

9.57.090 Disposition of vehicle.

A. A vehicle which has been removed shall be taken to a garage designated by the sheriff, where the vehicle shall be placed in storage. Prior to removal, the sheriff shall determine the amount of mileage on the vehicle.

B. Within forty-eight hours of the removal, excluding weekends and holidays, the sheriff shall send a notice to the registered and legal owner(s) of the abandoned vehicle at their addresses of record with the department of motor vehicles, and to any other person known to have an interest in the vehicle. The notice shall be sent by first-class mail. The notice shall include all of the following information:

1. The name, address, and telephone number of the public agency providing the notice;
2. The location of the place of storage and description of the vehicle which shall include, if available, the vehicle make, license plate number, vehicle identification number, and mileage;
3. The authority and purpose for the removal of the vehicle;
4. A statement that the vehicle will be subject to disposal after fifteen days from the date of the notice; and

5. A statement that the owners and interested persons, or their agents, have the opportunity for a post-storage hearing before the sheriff to determine the validity of the removal and storage of the vehicle. The request for a hearing shall be made in person, in writing, or by telephone within ten days from the date of notice of removal. If the owner or interested person, or his or her agent, disagrees with the decision of the public agency, the decision may be reviewed pursuant to Section 11523 of the Government Code. During the time of the initial hearing, or during the time the decision is being reviewed pursuant to Section 11523 of the Government Code, the vehicle in question shall not be disposed of.

C. All owners of abandoned vehicles shall have the right to a hearing before a representative of the sheriff.

D. Any requested hearings shall be conducted within forty-eight hours of the request, excluding weekends and holidays.

E. Failure of either the registered or legal owner or interested person, or his or her agent, to request or to attend a scheduled hearing shall satisfy the post-storage validity hearing requirement of this section and the vehicle may be disposed of immediately.

F. The sheriff shall be responsible for the costs incurred for towing and storage of the vehicle if it is determined in the hearing that reasonable grounds to believe that the vehicle was abandoned are not established.

G. No authorization for disposal may be issued prior to the conclusion of a requested post-storage hearing.

H. If the names and addresses of the registered and legal owners of the vehicle are not available from the records of the department of motor vehicles, either directly or by use of the California Law Enforcement Telecommunications System, the public agency may issue to the lien holder who stored the vehicle an authorization for disposal at any time after the removal. (Ord. 4797 § 5, 8/2/05; Ord. 4756 § 1 (part), 1/27/04)

9.57.100 Vehicle removal—Notice to state.

A. The public agency shall give notice of the identity and location of the vehicle to the department of the California Highway Patrol located nearest to the vehicle prior to or concurrent with removal of the vehicle from the street or highway.

B. Within five days after the date of removal of the vehicle or parts thereof, notice shall be given to the state department of motor vehicles, identifying the vehicle or parts thereof removed and any evidence of registration available. (Ord. 4756 § 1 (part), 1/27/04)

9.57.105 No reconstruction after removal.

A vehicle shall not be reconstructed or made operable, after removal, unless it is a vehicle that qualified for either horseless carriage license plates or historical vehicle license plates, pursuant to Vehicle Code § 5004, in which case the vehicle may be reconstructed or made operable. (Ord. 4756 § 1 (part), 1/27/04)

9.57.110 Administrative fees related to recovery of an abandoned vehicle.

The owner of the vehicle must pay to the sheriff the cost of removal and an administrative fee of fifty dollars or the fee set in the unified fee schedule, whichever is greater. The owner must pay any storage fees directly to the company providing the service before gaining possession of the vehicle. (Ord. 4797 § 6, 8/2/05; Ord. 4756 § 1 (part), 1/27/04)

9.57.120 Citations for violations.

The sheriff, pursuant to the provisions of Section 836.5 of the penal code of the state of California, is authorized to enforce the provisions of the vehicle code and issue citations for violations. (Ord. 4797 § 7, 8/2/05)