

Introduced by _____

First Reading _____

Second Reading _____

Ordinance No. _____

Council Bill No. B 329-19

AN ORDINANCE

amending Chapter 14 of the City Code relating to the impoundment and immobilization of vehicles issued a warrant for failure to appear for unpaid parking citations; and fixing the time when this ordinance shall become effective.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBIA, MISSOURI, AS FOLLOWS:

SECTION 1. Chapter 14 of the Code of Ordinances of the City of Columbia, Missouri, is hereby amended as follows:

Material to be deleted in ~~strikeout~~; material to be added underlined.

Sec. 14-307. Impoundment of vehicles for outstanding parking tickets.

(a) A vehicle may be impounded if:

(1) ~~There~~ there are four (4) or more parking tickets issued against the vehicle which remain unpaid, or

(2) ~~There and which there~~ has been no appearance or plea made by a party ~~the assigned court date by a party~~ with a valid interest in the ~~cited~~ vehicle cited for a violation of the parking ordinances contained within this code after having been duly summoned by the judge of the municipal court and for which a warrant for failure to appear has been issued.

(b) A vehicle shall not be impounded for unpaid parking tickets under subsection (a)(1) above unless notice of eligibility for towing and impoundment has been affixed to the vehicle at least seventy-two (72) hours before the vehicle is towed. The notice shall state that the vehicle is eligible for towing and impoundment for unpaid parking tickets and shall include contact information for paying or contesting the parking tickets and for requesting a hearing on whether the vehicle is eligible for impoundment.

(c) No vehicle shall be impounded under this section unless the vehicle is on a public street, public parking garage or in a public parking lot.

Sec. 14-308. Hearing on eligibility for impoundment.

(a) The registered owner or any person with an interest in a vehicle who has been given notice that the vehicle is eligible for towing and impoundment tickets under section 14-307(a)(1) may request the municipal court to conduct a hearing to determine whether the vehicle is eligible to be towed and impounded. The request must be in writing and must state why the person requesting the hearing believes the vehicle is not eligible to be towed and impounded.

(b) The municipal judge shall set and conduct a hearing on the matter within fourteen (14) days of receipt of a proper request. The court shall promptly notify all parties of the court's determination.

Sec. 14-309. Notice of impoundment.

(a) When a vehicle has been impounded under section 14-307(a)(1) for unpaid parking tickets, notice of impoundment shall be mailed to the registered owner no later than the next business day following the impoundment. The notice shall:

- (1) Identify the vehicle and inform the owner why it was impounded;
- (2) State where the vehicle is impounded;
- (3) Inform the owner how the vehicle may be redeemed;
- (4) Inform the owner that the vehicle is subject to a lien for towing and storage charges; and
- (5) State that the owner may request a hearing concerning the legality of the impoundment and explain the procedure for requesting a hearing.

(b) When a vehicle has been impounded under section 14-307(a)(2), in addition to the above notice requirements, notice of the time and place to appear at the municipal court shall also be provided to the vehicle owner who may enter a plea to any outstanding charges.

~~(b-c)~~ Notice is not required to be mailed if the identity of the owner of the vehicle is not available from the appropriate motor vehicle licensing authority.

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Sec. 14-311. Hearing on impoundment.

(a) The registered owner or any person with an interest in a vehicle impounded for unpaid parking tickets may request the municipal court to conduct a hearing to contest the validity of the impoundment. The request must be in writing and must state the grounds

upon which the person requesting the hearing believes the impoundment is invalid or unjustified. Except for good cause, the request for hearing must be filed within thirty (30) days after the vehicle was impounded.

(b) If the vehicle has been redeemed, the municipal judge shall set a hearing on the validity of the impoundment within thirty (30) days of receipt of a proper request filed under subsection (a). If the vehicle remains impounded, the municipal judge shall set and conduct a hearing within forty-eight (48) hours of receipt of the request, not including weekends or city holidays, unless the person requesting a hearing, for good cause, requests a later hearing date.

(c) If the municipal judge finds that the impoundment of the vehicle was invalid or unjustified, the judge shall order the vehicle to be released immediately and the city shall pay the towing charges and storage charges up to the date of the hearing. If these charges have already been paid, the city shall reimburse the person who paid them.

(d) If the municipal judge finds that the impoundment of the vehicle was valid and justified, the vehicle, if still impounded, shall remain impounded until redeemed pursuant to section 14-310 or sold pursuant to state law.

(e) This section shall be applicable only to vehicles impounded under section 14-307(a)(1).

Sec. 14-312. Immobilization of vehicles for outstanding parking tickets.

(a) A vehicle may be immobilized by means of an immobilization device if:

(1) There~~there~~ are four (4) or more parking tickets issued against the vehicle that remain unpaid; or

(2) There~~and which there~~ has been no appearance or plea made by a party~~the assigned court date by a party~~ with a valid interest in the ~~cited~~ vehicle cited for a violation of the parking ordinances contained within this code after having been duly summoned by the judge of the municipal court and for which a warrant for failure to appear has been issued.

An "immobilization device" is a device that can be attached to a motor vehicle to prevent it from being driven. It is a violation of this Code to operate a vehicle secured with an immobilization device.

(b) Immobilization by means of an immobilization device shall be subject to the following:

(1) No vehicle shall be immobilized unless the vehicle is found on a public street, public parking garage or public parking lot.

- (2) No vehicle shall be immobilized within the traveled portion of any street or portion of any street or sidewalk when the immobilization would create a hazard.
- (3) If the registered owner or operator of the vehicle fails to pay the outstanding parking tickets or fails to post a cash or surety bond for all unresolved parking tickets within seventy-two (72) hours of installation of an immobilization device, the city may have the vehicle towed to a place of impoundment.
- (4) Whenever a vehicle has been immobilized by means of an immobilization device, a notice shall be placed on the vehicle stating the time and date the immobilization device was placed on the vehicle, and briefly describing the means of securing removal of the immobilization device within the seventy-two-hour period.

(c) The registered owner or operator of an immobilized vehicle may secure removal of the immobilization device within the seventy-two-hour period either by payment of all outstanding parking tickets or by posting a cash or surety bond for all unresolved parking tickets.

SECTION 2. This ordinance shall be in full force and effect from and after its passage.

PASSED this _____ day of _____, 2019.

ATTEST:

City Clerk

Mayor and Presiding Officer

APPROVED AS TO FORM:

City Counselor