

ORDINANCE NO. 2007-02

AN ORDINANCE OF THE CITY OF AMERICAN CANYON, CALIFORNIA, AMENDING TITLE 10 OF THE CITY OF AMERICAN CANYON VEHICLES AND TRAFFIC CODE BY ADDING SECTION 10.08.170 AND 10.08.180 THERETO, PROVIDING FOR THE COLLECTION OF AN ADMINISTRATIVE FEE FOR THE TOWING OF VEHICLES UNDER CERTAIN CONDITIONS AND ORDERED BY THE AMERICAN CANYON POLICE DEPARTMENT, AND AMENDING TITLE 10 BY ADDING SECTION 10.08.190 THERETO, PROVIDING PROVISIONS FOR A REIMBURSEMENT OF FEES UNDER CERTAIN CONDITIONS.

WHEREAS, the City of American Canyon is incurring an estimated cost of \$143.57 per towed vehicle while removing vehicles from persons who have violated the law; and,

WHEREAS, the California Vehicle Code authorizes Law Enforcement Agencies to recover costs incurred from impound and storage of vehicles under certain circumstances as set fourth in Vehicle Code section 22850.5; and,

WHEREAS, several neighboring agencies impose "release fees" as a method of recovering the costs incurred while vehicles from persons who have violated the law; and,

WHEREAS, studies have shown that such fees act as an additional deterrent to criminals who habitually drive while their license is suspended or revoked; and,

WHEREAS, studies have shown that jurisdictions with an active impound/storage program have decreased the overall number of traffic accidents;

NOW THEREFORE, the City Council of the City of American Canyon does hereby ordain the following:

SECTION 1: Title 10 of the Municipal Code is hereby amended by adding Sections 10.08.170 and 10.08.180 as follows:

10.08.170. Administrative Fee – American Canyon Police and Department of Parking and Traffic.

(a) A fee to reimburse the City of American Canyon for costs incurred in the administration of the procedures for removing vehicles shall be charged by the Police Department to the owner of a vehicle removed pursuant to Sections 22651(h), 22651(p), 22655.5 or 22850.5 of the California Vehicle Code. Such charges collected for the removal or storage of vehicles shall not be subject to the reimbursement provisions of Section 10.08.190 of the Municipal Code.

(b) California Vehicle Code Section 14602.6 (a) (1) authorizes impoundment for up to thirty (30) days.

(c) The Chief of Police shall propose the fees authorized by subsection (a). The fee shall not go into effect until approved, by resolution, by the City Council. The fees shall not exceed an amount that covers the actual costs incurred by the City in the

removal, impoundment, storage, release and administrative confirmation of such actions for the involved vehicle.

(d) The Chief of Police, with the approval of the City Council, is authorized to adopt such rules, regulations and procedures as they determine are necessary for the Department to impose, collect and administer the fee imposed by this section.

10.08.180. Traffic Offender Fund.

(a) Establishment of Fund. There is hereby established a special fund for the purpose of receiving and expending fees collected for the impoundment of a vehicle pursuant to section 10.08.170. Said special fund shall be known and designated as the *Traffic Offender Fund*.

(b) Expenditure of Monies. The appropriation of all monies in the *Traffic Offender Fund* ("Fund") shall be made exclusively for the purposes of the *Traffic Offender Program*. The Traffic Offender Program shall include the enforcement of, education for, and prosecution of a suspended or revoked driving privilege, unlicensed driver, and persons driving under the influence of alcohol or drugs. Expenditures shall include, but not be limited to, purchase of equipment, contractual services, material and supplies, and any other technology necessary to prosecute the case, and personnel costs, including salary and benefits for additional law enforcement patrol staffing within the City limits, specifically provided by the program. The administration of the Fund shall conform to the provisions of the Charter, annual appropriation ordinance, and the procurement procedures as prescribed by the Controller and the Purchaser.

(c) Accumulation of Monies in Fund. The balance remaining in the Traffic Offender Fund at the close of any fiscal year shall be deemed to have been provided for a specific purpose and shall be carried forward and accumulated in said fund for the purposes recited herein.

SECTION 2: Title 10 of the Municipal Code is hereby amended by adding Section 10.08.190 as follows:

10.85.030. Reimbursement for Tow on Vehicles; Conditions Therefore.

(1) Except as provided in this Code, fees, charges or costs imposed for the towing or storage of vehicles may be reimbursed to the owner or person in lawful possession of the vehicle if the fees, charges or costs were incurred:

(a) Because the subject vehicle was towed and stored at the order of the American Canyon Police Department to examine the vehicle for evidence of a crime;

(b) Because the subject vehicle was towed and stored by the order of the Police Department and said towing or storage was not authorized by any of the provisions of the Vehicle Code of the State of California;

(c) Because officers, agent or employees of the Police Department were negligent in reporting, filing, or recording the circumstances of the towing and storage of the vehicle;

(d) Because officers, agents or employees of the Police Department were negligent in reporting a vehicle as subject to towing or storage or ordering a vehicle towed or stored when, in fact, such a vehicle was not subject to towing and storage or;

(e) Because a vehicle was towed or stored by order of the American Canyon Police Department for removal of components of the vehicle, which components were placed on the vehicle in violation of section 10751 of the Vehicle Code.

(2) No person shall be reimbursed for tow and storage charges collected pursuant to any other Section of the American Canyon Vehicles and Traffic Code.

(3) Pursuant to the provisions of the American Canyon Vehicles and Traffic Code, indigent owners of vehicles and victims of auto theft shall be exempt from paying fees, charges, or costs imposed for the towing and storage of the vehicle, except no person shall be exempt from tow and storage charges pursuant to sections 10.08.170 and Section 10.08.180 of the Municipal Code.

SECTION 6. Effective Date.

This ordinance shall take effect and be in force thirty (30) days after its adoption and prior to the expiration of fifteen (15) days from the passage thereof.

The foregoing ordinance was PASSED, APPROVED AND ADOPTED at a regular meeting of the City Council of the City of American Canyon, State of California held on the 1st day of February, 2007 by the following vote:

AYES: Shaver, Bennett, Callison, Coffey, West

NOES: None

ABSENT: None

ABSTAIN: None



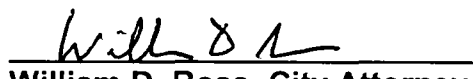
Leon Garcia, Mayor

ATTEST:



Marilynn Linn, Interim City Clerk

APPROVE AS TO FORM:



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File Nos: 199/6

April 6, 2007

VIA ELECTRONIC TRANSMISSION

Ms. Cherri Walton
City of American Canyon
300 Crawford Way
American Canyon, CA 94503

Re: Revised Ordinance 2007-02

Dear Ms. Walton:

Please find enclosed a revised version of the recently enacted Ordinance 2007-02. This revised version contains *nunc pro tunc* amendments only affecting where the provisions enacted by Ordinance 2007-02 will be codified in the Municipal Code. The revised version requires no further Council action and can simply be re-executed. Please print it out and have it executed for subsequent transmittal to the publishing company for the City's Municipal Code.

Very truly yours,


William D. Ross

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Enclosure