

**TOWN OF
APPLE VALLEY, CALIFORNIA**

AGENDA MATTER

Subject Item:

A RESOLUTION OF THE TOWN COUNCIL AUTHORIZED BY CHAPTER 11.80 OF THE TOWN OF APPLE VALLEY MUNICIPAL CODE ESTABLISHING CHARGES FOR IMPOUNDED, STORED, REMOVED OR RELEASED VEHICLES

Summary Statement:

The California Vehicle Code Section 22850.5(a) states a city may impose charges equal to the administrative costs related to the removal, impound, storage, or release of certain vehicles. The Town established a \$75.00 fee in 1998. A current survey of surrounding jurisdictions indicates Apple Valley is among the lowest costs for this service. A study of service indicated the actual costs for the service provided is \$119.00 for a stored vehicle other than impaired driving related. For stored vehicles involved in impaired driving or driving while having a suspended license, the cost for service provided is approximately \$167.00.

In reviewing the actual costs and in accordance with state law, staff recommends establishing an administrative charge of \$160.00 for services related to impaired driving and suspended license driving and \$100.00 for other tows for administrative costs relating to the removal, storage, impound and release of vehicles, to be collected by the Town at time of release.

Staff also includes in the Resolution, provisions established by the Municipal Code for waiver of said charges.

Recommended Action:

Open the Public Hearing and Take Public Testimony
Close the Public Hearing; and

Adopt Resolution No. 2010-06, a Resolution of the Town Council authorized by Chapter 11.80 of the Town of Apple Valley Municipal Code establishing charges for impounded, stored, removed or released vehicles.

Proposed by: Bart Belknap, Captain, Chief of Police **Item Number** _____

T. M. Approval _____ **Budgeted Item** **Yes** **No** **N/A**

RESOLUTION NO. 2010-06

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF APPLE VALLEY, CALIFORNIA, ESTABLISHING ADMINISTRATIVE CHARGES RELATING TO REMOVAL, MPOUND, STORAGE, OR RELEASE OF VEHICLES

WHEREAS, the provisions of California Government Code Section 22850.5, and Section 11.80.040 of the Town of Apple Valley Municipal Code authorize the Town to establish administrative charges relating to removal, impound, storage, or release of vehicles; and

WHEREAS, the administrative charges imposed herein are required to help reimburse the Town for the administrative costs incurred by the Town for those services, and said charges are equal to and/or do not exceed said administrative costs; and

WHEREAS, all notices and other requirements imposed by law have been complied with in connection with the public hearing noticed and conducted this date, and members of the public have been provided with an opportunity to appear and give testimony to the Town Council, and good cause appearing therefor;

NOW, THEREFORE, the Town Council of the Town of Apple Valley does hereby RESOLVE, ORDER and DETERMINE AS FOLLOWS:

Section 1: As authorized under Municipal Code Section 11.80.040(a), in addition to towing and storage charges imposed thereunder and pursuant to State Law, there shall be imposed on the registered owner or the agent of the owner of any vehicle impounded and stored administrative charges in the amount of \$160.00 for impounded vehicles for impaired driving and suspended license driving and \$100.00 for other tows/impounds for administrative costs relating to removal, impound, storage and release of said vehicles to be collected by the Town at the time of release.

Section 2: As provided under Municipal Code Section 11.80.040(b), said charges may be waived by the Town upon verifiable proof that the vehicle was reported stolen at the time the vehicle was removed, the vehicle has been involved in a traffic collision, or the vehicle was towed from outside the Town limits.

Section 3: As provided under Municipal Code Section 11.80.040(c), administrative charges shall only be imposed on vehicles towed under an abatement program and sold at lien sale pursuant to Civil Code Section 22851 if the proceeds of the sale are sufficient to pay the lien holder's total charges and administrative charges and administrative costs.

Section 4: Any prior enactment of the Town inconsistent herewith is hereby amended to be in conformance with the provisions herein contained.

Passed, approved and adopted, and Effective this ____ day of January, 2010.

Mayor

ATTEST:

Town Clerk