

TOWN OF SAN ANSELMO

ORDINANCE NO. 928

An Ordinance Amending Article 17 of Chapter 5 of Title 3 to Meet the Guidelines Set Forth By the California Highway Patrol Abandoned Vehicle Abatement Program (AVA)

The Town Council of the Town of San Anselmo does ordain as follows:

SECTION 1. Article 17 of Chapter 5, Title 3 of the San Anselmo Municipal Code is hereby amended as follows:

Subsection (c) of Section 3.5.1701 shall read:
"'Public Property' shall include 'highway.'"

Subsection (d) of Section 3.5.1701 is amended, on the second line, to substitute the word "part" with the word "part(s)".

A new subsection (f) of Section 3.5.1701 is added to read: "'Inoperative vehicle' shall mean a vehicle that cannot be moved under its own power or vehicles not currently registered with the Department of Motor Vehicles excluding those vehicles that have been filed as a non-operational status."

Section 3-5.1713 is amended as shown by the underlining:

Section 3-5.1713. Notices to Department of Motor Vehicles and to the Department of Justice.

Within five (5) days after the date of removal of the vehicle, or parts thereof, notice shall be given to the Department of Motor Vehicles of the state identifying the vehicle, or parts thereof, removed. At the same time there shall be submitted to the Department of Motor Vehicles any evidence of registration available, including registration certificates, certificates of title, and license plates according to the provisions of Section 22852 of the Vehicle Code. The Department of Justice shall be notified upon the removal of the vehicle according to the provisions of section 22853 of the Vehicle Code.

Section 3-5.1715 is repealed and replaced with the following:

Section 3-5.1715. Violations: Abandonment of Vehicles.

(a) No person shall abandon a vehicle upon any highway.

(b) No person shall abandon a vehicle upon public or private property without the express or implied consent of the owner or person in lawful possession or control of the property.

(c) No person shall abandon, park, store, or leave, or permit the abandonment, parking, storing, or leaving, of any licensed or unlicensed vehicle, or part(s) thereof, which is in an abandoned, wrecked, dismantled, or inoperative condition upon public or private property with the express or implied consent of the owner or person in lawful possession or control of the property in excess of three (3) days unless such vehicle, or part(s) thereof, is completely enclosed within a building in a lawful manner where such vehicle, or part(s) thereof, 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, licensed vehicle dealer, or a junk yard.

(d) Any person acting in violation of this section shall be guilty of an infraction and shall be punished by a fine not less than One Hundred Dollars (\$100) and shall provide proof that the cost of removal and disposition of the vehicle have been paid. No part of any fine imposed shall be suspended.

(e) Proof that the cost of removal and disposition of the vehicle have been paid shall not be required if proof is provided to the court that the vehicle is stolen prior to the abandonment. That proof may consist of a police report or other evidence acceptable to the court.

(f) The costs required to be paid for the removal and disposition of any vehicle determined to be abandoned pursuant to Vehicle Code section 22669 shall not exceed those of towing and seven (7) days of storage. This section does not apply if the registered owner or legal owner has completed and returned to the lien holder a "declaration of opposition" form within the time specified by Vehicle Code section 22851.8.

A new Section 3-5.1716 is added to read as follows:

Section 3-5.1716. Abandonment: Presumption.

(a) The abandonment of any vehicle in a manner as provided in Section 3-5.1715 above shall constitute a prima

facie presumption that the last registered owner of record is responsible for the abandonment and is thereby liable for the cost of removal and disposition of the vehicle.

(b) An owner who has made a bona fide sale or transfer of a vehicle and has delivered possession of the vehicle to a purchaser may overcome the presumption prescribed in subsection (a) above by demonstration that he or she has complied with Vehicle Code section 5900 or by providing other satisfactory proof.

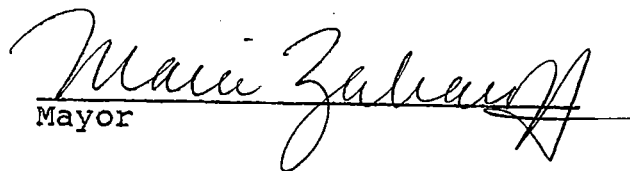
Former section 3-5.1716 is renumbered section 3-5.1717.

The foregoing ordinance was introduced at a regular meeting of the San Anselmo Town Council on March 24, and thereafter adopted on April 14, 1992.


AYES: Chignell, Colteaux, Kanis, Walsh, Zaharoff

NOES: (None)

ABSENT: (None)


Mayor

ATTEST:


Town Clerk