
Abandoned Vehicle Abatement Program (AVAP)

508.1 PURPOSE AND SCOPE

- (a) This policy details the participation of the Oakley Police Department in the Contra Costa County Abandoned Vehicle Abatement Service Authority (CCCAVASA).
- (b) Abandoned vehicles pose a health and safety hazard that impacts the quality of life within the community. Vehicles that have been left abandoned on the side of the road or sit inoperable on blocks in the driveway of a home pose a direct danger to our residents. In 1967, the State of California developed a process whereby counties could form a Service Authority to address these types of issues using registration fees. California Law allowed for the formation of an Abandoned Vehicle Service Authority within the County. This Service Authority could then direct the imposition of a fee of one dollar for each vehicle registered in the County each year. The funds were then distributed to the members of the Service Authority to address abandoned vehicles within the County. The funds collected are meant to be used to reduce the financial impact of addressing abandoned vehicles. The purpose of this policy is to identify the process that will be used to report and track abandoned vehicles by the Oakley Police Department. Within the City of Oakley, the police department is the city department charged with consolidating and reporting activity to the Contra Costa County Abandoned Vehicle Abatement Service Authority (CCCAVASA).
 - 1. Abandoned vehicles on private property require special handling and shall be referred to the City Code Enforcement Officer for investigation and disposal. Assistance may be provided by members of the police department.
 - 2. Abandoned vehicles on public property may be investigated or removed by officers or by Police Service Assistants (PSAs) of the police department.

508.2 POLICY

- (a) The City of Oakley is a member of the Contra Costa County Abandoned Vehicle Abatement Service Authority (CCCAVASA). Funds received from the CCCAVASA will only be used on appropriate abatement activities. The City of Oakley Abandoned Vehicle Program has, as its primary responsibility, the removal of abandoned vehicles from public and private property in the City of Oakley.
- (b) The Oakley Police Department's strategy will include enforcement of Section 22523 VC and local ordinances adopted for the purposes of abatement, removal, and disposal as public nuisances, of abandoned, wrecked, dismantled, or inoperative vehicles or parts thereof from private or public property.

508.3 REFERENCES

- (a) Highway Patrol Handbook (HPH) 87.1, Abandoned Vehicle Abatement Program Handbook, California Highway Patrol, DEC 2008
- (b) Contra Costa County Abandoned Vehicle Abatement Service Authority (CCCAVASA) Agreement.

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- (c) Abandoned Vehicles, Oakley Municipal Code, Title 4, Chapter 7, Sections 4.7.002 - 4.7.032

508.4 IDENTIFICATION AND INVESTIGATION

- (a) Vehicles that are suspected of being abandoned will have their registration checked to identify if the vehicle has been stolen. If the vehicle has been stolen, it will be processed as a stolen vehicle, not an abandoned vehicle.
- (b) If the vehicle has been abandoned, the assigned employee will complete a 5-day notice and place the tag onto the vehicle in an obvious location.

- 1. The vehicle's tires will be marked in a manner that can be identified by other employees.
- 2. The bottom portion of the tag will be stored in the records area.

- (c) **Immobilized / Inoperable Vehicles**

- 1. Motor vehicles which are parked, resting, or otherwise immobilized on any highway or public right-of-way and lack an engine, transmission, wheels, tires, doors, windshield or any other part or equipment necessary to operate safely on the highways of this State, are declared a hazard to public health, safety, and welfare and may be immediately removed per Section 22669(d) V.C.

- (d) **Operational and Registered**

- 1. Vehicles where the vehicle's registration has not been expired for over six months:
 - (a) After being properly tagged for 5 Days, if the vehicle has not moved, it can be removed.
 - (b) Vehicles parked more than 5 Days are in violation of Section 6.1.206 of the Oakley Municipal Code and may be removed. The authority cited on the tow form will be CVC Section 22651(k) V.C.
 - (c) Prior to removing the vehicle, an attempt will be made to notify the owner of the vehicle about of the impending removal.
 - (d) At the end of the 5 Days, the vehicle will be checked to determine if the vehicle has been moved.
 - (e) No further action is required if the vehicle has been moved.
 - (f) The re-checking of the vehicle will be the responsibility of the staff member that performed the initial tagging.

- (e) **Unregistered Vehicles**

- 1. If the vehicle registration is over six months expired and the vehicle is located on a highway, public lands, or an off-street parking facility:
 - (a) The vehicle can be removed immediately per Section 22651(o) CVC.

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- (b) The owner must furnish proof of current registration before the vehicle can be released. This should be noted on the "Abandoned Stored or Released Vehicle Report" form in the remarks section.
- (c) Unregistered vehicles that pose a danger to traffic flow or are a hazard will be removed immediately.

508.5 REMOVAL OF ABANDONED VEHICLES

- (a) The Oakley Police Department will process reports of abandoned vehicles on public property at any time.
- (b) Abandoned vehicle calls for service will be routed to the On-Duty Supervisor by Dispatch.
 - 1. The On-Duty Supervisor is responsible for assigning the investigation of abandoned vehicle reports to the appropriate employee.
- (c) Vehicles that are towed will be handled in accordance with OPDPM Section 502 - Vehicle Towing and Release.
 - 1. Every effort will be made to have abandoned vehicles towed during daylight hours.
 - 2. Public agency salvage slips will be issued by the On-Duty Supervisor on all vehicles with a value not exceeding \$300.00 per 22851.3 V.C.

508.6 ABANDONED VEHICLES ON PRIVATE PROPERTY

- (a) When a vehicle is (or vehicles are) observed on private property that meets the Abandoned Vehicle Abatement Program criteria, the address of the property where the vehicle is located will be forwarded, by email, to City of Oakley Code Enforcement Unit.

508.7 CCCAVASA REPORTING

- (a) On a quarterly basis, the police department will report the number of vehicles abated from public and private property to the CCCAVASA.
 - 1. Public property abatements will be retrieved from police department records.
 - 2. Private property abatements will be retrieved from the Code Enforcement Unit. Code Enforcement will identify:
 - (a) The total number of vehicles abated during the time period.
 - (b) The date of the abatement activity.
 - (c) The name of the employee involved in the abatement activity.
 - (d) The hourly pay rate of the code enforcement officer involved in the abatement activity.
 - (e) The amount of time spent on the abatement activity.

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508.8 CCCAVASA FUND DISPERSAL

- (a) The CCCAVASA disburses AVA funds based on the percentage of vehicles abated by each jurisdiction.

508.9 CCCAVASA FUNDS

- (a) Section 22710(c) VC restricts the money received by an Authority, pursuant to Section 9250.7 VC to be used only for the abatement, removal, or disposal of any abandoned, wrecked, dismantled, or inoperative vehicle or part from public or private property when the vehicle is deemed a public nuisance. The money received shall not be used to offset the costs of vehicles towed under authorities other than an ordinance adopted pursuant to Section 22710 or when costs are recovered under Section 22850.5 VC. Assignment of a vehicle to the AVA Program occurs only under one of the following circumstances:
 1. The abandoned vehicle is located on public or private property and issued a 10-day notice of intention to abate pursuant to Section 2266.1(d) VC and is removed after the 10-day period has elapsed.
 2. The vehicle is parked, resting, or otherwise immobilized on any highway or public right-of-way and lacks an engine, transmission, wheels, tires, or any other part or equipment necessary to operate safely on the highway pursuant to Section 22669(d) VC.
 3. The vehicle is located upon a parcel zoned for agricultural use or not improved with a residential structure containing one or more dwelling units, and is inoperable due to the absence of a motor, transmission, or wheels and incapable of being towed. Additionally, the vehicle must be valued at less than two hundred dollars by a person specified in Section 22855 VC, and is deemed to be a public nuisance, presenting an immediate threat to public health and safety, provided the property owner has signed a release authorizing removal and waiving further interest in the vehicle pursuant to Section 22661(c) VC.

508.10 CCCAVASA AUTHORIZED CHARGES

- (a) Section 22710(f) VC provides a definition of an abandoned vehicle that is eligible for abatement. As defined, a vehicle marked as abandoned, by a member of a participating Authority, which is voluntarily moved or relocated by the property owner or registered owner of the vehicle qualifies as abatement. Subsequently, it is the responsibility of the Authorities to supervise their AVA Program to ensure the participating jurisdictions are not arbitrarily marking vehicles for abatement which do not qualify in order to artificially inflate their AVA Program count.
- (b) A vehicle removed for the following reasons shall not qualify as an abated vehicle pursuant to the AVA Program:
 1. A vehicle cited for a 72-hour parking violation of a local ordinance authorizing its removal pursuant to Section 22651(k) VC.

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2. A vehicle cited for expired registration longer than six (6) months pursuant to Section 22651(o) VC.
- (c) Employee time associated with the managing the program is an authorized charge to the program. This may include:
1. Employee response to calls for service involving abandoned vehicles.
 2. Employee time spend in reviewing abandoned vehicle reports and junk notices.
 3. Employee time spent routing reports on abandoned vehicles.
 4. Employee time spent managing the program and preparing reports.
 5. Any costs associated with the removal (tow and debris removal).

508.11 ABANDONED VEHICLE FUND CHARGES

- (a) Quarterly, the police department will forward a listing of the approved charges to the abandoned vehicle fund to the Finance Department.
1. The report will include a detailed listing of charges that occurred during the quarter.
- (b) Funds will be transferred from the AVAP fund as directed.

508.12 CCCAVASA AUDITS

- (a) The CCCAVASA will conduct annual audits to ensure that funds are being spent in compliance with Sections 9250.7 and 22710 VC. Audits may be performed by the city or county auditor/controller or shall be contracted with a certified public accountant or public accountant pursuant to Section 6505 GC, to make an annual audit of the accounts and records of every agency or entity.

508.13 REVIEW DATE

- (a) 29 DEC 19