

Summary of Relevant Case Law: Automotive Task Force

Local Ordinances

Ordinance/	Relevant text	Enforcement/requirements
<p>OMC 10.28.030 (See VC for Authorizing Ordinance)</p>	<p>Storage of Vehicles on Public Streets Prohibited:</p> <p>A. No person who owns or has possession, custody or control of any vehicle shall park such vehicle upon any street or alley for more than a consecutive period of seventy-two (72) hours.</p> <p>B. In the event a vehicle is parked or left standing upon a street in excess of a consecutive period of seventy-two (72) hours, any officer of the Police Department or any regularly employed and salaried civilian employee of the City who is engaged in the direction of traffic or enforcement of parking regulations when designated by the Chief of Police, may remove said vehicle from the street in the manner and subject to the requirements of Sections 22850 and 22856 inclusive of the Vehicle Code of the state of California.</p>	<ol style="list-style-type: none"> 1. Vehicle must be left on public street for at least 72 hours. 2. Vehicle must be removed by OPD “employee designated by the Chief of police” 3. Vehicle must be taken and stored in place designated by City for such purposes.
<p>OMC 10.64 (See VC for authorizing ordinance)</p>	<p>This section allows the City to abate wrecked and inoperative automobiles on private or public property but not located on public streets (See full text for details).</p>	<ol style="list-style-type: none"> 1. Must provide a 10-day notice to vehicle owner with right to appeal (language of appeal is stated in ordinance) 2. Chief of police must designate who can remove the vehicle 3. If vehicle is removed from property, cost of

		removal may become a lien against the property
<p>OMC 12.24.070</p>	<p>It is unlawful for any person to use any public street in the city for any of the following purposes:</p> <ul style="list-style-type: none"> A. Washing, greasing or repairing such vehicles except repairs necessitated by an emergency; B. Storing of vehicles held or acquired for dismantling, rebuilding, sale or resale, repairing, servicing, scrapping or other salvage processes. <p>This section may be enforced by the method provided for in Chapter 1.24 of this code and Sections 853.5 through 853.8 of the Penal Code of the state of California. Said section shall be enforced by members of the Police Department.</p>	<p>Note – 1.24 allows OPD to arrest for this provision.</p>
<p>12.24.075 (See VC 22651.9 for authorizing ordinance)</p>	<p>City may remove vehicle when:</p> <ul style="list-style-type: none"> 1. Because of a sign or placard it appears that the primary purpose of parking the vehicle at that location is to advertise the vehicle for sale. 2. Within past 30 days, the vehicle was issued a notice of parking violation accompanied by a notice containing all of the following: <ul style="list-style-type: none"> a. A warning that an additional parking violation may result in the impoundment of the vehicle; b. A warning that the vehicle may be impounded pursuant to this section, even if moved to another street, so long as the signs or placards offering the vehicle for sale remain on the vehicle; 	<p>Requirements:</p> <ul style="list-style-type: none"> 1. A sign or placard must be placed on vehicle indicating it is for sale 2. The vehicle was issued a parking violation within the past 30 days containing the following <ul style="list-style-type: none"> A. Warning that additional violation may result in impoundment B. Vehicle may be impounded even if moved to another street so long as it is being offered for sale C. All public streets are covered

	<p>c. warning that all public streets within the city are covered under this section.</p> <p>3. The notice of parking violation was issued at least twenty-four (24) hours prior to the removal of the vehicle.</p>	<p>3. It must be at least 24-hours since the initial parking violation was given</p>

STATE LAW – VEHICLE CODE

Statute	Relevant text	Enforcement/requirements
22651	A peace officer, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code , or a regularly employed and salaried employee, who is engaged in directing traffic or enforcing parking laws and regulations, of a city, county, or jurisdiction of a state agency in which a vehicle is located, may remove a vehicle located within the territorial limits in which the officer or employee may act, under the following circumstances (see statute for permissible reasons to remove a vehicle)	<ol style="list-style-type: none"> 1. Vehicle must be left on public street for at least 72 hours. 2. This section authorizes OMC 10.28.030.
22651.07	Charges for towing or storage; Towing and Storage Fees and Access Notice; rights of vehicle owner; payment by bank draft; penalties; exceptions	<ol style="list-style-type: none"> 1. States requirements to charge for towing 2. Must provided itemized statement before charging 3. Car owner has certain rights i.e. ability to inspect vehicle/retrieve personal belongings 4. Must be open normal during business hours 5. Must have notice posted in storage location visible to guests informing them of rights (see VC for required text)
22651.9	Vehicle removal; location; private sale advertisement (statute authorizes local ordinance)	Note – this grants authority to OMC 10.64

