13 of the said City of Inglewood, California entitled;

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF INGLEWOOD ADDING ARTICLE 7 TO CHAPTER 3 OF THE INGLEWOOD MUNICIPAL CODE ESTABLISHING THE FORFEITURE OF NUISANCE VEHICLES ENGAGED IN MOTOR VEHICLE SPEED CONTESTS OR EXHIBITIONS OF SPEED.

which was duly passed and adopted by the said City Council, approved and signed by the Mayor of said city, and attested by the City Clerk of said City, all at a meeting of said Council held on the 24th day of August, 2021 and that the same was so passed and adopted by the following vote:

Ayes: Council Members, Dotson, Padilla, Morales, Faulk and Mayor Butts, Jr.;

Noes: None.

WITNESS my hand and the seal of said City the 26th day of August, 2021.

(SEAL)

City Clerk of the City of Inglewood