

ORDINANCE NUMBER O- 20192 (NEW SERIES)

DATE OF FINAL PASSAGE OCT 02 2012

AN ORDINANCE AMENDING CHAPTER 8, ARTICLE 6 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING THE TITLE OF ARTICLE 6; AMENDING CHAPTER 8, ARTICLE 6, DIVISION 00, BY AMENDING SECTIONS 86.28, 86.29, AND 86.30, AND ADDING SECTION 86.31, ALL RELATING TO PROCEDURES REGARDING POLICE IMPOUNDS OF VEHICLES.

WHEREAS, the California Vehicle Code gives to peace officers and other authorized persons the authority to remove vehicles from public streets and highways; and

WHEREAS, California Vehicle Code section 22650 provides that agencies having authority to remove vehicles shall also have the authority to provide post-storage hearings; and

WHEREAS, California Vehicle Code section 22852(a) provides that, with some exceptions, whenever an authorized member of a public agency directs the storage of a vehicle, the agency or person directing the storage shall provide the vehicle's registered and legal owners of record, or their agents, with the opportunity for a post-storage hearing to determine the validity of the storage; and

WHEREAS, California Vehicle Code section 22852(b) requires that when a vehicle is stored at the direction of a public agency, notice of the storage must be given to registered and legal owners of record; and

WHEREAS, California Vehicle Code sections 22650 and 22852 describe the post storage hearing; and

WHEREAS, the San Diego Municipal Code provisions relating to notice of stored vehicles and post-storage hearings were last amended in the 1980's; and

WHEREAS, this amendment to the San Diego Municipal Code will update the provisions relating to notice of stored vehicles and post-storage hearings to comply with current requirements of the California Vehicle Code and to reflect current practices of the City; NOW THEREFORE,

BE IT ORDAINED, by the Council of the City of San Diego, as follows:

Section 1. That Chapter 8, Article 6 of the San Diego Municipal Code is amended by amending the title of Article 6 to read as follows:

Article 6: Stopping, Standing, Parking of Vehicles, and Impound Procedures

Section 2. That Chapter 8, Article 6, Division 00, of the San Diego Municipal Code is amended by amending sections 86.28, 86.29, and 86.30 to read as follows:

§ 86.28 Police-Initiated Impounds – Compliance with California Vehicle Code

- (a) Persons authorized to remove vehicles, including peace officers, regularly employed and salaried employees of the City who are engaged in directing traffic or enforcing parking laws and regulations, and trained volunteers of the San Diego Police Department who are engaged in directing traffic or enforcing parking laws and regulations, will conduct the removal and impounding of vehicles in accordance with the California Vehicle Code, including the noticing of stored vehicles, and post-storage hearings.
- (b) If any provision of section 86.28, 86.29, 86.30, or 86.31 conflicts with the California Vehicle Code, the California Vehicle Code shall control.

§ 86.29 Police-Initiated Impounds – Notice of Stored Vehicles

- (a) A notice of stored vehicle shall be given to registered and legal owners of record in accordance with California Vehicle Code section 22852, as may be amended from time to time.
- (b) The notice of stored vehicle shall include all of the information required by California Vehicle Code section 22852, including the authority and purpose for the removal of the vehicle, and the right to request a hearing within ten days of the date of the notice.

§ 86.30 Police-Initiated Impounds – Conduct of Post-Storage Hearing

- (a) The City shall provide the registered and legal owners of record, or their agents, with an opportunity for a post-storage hearing, in compliance with California Vehicle Code sections 22650 and 22852, as may be amended from time to time.
- (b) The hearing may be conducted in person or telephonically, at the discretion of the City. Neither party shall be bound by the Rules of Evidence.

Section 3. That Chapter 8, Article 6, Division 00, of the San Diego Municipal Code is amended by adding section 86.31 to read as follows:

§86.31 Police-Initiated Impounds – Costs Related to Post-Storage Hearing

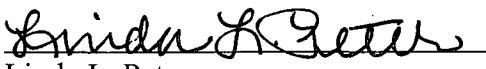
- (a) Charges for the post-storage hearing may be imposed in accordance with California Vehicle Code sections 22650 and 22852, as may be amended from time to time.

- (b) In accordance with California Vehicle Code section 22852, the City shall be responsible for the costs incurred for towing and storage if it is determined in the post-storage hearing that reasonable grounds for the storage were not established.

Section 4. That a full reading of this ordinance is dispensed with prior to its passage, a written or printed copy having been available to the City Council and the public prior to the day of its passage.

Section 5. That this ordinance shall take effect and be in force on the thirtieth day from and after its final passage.

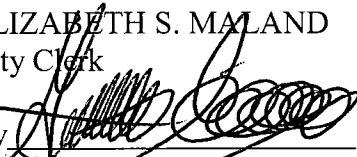
APPROVED: JAN I. GOLDSMITH, City Attorney

By 
Linda L. Peter
Deputy City Attorney

LLP:amt:ccm
05/18/2012
Or.Dept:Police Dept.

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of SEP 18 2012.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 10.2.12
(date)


JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayo