

City Council Questions February 14, 2023, Council Meeting

Staff received the following questions related to Item 6.2 on the February 14, 2023, City Council meeting agenda. The answer to each question is set forth in red below.

Item 6.2 **Amendments to Mountain View City Code Section 19.72**

Question

How will the police know whether vehicles have driven 1000 feet after being noticed for parking for over 72 hours?

Response

Without the benefit of being able to read a vehicles mileage on an analog odometer, the parking enforcement officers are looking for general compliance with the 72-hour parking ordinance in that the vehicle has at least moved from its original parking spot. If there is any question about whether the vehicle has moved 1000 feet, the parking enforcement officers err on the side of caution and will not site or tow a vehicle that has at least moved from it original parking spot.

The primary method for determining if a vehicle has moved at all would be the use of chalking the tires at the time of the initial observation. After 72-hours, when the officer returns, if the vehicle is located in the exact same parking spot it is presumed the vehicle has not been moved. If the vehicle has moved from the original parking location, but is still located in the same general area, the parking enforcement officers are considering that vehicle to have complied with the ordinance since parking enforcement officers cannot practically speaking be there 24/7 to make the observation.

Question

Do the authors intend to say that, after parking in a spot for 72-hours, the vehicle can be parked in a new spot less than 1000 feet away from the original spot in less than 24 hours as long as the car is driven 1000 feet first and then reparked nearby on the same day or not?

Response

Yes, the intent is that vehicles can be driven around at least 1000 feet and repark nearby. The language stating “must be moved *or* relocated to a different parking spot at least 1000 feet” provides alternatives. The person can drive around at least 1000 feet and repark nearby or they can simply repark 1000 feet away. However, if they elect to repark 1000 feet away, they are not required to remain 1000 feet away for 24 hours. They can come back to a spot nearby their original spot if they wish to do so.

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Question

Is there any reprieve for an individual who was physically unable to move their vehicle due to medical incapacitation, and whose vehicle was impounded?

Response

Yes, Mountain View is obligated under the American's with Disabilities Act to provide reasonable accommodations to individuals who are permanently and temporarily disabled by illness or injury. As such, members of the Mountain View Police Department do and will provide accommodations, including additional time to come comply with the 72-hour parking ordinance, to individuals who are unable to move their vehicles due to medical incapacitation.

Question

Are there any written administrative guidelines provided to officers regarding enforcement of the 72-hour parking restriction?

Response

Yes, the guidelines regarding 72-hour parking enforcement are attached hereto.

72-Hour Parking Violations

524.1 PURPOSE AND SCOPE

This policy provides procedures for the marking, recording, and storage of vehicles parked in violation of the Mountain View City Ordinance regulating 72-hour parking violations and abandoned vehicles under the authority of Vehicle Code § 22669 or 22651(k).

524.2 MARKING VEHICLES

Vehicles suspected of being in violation of the City of Mountain View 72-Hour Parking Ordinance shall be marked and noted on the Mountain View Police Department Unattended Vehicle Check Card (PD-112). No case number is required at this time.

A visible chalk mark should be placed on the left rear tire tread at the fender level unless missing tires or other vehicle conditions prevent marking. Any deviation in markings shall be noted on the Unattended Vehicle Check Card. The investigating employee should make a good faith effort to notify the owner of any vehicle subject to towing prior to having the vehicle removed. This may be accomplished by personal contact, telephone or by leaving notice attached to the vehicle at least 24 hours prior to removal.

All Unattended Vehicle Check Cards shall be submitted to the Traffic Unit for computer data entry.

If a marked vehicle has been moved or the markings have been removed during a 72-hour investigation period, the vehicle shall be marked again for the 72-hour parking violation and an Unattended Vehicle Check Card shall be completed and forwarded to the Traffic Unit.

Parking citations for the 72-hour parking ordinance shall not be issued when the vehicle is stored for the 72-hour parking violation.

524.2.1 MARKED VEHICLE FILE

The Traffic Unit shall be responsible for maintaining a file for all Unattended Vehicle Check Cards (PD-112).

Parking control officers or community service officers shall be responsible for the follow up investigation of all 72-hour parking violations noted on the department copy of the Unattended Vehicle Check Cards.

524.2.2 VEHICLE STORAGE

Any vehicle in violation shall be stored by the authorized towing service and a vehicle storage report shall be completed by the officer authorizing the storage of the vehicle.

The storage report form shall be submitted to the Records Unit immediately following the storage of the vehicle. It shall be the responsibility of the Records Unit to immediately notify the Stolen Vehicle System (SVS) of the Department of Justice in Sacramento (Vehicle Code § 22851.3(b)). Notification may also be made to the National Law Enforcement Telecommunications System (NLETS)(Vehicle Code § 22854.5).

Mountain View Police Department

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72-Hour Parking Violations

Within 48 hours of the storage of any such vehicle, excluding weekends and holidays, it shall be the responsibility of the Records Unit to determine the names and addresses of any individuals having an interest in the vehicle through DMV or CLETS computers. Notice to all such individuals shall be sent first-class or certified mail pursuant to Vehicle Code § 22851.3(d).

524.2.3 VEHICLE DISPOSAL

If, after 15 days from the notification, the vehicle remains unclaimed and the towing and storage fees have not been paid, and if no request for a post storage hearing has been made, the Department may provide the lienholder storing the vehicle with authorization on an approved DMV form to dispose of any vehicle which the lienholder has determined has an estimated value of \$500 or less (Vehicle Code § 22851.3(h)).