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AGENDA REPORT

TO: DEANNA J. SANTANA
CITY ADMINISTRATOR

FROM: Sean Whent
Interim Chief of Police

SUBJECT: Vehicle Abatement Program

DATE: October 15, 2013

City Administrator
Approval

Date

10-24-13

COUNCIL DISTRICT: City-wide

RECOMMENDATION

Staff recommends that Council accept this informational report on the Oakland Police Department (OPD) Vehicle Abatement Program.

OUTCOME

This informational report on the OPD Vehicle Abatement Program Procedure has been generated in response to a request by the Public Safety Committee.

BACKGROUND/LEGISLATIVE HISTORY

In 1990, the California State Legislature enacted legislation allowing for the creation of county-based vehicle abatement authorities, pursuant to the provisions of Section 22710 of the Vehicle Code. In 1993, the Alameda County Abandoned Vehicle Abatement Authority (AVA) was formed, which allowed for the collection of a one dollar (\$1.00) annual vehicle registration service fee on vehicles registered in Alameda County. All cities and the unincorporated County are participating members of the AVA. The current program is set to expire in May 2023.

Vehicle registration fees are collected by the Department of Motor Vehicles and allocated to the AVA by the State Controller's Office pursuant to Section 9250.7 VC. Fees are then allocated to the AVA participating agencies based on an adopted formula involving their individual percentage of vehicles abated, population and land area in relation to the totals for these factors in the AVA as a whole.

The City of Oakland City Council authorized the participation of OPD and the acceptance of Oakland's share of California state vehicle registration service fee funds beginning in 1992 through 2023 with the passage of Resolution Nos. 68678, 72853, 77419, 84337 C.M.S.

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The objective of this program is to reduce the number of abandoned vehicles (on private property) from Oakland neighborhoods, thus also reduce blight. The last implementation of the program was approved by the City Council on April 11, 2013 by Resolution No. 84337 C.M.S.

City of Oakland Municipal Code (OMC) Chapter 10.64 (*Attachment A*) authorizes OPD to abate and remove an abandoned, wrecked, dismantled, or inoperative vehicle 10 days after the mailing of the Notice of Intention. However, in current practice, almost all vehicles identified for removal by the Vehicle Abatement Unit (VAU) have in excess of 21 days to resolve the issue.

Section 10.64.010 of the OMC reads as follows:

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 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 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 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 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 accordance with the provisions of this chapter.

Sections 10.64.060 and 10.64.080 of the OMC authorize designated City of Oakland (City) personnel to enter private property to examine vehicles and parts and to cause their removal if it is determined such vehicles and/or parts are public nuisances.

Sections 10.64.080 and 10.64.170 of the OMC provide that it is unlawful and a misdemeanor to abandon, park, store, or leave any licensed or unlicensed vehicle or parts in an abandoned, wrecked, dismantled, or inoperative condition on any public or private property within the City for a period in excess of 72 hours, unless such vehicle or part thereof is completely enclosed in a building where it is not plainly visible from the street or other public or private property. Covering, registering, or insuring vehicles are not acceptable corrections.

The authority to abate such nuisances is provided by California Vehicle Code 22660, which states: "Notwithstanding any other provision of law, a city, county, or city and county may adopt an

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ordinance establishing procedures for the abatement and removal, as public nuisances, of abandoned, wrecked, dismantled, or inoperative vehicles or parts thereof from private or public property, and for the recovery, pursuant to Section 25845 or 38773.5 of the Government Code, or assumption by the local authority, of costs of administration and the removal.”

ANALYSIS

The OPD Vehicle Abatement program is governed by OMC Chapter 10.64 and OPD’s General Order J-3 (Towing Procedures), which states.(in Section I-D):

Abandoned Vehicle Tows on Private Property

1. Sources of violations include but are not limited to citizen complaints, neighborhood organizations, city government agencies, members, and employees.
2. Field Personnel Responsibility
 - a. Members and authorized employees assigned to investigate a complaint shall complete a preliminary investigation in accordance with current Vehicle Abatement Unit procedures.
 - b. Members and/or authorized employees shall mark the vehicle by placing a Vehicle Abatement Warning Sticker (TF-3005) on the vehicle, and listing the removal date.
 - c. Only personnel assigned to the Vehicle Abatement Unit (VAU) shall tow abandoned vehicles from private property in accordance with existing policies.

While OMC Chapter 10.64 allows for the removal of an abandoned, wrecked, dismantled, or inoperative vehicle 10 days from the date the Notice of Intention was sent, this is not the current practice. The following is an overview of the current practice.

- The VAU receives a complaint or on-views a violation.
- The VAU investigates whether such vehicle fits the criteria outlined in OMC Chapter 10.64.
- Once the vehicle is determined to fit the criteria outlined in OMC Chapter 10.64, the VAU affixes a trilingual warning sticker (*Attachment B*) to the vehicle and delivers an information packet (*Attachment C*) to the residence.
- The VAU sends a registered letter (*Attachment D*) to the registered vehicle owner and the property owner.

- Once the VAU receives the registered letter receipt, it then places the vehicle into a towing queue to be towed (10 days from registered letter receipt). Typically, due to understaffing and workload, the queue exceeds 10 days.
- The VAU customarily grants extension(s) to vehicle owners upon request.

Each violator vehicle generates a case packet, which may include log, registration information, correspondence, and pictures.

Therefore, in practice, almost all vehicles identified by the VAU have in excess of 21 days to resolve the issue from the date it was marked to the final abatement date.

During 2010 – 2012, the VAU removed in excess of 22,000 vehicles, thus reducing blights in our community.

Currently, the VAU is understaffed and has a backlog of about 100 vehicles that are in the inspection/abatement process.

PUBLIC OUTREACH/INTEREST

This item did not require any additional public outreach other than the required posting on the City's website.

COORDINATION

The Budget Office and the City Attorney's Office were consulted in preparation of this report.

COST SUMMARY/IMPLICATIONS

There are no fiscal impacts associated with this informational report.

SUSTAINABLE OPPORTUNITIES

Economic: A cleaner City will attract new business ventures, which in turn will provide greater tax revenues to the City.

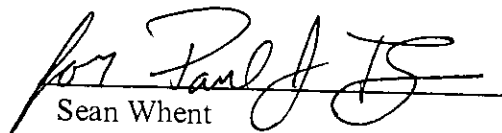
Environmental: The expeditious removal of inoperable "junk" vehicles will enhance the environmental and aesthetic quality of life in the City. In addition, removal of these visual eyesores will remove potential breeding grounds for various types of vermin and rodents.

Social Equity: Failure to remove abandoned and inoperable vehicles can lead to a phenomenon known as "Broken Windows," in which "at the community level, disorder and crime are usually inextricably linked, in a kind of developmental sequence. Social psychologists and police officers

tend to agree that if a window in a building is broken and is left unrepaired; all the rest of the windows will soon be broken. This is as true in nice neighborhoods as in rundown ones. Window-breaking does not necessarily occur on a large scale because some areas are inhabited by determined window-breakers whereas others are populated by window-lovers; rather, one unrepaired broken window is a signal that no one cares, and so breaking more windows costs nothing. . . Untended property becomes fair game for people out for fun or plunder and even for people who ordinarily would not dream of doing such things and who probably consider themselves law-abiding.”¹

For questions concerning this report, please contact Lt. Peter Lau at 510-777-8637.

Respectfully submitted,



Sean Whent
Interim Chief of Police
Oakland Police Department

Prepared by:
Lt. Peter Lau
Special Operations Division
Oakland Police Department

ATTACHMENTS

- Attachment A – City of Oakland Municipal Code Chapter 10.64
- Attachment B – Trilingual Warning
- Attachment C – Vehicle Abatement Program Resource Guide, English and Spanish
- Attachment D – Notice of Intention to Abate

¹ “Broken Windows: The Police and Neighborhood Safety” by George L. Kelling and James Q. Wilson, *The Atlantic Monthly*, March 1982.

ATTACHMENT 'A'

Title 10 - VEHICLES AND TRAFFIC

Chapter 10.64 ABANDONED, WRECKED, DISMANTLED OR INOPERATIVE VEHICLES

Chapter 10.64 ABANDONED, WRECKED, DISMANTLED OR INOPERATIVE VEHICLES

Sections:

10 64 010 Findings and declarations

10 64 020 Definitions.

10 64.030 Exceptions.

10.64 040 Supplemental legislation

10.64.050 Administration.

10.64 060 Authority to enter upon private property

10.64 070 Removal of vehicles by other than Police Department

10 64 080 Authority to abate and remove.

10 64.090 Notice of intention to abate and remove—Form

10 64 100 Public hearing notice

10.64 110 Conduct of hearing and order of removal

10 64 120 Appeal to City Council

10.64 130 Time limit for removal.

10 64 140 Notice to Department of Motor Vehicles

10 64 150 Cost of abatement a charge against City Treasury—Collection of costs—Unpaid costs a lien

10 64 160 Alternative method of collection—Addition to tax bill of amount of costs—Procedure

10 64 170 Misdemeanor to abandon or keep vehicles of type regulated by this chapter

10 64 180 Misdemeanor to fail to remove vehicles after order to do so

10.64.010 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 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 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 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 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 accordance with the provisions of this chapter

(Prior traffic code § 301)

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Chapter 10.64 ABANDONED, WRECKED, DISMANTLED OR INOPERATIVE VEHICLES

10.64.020 Definitions.

As used in this chapter:

"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 street.

"Inoperative" means a vehicle that is either a) mechanically incapable of being driven or b) prohibited from being operated on a public street or highway pursuant to California Vehicle Code Sections 4000, 5202, 24002, or 40001 concerning license plates, registration, equipment, safety and related matters.

"Owner of the land" means the owner of the land on which the vehicle, or parts thereof, is located, as shown on the last equalized assessment roll.

"Owner of the vehicle" means the last registered (and/or legal) owner of record.

"Public property" means and includes "highway "

"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

(Ord 12475 § 1, 2003: prior traffic code § 302)

10.64.030 Exceptions.

This chapter shall not apply to:

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

Provided, however, that nothing in this section shall authorize the maintenance of a public or private nuisance as defined under the provisions of law other than Chapter 10 (commencing with Section 22650) of Division II of the Vehicle Code or this chapter,

- C. Vehicles of historic value as defined in the California Vehicle Code Section 5004 and parts cars as defined in California Vehicle Code Section 5051, provided that any such historic motor vehicle or parts car is maintained on private property, maintained in such a manner as not to constitute a health hazard, and is located away from public view, or by appropriate means is completely screened from ordinary public view

(Prior traffic code § 303)

10.64.040 Supplemental legislation.

This chapter is not the exclusive regulation of abandoned, wrecked, dismantled or inoperative vehicles within the city. It shall supplement and be in addition to the other regulator codes, statutes, and ordinances heretofore or hereafter enacted by the city, the state, or any other legal entity or agency having jurisdiction

(Prior traffic code § 304)

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Chapter 10.64 ABANDONED, WRECKED, DISMANTLED OR INOPERATIVE VEHICLES

10.64.050 Administration.

Except as otherwise provided herein, the provisions of this chapter shall be administered and enforced by the Police Department, except that the removal of vehicles or parts thereof from property may be by any person duly authorized as hereinafter provided.

(Prior traffic code § 305)

10.64.060 Authority to enter upon private property.

In the enforcement of this chapter any person authorized to administer this chapter may enter upon private property for the purpose of examining a vehicle or parts thereof, obtain information as to the identity of a vehicle and to remove or cause the removal of a vehicle or part thereof declared to be a nuisance pursuant to this chapter. Provided, however, that where required by law a search or inspection warrant shall first be obtained

(Prior traffic code § 306)

10.64.070 Removal of vehicles by other than Police Department.

The removal of vehicles or parts thereof from private property may be by any person or firm authorized for that purpose by the Chief of Police

(Prior traffic code § 307)

10.64.080 Authority to abate and remove.

Upon discovering the existence of an abandoned, wrecked, dismantled, or inoperative vehicle, or parts thereof, on private property or public property within the city, the Police Department shall have the authority to cause the abatement and removal thereof in accordance with the procedure prescribed herein. These persons may include, but shall not be limited to, police officers, traffic control officers, and police service technicians.

(Prior traffic code § 309)

10.64.090 Notice of intention to abate and remove—Form.

A ten-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 notices of intention shall be in substantially the following forms:

**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 Section 10.64.080 of the Oakland Traffic Code has determined that there exists upon said land an (or parts of an) abandoned, wrecked, dismantled or inoperative vehicle registered to _____, license number, #rule;, which constitutes a public nuisance pursuant to the provisions of Chapter 10.64 of the Oakland Traffic Code

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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 the 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 Chief of Police within such 10-day period, the Police Department shall have the authority to abate and assess the costs as foresaid 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 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: _____ Date	/s/ _____ (Locally designated officer)
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(Prior traffic code § 310)

10.64.100 Public hearing notice.

Upon request by the owner of a vehicle or owner of the land received by the Chief of Police within ten days after the mailing of the notice of intention to abate and remove, a public hearing shall be held by the Chief of Police, or some person duly authorized by him or her, (hereinafter called "Hearing Officer") 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 or her land within such ten-day period, said statement shall be construed as a request for a hearing which does not require his or her presence. Notice of the hearing shall be mailed, by registered mail, at least ten 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 ten days after mailing of the notice of intention to abate and remove, the city shall have the authority to abate and remove the vehicle, or parts thereof, as a public nuisance without holding a public hearing.

(Prior traffic code § 311)

10.64.110 Conduct of hearing and order of removal.

All hearings under this chapter shall be held before the City Manager, or some person duly authorized by him or her (hereinafter called "Hearing Officer"), who shall hear all facts and testimony, which may include testimony on the condition of the vehicle(s), or parts thereof, and the circumstances concerning its location on the said private property or public property. The Hearing Officer 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(s) on the land, with his or her reasons for such denial.

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The Hearing Officer may impose such conditions and take such other action as he or she deems appropriate under the circumstances to carry out the purpose of this chapter. The time for removal of the vehicle(s) or parts thereof may be delayed if, in his or her opinion, the circumstances justify it. At the conclusion of the public hearing the Hearing Officer may find that said vehicle(s), or parts thereof, has/have been abandoned, wrecked, dismantled, or is/are inoperative on private or public property and order the same removed from the property as a public nuisance and disposed of as provided in this chapter, 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(s), or parts thereof, and the correct identification number and license number of the vehicle(s), if available at the site.

If it is determined at the hearing that the vehicle(s) was/were placed on the land without the consent of the owner of the land and that he or she has not subsequently acquiesced in its presence, the Hearing Officer shall not assess the costs of administration or removal of the vehicle(s) against the property upon which the vehicle(s) is/are 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(s) on his or her land but does not appear, or if an interested party makes a written presentation to the Hearing Officer but does not appear, he or she shall be notified in writing of the decision.

Decisions made and determinations rendered by the Hearing Officer shall be in all cases final and conclusive. The limitation period provided pursuant to California Code of Civil Procedure Section 1094.6 shall apply to all petition filers seeking judicial review of administrative determinations made by the Hearing Officer.

(Ord. 12411 § 1 (part); 2002: prior traffic code § 312)

10.64.120 Appeal to City Council.

Any interested party may appeal the decision of the hearing officer by filing a written notice of appeal with the said Hearing Officer and the City Clerk within five days after his or her decision setting forth the specific grounds for the appeal.

Such appeal shall be heard by the City Council which may affirm, amend or reverse the order to take other action deemed appropriate. The decision of the City Council shall be final and conclusive.

The Clerk shall give written notice of the time and place of the hearing to the appellant and those persons specified in Section 10.64.090.

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

(Prior traffic code § 313)

10.64.130 Time limit for removal.

Five days from the date of mailing of notice of the decision the vehicle(s) or parts thereof may be disposed of by removal to a scrap yard or automobile dismantler's yard. After a vehicle has been removed it shall not thereafter be reconstructed or made operable.

(Ord. 12411 § 1 (part); 2002: prior traffic code § 314)

10.64.140 Notice to Department of Motor Vehicles.

Within five days after the date of removal of the vehicle or part thereof, notice shall be given to the Department of Motor Vehicles of the state of California identifying the vehicle or part thereof removed. At

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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.

(Prior traffic code § 315)

10.64.150 Cost of abatement a charge against City Treasury—Collection of costs—Unpaid costs a lien.

Costs incurred by the city in the abatement of a condition which is in violation of the provisions of this chapter shall be a proper charge against the City Treasury and paid therefrom. If the administrative costs of removal which are charged against the owner of a parcel of land pursuant to this chapter are not paid within thirty (30) days of the date of the order declaring the vehicle or parts thereof a public nuisance and assessing costs of administration and removal or the final disposition of an appeal thereof such costs shall be assessed against the parcel of land

The Chief of Police shall record in the Office of the Recorder of Alameda County, California, a certificate substantially in the following form:

NOTICE OF LIEN

Pursuant to authority vested in me by the Oakland Traffic Code, I did on the _____ day of _____, 19_____, cause to be abated, at the owner's expense, in the amount of \$_____, a condition upon the real property hereinafter described. Said amount, nor any part, has not been paid. The City of Oakland does hereby claim a lien upon said real property in said amount, which amount shall remain a lien upon said real property until paid in full, together with interest at the rate of 6% per annum from the date of recordation of this lien in the Office of the Recorder of Alameda County, California. The real property upon which lien is claimed is that certain parcel of land in the City of Oakland, County of Alameda, State of California, as described as follows:

(Insert property description)

Date _____, 19_____

Oakland Chief of Police

Costs incurred in such abatement shall remain a lien upon the property described in the lien notice until paid in full, plus accrued interest at the rate of six percent per annum from date of recordation. The statute of limitations shall not run against the city's right to enforce payment of such lien.

(Prior traffic code § 316)

10.64.160 Alternative method of collection—Addition to tax bill of amount of costs—Procedure.

As an alternative method of collection of the amount of the lien, the Chief of Police may record said notice of lien, as hereinabove provided, and may thereafter transmit it, or a facsimile, to the County Auditor, who shall thereupon enter that amount on the County Assessment Book opposite the description of the particular lot or parcel of land; and the amount shall be collected together with all other taxes levied against the property. The assessment shall be the subject to the same penalties and interest and to the same procedure under foreclosure and sale in case of delinquency as is provided for all other municipal and county taxes against the property; and all laws applicable to the levy, collection and enforcement of general property taxes are made applicable to such special assessment.

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(Prior traffic code § 317)

10.64.170 Misdemeanor to abandon or keep vehicles of type regulated by this chapter.

It is unlawful and a misdemeanor for any person to abandon, park, store, or leave or permit the abandonment, parking, storing or leaving of any licensed or unlicensed vehicle or part thereof which is in an abandoned, wrecked, dismantled or inoperative condition upon any private property or public property within the city for a period in excess of seventy-two (72) hours unless such vehicle or part 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, 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 licensed junk yard, or unless the vehicle is historic motor vehicle or parts car as described in Section 10.64.030C

(Prior traffic code § 318)

10.64.180 Misdemeanor to fail to remove vehicles after order to do so.

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.

(Prior traffic code § 319)

ATTACHMENT B

WARNING ADVERTENCIA 警告



THIS VEHICLE APPEARS TO BE PARKED IN VIOLATION OF THE LAW

- Sections 10.64.060 and 10.64.080 of the Oakland Municipal Code authorize designated City personnel to enter private property to examine vehicles and parts and to cause their removal.
- Sections 10.64.080 and 18.64.170 of the Oakland Municipal Code provide that it is unlawful and a misdemeanor to abandon, park, store, or leave any licensed or unlicensed vehicle or parts in an abandoned, wrecked, dismantled, or inoperative condition on any public or private property within the City for a period in excess of 72 hours, unless such vehicle or part thereof is completely enclosed in a building where it is not plainly visible from the street or other public or private property. Covering, registering, or insuring vehicles are not acceptable corrections.

VEHICLES OR PARTS IN VIOLATION WILL BE
REMOVED AND SCRAPPED.

VEHICLE OWNER MAY BE
SUBJECT TO A FINE OF \$250 OR MORE

- Call the Vehicle Abatement Unit IMMEDIATELY at 510-777-8538.
- Your failure to timely request a hearing to challenge this notice of violation is a waiver of the hearing and there is no right to a hearing after the vehicle is towed.
- If the vehicle cannot be driven, please arrange to have it towed.
- To avoid abatement and towing of the vehicle, it must be removed, or adequate corrections must be made, by the date indicated below.
- If additional information is required, call or access our website at oaklandpolice.com or if you wish to dispose of an unwanted vehicle(s), call the Oakland Police Department Vehicle Abatement Unit at (510) 777-8538

ESTE VEHÍCULO PARECE ESTAR ESTACIONADO ILÍCITAMENTE

- Las secciones 10.64.060 y 10.64.080 del Código Municipal de Oakland autorizan al personal designado por la Ciudad a ingresar a la propiedad privada a fin de examinar vehículos y partes de los mismos para su retiro.
- Las secciones 10.64.080 y 10.64.170 del Código Municipal de Oakland estipulan que es ilícito y constituye un delito menor abandonar, estacionar, almacenar o dejar cualquier vehículo o cualquier parte de un vehículo, sin importar si éste posee la licencia correspondiente o no, en condiciones de abandono, desmantelamiento, chocado o inservible en propiedad pública o privada dentro de la Ciudad durante un periodo de más de 72 horas, a menos que dicho vehículo o parte de él esté en un lugar totalmente cerrado dentro de una edificación en donde no se encuentre a la vista desde la calle ni desde cualquier otra propiedad pública o privada. Cubrir, registrar o asegurar los vehículos no son correcciones aceptables.

LOS VEHÍCULOS O PARTES DE VEHÍCULOS
QUE INFRINJAN LOS REGLAMENTOS SERÁN
RETIRADOS O DESMANTELADOS.

EL PROPIETARIO DEL VEHÍCULO PODRÍA QUEDAR
SUJETO A UNA MULTA DE \$250 O MÁS

- Llame INMEDIATAMENTE a la Unidad de Suspensión Vehicular al 510-777-8538.
- El no presentar una petición oportuna significa una renuncia a la audiencia y no existirá derecho a que se realice una audiencia después de que el vehículo haya sido remolcado.
- Si el vehículo no se puede conducir, disponga que sea remolcado.
- A fin de evitar la suspensión y remoción del vehículo, éste deberá ser retirado, o deberán realizarse las correcciones correspondientes, antes de la fecha indicada a continuación.*
- Si requiere información adicional, visite nuestro sitio Web oaklandpolice.com, o si desea desechar el(lus) vehículo(s), llame a la Unidad de Suspensión Vehicular del Departamento de Policía de Oakland al (510) 777-8538.

此車輛可能 違規停車

- 屋崙(奧克蘭)市政法規第 10.64.060 條款及第 10.64.080 條款授權市政府指定人員進入私人物業檢查車輛及零件並勒令將其移走。
- 屋崙(奧克蘭)市政府法規第 10.64.080 條款及第 10.64.170 條款規定，將棄置、損壞、拆解或無法使用的車輛(無論有無牌照)或零件棄置、停泊、存放或放置在本市任何公共或私人物業中超過 72 小時皆屬犯輕罪的違法行為，除非此類車輛或零件是以合法方式完全隱藏在建築內部，且無法從街道或任何公共或私人物業上明顯望見。為車輛進行遮蓋、登記、保險均非可接受的改善方式。

違規車輛或零件皆會被移走並拆廢。

車主可能
會被處以 \$250 或以上的罰款

- 若要申請對此違規事件舉行聽證，請立即致電 (510) 777-8538。
- 未及時提出聽證申請則視同棄權，待車輛被拖吊後，車主即無權申請聽證。
- 若無法將車輛開走，請自行安排將其拖離。
- 為避免車輛被取締及拖吊，車主必須在以下所示日期以前將車輛移走或改善。*
- 如需其他資訊，致電或訪問我們的網站 oaklandpolice.com 或想處理廢棄車輛(無論您是否持有其權狀/所有權證明)，請致電屋崙(奧克蘭)警察局車輛取締小組：(510) 777-8538。

Date Marked:	License No.	State	Vehicle Make	* Removed By:	Officer	Serial No.

**Locations & Phone Numbers you may
need to know:**

Oakland Police Department
Vehicle Abatement Detail
(vehicles on private property)
2651 73rd Ave
Oakland, CA 94605
(510) 777-8538

B & B Auto Towing
8717 G Street
Oakland, CA 94621
(510) 635-3211

Oakland Police Department
Records Division
455 7th Street
Oakland, CA 94607
(510) 238-3021

Oakland Police Department
Abandoned Auto Detail
(vehicles on public streets)
2651 73rd Ave
Oakland, CA 94607
(510) 777-8622
Fax (510) 777-8880

For more information visit:
oaklandpolice.com and click on Vehicle
Services.

Sections 10.64.080 and 10.64.060 of the Oakland Municipal Code authorize designated City personnel to enter private property to examine vehicle and parts and to cause their removal.

Sections 10.64.080 and 10.64.170 of the Oakland Municipal Code provides that it is unlawful and a misdemeanor to abandon, park, store, or leave any licensed or unlicensed vehicle or parts in an abandoned, wrecked, dismantled, or inoperative condition on any public or private property within the City for a period in excess of 72 hours, unless such vehicle or part thereof is completely enclosed in a building where it is not plainly visible from the street or other public or private property.

The ability to establish this is ensured by Section 22660 of the California Vehicle Code (VC).

California Vehicle Code 22660 states:

Notwithstanding any other provision of law, a city, county, or city and county may adopt an ordinance establishing procedures for the abatement and removal, as public nuisances, of abandoned, wrecked, dismantled, or inoperative vehicles or parts thereof from private or public property, and for the recovery, pursuant to Section 22845 or 28773.5 of the Government Code, or assumption by the local authority, of costs of administration and the removal.

**ATTACHMENT 'C'
VEHICLE
ABATEMENT
PROGRAM
RESOURCE GUIDE**



The information contained in this pamphlet is being provided to give you information on policy, procedures and corrective action regarding vehicles on private property.

What is the Vehicle Abatement Program?

The Vehicle Abatement Program is a program designed to abate public nuisances by removing unused, inoperable, stored, abandoned, wrecked, or dismantled vehicles and or vehicle parts from private and public properties, (not including highways.)

How was my vehicle chosen?

The Vehicle Abatement Detail responds to complaints that are called in to our department by concerned citizens, complaints from the city's Code Enforcement Dept (CEDA), or the vehicle can be viewed by one of our field technicians.

How do I report an abandoned vehicle parked on Private Property or on a Private street?

You will need to call the Vehicle Abatement Detail at (510) 777-8538. You may very likely get a voicemail, but please listen and leave a message, your call will be returned. The Vehicle Abatement Detail's hours of operation are Monday- Friday 5:30am - 3:30pm.

How do I know if my vehicle has been identified by the Abatement Program?

The easiest way to know when a vehicle has been identified as subject to the Vehicle Abatement program's abatement and removal procedures is when a lime green 8 1/2" X 11" warning sticker has been affixed to the windshield of the vehicle.

What should I do if I find that the lime green 8 1/2" X 11" Vehicle Abatement warning sticker is applied to my vehicle?

- **IMMEDIATELY** contact the Vehicle Abatement Detail at (510) 777-8538.
- Educate yourself on the Vehicle Abatement provisions and procedures by accessing the [Oakland Municipal Code](#), then click on **Title 10** and **Chapter 10.64**.

What will happen after the Vehicle Abatement Detail affixes the lime green warning sticker on my vehicle?

Abatement staff will mail the registered vehicle owner and the property owner where the vehicle is parked a certified letter, referred to as a 10-day Notice of Intention to Abate. The letter will notify you that your vehicle has been identified as being in violation of the Abandoned Vehicle Oakland Municipal Code 10.64.080. The certified letter will also encourage you to contact the Vehicle Abatement Detail to obtain more information if needed.

What will ultimately happen if I do not comply with the Oakland Municipal Code 10.64.080?

No sooner than 10-days after the certified letter has been **MAILED**, the Vehicle Abatement Detail Staff will return to the location where your vehicle was tagged to determine whether you have complied. If it is determined that you have not adhered to the municipal code, your vehicle will be towed and scheduled for destruction.

What can I do to prevent my vehicle from being towed? What constitutes compliance?

To prevent your tagged vehicle from being towed and subsequently destroyed, you have 10 days to take one of the following actions:

- *Call* Vehicle Abatement (510) 777-8538
- *Move* your tagged vehicle inside and enclosed structure (e.g., garage, storage facility) within 10 days.
- *Register* your vehicle *and* get it operable, *and* drive the vehicle.
- If the vehicle cannot be driven, please arrange to have it towed
- To request a hearing regarding this violation, call (510) 777-8538. Your failure to timely make a request is a waiver, and there is no right to a hearing after the vehicle has been towed.

Covering, registering, or insuring vehicles alone are not acceptable corrections.

What if I have a PNO (Planned Non-Op)?

A PNO does not exempt your vehicle from compliance of the Vehicle Abatement Ordinance. You must still remedy this violation, by using one of the preventative measures above.

Is there a cost or penalty if my vehicle is towed by the Abatement Detail?

Yes. The vehicle owner may be subject to fines of \$250 or more.

Direcciones y Números

Departamento de Policía de Oakland
Unidad de Vehículos Abandonados
(Vehículos en Propiedad Privada)
2651 73rd Ave
Oakland, CA 94605
(510) 777-8538

B & B Auto Towing
8717 G Street
Oakland, CA 94621
(510) 635-3211

Departamento de Policía de Oakland
División de Archivos
455 7th Street
Oakland, CA 94607
(510) 238-3021

Departamento de Policía de Oakland
Unidad de Vehículos Abandonados
(Vehículos en Calles Públicas)
2651 73rd Ave
Oakland, CA 94607
(510) 777-8622
Fax (510) 777-8880

Para más información visita:

oaklandpolice.com y has clic en *Vehicle Services*.

Secciones 10.64.080 y 10.64.060 del Código Municipal de Oakland autoriza a personal designado a entrar a una propiedad privada a examinar vehículos y partes y removerlas.

Secciones 10.64.080 y 10.64.170 del Código Municipal de Oakland estipula que es ilegal y es un delito menor el abandonar, estacionar o dejar un auto con o sin licencia en partes, destuido, desmantelado o sin funcionar, en cualquier propiedad pública o privada en la Ciudad por un periodo de más de 72 horas, a menos que dicho vehículo o parte este completamente encerrado en un edificio y no es visible de la calle u otra propiedad pública o privada.

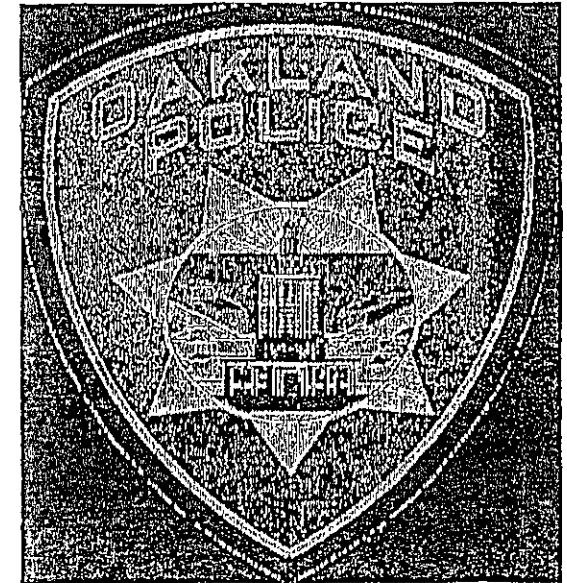
La Sección 22660 del Código de Vehículos de California (VC) garantiza la aplicación.

El Código de Vehículos en California 22660:

A pesar de cualquier otra disposición de la ley, una ciudad, condado o ciudad y condado pueden adoptar una ordenanza que establezca los procedimientos para la reducción y eliminación, de vehículos destruidos, abandonados o que no funcionan o partes de estos de propiedad privada o pública, y para la recuperación conforme a la sección 22845o 28773.5 del Código del Gobierno, o que la autoridad local asuma los costos de administración y remoción.

PROGRAMA DE REDUCCION DE VEHICULOS ABANDONADOS

GUIA DE RECURSOS



La información contenida en este folleto es para informarle las políticas, procedimientos y acción correctiva con respecto a los vehículos en propiedad privada.

¿Qué es el Programa de Reducción de Vehículos Abandonados?

El Programa de Reducción de Vehículos está diseñado para reducir las molestias al remover vehículos inoperables, abandonados, almacenados, destruidos o desmantelados y/o partes de vehículos de propiedades públicas o privadas (sin incluir las carreteras)

¿Cómo se eligió a mi vehículo?

La Unidad de Vehículos Abandonados responde a las quejas de ciudadanos que llegan a nuestro departamento, al departamento de CEDA, o si el vehículo puede ser visto por nuestro personal de campo.

¿Cómo reporto un vehículo abandonado estacionado en una propiedad o calle privada?

Necesita llamar a la Unidad de Vehículos Abandonados al (510) 777-8538. Es muy posible que responda una máquina pero por favor escuche y deje un mensaje, le devolveremos la llamada. El horario de la Unidad de Vehículos abandonados es de lunes a viernes de 5:30am a 3:30pm.

¿Cómo se si mi vehículo ha sido identificado por el Programa de Vehículos Abandonados?

La manera más fácil de saber si su vehículo ha sido identificado por programa y puede ser removido es cuando su carro tiene una calcomanía verde de advertencia de 8 1/2" X 11" pegada al parabrisas de su vehículo.

¿Qué debo de hacer si encuentro la calcomanía pegada en mi vehículo?

Llame **INMEDIATAMENTE** al Equipo de Reducción al (510) 777-8538.

Aprenda sobre los procedimientos de la Unidad de Vehículos Abandonados en el sitio Web de la Ciudad Oakland Municipal Code, haga clic en Title 10 y Chapter 10.64.

¿Que pasara después de que la Unidad de Vehículos Abandonados pone una calcomanía verde de advertencia en mi vehículo?

El personal le enviara una carta certificada al dueño registrado del vehículo y al dueño de la propiedad donde el vehículo está estacionado, como un aviso que en 10 días el vehículo será confiscado. La carta le informara que su vehículo ha sido identificado por estar en violación del Código Municipal de Vehículos abandonados de Oakland 10.64.080, y que contacte al Equipo de Reducción de Vehículos si necesita más información.

¿Que pasara si no cumplo con el Código Municipal de Oakland 10.64.080?

A diez días de que la carta haya sido ENVIADA, el personal de la Unidad de Vehículos Abandonados regresara al lugar donde su vehículo fue identificado para determinar si se cumplió con el código. Si se determina que no se ha cumplido con el código municipal, su vehículo será remolcado y programado para su destrucción.

¿Cómo puedo prevenir que mi vehículo sea remolcado? ¿ Que constituye cumplimiento?

Para prevenir que su vehículo sea etiquetado remolcado y destruido, tiene 10 días para hacer lo siguiente:

Llame al (510) 777-8538

Mueva su vehículo a un lugar cerrado (ej., garaje, bodega) antes de 10 días.

Registre y maneje el vehículo.

Si el vehículo no puede ser manejado, pague para que lo remolquen.

Para solicitar una audiencia sobre esta infracción llame al (510) 777-8538. El no hacer la solicitud a tiempo se tomara como renuncia, y no tendrá derecho a una audiencia después de que el vehículo sea remolcado.

Cubrir, registrar, o asegurar su vehículo no son correcciones aceptables.

¿Y si tengo planeado PNO (Plan de no Operación)?

Un PNO no exenta su vehículo del cumplimiento de la Ordenanza de Reducción de Vehículos. Usted debe solucionar esta infracción usando una de las medidas preventivas mencionadas.

¿Hay algún costo o multa si mi vehículo es remolcado por la Unidad? Si. El dueño del vehículo tendría que pagar una multa de hasta \$250 o más.

