
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 rule and abandoned vehicles under the authority of Vehicle Code § 22669 or 22651(k). While police personnel can proactively check vehicles suspected of a 72-hour parking violation, enforcement of the 72-hour rule is generally complaint based and processed through the abandoned vehicle hotline or on-line reporting system.

In the absence of other restrictions, such as street sweeping, or posted time limits, vehicles are allowed to park in one spot for up to 72 hours. Vehicles parked beyond the 72 consecutive hour limit may be issued a warning and be cited and/or towed. A disabled placard or residential parking permit does not provide an exemption from this restriction.

If parked in one location for more than 72-hours, the vehicle must be moved at least 1,000 feet (about 2/10 of one mile) and relocated to a different parking spot for at least 24-hours. Vehicles that are parked in a parking spot for less than 72-hours have no restriction to return to the same parking spot.

Personnel responding to a 72-hour parking complaint should investigate to ensure the vehicle is not associated to a crime, such as an unreported stolen vehicle.

524.2 MARKING VEHICLES

Vehicles suspected of being in violation of the City of Mountain View 72-Hour Parking Ordinance (§19.72) shall be marked and noted on the Mountain View Police Department 72-Hour Vehicle Warning Card (PD-112). No case number is required until a vehicle is towed.

A visible chalk mark should be placed on tire tread at the fender level unless missing tires or other vehicle conditions prevent marking. (§19.72). Marks may also be placed on the pavement around the tires. Additional methods, to include surreptitious methods, may be used to document the vehicle's position when it is suspected chalk marks are being removed and the vehicle is not in compliance with the 72-hour rule. Any deviation in markings shall be noted on the 72- Hour Vehicle Warning Card.

All 72-Hour Vehicle Warning Cards shall be submitted to the Traffic Unit for computer data entry. Vehicles that are inhabited shall have the 72-Hour Vehicle Warning Cards forwarded to the Neighborhood and Event Services Unit (NES).

524.2.1 MARKED VEHICLE RECORDING

The Traffic Unit shall be responsible for maintaining a file for all 72-Hour Warning Cards (PD-112). NES will maintain a record for all 72-Hour Warning Cards involving inhabited vehicles.

Community Services Officers (CSO's) or other designated department staff shall be primarily responsible for the tracking of all 72-hour parking violations. The CSO assigned to the Abandoned

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Vehicle Abatement Services Authority (AVASA) program is responsible for tracking abandoned vehicle abatement cases. Officers handling a specific case may retain follow-up responsibility, but should coordinate with the AVASA CSO or NES, as appropriate

524.2.2 ENFORCEMENT

A vehicle marked for a suspected 72-hour violation shall be checked no sooner than 72-hours later. Barring evidence to the contrary, a vehicle will be presumed to have moved at least 1,000 feet if the visible and/or surreptitious markings indicate the vehicle was moved, or if it is not parked in the same parking spot when checked. Enforcement of violations may include a warning notice, citation, and/or removal.

524.2.3 WARNING NOTICE AND CITATION

If after at least 72-hours, a vehicle remains parked in the location it was marked, the investigating officer may post a warning notice on the windshield of the vehicle, or issue a citation in those instances the vehicle or owner has been subject to two or more complaints or violations of the 72-hour parking rule in the preceding twelve (12) months.

If a warning notice was placed on the vehicle, the vehicle will be checked again, no sooner than 36-hours later. If the vehicle has not been moved from its marked location, a citation may be issued.

524.3 REMOVAL

A vehicle that has less than three (3) citations for violation of the 72-hour ordinance in the previous twelve (12) months and has not been moved from its marked location for ten (10) or more days may be towed and stored.

Any vehicle that has received at least three (3) citations for violation of the 72-hour ordinance in the previous twelve (12) months may be towed if it has not been moved after thirty-six (36) hours from when a warning notice or citation has been placed on the vehicle.

Removal of a vehicle under the AVASA program is coordinated through the Traffic Unit.

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

524.4 OWNER NOTIFICATION

Prior to issuing a citation or towing the vehicle, the investigating employee should make a good faith effort to notify the owner of any vehicle subject to citation or towing prior to having the vehicle cited or removed. This may be accomplished by locating telephone or contact information from department records, neighbors or other sources and attempting personal contact. It is presumed an owner has been notified when they are already aware of the 72-hour parking rule by having been subject to two or more prior complaints and violations. Owner notification attempts shall be documented in the associated report if the vehicle was towed.

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524.5 VEHICLE STORAGE

Any vehicle in violation shall be stored by an authorized towing service and a vehicle storage report (CHP 180) shall be completed by the officer authorizing the storage of the vehicle.

The vehicle storage report form shall be submitted to the Records Unit, or Emergency Communications Center (ECC) after-hours, immediately following the storage of the vehicle. It shall be the responsibility of the Records Unit or ECC to immediately notify the Stolen Vehicle System (SVS) of the California Department of Justice (Vehicle Code § 22851.3(b)). Notification may also be made to the National Law Enforcement Telecommunications System (NLETS) (Vehicle Code § 22854.5).

If the Notice of Stored Vehicle was not provided to the owner personally at the time of removal, the Records Unit will mail the notice to the Registered Owner on file with the California Department of Motor Vehicles, or the outside state's licensing authority, if applicable.

524.6 VEHICLE TOW, RELEASE AND HEARINGS

Vehicle towing, release and hearings shall be in compliance with Policy Sections 510 and 512.

524.7 MITIGATING CIRCUMSTANCES AND REASONABLE ACCOMMODATION

Officers may use discretion in enforcement and a hearing officer may rule mitigating circumstances in those situations a vehicle owner has a bona fide and verifiable emergency or is the victim of a crime and compliance with the 72-hour parking rule was not possible.

Officers' discretion is permitted to allow an owner reasonable time to comply with the ordinance when the officer determines good cause exists (e.g., evidence of lack of notice, evidence of efforts to comply and the ability to do so in a reasonable amount of time). An officer is not required to exercise discretion if they deem it is not reasonable to gain compliance.

In those instances, an owner requests reasonable accommodation under the American with Disabilities Act for a physical or mental disability, a supervisor shall be notified, and the City Attorney consulted prior to the vehicle being issued a citation and/or removed.