

CHAPTER 9.04TRANSPORTATION OF AVOCADOS9.04.010 Purpose.

A. It is the purpose of this Chapter to establish a means of identifying the owner of each commercial quantity of avocados so as to provide a means of controlling thefts of avocados. (Ord. 87-32)

B. It shall be unlawful for any person to knowingly provide false information for a statement of ownership, include false information in a statement of ownership or alter information contained in a statement of ownership or any copy thereof.

9.04.020 Definitions.

A. "Commercial quantity of avocados" means any quantity of avocados in excess of 40 pounds, exclusive of the container.

B. "To transport" means the movement or conveyance by means whatsoever of a commercial quantity of avocados over any road, street or highway within the City.

C. "Sheriff" means the sheriff of the County of San Diego or any of his duly appointed deputies.

D. "Handler" means any person, or authorized agent thereof who grows, distributes or retails avocados, including, but not limited to the following: grower, packer and wholesale or retail fruit stand.

9.04.030 Statement of Ownership.

A. Every person who transports a commercial quantity of avocados shall:

1. Cause a statement of ownership to be prepared and retained in his personal possession at all times while transporting said avocados; and
2. Deliver a copy of said statement to each handler of the avocados being transported.

- B. The statement of ownership shall contain the following information:
1. The name, address and telephone number of each person who transports the avocados;
 2. The name, address and telephone number of each handler of the avocados;
 3. The date transportation of the avocados begins and estimated time of deliver;
 4. The kind and quantity of avocados being transported; and
 5. The points of origin and destination of the transportation route of the avocados.

9.04.040 Obtaining and Retaining the Statement of Ownership. Every handler who delivers or receives a commercial quantity of avocados shall obtain a copy of the statement of ownership from the person transporting said avocados. The person transporting said avocados and each handler shall retain a copy of each statement of ownership for one year following the date of the transportation of said avocados begins and shall maintain the same for inspection and review at any reasonable time by the sheriff upon his request.

9.04.050 Presentation of Statement of Ownership. Any peace officer, upon probable cause to believe a person is transporting a commercial quantity of avocados, may stop such person and inspect such avocados, whereupon the statement of ownership required in this Chapter shall be presented to said peace officer upon request.

9.04.060 Seizure and Impound. Any peace officer, upon reasonable belief that a person is not in legal possession of a commercial quantity of avocados, may seize such avocados without warrant. Upon seizure, the peace officer shall take custody of the avocados and turn the same over to the custody of the sheriff. The sheriff shall receive and provide for the care and safe keeping of such avocados in a refrigerated storage facility at a temperature range of approximately 40 degrees fahrenheit.

9.04.070 Investigation and Release to Rightful Owner. The sheriff shall make reasonable investigation to ascertain ownership of all commercial quantities of avocados seized pursuant to this Chapter. The sheriff shall release custody of said avocados to the rightful owner upon submission to the sheriff of satisfactory proof of ownership and after payment of a reasonable charge sufficient to reimburse the sheriff for costs incurred in storing said avocados.

9.04.080 Disposition by Sale. If for any reason a commercial quantity of avocados is not released to its rightful owner after being in the custody of the sheriff for five (5) days, the sheriff may sell said avocados by public auction, in the manner and upon the notice of sale as prescribed by law for the sale of perishable property under execution. All of said avocados remaining unsold after being offered at such public auction may be destroyed or otherwise disposed of by the sheriff. All proceeds derived from the sale of said avocados shall be held by the sheriff for a period of at least six (6) months, during which time the rightful owner of said avocados may submit satisfactory proof of ownership and obtain possession of the proceeds after payment of a reasonable charge sufficient to reimburse the sheriff for costs incurred in the storage and sale of said avocados. After retention of the proceeds for a period of at least six (6) months, the sheriff shall deposit such proceeds in the general fund of the City.