



Vehicle Abatement Fact Sheet

The Vehicle Abatement Program is a program designed to abate public nuisances by removing abandoned, wrecked, dismantled or inoperative vehicles and/or vehicle parts from private and public properties, not including highways.

Is it illegal to abandon or keep vehicles (inoperative, dismantled, or wrecked) on private property?*

Yes. Per Oakland Municipal Code 10.64.170, it is unlawful and a misdemeanor for any person to abandon, park, store, or leave (or permit the abandonment, parking, storing or leaving of) any licensed or unlicensed vehicle or part thereof which is in an abandoned, wrecked, dismantled or inoperative condition upon any private property or public property within the city for a period in excess of 72 hours unless such vehicle or part thereof is:

- Completely enclosed within a building in a lawful manner where it is not plainly visible from the street or other public or private property
 - Stored or parked in a lawful manner on private property in connection with the business of a licensed dismantler, licensed vehicle dealer or a licensed junk yard
 - A historic motor vehicle or parts car as described in Oakland Municipal Code Section 10.64.030C.
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Under what authority are vehicles abated and removed under the Vehicle Abatement Program?

The ability to establish this ordinance is ensured by Section 22660 of the California Vehicle Code (VC) and Oakland Municipal Code 10.64.080 (OMC)

California Vehicle Code 22660 states as follows:

22660. Notwithstanding any other provision of law, a city, county, or city and county may adopt an ordinance establishing procedures for the abatement and removal, as public nuisances, of abandoned, wrecked, dismantled, or inoperative vehicles or parts thereof from private or public property, and for the recovery, pursuant to Section 25845 or 38773.5 of the Government Code, or assumption by the local authority, of costs of administration and the removal.

Oakland Municipal Code 10.64.080 Authority to Abate and Remove states as follows:

* Other than at the business of a licensed dismantler or a licensed junkyard.

Upon discovering the existence of an abandoned, wrecked, dismantled, or inoperative vehicle, or parts thereof, on private property or public property within the city, the Police Department shall have the authority to cause the abatement and removal thereof in accordance with the procedure prescribed herein. These persons may include, but shall not be limited to, police officers, traffic control officers, and police service technicians.

What are the provisions and procedures of the Vehicle Abatement Program?

The provisions for the Vehicle Abatement program are clearly enumerated in:

- **Section 22661 of the California Vehicle Code**, which outlines provisions of what must be included in any ordinance which sets forth procedures for the Vehicle Abatement program.
- **Oakland Municipal Chapter 10.64—Abandoned, Wrecked, Dismantled or Inoperative Vehicles** denotes the City of Oakland procedures regarding the Vehicle Abatement program.

Please utilize this link to view the [Oakland Municipal Code](#). Click on **Title 10 (Vehicles and Traffic)**, then click on **Chapter 10.64 - Abandoned, Wrecked, Dismantled or Inoperative Vehicles**.

The California Highway Patrol (CHP) is the operational manager of the California Vehicle Abatement programs. You can access the [CHP Abandoned Vehicle Abatement](#) page directly to obtain a copy of the program guide created to help counties manage abandoned cars and commercial vehicles.

How do I know if my vehicle has been identified by the Vehicle Abatement Program?

The easiest way to know when a vehicle has been identified as subject to Vehicle Abatement Program abatement and removal procedures is when a lime green 8 1/2" X 11" warning sticker has been affixed to the windshield of the vehicle or to your property.

You will receive a certified letter that your vehicle or a vehicle on your property has been identified by the Vehicle Abatement Program.

What should I do if I find that the lime green 8 ½" X 11" Vehicle Abatement warning sticker is applied to my vehicle?

- Follow the instructions on the green warning notice listed as description of how to correct conditions. Please address checked boxes that are specifically applicable to your vehicle. If you require further clarification, contact the Vehicle Abatement Unit **IMMEDIATELY** at 510-777-8538.
- Educate yourself on the Vehicle Abatement provisions and procedures by accessing the [Oakland Municipal Code](#), then clicking on **Title 10** and **Chapter 10.64**, as described above.

What can I do to prevent my vehicle from being towed if I do not call the Vehicle Abatement Unit?

To prevent your tagged vehicle from being towed and subsequently destroyed, you have 10 days to take one or more of the following actions, as indicated on the warning sticker:

- Drive Vehicle
- Update Vehicle Registration
- Improve Condition/Repair Vehicle
- Store Vehicle in a Garage or other Storage Location

Note: The mere fact that a vehicle has been sitting stationary for a 10-day period without being driven *does not* in and of itself authorize it to be towed under the vehicle abatement statute. The vehicle would have to present one or more of the following:

- Signs of abandonment, wreckage, or dismantlement
- Indications that the vehicle (or parts thereof) is inoperative
- In a condition tending to reduce the value of private property:
 - Promoting blight and deterioration
 - Inviting plundering
 - Creating a fire hazard
- Presenting a health and safety hazard:
 - Constitutes an attractive nuisance creating a hazard to the health and safety of minors
 - Creates a harborage for rodents and insects and may be injurious to the health, safety, and general welfare of the public.

What will happen after the Vehicle Abatement Unit affixes the lime green warning sticker on my vehicle?

Vehicle Abatement Program staff will mail a certified letter (referred to as a 10-day notice of intention to abate and remove an abandoned, wrecked, dismantled or inoperative vehicle as a public nuisance) to the register vehicle owner and the property resident where the vehicle is parked. The letter will notify you that your vehicle has been identified as being in violation of the Abandoned Vehicle Oakland Municipal Code 10.64.080. The certified letter will also strongly encourage you to contact the Vehicle Abatement Unit to obtain additional information on how to prevent your vehicle from being towed and subsequently destroyed.

What will ultimately happen if I do not comply with Oakland Municipal Code 10.64.080?

No sooner than 10 days after the certified letter has been MAILED, the Vehicle Abatement staff will return to the location where your vehicle was tagged to determine whether you have complied with Abandoned Vehicle Abatement Oakland Municipal Code 10.64.080 by either moving your vehicle into an enclosed structure or making your vehicle operable. If it is determined that you have not adhered to the municipal code, your vehicle will be towed and scheduled for destruction.

Summary of the Vehicle Abatement Notice

- **Duty to Abate** – As registered owner or said vehicles or of the real property where the nuisance vehicles are located, you are required by law to abate this nuisance. You have 10 calendar days from the mailing date of this notice to remove the vehicle(s) or take other appropriate action to correct the nuisance conditions, but you must call the Oakland Police Department Traffic Operations Section, at (510) 777-8538 within the 10 day period to verify that the nuisance has been corrected.
- **Right to a Hearing** – You have the right to request a hearing and appear in person to contest the City's determination that the vehicles are a nuisance, or to prove that you are not responsible for the nuisance vehicles. Alternatively, you may submit a sworn written statement in lieu of appearing in person at the hearing. Your request for a hearing or request to submit a sworn statement must be received within 10 calendar days of the mailing of this notice and will be considered waived if not received on time.

- **Tow/Abatement Proceedings** – The failure to comply with this Notice within the 10 day period will result in the City towing the vehicles and charging you for the administrative costs and costs of removal in the amount of \$267.00 or more (OMC 10.64.090 et seq.) Any vehicle towed pursuant to this Notice will be reduced to scrap or other final disposition in accordance with the law and California Vehicle Code 22651 (f).
- **Contact Information** – We ask for your immediate cooperation in abating this nuisance. You have only 10 calendar days from the date of this Notice to call us and confirm that you have corrected the violations or are appealing through a hearing or a sworn statement. Please call the Oakland Police Department, Traffic Operations Section, at (510) 777-8538.

If we do not hear from you within the required time, the nuisance vehicle(s) will be towed and you will be charged for the costs in accordance with this Notice.

I reported a vehicle on private property to the Vehicle Abatement Unit; why is it taking so long to remove it?

Unlike abandoned vehicles on public streets (which may be eligible for towing after 72 hours), the laws for the removal of a vehicle from private property, aka Abatement, are much more restrictive. Removal takes a **minimum of 10 days** from the date the vehicle was tagged. The circumstance of each case is different and it may take 30 days or longer to remove the vehicle.