

ORDINANCE NO. 59

AN ORDINANCE OF THE CITY OF WILDOMAR, CALIFORNIA, ADDING CHAPTER 12.56 TO TITLE 12 (“VEHICLES AND TRAFFIC”) OF THE WILDOMAR MUNICIPAL CODE, ESTABLISHING A VEHICLE IMPOUND ADMINISTRATIVE FEE

THE CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA, ORDAINS AS FOLLOWS:

SECTION 1: That new Chapter 12.56 be, and the same is hereby, added to Title 12 of the Wildomar Municipal Code to read as follows:

Chapter 12.56

Sections:

- 12.56.010 Purpose and intent
- 12.56.020 Definitions
- 12.56.030 Establishment of Administrative Fee
- 12.56.040 Waiver of Administrative Fee

12.56.010 Purpose and intent.

It is the intent of this chapter and any subsequent amendments thereto to establish an administrative fee for impoundment of motor vehicles.

12.56.020 Definitions.

For purposes of this chapter, the following terms, phrases, words, and derivations shall have the meaning given in this section:

"Chief" means the Chief of Police of the Police Department of the City of Wildomar.

"City" means the City of Wildomar.

"City Manager" means the City Manager of the City of Wildomar.

"Police Department" means the Police Department of the City of Wildomar.

12.56.030 Establishment of Administrative Fee.

- A. A fee to reimburse the City for costs incurred in removing, impounding,

storing, and releasing vehicles shall be charged by the Wildomar Police Department to the owner of a vehicle so removed, impounded, stored, or released pursuant to Sections 14602.6, 22651(h), 22651(o), 22651(p), or 22655.5 of the California Vehicle Code. These charges (the "impound fee") shall be in accordance with and by the authority of Section 22850.5 of the California Vehicle Code.

B. The Chief shall provide documentation of the costs on which the impound fee is based and the impound fee shall not go into effect until approved by resolution by the City Council. The impound fee shall not exceed an amount that covers the actual administrative costs incurred by the City relating to the removal, impoundment, storage, and release of the vehicle.

C The Chief, with the approval of the City Council, is hereby authorized to adopt such rules, regulations, and procedures as are necessary for the release of properly impounded vehicles and for the Police Department to impose, collect, and administer the impound fee by this section.

12.56.040 Waiver of Administrative Fee.

The Police Department may waive the impound fee due to extenuating circumstances. It is not the intention of the City nor the Police Department to penalize victims. Circumstances under which the administrative fee may be waived include:

1. The vehicle was towed and stored without authorization by any of the several provisions of the California Vehicle Code;
2. The vehicle was towed or stored as a recovered stolen vehicle.

SECTION 2: Severability.

If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have adopted this ordinance, and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional, without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

SECTION 3: Effective Date.

This ordinance shall take effect thirty (30) days after its passage by the City Council.

SECTION 4: Publication.

The City Clerk shall cause this ordinance to be published or posted in accordance with Government Code section 36933.

PASSED, APPROVED, AND ADOPTED this 24th day of February, 2011.



Marsha Swanson
Mayor

APPROVED AS TO FORM:

ATTEST:



Julie Hayward Biggs
City Attorney
By: Thomas Jex
Assistant City Attorney



Debbie A. Lee, CMC
City Clerk

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE)
CITY OF WILDOMAR)

I, Debbie A. Lee, CMC, City Clerk of the City of Wildomar, California, do hereby certify that the foregoing Ordinance No. 59 was introduced at a regular meeting of the City Council of the City of Wildomar, California, on January 12, 2011, and was duly adopted at a regular meeting held on February 24, 2011, by the City Council of the City of Wildomar, California, by the following vote:

AYES: Mayor Swanson, Mayor Pro Tem Benoit, Council Members Cashman, Moore, Walker

NOES: None

ABSTAIN: None

ABSENT: None



Debbie A. Lee, CMC
City Clerk
City of Wildomar