

CHAPTER 3

**GUIDELINES FOR THE DEVELOPMENT OF AN ABANDONED VEHICLE
ABATEMENT PLAN**

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CHAPTER 3

GUIDELINES FOR THE DEVELOPMENT OF AN ABANDONED VEHICLE ABATEMENT PLAN

1. GENERAL REQUIREMENTS.

a. Abandoned Vehicle Abatement (AVA) Plan Content Statement. The Abandoned Vehicle Abatement (AVA) Plan developed by an Authority, established pursuant to Section 22710 Vehicle Code (VC) shall, at a minimum, contain the following: (Refer to Chapter 3, Annex A of this handbook).

(1) Required Resolutions. Copies of the following required resolutions shall be submitted as part of the Authority's approved AVA plan:

(a) A copy of the resolutions providing for the establishment of the Authority, including identification of its membership, and the imposition of the one dollar (\$1) registration fee pursuant to the requirements of Sections 22710(a) and 9250(a) VC.

(b) A copy of the required resolution of approval of the AVA plan, as required by Section 22710 VC.

(c) A copy of resolutions approving revisions to a previously approved AVA plan as specified in Section 22710 VC.

(2) Estimate of the Number of Abandoned Vehicles. The approved AVA plan shall include an estimate of the number of abandoned vehicles located within the county serviced by the Authority, as required by Section 22710(d)(2) VC.

(3) Copies of Ordinances. The approved AVA plan shall include copies of the ordinances which have been established pursuant to Section 22710(c)(1) VC.

(a) This includes the ordinance establishing procedures for the abatement, removal, and disposal as public nuisances, of abandoned, wrecked, dismantled, or inoperative vehicles or parts thereof from private or public property.

1 Any such ordinances shall meet all of the requirements of Sections 22660 and 22661 VC.

2 An Authority may adopt an existing ordinance which meets all the requirements of Sections 22660 and 22661 VC.

(b) This includes the ordinance(s) developed for recovery, pursuant to Sections 25845 or 38773.5 Government Code (GC), or assumption by the Authority, of costs of administration and removal and disposal.

(4) Disposal and Enforcement Strategy. The approved AVA plan shall include an enforcement and disposal strategy.

(a) The enforcement strategy should 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.

(b) The statutory authority to remove abandoned vehicles from highways or private or public property may be either Section 22669 VC or a local ordinance 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.

(c) The disposal strategy may be in accordance with the provisions of Section 22662 VC or by contractual agreement(s) with a licensed auto dismantler or scrap iron processor, in accordance with the provisions of Section 22851.3 VC.

(5) Disbursement of Funds. The Authority shall disburse AVA funds to their jurisdictions based on the percentage of vehicles abated by the jurisdictions as reported on their annual status reports.

(6) Cost Recovery Strategy. The approved AVA plan shall include a cost recovery strategy.

(a) This includes a strategy for recovery of costs associated with the administration, removal, and disposal of vehicles or parts thereof abated from private or public property. This may be accomplished through strategies related to the provisions of Section 22523 VC, or Sections 25845 or 38773.5 GC.

(7) Contractual Agreements. The approved AVA plan shall include copies of contractual agreements the Authority has entered into in order to carry out the law relating to the Authority.

(a) This includes contracts with cities or counties for the actual removal and/or disposal of vehicles.

(b) This includes contractual agreements with providers of towing and storage services, automobile dismantlers, or scrap iron processors.

(8) Appropriate Fiscal Control. The approved AVA plan shall include measures ensuring proper fiscal controls. The controls shall include, but are not limited to the following:

(a) Measures for accounting for the gross amount of funds that the Authority received from the Abandoned Vehicle Trust Fund.

(b) Measures for an itemized accounting for the Abandoned Vehicle Trust Fund moneys expended by the Authority.

(c) Measures for accounting for the total number of vehicles or parts thereof abated as a result of the Authority's abatement, removal and disposal efforts.

(d) Measures for conducting internal audits by the Authority. The internal audits shall be conducted at least annually.

2. REPORTING REQUIREMENTS.

a. Annual Reports to State Controller's Office (SCO). In order to meet its obligation mandated by the Legislature, an established Authority shall submit a report on an annual basis to the State Controller's Office (SCO) pursuant to Section 22710(d) VC. (Refer to Chapter 4, Annex A, of this handbook for specific VC language.) The CHP has developed an Annual Status Report form example (refer to Chapter 3, Annex C of this handbook) and an Abandoned Vehicle Abatement Report example (refer to Chapter 3, Annex B of this handbook) for the Authorities and their jurisdictions. The Annual Status Report contains the required reporting information to satisfy the Legislature's intent of appropriate fiscal controls. The Annual Status Report shall be submitted to the SCO no later than 90 calendar days following the end of the previous quarter to ensure ongoing funding from the SCO. The report shall contain the following information:

(1) The total revenues received by the service authority for the previous fiscal year.

(2) The total expenditures by the service authority for the previous fiscal year.

(3) The total number of vehicles abated during the previous fiscal year.

(4) The average cost of abatement during the previous fiscal year.

(5) Any additional unexpended fee revenues for the service authority for the previous fiscal year.

(6) The number of notices to abate vehicles during the previous fiscal year.

(7) The number of vehicles disposed of, pursuant to an ordinance adopted pursuant to Section 22710 VC during the previous fiscal year.

(8) The total expenditures by the service authority for towing and storage of abandoned vehicles during the previous fiscal year.

3. SERVICE AUTHORITY SUNSET EXTENSION GUIDELINES.

a. The authority may extend their sunset date by increments of up to 10 years if the board of supervisors of the county, by a two-thirds vote, and a majority of the cities having a majority of the incorporated populations within the county adopt resolutions providing for the extension of the service fee.

b. The Authority shall send the resolutions, along with a cover letter requesting the extension of the service fee, to the SCO. The cover letter shall include both the current sunset date and the extended sunset date. The SCO, upon review, will forward the cover letter and the resolutions to Department of Motor Vehicles (DMV) and the CHP.

NOTE: Refer to Chapter 2, Annex A, Abandoned Vehicle Abatement Extension Resolution.

4. AUDIT GUIDELINES.

a. On or before January 1, 2010, and biennially thereafter, the service authority shall have a financial audit of the service authority conducted by a qualified independent third party.

b. Audits shall be contracted with a certified public accountant or public accountant pursuant to Section 5605 GC, to make an annual audit of the accounts and records of every agency or entity.

c. The auditor shall report all revenue and disbursements, receipts for purchases, and administrative costs, and an annual audit of the Authority pursuant to the requirements of Section 6505 GC.

d. Any authorized auditor shall have access to any books, documents, papers, records, reports, including, but not limited to, financial records pertinent to the Authority for the purpose of making an audit, evaluation, or examination.

e. The audit records shall be retained by the Authority, jurisdiction, auditor controller, certified public accountant, or public accountant for a period of current plus four years.

ANNEX A

ABANDONED VEHICLE ABATEMENT PLAN (SAMPLE)

JOINT POWERS AGREEMENT

ONE COPY TO BE SUBMITTED AND SIGNED BY EACH
PARTICIPATING CITY AND THE COUNTY

ANNEX A

**ABANDONED VEHICLE ABATEMENT PLAN (SAMPLE)
(Continued)**

JOINT POWERS AGREEMENT

_____ COUNTY ABANDONED VEHICLE ABATEMENT

SERVICE AUTHORITY, 2001

1. PARTIES:

The parties to this Agreement are the county of _____ and those cities within the County that have elected to create and participate in the _____ County Abandoned Vehicle Abatement Service Authority as provided herein.

2. PURPOSE AND AUTHORITY:

The purpose of this Agreement is to establish a Service Authority for the abatement of abandoned vehicles in _____ County pursuant to Section 22710 of the California Vehicle Code (VC).

3. CREATION:

Upon the effective date of this Agreement, there is hereby created, the _____ County Abandoned Vehicle Abatement Service Authority as a separate public entity and distinct from the member jurisdictions to implement this agreement in accordance with Section 22710 VC.

ANNEX A

ABANDONED VEHICLE ABATEMENT PLAN (SAMPLE) (Continued)

4. MEMBERSHIP IN THE AUTHORITY:

Membership in the Authority will be open to all cities who, by an approved resolution of their city council, agree to participate in the Authority. In addition, the County of _____ shall be entitled to membership; also by an approved resolution of its board of supervisors.

5. BOARD OF DIRECTORS:

- a. The Authority shall be governed by a board of directors, to be selected by the members of the Authority. All terms shall be at the discretion of the board of supervisors.
- b. The duties of the board of directors will include, but are not limited to: preparing and recommending to the county Board of Supervisors and city councils action regarding the Abandoned Vehicle Abatement Program; preparing and submitting a Service Plan to the State of California, California Highway Patrol (CHP); conducting and reporting the results of any survey, study or analysis pertaining to the Program; managing the financial affairs of the Authority; modifying and/or approving annual reports to the State Controller (SC); and disbursement of funds.
- c. The Authority's board of directors shall consist of a representative of each participating jurisdiction. The County representative shall be appointed by the board of supervisors. City representatives appointed to the board shall be selected by an appointing Authority, to be determined by each city.

6. VOTING RIGHTS:

Each member of the Authority shall be entitled to one vote in forming the Authority and selecting the board of directors.

7. POWERS AND DUTIES:

Contracts and Acts: Pursuant to Section 22710(b) VC, the Authority may contract and may undertake any act convenient or necessary to carry out any law

ANNEX A

ABANDONED VEHICLE ABATEMENT PLAN (SAMPLE) (Continued)

relating to the Authority. The Authority shall be staffed with existing personnel of the city, county, or county transportation commission.

- a. Ordinance: Each member jurisdiction of the Authority shall certify that their local ordinances comply with Sections 22660 and 22661 VC for the abatement, removal, and disposal, as public nuisances, of abandoned, wrecked, dismantled, or inoperative vehicles or parts thereof, from private or public property. Additionally, local ordinances may include a system for the recovery of expended funds pursuant to Sections 22710(c)(1) VC and 25845 or 38773.5 of the Government Code (GC).
- b. Plan: Pursuant to Section 22710(d) VC, an Abandoned Vehicle Abatement Plan of an Authority shall be implemented only with the approval of the County of _____ and a majority of the cities having a majority of the incorporated population. The Plan shall be consistent with guidelines prepared by the CHP.
- c. Restriction: The manner of exercising powers granted the Authority by this Agreement shall be subject to the same restrictions as are imposed upon the County of _____ in its exercise of similar powers.

8. FEE:

Pursuant to Section 9250.7 VC, the Authority hereby imposes an annual service fee of one dollar (\$1) on vehicles registered to an owner with an address in _____ County, including the incorporated cities, provided the Abandoned Vehicle Abatement Plan, referred to in Section VII.c, above, is approved by the County and a majority of the cities having a majority of the incorporated population in compliance with Section 22710(d) VC.

9. MEETINGS:

The Authority and the board of directors shall meet at least annually to carry out the purpose and duties of the Authority. No meeting shall be conducted with less than a majority of all participating members, which represents a quorum, and any votes of the Authority will be by a majority of that quorum.

ANNEX A

ABANDONED VEHICLE ABATEMENT PLAN (SAMPLE) (Continued)

10. STAFF:

Pursuant to Section 22710(d) VC, the Authority shall be staffed by existing personnel of the city, county, or county transportation commission.

11. AUDIT:

The Authority and their jurisdictions shall 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.

12. FUNDS:

The funds received by the Authority from the one dollar (\$1) registration fee shall be used in accordance with Section 22710(d)(5) VC: "No governmental agency shall receive any funds from an Authority for the abatement of abandoned vehicles pursuant to an approved abandoned vehicle abatement program unless the governmental agency has submitted an annual report to the Authority stating the manner in which the funds were expended, and the number of vehicles abated. The governmental agency shall receive that percentage of the total funds collected by the Authority that is equal to its share of the formula calculated pursuant to paragraph (6)."

13. DEBTS AND LIABILITIES.

The debts, liabilities, and obligations of the Authority shall not be the debts, liabilities, and obligations of the member jurisdictions. Any participating member of the Authority shall defend, indemnify, save and hold harmless the Authority and any other participating members from any and all claims, costs, liability for any damages, sickness, death or injury to person(s) or property, including without limitation all consequential damages, from any cause whatsoever arising directly or indirectly from or connected with the operations or services of that member or its agents, servants, or employees save and except claims or litigation arising through the negligence or willful misconduct of the Authority or its officers or employees, and will make good to and reimburse the Authority for

ANNEX A

ABANDONED VEHICLE ABATEMENT PLAN (SAMPLE) (Continued)

any expenditures, including reasonable attorney fees, the Authority may make by reason of such matters and, if requested by the Authority, defend any such suits at the sole cost and expense of the involved participating member.

14. AUTHORITY COSTS:

The Authority will contract, via this Agreement, with each individual member, and may undertake actions that are required by law relating to the performance of duties in the removal of abandoned vehicles from public and private property and public roadways and the cost associated with these duties. Any costs incurred in the operation of the Authority must be approved by a simple majority vote of the board of directors.

15. AMENDMENT:

This Agreement may be amended upon a simple majority vote of all member jurisdictions.

16. TERMINATION BY MEMBERS:

Subject to Section 22710 VC, this Agreement may be terminated by member jurisdictions as follows:

- a. Individual Member Jurisdictions: A member jurisdiction may terminate its participation in this Agreement and the Authority immediately by providing written notice to the County any time before the Abandoned Vehicle Abatement Plan is approved pursuant to Section 22710(d) VC. Notice to the County shall be delivered to the _____ County Code Enforcement Office, (Address). After the Abandoned Vehicle Abatement Plan has been approved, a member jurisdiction may terminate its participation in this Agreement and the Authority by providing 30 days written notice of such termination to the Authority and the other member jurisdictions. However, termination shall not relieve a member of its duty to comply with the Abandoned Vehicle Abatement Plan, Section 22710 VC, and the regulations adopted pursuant thereto, this Agreement and the rules of the Authority as to any funds received from the Authority. Notice of termination may be rescinded upon written notice to the Authority and the other member jurisdictions at any time before the effective date of termination.

ANNEX A

ABANDONED VEHICLE ABATEMENT PLAN (SAMPLE) (Continued)

- b. Majority: This Agreement may be terminated at any time by a simple majority of the member jurisdictions voting to dissolve the Authority.

17. NEW MEMBER:

A jurisdiction may choose to enter into the Authority by giving a Notice of Submission, which is to be in resolution form, and approved by a majority vote of that jurisdiction's governing council or board. This resolution is to be received no later than April 1st by the Authority. Upon approval from the CHP, distribution of funds to the new jurisdiction will be in accordance to the rules previously approved in this Agreement. Appropriation of the \$1.00 fee will commence on July 1st of the new fiscal year and be distributed thereafter on a quarterly basis by the State Controller (SC).

18. TERMINATION:

The Service Authority shall cease to exist on the date that all revenues received by the Authority pursuant to Sections 9250.7 and 22710 VC, have been expended.

19. COUNTERPARTS:

This Agreement may be executed in counterparts which, taken together, shall constitute one and the same Agreement.

20. EFFECTIVE DATE:

This Agreement becomes effective upon its approval by the county board of supervisors by two-thirds vote, and a majority of the cities having a majority of the incorporated population within the county.

Signatures from each participating jurisdiction.

ANNEX A

ABANDONED VEHICLE ABATEMENT PLAN (SAMPLE)

**COUNTY ABANDONED VEHICLE
SERVICE AUTHORITY PLAN**

ONE COPY SIGNED BY EACH
AGENCY HEAD PARTICIPATING
ON THE SERVICE AUTHORITY

ANNEX A
ABANDONED VEHICLE ABATEMENT PLAN (SAMPLE)
(Continued)

COUNTY ABANDONED VEHICLE
SERVICE AUTHORITY PLAN
(DATE)

1. SERVICE AUTHORITY:

Section 22710 of the California Vehicle Code (VC) provides for the establishment of a Service Authority for the abatement of abandoned vehicles. The parties to this Agreement are the County of _____ and those cities within the county that have elected to create and participate in the _____ county Abandoned Vehicle Abatement Service Authority as provided herein.

2. PURPOSE:

The purpose of this Agreement is to establish a Service Authority for the abatement of abandoned vehicles in _____ County pursuant to Section 22710 VC.

3. RESOLUTIONS:

Copies of each participating city's and the County's resolution providing for the establishment of the Authority including imposition of the one dollar (\$1.00) registration fee, pursuant to the requirements of Sections 22710 and 9250.7(a) VC are on file with the Authority, the California Highway Patrol (CHP), and the State Controller (SC).

4. ESTIMATE OF THE NUMBER OF ABANDONED VEHICLES:

As required by Section 22710 VC, "No governmental agency shall receive any funds from an Authority for the abatement of abandoned vehicles pursuant to an approved abandoned vehicle abatement program unless the governmental agency has submitted a annual report to the Authority stating the manner in which the funds were expended, and the number of vehicles abated. The governmental agency shall receive that percentage of the total funds collected by the Authority that is equal to the percentage of vehicles abated by the agency of the total number of abandoned vehicles abated by all agencies that are members of the Authority."

5. ORDINANCES:

Each of the participating agencies have ordinances in place establishing procedures for the abatement, removal, and disposal as public nuisances, abandoned, wrecked, dismantled, or inoperative vehicles or parts thereof from private or public property, including highways, in accordance with the requirements of Sections 22660 and 22661 VC. This includes ordinances developed for cost recovery pursuant to Sections 25845 or 38773.5 of the Government Code (GC).

ANNEX A

ABANDONED VEHICLE ABATEMENT PLAN (SAMPLE) (Continued)

6. DISPOSAL AND ENFORCEMENT STRATEGY:

Each of the participating agencies have abandoned vehicle abatement processing formats or Standard Operating Procedures in place for the enforcement of Sections 22523(a)(b) VC. Statutory authority for the removal of abandoned vehicles is Section 22669 VC, as well as local ordinances adopted for the removal and disposal as public nuisances of abandoned, wrecked, dismantled, or inoperative vehicles or parts thereof from private or public property.

In accordance with Sections 22671 and 22851.3 VC, each member will maintain a contractual agreement with a licensed auto dismantler and/or qualified tow company for the removal and disposal of abandoned vehicles and may employ such contractors for the abatement, removal, and disposal as public nuisances of: abandoned, wrecked, dismantled, or inoperative vehicles or parts thereof from private or public property. Abated vehicles or parts thereof shall be disposed of by removal to a dismantler or to a scrapyard for processing as scrap, unless the vehicle qualifies for restoration pursuant to Section 5004 VC.

7. COST RECOVERY STRATEGY:

- a. General: Participating agencies shall utilize the provisions of Section 22523 VC to effect partial recovery of costs incurred in the removal of an abandoned vehicle. Additionally, member cities have enacted ordinances relative to recovery in accordance with Sections 25845 or 38773.5 GC.
- b. Funding System: It is the intent of the abandoned vehicle abatement participants to recover the cost of abandoned vehicle abatement activities from the Authority.
 - (1) Definition of Costs Recoverable from the Authority: These costs include staff time expended and reasonably related to abandoned vehicle abatement consistent with each participating jurisdiction's approved and adopted Plan, including but not limited to costs associated with investigation, site inspection, monitoring, necessary reports, telephone contacts, correspondence and meetings with affected parties. Staff time shall be calculated at an hourly rate as established by each participant.
 - (2) Cost Accounting and Recovery Required: Each abandoned vehicle abatement participant will maintain records of the costs incurred while participating in the Abandoned Vehicle Abatement Program and the Authority shall attempt recovery of those costs.
 - (3) Audit: The Authority and their jurisdictions shall 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.

ANNEX A

ABANDONED VEHICLE ABATEMENT PLAN (SAMPLE) (Continued)

NOTE: On or before January 1, 2010, and biennially thereafter, the service authority shall have a financial audit of the service authority conducted by a qualified independent third party.

(4) Disbursement of Funds:

- (a) The money received by an Authority pursuant to Section 9250.7 VC shall be distributed to the cities and the county for their use in accordance with Section 22710 VC.
- (b) The funds will be disbursed quarterly, as received, and based upon the percentage of vehicles abated by the agency of the total number of abandoned vehicles abated by all agencies that are members of the Authority.
- (c) The quarterly disbursement of funds to each participating jurisdiction shall be based on the fiscal year beginning in July.
- (d) The Treasurer of the Authority will receive any funds distributed to the Authority by the SC and shall disburse said funds, including interest thereon, less any expenses resulting from contractual agreements to conduct audits, to each member jurisdiction as authorized by the board and by the terms of this Plan. The Treasurer shall report all receipts and disbursements to the Authority on a quarterly basis.
- (e) Any funds received by the Authority that are not expended to abate abandoned vehicles pursuant to an approved Abandoned Vehicle Abatement Program within 90 days of the close of the fiscal year in which the funds were received, shall be returned to the SC for deposit in the Motor Vehicle Account in the State Transportation Fund.

- (5) Debts and Liabilities. The debts, liabilities, and obligations of the Authority shall not be the debts, liabilities, and obligations of any member jurisdictions.

8. REPORTING REQUIREMENTS:

- a. Annual Reports to SC. In order to meet its obligation, the SC requests that each Authority, established pursuant to the provisions of Sections 9250.7 and 22710 VC, submit on an annual basis data relative to the operation of its Abandoned Vehicle Abatement Program. The SC has prepared Annual Status Report forms (Annex A) for the reporting requirements of the Authorities and jurisdictions. An Authority shall submit their reports on these forms to the SC. These Annual Fiscal Year-end Reports shall contain the required reporting information to satisfy the Legislature's intent of appropriate fiscal controls. These Annual Fiscal Year-end reports shall be submitted on or before October 31st of each year to ensure ongoing funding from the SC and meet the mandated legislative requirements. The report should contain the following information:

ANNEX A

ABANDONED VEHICLE ABATEMENT PLAN (SAMPLE) (Continued)

- (1) The total revenues received by the service authority for the previous fiscal year.
- (2) The total expenditures by the service authority for the previous fiscal year.
- (3) The total number of vehicles abated during the previous fiscal year.
- (4) The average cost of abatement during the previous fiscal year.
- (5) Any additional, unexpended fee revenues for the service authority for the previous fiscal year.
- (6) The total number of notices to abate vehicles during the fiscal year.
- (7) The total number of vehicles disposed of, pursuant to an ordinance adopted pursuant to Section 22710 VC during the fiscal year.
- (8) The total expenditures by the service authority for towing and storage of abandoned vehicles during the previous fiscal year.

ANNEX A

ABANDONED VEHICLE ABATEMENT PLAN (SAMPLE)

CITY/COUNTY RESOLUTIONS

SUBMITTED BY EACH
PARTICIPATING AUTHORITY
(COUNTY AND CITIES)

ANNEX A

**ABANDONED VEHICLE ABATEMENT PLAN (SAMPLE)
(Continued)**

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF _____ CALIFORNIA,
ESTABLISHING SERVICE AUTHORITY FOR ABANDONED VEHICLE ABATEMENT

WHEREAS, Sections 9250.7 and 22710 California Vehicle Code provides for the establishment of a Service Authority for abandoned vehicle abatement if the city council/board of supervisors of the county and a majority of the cities within the county having a majority of the population adopt resolutions providing for the establishment of the Authority; and

WHEREAS, the city council/board of supervisors of the City/County of _____ finds that abandoned, inoperable, wrecked, dismantled vehicles or parts thereof pose a health and safety hazard and are found to be public nuisances; and

WHEREAS, the city council/board of supervisors finds that an Abandoned Vehicle Abatement Program is needed to provide for the proper removal and disposal of abandoned vehicles and assist law enforcement and code enforcement personnel in abatement of abandoned vehicles; and

WHEREAS, the _____ County Abandoned Vehicle Abatement Service Authority will have the responsibility for implementing an abandoned vehicle removal program in _____ County.

NOW, THEREFORE, BE IT RESOLVED, that the city council/board of supervisors of the City/County of _____ hereby requests that a Service Authority for abandoned vehicle abatement be established in _____ County pursuant to the provisions of Section 22710 of the California Vehicle Code.

BE IT FURTHER RESOLVED, that the city council/board of supervisors directs that members of each participating agency shall serve as the Service Authority for abandoned vehicle abatement in the County of _____.

BE IT FURTHER RESOLVED, that the city council/board of supervisors approves the Vehicle Abatement Plan of the Abandoned Vehicle Abatement Service Authority of the County of _____ and to impose a one dollar (\$1.00) vehicle registration fee. The fee imposed by the Authority shall remain in effect only for a period of ten years from the inception of the date that the actual collection of the fees commences.

APPROVED AND ADOPTED this ____ day of _____, 20____.

Necessary Signatories

ANNEX A

**ABANDONED VEHICLE ABATEMENT PLAN (SAMPLE)
(Continued)**

CITY/COUNTY ORDINANCES

**SUBMITTED BY EACH
PARTICIPATING AUTHORITY
(COUNTY AND CITIES)**

ANNEX A
ABANDONED VEHICLE ABATEMENT PLAN (SAMPLE)
(Continued)

CITY AND/OR COUNTY ORDINANCES

ABANDONED VEHICLE ABATEMENT

CHAPTER 1

Section:

100: General Abandoned Vehicles as Nuisances.

110: Definitions.

120: Exceptions.

130: Nonexclusivity of Regulation

140: Officer Designated.

150: Authority of Private Contractor.

160: Administration Costs.

170: Authority of Vehicle Abatement Officer

180: Abatement Notice of Intention.

190: Public Hearing-Requested.

200: Public Hearing-Procedure, Action

210: Vehicle Disposal.

220: Notice to Department of Motor Vehicles.

230: Cost Recovery.

240: Act of Abandonment-Infraction.

ANNEX A

ABANDONED VEHICLE ABATEMENT PLAN (SAMPLE) (Continued)

250: Refusal to Abate-Infraction.

260: Constitutionality

100. General Abandoned Vehicles as Nuisances.

In addition to and in accordance with the determination made and the authority granted by the State of California under Section 22660 of the California Vehicle Code (VC) to remove abandoned, wrecked, dismantled, or inoperative vehicles or parts thereof as public nuisances, the city 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 creates 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, to be injurious to the health, safety, and general welfare. Therefore, the presence of an abandoned, wrecked, dismantled or inoperative vehicle or parts thereof, on private or public property, except as expressly permitted in this chapter, constitutes a public nuisance which may be abated as such in accordance with the provisions of this Chapter.

110. Definitions.

As used in this Chapter, the following words and phrases are defined as set out in this section:

- a. "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.
- b. "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.
- c. "Owner of the vehicle" means the last registered owner and legal owner of record.
- d. "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.

ANNEX A

ABANDONED VEHICLE ABATEMENT PLAN (SAMPLE) (Continued)

120. 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 highway 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, or a junkyard.
- c. Nothing in this section authorizes the maintenance of a public or private nuisance as defined under provision of law other than Chapter 10 (commencing with Section 22650) of Division 11 of the Vehicle Code and this Chapter.

130. Nonexclusivity of Regulation.

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

140. Officer Designated.

Except as otherwise provided in this Chapter, the provisions of this Chapter shall be administered and enforced by the vehicle abatement officer as designated by the (city manager or designated agency head responsible for abandoned vehicle abatement operations in the designated city and/or county). In the enforcement of this Chapter, such officers and deputies may enter upon private or public property to examine a vehicle, or parts thereof, obtain information as to the identity of a vehicle, and remove or cause the removal of a vehicle or part thereof declared to be a nuisance pursuant to this Chapter.

150. Authority of Private Contractor.

When the council has contracted with or granted a franchise to any person or persons to remove vehicles pursuant to this Chapter, such person or persons shall be authorized to enter upon private property or public property to remove or cause the removal of a vehicle or parts thereof declared to be a nuisance pursuant to this Chapter.

160. Administration Costs.

The council shall, from time to time, determine and fix an amount to be assessed as administrative costs (excluding the actual cost of removal of any vehicle or part thereof) under this Chapter.

ANNEX A

ABANDONED VEHICLE ABATEMENT PLAN (SAMPLE) (Continued)

170. Authority of Vehicle Abatement Officer.

Upon discovering the existence of an abandoned, wrecked, dismantled or inoperable vehicle, or parts thereof, on private property or public property within the city/county, the vehicle abatement officer shall have the authority to cause the abatement and removal thereof in accordance with the procedure described in this Chapter.

180. Abatement Notice of Intention.

a. A 10-day notice of intention to abate and remove the vehicle, or parts thereof, as a public nuisance shall be mailed by registered or certified mail to the owner of the land as shown on last equalized assessment roll and to the last registered and legal owner of record, 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:

ANNEX A

**ABANDONED VEHICLE ABATEMENT PLAN (SAMPLE)
(Continued)**

"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 of ordinance or municipal code) has determined that there exists upon said land an (or parts of an) abandoned, wrecked, dismantled, or inoperative vehicle registered to _____, license or VIN number _____, which constitutes a public nuisance pursuant to the provision of (ordinance or municipal code Chapter number)."

"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 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 city council of the city of _____ within such 10-day period, the city manager shall have the authority to abate and remove said vehicle (or said parts of a vehicle) as a public nuisance and assess the costs as aforesaid 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 a 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: _____

City Manager

City of _____

ANNEX A

**ABANDONED VEHICLE ABATEMENT PLAN (SAMPLE)
(Continued)**

"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 last registered and/or legal owner of record of vehicle - notice should be given to both if different.)

"As the last registered (and/or legal) owner of record of (description of vehicle - make, model, license, etc.), you are hereby notified that the undersigned pursuant to (section of ordinance or municipal code) has determined that said vehicle (or parts of a vehicle) exists as an abandoned, wrecked, dismantled, or inoperative vehicle at (describe location on public or private property) and constitutes a public nuisance pursuant to the provision of (ordinance or municipal code chapter number)."

"You are hereby notified to abate said nuisance by removing said vehicle (or said parts of a vehicle) within 10 days from the date of the mailing of this notice."

"As the registered (and/or legal) owner of record of said vehicle (or said parts of a vehicle), you are hereby notified that you may, within 10 days after the mailing of this notice of intention, request a public hearing or may submit a sworn written statement denying responsibility for the presence of the vehicle on the land, with his or her reasons for such denial, in lieu of appearing. If such request is not received by the city council of the City of _____ within such 10-day period, the Chief of Police shall have the authority to abate and remove said vehicle (or said parts of a vehicle) without a hearing."

Notice Mailed _____

City Manager

City of _____

ANNEX A

ABANDONED VEHICLE ABATEMENT PLAN (SAMPLE) (Continued)

A notice of intention to abate shall not be required if (1) the property owner and the owner of the vehicle have signed releases authorizing removal and waive further interest in the vehicle or part thereof, or (2) all the following conditions are satisfied:

- (a) The vehicle or part thereof is inoperable due to the absence of a motor, transmission, or wheels and is incapable of being towed;
- (b) The vehicle or part thereof is valued at less than three hundred dollars (\$300.00) by the Police Chief of the city of _____ or his/her designee;
- (c) The Department of Building and Safety has determined that the vehicle or part thereof is a public nuisance presenting an immediate threat to public health or safety;
- (d) The property owner has signed a release authorizing the removal and waiving further interest in the vehicle or part thereof; and
- (e) The vehicle is located upon a parcel that is either zoned for agricultural use or is not improved with a residential structure containing one or more dwelling units.

If a vehicle is removed pursuant to subdivision (2), prior to final disposition, the registered or legal owner shall be notified of the intent to dispose of the vehicle or parts thereof. If the vehicle or part thereof is not claimed and removed from the scrap yard, automobile dismantler's yard or public disposal area within 12 days after the notice to dispose of vehicle is mailed, final disposition may proceed.

190. Public Hearing Requested.

Upon request by the owner of the vehicle or owner of the land received by the city's/county's vehicle abatement officer within 10 days after the mailing of the notices of intention to abate and remove, a public hearing shall be held by the (_____) 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 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/her land within such 10-day period, said statement shall be construed as a request for a hearing, which does not require his/her presence. Notice of the hearing shall be mailed, by registered mail, at least 10 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 10 days after mailing of the notice of intention to abate and remove, the city/county shall have the authority to abate and remove the vehicle, or parts thereof, as a public nuisance without holding a public hearing.

ANNEX A

ABANDONED VEHICLE ABATEMENT PLAN (SAMPLE) (Continued)

200. Public Hearing - Procedure Action.

All hearings under this Chapter shall be held before the (_____), which shall hear all facts and testimony deemed pertinent. Said facts and testimony may include testimony on the condition of the vehicle, or part thereof, and the circumstances concerning the vehicle's location on the private property or public property. The (_____) shall not be limited by the technical rules of evidence. The owner of the land on which the vehicle is located may appear in person at the hearing or present a written statement in time for consideration at the hearing, and deny responsibility for the presence of the vehicle on the land, with reasons for such denial.

The (_____) may impose such conditions and take such other action as it deems appropriate under the circumstances to carry out the purpose of this Chapter. This may delay the time for removal of the vehicle, or part thereof, if, in the opinion of the hearing officer, the circumstances justify the delay. At the conclusion of the public hearing, the (_____) may find that a vehicle, or part thereof, has been abandoned, wrecked, dismantled or is inoperative on private or public property, and by resolution 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 parcel of land on which the vehicle, or part thereof, is located. The order requiring removal shall include a description of the vehicle, or part thereof, and the correct identification number and license number of the vehicle, if available at the site.

If it is determined at the hearing that the vehicle was placed on the land without the consent of the land owner and that (s)he has not subsequently acquiesced in its presence, the (_____) shall not assess costs of administration or removal of the vehicle against the property upon which the vehicle is located or otherwise attempt to collect such costs from such land owner.

If an interested party makes a written presentation to the (_____), but does not appear, (s)he shall be notified in writing of the decision.

210. Vehicle Disposal.

Five days after adoption of the order declaring the vehicle or parts thereof to be a public nuisance or five days from the date of mailing of notice of the decision, as required by Section 200, whichever date is later, the vehicle or parts thereof may be disposed of by removal to a scrapyard or automobile dismantler's yard. After a vehicle has been removed, it shall not thereafter be reconstructed or made operable unless it is a vehicle which qualifies for either horseless carriage license plates or historical vehicle license plates pursuant to 5004 VC, in which case the vehicle may be reconstructed or made operable.

ANNEX A

ABANDONED VEHICLE ABATEMENT PLAN (SAMPLE) (Continued)

220. Notice to Department of Motor Vehicles.

Within five days after the date of removal of the vehicle or parts thereof, notice shall be given to the Department of Motor Vehicles by the persons authorized to remove the vehicle identifying the vehicle or parts thereof removed. At 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.

230. Cost Recovery.

If the administrative costs and the costs of removal which are charged against the owner of a parcel of land pursuant to Section 200 are not paid within 30 days of the date of the order, such costs shall be assessed against the parcel of land pursuant to Government Code Section 25845 or 38733.5 and shall be transmitted to the tax collector for collection. Said assessment shall have the same priority as other county taxes.

240. Act of Abandonment - Infraction.

It is unlawful and an infraction for any person to abandon, store, leave, or permit the abandonment, storing, or leaving of any licensed or unlicensed vehicle or parts thereof which is abandoned, wrecked, dismantled or inoperative upon any private property or public property, including highways, within the city for a period in excess of 72 or more consecutive hours unless such vehicle or parts 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, or unless such vehicle is stored or parked in a lawful manner on private property in connection with the business of a licensed dismantler or licensed vehicle dealer or a junkyard.

250. Refusal to Abate - Infraction.

It is unlawful and an infraction 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 or state law, where such state law is applicable.

260. Constitutionality.

Should any section, subsection, paragraph, clause, or phrase of this Chapter for any reason be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this Chapter.

ANNEX A

**ABANDONED VEHICLE ABATEMENT PLAN (SAMPLE)
(Continued)**

CONTRACTUAL AGREEMENT

**(ENTERED INTO BY COUNTY/CITIES
WITH A TOW COMPANY OR
DISMANTLER TO PERFORM
ABATEMENTS)**

ANNEX B

ABANDONED VEHICLE ABATEMENT REPORT (SAMPLE)
(Continued)

Hearing Requested: Yes No Requested by _____ Date _____
Decision Rendered: Vehicle Released Vehicle Ordered Destroyed Other _____
Date of Hearing _____
 Voluntary Abatement - Date _____ Vehicle Towed - Date _____

INSTRUCTIONS FOR COMPLETING
ABANDONED VEHICLE ABATEMENT REPORT

- Case Number:** Enter the case number representing the vehicle abated.
 - Date/Time/Day of the Week:** Enter the date, time, and day of the week the vehicle was inspected.
 - Vehicle Information:** Enter the vehicle information (License Number, Odometer, R/O Information, etc.).
 - Investigating Employee:** Enter the investigating employee's name and ID.
 - Attach Picture of Abated Vehicle Here:** Attach a picture of the abated vehicle (OPTIONAL).
 - Date Complaint Received:** Enter the date the complaint of the abandoned vehicle was received.
 - Phone Number:** Enter the phone number of the complainant, if applicable.
 - Narrative:** Enter a justification articulating how the vehicle was determined to be abandoned.
 - Private vs. Public Property:** Check the appropriate box indicating if the vehicle was abated from private or public property.
 - Registered Owner Notified/Date:** Enter the date the registered owner was notified of the abatement or intended abatement.
 - Property Owner Notified/Date:** Enter the date the property owner was notified, if applicable.
 - Hearing Requested:** Indicate if a hearing was requested by checking "yes" or "no."
 - Requested by:** Enter the name of the person requesting the hearing.
 - Date:** Enter the date the hearing was requested.
 - Date of Hearing:** Enter the date in which the hearing was held.
 - Decision Rendered:** Indicate the decision rendered by checking the appropriate box.
 - Voluntary Abatement vs. Vehicle Towed - Date:** Check the appropriate box and enter the date the vehicle was abated.
- Definition:**
Voluntary: The property or registered owner voluntarily abated the vehicle after being notified.
Vehicle Towed: The vehicle was required to be abated by the jurisdiction by towing the vehicle to a dismantler or wrecker.

ANNEX C

ANNUAL STATUS REPORT SAMPLE

**State Controller's Office
Division of Accounting and Reporting
Report of Abandoned Vehicle Abatements
Vehicle Code Section 9250.7 (c)
Fiscal Year _____**

Pursuant to Vehicle Code (VC) section 9250.7 (c), each service authority is annually required to prepare and submit the following information to the State Controller's Office on or before October 31. VC 9250.7 states: "Every service authority that imposes a fee authorized by subdivision (a) shall issue a fiscal yearend report to the Controller on or before October 31 of each year summarizing all of the following for the previous fiscal year."

Please complete the following for the previous fiscal year: **County of** _____

- (1) Total revenues received by the service authority. \$ _____
- (2) Total expenditures by the service authority. \$ _____
- (3) Total number of vehicles abated. \$ _____
- (4) Average cost per abatement. \$ _____
- (5) Any additional, unexpended fee revenues. \$ _____
- (6) Number of notices to abate issued. \$ _____
- (7) Number of vehicles disposed of pursuant to an ordinance adopted. \$ _____
- (8) Total expenditures for towing and storage of abandoned vehicles. \$ _____

In addition, service authorities that fail to comply with VC 9250.7 (c) will be held accountable to the provisions of VC section 9250.7 (d) which states: Each service authority that fails to submit the report required pursuant to subdivision (c) by November 30 of each year shall have the fee suspended for one year pursuant to subdivision (b)."

Prepared by: _____

Date: _____

Title: _____

Submit to:

Office of the State Controller
Attention: AVA Coordinator
Division of Accounting and Reporting
P.O. Box 942850
Sacramento, CA 94250

If you have any questions, please contact AVA Coordinator in the Division of Accounting and Reporting at (916) 323-8077.