

## When May A Tow Be Authorized?

*Either the president of the Association or his/her designee or agent may authorize a vehicle to be towed off of private property or a commercial lot. A security company may be considered as an agent or representative of the Association. Only in the case of a fire lane, handicap, or entrance/exit blocking violation may a tow truck company act without an HOA representative present. In all other instances the president, his/her designee, or agent must be present and must sign an authorization. A "wet signature" (signature of a live person at the scene, not a stamp or copy) should be requested. A photograph must be taken by the tow truck company if the violation is a fire lane, handicap or blocking an entrance/exit. The photograph must be presented to the owner of the vehicle when requested.*

*California Vehicle Code 12110 (a) clearly prohibits "kickbacks", or commissions for arranging or requesting the services of a tow truck. We utilize several tow companies.*

*By Home Owner Associations and private property management companies specifying a minimum time limit and policy for illegally parked vehicles it assists in clearly identifying policy and the proper steps to follow. Notification of the registered owner is also a must if a vehicle is towed. Residents should park their car in garages whenever possible and adhere to the original intent of the complex's parking allocation. Police may 'abate' or tow a long-standing abandoned vehicle when asked.*

## Most Common Parking Issues

Some of the most common parking issues in our community consist of;

- A vehicle parked over 72 hours on a public roadway
- Parking of oversized vehicles (for example recreational vehicles)
- Vehicles parked overnight with individuals inhabiting

The following municipal codes correspond with the above violations.

- LNMC 7-4-603 (b) ~ A vehicle is prohibited from parking or stopping longer than 72 consecutive hours upon any highway or street. (Moved is defined as moving a minimum of 100 ft. or 1/10th of a mile).
- LNMC 7-6-606 (b) ~ A vehicle is prohibited from parking or left standing upon any public street or highway in a residence district in the city any commercial vehicle, bus, motor truck, semi-trailer, or tractor trailer in excess of 80 inches (in width) or in excess of 25 feet (in length) ; or any item of farm machinery or special purpose machine. A residential district is defined as a specific portion of a highway and property (not in a business district) in which one side of the highway measures a length of at least a quarter of a mile and has 13 or more (if homes are located on one side of the street) or 16 (if homes on located on both sides of the street) houses/dwellings. A residence district is defined as a portion of a highway and the property adjacent to it, (specifically not defined as a business district) where within a distance of a quarter of a mile the property fronts 13 or more separate dwelling houses on one side of the street or 16 on both sides of the street.
- LNMC 7-6-606 ( c ) No person shall park or leave standing upon any public street or highway in the city any commercial vehicle, bus, motor truck, semi-trailer, or tractor trailer in excess of 80 inches (in width) or in excess of 25 feet (in length) between the hours of 2:00 a.m. and 6:00 a.m.

Ways you can assist with addressing parking concerns . . .

- Don't handle the issue yourself. Sometimes addressing an individual (in this case the vehicle owner) directly can escalate a situation.
- Communicate your concerns or report repeated violations/problems by utilizing our 'request for service' system on the city website @ <http://www.ci.laguna-niguel.ca.us>

City of Laguna Niguel  
Police Services  
30111 Crown Valley  
Parkway



City of Laguna Niguel  
Laguna Niguel Police Services

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Laguna Niguel Police  
Services

## Enforcement of Towing and Parking Laws



In the past, private party impounds have been a newsworthy topic.

- What is a private party impound?
- As a private party owner, what are the lawful steps to take to have a vehicle towed?
- Who may authorize a tow?

Long standing vehicles . . . What's the law?

This brochure is designed to provide answers to these questions and more. Provided is information to assist you as a private property owner or as a citizen and give information regarding enforcement of certain parking and towing laws on private property.

As well, this brochure helps to assist in answering some most common questions regarding parking laws on public roadways as well as private property.

Tel: 949-362-4300

## Enforcement of Towing and Parking Laws on Private Property



**The city of Laguna Niguel is made up of approximately 35 miles of arterial roadways and 105 miles of residential streets.**

**Laguna Niguel Police Services provides a safe environment to Associations both commercial and private. They provide law enforcement and a healthy environment in which to live.**

**The information contained in this brochure are guidelines and laws which may provide assistance when questions arise. If you have more specific questions please feel free to contact us through our city wide automated resource site at <https://clients.comcate.com/newrequest.php?id=29>**

### Most Commonly Asked Questions

#### How is Private Property defined?

For the purposes of this brochure, private property is a condominium complex or common interest development that is distinct from that of a parking lot for retail business. A private property (as well as a commercial) owner has the lawful means to tow a vehicle on his/her property that is in violation of a law after following proper procedures.

#### When may Police Service take action on private property?

Police have the authority to enforce misdemeanors or felonies on private property. However parking and towing violations are infractions and in certain cases are the responsibility of property owners.

Police should be called and will respond to a serious collision involving injury or death, in a situation involving drunk driving, driving on a suspended license or, if at the time of operation is being conducted, a vehicle is preventing the Fire Authority from effectively saving a life or fight a fire.

#### Where may a vehicle be towed to?

A vehicle may only be towed to a secure facility. A secure facility consists of a gated and locked lot otherwise known as a 'tow yard'. A vehicle may not be towed to a temporary location (whether a retail lot or residential street) around the corner for storage until it is convenient for the tow driver to return to the 'tow yard'.

#### Lien-Sale Fees

Certain policy is in effect for tow companies to protect themselves. It is a fairly common procedure that a 'Lien' be placed on a vehicle that has been towed. There is an administration fee that is charged for the preparation of the lien paperwork. 50% of the administration fee may go to the registered owner during this process, but no additional fee may be added to the lien process if the vehicle is redeemed within 72 hours. Most other traffic issues or ongoing problems should be brought to the attention of the property owner or the Homeowners Association

#### City Administrative Fee

City administrative costs may be incurred for a vehicle towed as a result of a private property tow.

#### Proper Signage Is A Must

17" by 22" or larger signs with lettering no smaller than one inch in height at each entrance to the complex/property, which statement of unauthorized parking will be removed at owner's expense per CVC 22658.2, and "For further information contact the Orange County Sheriff's Dept. at (949) 770-6011 or (714) 647-7000".

#### Who is Liable?

The owner of the vehicle may be reimbursed for damages or fees resulting from any intentional or negligent act of any person causing the removal of vehicle. If damage is incurred after the vehicle has left the property or at the tow yard, it is the responsibility of the tow company. The association or person requesting the removal of the vehicle may be liable for twice the towing charges if provisions of the Vehicle Code was not adhered to properly. In some cases, the tow company may be liable for up to four times the amount of the tow if the owner of the vehicle was improperly charged or certain provisions of the Vehicle Code were not adhered to.

#### Has your vehicle been towed?

If you suspect that your vehicle has been towed from private property (or even a commercial area), you may contact our non-emergency dispatch number at 949-770-6011. Dispatch will request your license plate or vehicle identification number, the date, time and location that your vehicle was towed from. They will inform you of the tow company that was used to remove your vehicle, an address (if available) and a telephone number. If the vehicle was towed by law enforcement they will inform you of the reason of the tow.

In order for your vehicle to be released you must present a current, valid driver's license and current registration. If you do not possess a current valid driver's license you must bring someone who does. You must be the registered owner or have authorization from the registered owner to have the vehicle released to you.

#### How much will it cost?

A tow company may charge no more than the amount specified under contract with the local law enforcement agency. If the vehicle owner arrives at the scene prior to the vehicle leaving the property, no more than half the towing fees may be charged as a 'drop fee'.

City of Laguna Niguel  
Police Services  
30111 Crown Valley Parkway  
Laguna Niguel, CA 92677