

COUNCIL BILL NO. 1700INTRODUCED BY JOHN D. MICKSORDINANCE NO. 1611

AN ORDINANCE OF THE CITY OF DUBOIS AMENDING CHAPTER 15, OF THE CODE OF ORDINANCES TO ESTABLISH PROCEDURES FOR THE IMMOBILIZATION AND IMPOUNDMENT OF MOTOR VEHICLES WHERE UNPAID PARKING VIOLATIONS OR CITATIONS OR ARREST WARRANTS ARE PENDING AGAINST THE OWNER THEREOF.

BE IT ORDAINED by the Council of the City of DuBois and Council assembled that Chapter 15, is hereby amended to read as follows:

PART 11
IMMOBILIZING VEHICLES

Section 1101. Definitions. For the purpose of this ordinance, the following terms and words are defined as follows:

Boot, Booting, or Booted The act of immobilizing a motor vehicle in such a manner as to prevent its operation with a device or by means which will cause no damage to the vehicle unless it is moved while such device is in place or such means are employed.

Unsettled Citations Citations for unpaid parking violations for which a citation/summons has been issued to which either no response has been made or for which a warrant has been issued and including adjudicated citations for which the fines and costs imposed are unpaid.

Unsettled Parking Violations Violations of the parking, standing or stopping regulations of the City of DuBois or the Pennsylvania Motor Vehicle Code which are outstanding and unpaid over 30 days from the date of issuance.

Section 1102. Boot Installation. A motor vehicle found parked within the City of DuBois upon any public ground, at any time, may, by or under direction of the City Manager or his designee or any Officer of the City of DuBois Police Department, be booted if there are 5 or more unsettled parking violations or 3 or more unsettled citations or 1 or more arrest warrants as a result of parking violations pending against the owner of the motor vehicle.

Section 1103. Notice of Booting. Upon booting of such motor vehicle, the employee or Officer of the City shall place or cause to be placed on the vehicle, in a conspicuous manner, notice sufficient to warn any individual that the vehicle has been immobilized, and that any attempt to move the vehicle might result in damage to the vehicle. The notice shall also outline the procedure for obtaining removal of the boot. As soon as practicable, the employee or Officer shall provide the owner of the booted vehicle, at his request, with a list of the prior unsettled citations for which, or on account of which, such vehicle was booted.

Section 1104. Removal of Boot. The owner of a booted vehicle, or other authorized person, shall be permitted to secure the release of the vehicle upon:

- a. Depositing of the collateral required for his or her appearance before a District Magistrate to answer for each unsettled citation; or

Paying the amount of the fine, penalty and court costs, if any, for each unsettled citation and each unsettled parking violation; and,

- b. Payment of fees, as prescribed in Section 1007 of this Chapter.

Section 1105. Immobilization Hearing. The owner of a booted vehicle, or other authorized person, shall have the right to post-immobilization hearing, limited to the determination of the validity of the booting. Such hearing must be requested within 10 days after the vehicle is booted and shall be conducted by a hearing officer appointed by the City Manager. The hearing shall be held during normal business hours within 1 business day of the demand therefor. The post-immobilization hearing will not be determinative of or adjudicate the merits of any citation or violation issued relative to any immobilized vehicle but will be limited solely to whether the vehicle was properly subject to booting under the provisions of this ordinance.

Section 1106. Towing and Storage of Vehicles. The boot shall remain in place for 72 hours, except as provided below, unless the owner has complied with Section 1104 of this Chapter regarding payment of fines, costs and fees. If such compliance has not occurred within 72 hours, the vehicle shall be towed and impounded under the provisions of Part 7 of this Chapter. If the booting occurs when a vehicle is parked in violation of any provision of the law or any ordinance of the municipality or, if the booted vehicle or the immobilization device appear to have been tampered with, then such vehicle is subject to immediate towing and impounding. Towing and storage fees, as specified in Section 706 of this Chapter, shall be paid, along with fees specified in Section 1104 of this Chapter, before the owner or authorized person of such vehicle shall be permitted to repossess or secure the release of the vehicle. Vehicles unclaimed within 45 days of towing and storage shall be abandoned and subject to disposal, as such, in the manner authorized by law.

Section 1107. Booting Fee. The owner of the booted vehicle shall be subject to a fee of \$50.00 for such immobilization.

Section 1108. Tampering with Boot Prohibited.

Any person who shall tamper with, remove or attempt to remove any device used to immobilize a motor vehicle that has been booted pursuant to this ordinance, or who shall move or attempt to move the vehicle booted before release of the vehicle has been officially secured, shall be guilty of a summary offense and, upon conviction thereof, shall be fined not less than \$100.00 nor more than \$600.00, together with the cost of prosecution, or be imprisoned for not more than 30 days, or both.

Section 1109. Implementation and Enforcement. It shall be the duty of the Officers of the City of DuBois Police Department, or other designated employees of the City, acting in accordance with the instructions by the City Manager, to enforce the provisions of this ordinance.

Section 1110. Right to Hearing Not Waived.

Nothing in this ordinance shall be construed to deprive any person of their Constitutional right to a hearing or trial as to the violations for which parking violation notices or citations have been issued.

Ordained and enacted by the Council of the City of DuBois in lawful session assembled this 27th day of March, 2000.

CITY OF DUBOIS

By

John Syllizio
Mayor and President of Council

ATTEST:

Patrick A. Puzgo
City Manager