

**MARIN COUNTY SHERIFF'S OFFICE
PATROL SERVICES POLICY AND PROCEDURE MANUAL**

**GENERAL ORDER
PAT-02-08
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**DATE
December 22, 1992**

VEHICLE ABATEMENT

PURPOSE

This order is to establish procedures for the removal and storage of abandoned vehicles from public and private property.

POLICY

The policy of the Sheriff's Department is to lawfully abate and store, when required, abandoned vehicles from the unincorporated areas of the County, pursuant to State law and County Ordinance.

PROCEDURE

- A. A vehicle abatement is initiated by a citizen complaint or by a deputy viewing a vehicle that needs to be abated.
1. If the deputy sees the vehicle on private property and the property owner consents to the vehicle being removed, the deputy will affix a yellow 72 hour warning notice, (see Appendix A) advising that the vehicle will be towed if it is not removed within 72 hours. The officer copy of the notice will be forwarded to the area abatement officer. (22669a CVC)
 - a. Occurs when the vehicle has been abandoned on private property by someone other than the property owner.
 - b. Administrative discretion will dictate in some instances.
 - c. A Complaint Desk Report (CDR) number is required.
 - d. The CDR number will be written on the top and bottom sections of the yellow 72 hour notice.
 2. If the vehicle is located on private property and is a public nuisance as described in section 7.56.010 MCC and a complaint has been received by the Department regarding its abatement, the complainant will be referred to the County Planning Department by the Complaint Desk Officer.
 - a. Administrative discretion will dictate in some instances.
 3. If the vehicle is on public property or a public roadway, the deputy will affix a yellow 72 hour warning notice advising of the County Ordinance (15.36.030) and California

Vehicle Code Section (22651k) prohibiting parking for periods in excess of 72 hours. The officer copy will be forwarded to the area vehicle abatement officer. The deputy will mark a tire in such a manner as to indicate whether or not the vehicle has been moved.

a. Vehicles that are repeated violators of the above referenced code sections and have ignored the 72 hour notice tag by moving the subject vehicle a short distance need not have subsequent notice tags affixed to the vehicle. Nevertheless, the vehicle will be marked in a manner that provides proof that the vehicle hasn't been moved in 72 hours from its location.

b. A CDR number is required.

4. Vehicles that are parked, resting, or otherwise immobilized on any roadway or public right of way, and lack an engine, transmission, wheel, tire, door, windshield, or any other part or equipment necessary to operate safely are considered to be a hazard to public health, safety and welfare and may be removed immediately. (Ref: 22669(d) CVC).

B. Towing of abated abandoned vehicles.

1. Vehicles to be towed will be moved by tow companies that handle abandoned vehicles.

a. If possible, the deputy will be present whenever an abandoned vehicle is towed. This will assure that the vehicle is properly towed and the peace maintained.

b. A CHP 180 (Rev. 3-89, or newer) form will be completed for each vehicle towed.

(1) The white copy will be retained and used as the face page of the submitted report. Communications will issue a case number for all abated towed vehicles. The CDR number originally issued will be used with the new case number. The original CDR number will be provided to Communications.

(a) Communications shall modify the original CJIS Incident entry by adding the newly issued case number, and adding narrative stating which deputy ordered the tow, which company towed it, when and where.

(2) One of the 1/2 page copies will be sent by the Sheriff's Records Section to the registered owner and the other to the legal owner (only if different than the registered owner) by First Class mail. (22658a CVC)

(a) If the registered owner of the vehicle is unknown or unavailable through law enforcement sources, it is necessary that the Records Section send a copy of the CHP 180 form describing the towed vehicle to the Department of Justice Stolen Vehicle Section within 120 hours of the vehicle having been towed.

(3) The yellow copy will be delivered to the tow truck driver or mailed to the tow company.

- (4) Communications will be advised by the deputy to enter the vehicle into the California Department of Justice Stolen Vehicle System as "stored."
- (5) If the tow company requests a CHP 462 form after fifteen days from the date the vehicle was towed, it will be completed and provided to the company.
- (6) If the registered owner requests a Post-Storage Validity hearing per CVC 22852, the shift sergeant assigned to the Area will conduct the hearing to determine the lawfulness of the vehicle abatement and subsequent storage. If the finding is found to be unlawful, the Sheriff's Office will be responsible.
 - (a) The Abatement Officer will attend the hearing for the towing and storage costs.

INDEXING ALTERNATIVES

- A. Abatement of Vehicles
- B. Abandoned Vehicles
- C. Vehicles, abandoned or abated.

BIBLIOGRAPHY

- A. MCC 15.36.030 Seventy-two Hour Limit
- B. MCC 7.56.010 Public Nuisance vehicles
- C. CVC 22669(a) & (d) Removal of Abandoned Vehicles
- D. CVC 22851.3 Disposition of Abandoned Low-Valued Vehicles
- E. CVC 22852 Notice to Owner
- F. CVC 22658(a) Mailing Notice
- G. CVC 22651(k) Seventy-Two Hour Limit
- H. CHP 462 Form
- I. CHP 180 Form

ATTACHMENTS

- A. Sheriff's 72 Hour Notice to Move Vehicle as Appendix A.
- B. Copies of Applicable Laws and Ordinances.

By order of

CHARLES T. PRANDI
SHERIFF