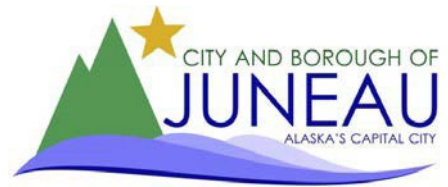


MEMORANDUM



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DATE: 1/27/2025
TO: Assembly
FROM: Emily Wright, City Attorney
SUBJECT: 2025-07 Ordinance Summary

Code language for abandoned and wrecked/junk vehicles is currently found in CBJC 36.30 (Litter), 72.02 (Rules of the Road), 72.22 (Penalties and Arrests), 72.23 (Impound), and 72.28 (Definitions). To simplify and clarify for both our department and our community members, the new code moves all language into Chapters 72.23 and 72.28, and appropriately re-titles these Chapters.

The intent of these code revisions is to be able to respond to abandoned, wrecked/junk vehicles more quickly and efficiently, to give more discretion to police officers in criminal cases, to clarify process, and to ensure we are compliant with state law.

This code revision has been a collaborative project with JPD, Parks and Rec, Docks and Harbors, and the Manager’s Office.

Below is a sectional summary for ease of reference.

Sec. 3 – 72.22	Repealed and moved to new sections, so that readers can more easily find the code provisions.
Sec. 4 - Title	Renames this Chapter to encompass all vehicles, not just those involved in driving offenses. This allows us to move language from Title 36 (Litter) into this section.
Sec. 4 - 72.23.010	This section consolidates authority from Title 36 and Chapters 72.02 and 72.23. It establishes the basic authority we have for responding to vehicles. We have added in “presumptions” to clarify when certain things take place. For example, we have added that vehicles with hazardous materials should be disposed of rather than sold due to the risks to the officers, staff, and anyone who would bid if it was put up for auction. We have also added in more options for JPD when they are responding to incidents and making arrests. For example, they can immobilize, rather than tow. This will give officers more discretion, decrease the number of vehicles in the impound lot, decrease towing and storage costs, and decrease CBJ liability for vehicles in our lots.
Sec. 4 - 72.23.020	This language codifies the impound in place and immobilize options. It also takes language that is spread out in code and places it under the correct heading. This section also expands an officer’s options when they arrest; decreasing the number of vehicles which will be taken to the impound lot.
Sec. 4 - 72.23.030	This language moves the immobilization provisions to the correct heading and gives JPD the option to impound by immobilizing – which should decrease the number of vehicles in our impound lot. It also clarifies that if a vehicle that is immobilized is not claimed after 72 hours, the vehicle will be handled like an abandoned vehicle and go through that notice process; this way we have a process to remove these vehicles if an owner does not reclaim the vehicle.
Sec. 4 -72.23.040	This section clarifies the notice requirements under state law. Notice has been a

	<p>complicated piece of the process for many departments. This language attempts to clarify the steps that a department must take. It also distinguishes between abandoned vehicles and wrecked/junked vehicles, which have different timeframes. Law has been asked whether it is possible to shorten the time from impound to disposal. The answer is no. Our timeframes are governed by State law. The fastest we can respond to an abandoned vehicle on public property is 51 days. To get to this number you take, 30 days (abandoned) + 20 days (notice) + dispose immediately (51 days) or add 10 more days for auction (notice). So, your range for an abandoned vehicle is 51-61 days. The fastest we can respond to a wrecked or junked vehicle is 5 days (notice), and if not reclaimed or moved, it can be disposed of at day 6.</p>
Sec. 4 - 72.23.050	<p>This section governs how a vehicle is released back to an owner. It consolidates all release options currently available. We have added that there must be proof of insurance before release, to ensure that vehicles on our roads are insured.</p>
Sec. 4 - 72.23.070	<p>This language lays out how and when fees and costs will be reimbursed. We have added in that fees and costs cannot be reimbursed in suspended entry of judgment (SEJ) or diversion cases. An SEJ or diversion are plea options in criminal cases where a dismissal may ultimately result if a defendant completes certain tasks. We want to clarify that this is not the type of dismissal that would result in fee reimbursement. In addition, we have added in an administrative hearing section for fees and costs, as required by law.</p>
Sec. 4 - 72.23.080	<p>As required by law, we must have a way for owners to appeal fees and costs. This section adds in that process.</p>
Sec. 4 - 72.23.101-104	<p>Repealed and moved to the appropriate section for ease of reading.</p>
Sec. 5 - 72.28.010	<p>Definitions found scattered throughout Chapters 36 and 72 have now all be placed here so they are more easily found.</p>
Sec. 5 - 72.28.020	<p>Penalties language has been moved so they are more easily found. In addition, the total amount has been increased from \$300 to \$500 to match state law.</p>
Sec. 5 - 72.28.030	<p>Regulation authority has been moved here so it is more easily found.</p>
Sec. 6 - 36.30	<p>Repealed and moved into the correct spot in 72.23.</p>
Sec. 7 - 72.02.340	<p>This amendment is simply fixing the cross reference in code.</p>
Sec. 8 - 72.02.345	<p>This amendment provides a cross refence to the new code sections. The deleted language is encompassed by 72.23.</p>
Sec. 9 - 72.23.060	<p>Due to the rules of drafting, this section is somewhat out of order (it is part of code provisions found in Sec.4). This language sets out the disposal options, adds a minimum bid amount for auction, and allows for annual adjustments due to CPI. JPD has found that the current minimum bid of \$300 does not cover costs and often result in the vehicle being bought and then abandoned again, this new number and process will help with the auction process.</p>