

**Oakland Police Department  
Bureau of Field Operations**

**Policy 00-08**

**26 Jun 00**

**Bureau of Field Operations (BFO) Policy and Procedure Manual**

**Index as:     Vehicle Abatement Program  
                 Vehicle Abatement From Private Property**

**I.     PURPOSE**

The purpose of this directive is to set forth the procedures for identifying, marking, and towing a vehicle which is parked on private property in violation of the blight ordinance.

**II.    POLICY**

- A.    It is the responsibility of the Vehicle Abatement Unit (VAU) to enforce the laws regarding the abatement of vehicles or parts thereof, on private property.
- B.    Any member or authorized employee engaged in vehicle abatement does so under the authority of the provisions of the California Vehicle Code (CVC) Section 22660 and Oakland Municipal Code (OMC), Chapter 10.64, Sections 10.64.010 to 10.64.180.
- C.    Only members and authorized employees of the VAU shall tow vehicles in violation of the vehicle abatement ordinance.

**III.   AUTHORITY FOR INSPECTIONS**

- A.    OMC Section 10.64.170 grants members and authorized employees the right to enter upon private property for the purpose of examining a vehicle to obtain information as to the identity of a vehicle and to cause the removal of the vehicle. Locked property is addressed independently by use of Inspection Warrants.

- B. Only personnel designated by the VAU may utilize inspection warrants as a means to remove abandoned autos from private property in accordance with the provisions of the City of Oakland Attorney's Office Training Bulletin on Inspection Warrants.

#### **IV. CONDITIONS FOR ABATEMENT FROM PRIVATE PROPERTY**

- A. Vehicles must be on private property, in public view, and must satisfy one or more of the following from 1-4 **AND** one or more from 5-10:

1. Abandoned
2. Wrecked
3. Dismantled
4. Inoperative vehicle or parts thereof
5. Found to create a condition tending to reduce the value of private property
6. Promotes blight and deterioration
7. Invites plundering
8. Creates a fire hazard
9. Constitutes an attractive nuisance creating a hazard to the health and safety of minors
10. Creates a harborage for rodents and insects and may be injurious to the health, safety, and general welfare of the public.

- B. Horseless Carriages and Historic Vehicles

1. Horseless carriages and historic vehicles are defined by CVC Section 5004.
2. Horseless carriages and historic vehicles are subject to abatement procedures in accordance with the provisions of Part IV, A of this directive.

- C. Exceptions and Exclusions from Abatement Actions:

1. The vehicle is completely enclosed within a building and not visible from the street or other public or private property.
2. The vehicle is parked in a lawful manner in connection with any of the following businesses:

- a) A licensed dismantler
- b) A junk dealer.
- c) When such storage or parking is necessary to the operation of a lawfully conducted business (e.g., towing company).

## **V. PROCEDURES**

### **A. Reports of Violations**

Reports of possible violations may be initiated by but are not limited to citizen complaints, neighborhood organizations, other city government agencies, police officers, Police Service Technicians (PST), and Neighborhood Service Coordinators (NSC).

### **B. Marking the Vehicle**

1. Vehicles may be marked by any member or authorized employee of the Oakland Police Department.
2. The member or employee shall initially determine whether the vehicle meets the criteria in Part IV of this order. If so:

A Vehicle Abatement Warning Sticker (TF-3005) shall be placed on the vehicle listing a removal date no less than 10 days from the date marked (the actual removal date shall be no less than 10 days from the date of the mailing of the abatement notice). The sticker shall be placed on a window or other portion of the vehicle that is visible from the street or other area of public view.

### **C. Preliminary Investigation**

Personnel assigned to investigate a complaint shall determine whether:

1. The vehicle is parked on private property.
2. The vehicle is contributing to blight.
3. The vehicle condition constitutes a public nuisance, e.g.:

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- a) Unregistered
  - b) Insect or animal infestation.
  - c) Debris in or around the vehicle
  - d) Overgrowth of vegetation around, under, or through the vehicle.
  - e) Broken windows
  - f) Flat tires
  - g) Missing parts needed to operate the vehicle.
4. The vehicle is not reported stolen (if so, the vehicle shall be recovered and towed).
5. All observations are documented on an assignment card which shall include the following information:
- a) VIN (if available)
  - b) How the vehicle was tagged
  - c) Mileage on the odometer
  - d) Exact location of the vehicle on the property
  - e) The actual nature of complaint (e.g., 10.64.170 OMC)
  - f) Exact location (If an address is unavailable, use to the right/left of. Only use across from or the block number as a last resort.)
  - g) Photographs are optional
6. The assignment card shall be:
- a) Placed in the VAU tray in the Traffic Investigations Unit or,
  - b) Placed in the mail receptacle at the Vehicle Compliance Section, Eastmont Substation or,
  - c) Placed into the report writing receptacle adjacent to the Property and Evidence Unit.

**VI. VEHICLE ABATEMENT UNIT RESPONSIBILITIES**

- A. After receiving a complaint via the Unit's voicemail, the VAU shall:

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1. Log complaints
  2. Contact complainant, if requested
  3. Locate the vehicle(s) in violation during the course of their daily activities.
  4. Complete assignment report listing all details (see preliminary investigation).
  5. Enter vehicle information and print response for file using the CORPUS terminal.
  6. Enter data from assignment reports into the Vehicle Abatement database.
  7. Print notification letters [in compliance with CVC Section 22661(c)] to the registered, legal, and property owners (Registered and legal owner information obtained from DMV records. Property owner information is obtained through Metroscan or the Alameda County Records Office database, an independent facilitator of property records).
  8. Process and send notices via Certified Mail through the City of Oakland mailroom on date of notice letter.
  9. Prepare case file and folder by using the computer generated file number.
- B. After receiving complaints from parties listed in Part V, A, 1, the VAU shall repeat steps 5-8 in Part VI, A.
- C. The VAU shall be the custodian of all case files and records on vehicle abatement cases.
- D. Inspected vehicles will be eligible for tow 10 days from the date listed on the certified letter only and not the date on the warning sticker.
- E. VAU personnel shall ensure that copies of the DMV Form Reg. 104 returned by tow companies are placed in the case files.

## **VII. ADMINISTRATIVE HEARINGS**

- A. An involved party may request an administrative hearing if there is a dispute regarding a vehicle (Section 10.64.100 OMC).
- B. Requests for a hearing must be made to the VAU within 10 days after the mailing of the notice of intention to abate.
- C. The VAU shall forward all requests for a hearing to the Office of the City Manager.
- D. The Hearing Officer may request an appearance of all parties involved to hear facts and testimony.
- E. The case shall be held in abeyance until the Hearing Officer renders his/her decision.
- F. Decisions made and determinations rendered by the Hearing Officer shall be subject to appeal.
- G. Appeals shall be filed with the Hearing Officer and the City Clerk within 5 days of the decision in accordance with Section 10.64.120 OMC.
- H. The VAU shall resume abatement procedures if the Hearing Officer imposes an order for removal.

## **VIII. TOWING VEHICLES FROM PRIVATE PROPERTY**

Members and authorized employees of the VAU shall direct the towing of eligible vehicles.

- A. Prior to towing the vehicle, the vehicle shall be re-inspected to insure it remains in violation.
- B. Photographs shall be taken of the vehicle and its condition if necessary.
- C. DMV Form Reg. 104, NOTICE-REMOVAL OF ABANDONED VEHICLES, shall be completed for all vehicles to be towed.

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- D. DMV Form Reg. 104 shall either be presented to the tow driver by VAU personnel or sent to the tow company for removal.

**IX. REFERENCE**

- A. CALEA Standard 61.4.3
- B. California Vehicle Code Sections 5004, 5051, & 22661(f)

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