

ARTICLE III: VEHICLE IMPOUNDMENT

Section

7.301 Authority for impoundment

7.302 Procedures

§ 7.301 AUTHORITY FOR IMPOUNDMENT.

(A) A vehicle may be impounded by the Police Department, or by a commercial towing service pursuant to a contract with the city, where such vehicle:

- (1) Is parked in such a manner as to constitute a violation of any of the provisions of this chapter and thereby cause an obstruction to the free flow of traffic or interferes with the performance of municipal services; or
- (2) Is abandoned, whether on public or private property; or
- (3) Unlawfully blocks a water hydrant or is parked in a fire lane, whether on public or private property.

(B) No vehicle shall be impounded unless a tag is affixed to the windshield ordering that said vehicle be towed pursuant to the provisions of this chapter.

(C) No vehicle may be impounded solely because it is parked in such a manner as to constitute a violation of § 7.205(M) except:

- (1) Between 2:00 a.m. on November 1 and 6:00 a.m. on March 31 of the next succeeding year; and
- (2) At least three and one-half inches of snow has accumulated within the traveled portion of any roadway at any point not greater than 15 feet from any part of the subject vehicle.

('77 Code, § 7.301) (Am. Ord. 871, passed 4-9-79)

§ 7.302 PROCEDURES.

(A) If the owner of a vehicle appears before said vehicle is hooked to the tow-truck and the wheels are hoisted from the ground, the operator shall release the vehicle without charging a fee.

(1) If the vehicle is already hooked to the truck and the wheels hoisted, then a fee as set periodically by resolution of the Council shall be charged prior to release of said vehicle.

(2) The operator shall provide a receipt when the vehicle is released upon payment of the aforesaid fee.

(B) The Police Department shall provide the record owner, if any, of the towed vehicle written notification by certified mail of the following information:

- (1) Identification of vehicle, including make, model and license number;
- (2) Location of vehicle at time of impoundment;
- (3) Traffic code violation;
- (4) Storage location of vehicle;
- (5) A statement that the vehicle may be reclaimed within 30 days, or it will be sold to the highest bidder;
- (6) A statement that the owner would be responsible for towing and storage charges.

(C) (1) Said notification shall be provided within 72 hours of the time of impoundment and mailed to the last known address of the record owner, with copies mailed to all identifiable lien holders of record within ten days.

(2) If it is impossible to determine with reasonable certainty the identity and address of an owner of record, or of any lien holders, the notice shall be published once in the legal newspaper of general circulation for the city within 15 days from the date of impoundment.

(D) The vehicle shall be stored until the record owner has provided identification, paid all towing and storage charges incurred and reclaimed said vehicle, or until the expiration of 30 days if said vehicle is not claimed.

(1) After the expiration of 13 days, the vehicle may be reclaimed by any lien holder with proper identification, upon payment of all towing and storage charges.

(2) Upon the expiration of 30 days, the vehicle may be sold to the highest bidder at a public auction. A memorandum bill of sale shall be sent to the last known address of the owner of record, if any.

(E) The Police Department or commercial towing service shall comply with the following procedures:

- (1) The tow-truck operator shall have in his possession an identification card indicating his authority to tow the vehicle.
- (2) Upon arrival at the storage facilities, the vehicle shall be inventoried.
- (3) Towing and storage rates shall be subject to approval of the Council.

(F) The net proceeds of all sales, after deduction of towing and storage costs, and administrative costs of conducting a public sale, shall be forwarded to the Treasurer.

(G) A record shall be kept by the Police Department or the towing service stating the following information:

- (1) The make, model and license number of each vehicle towed, and of each vehicle for which a fee was collected.
 - (2) The date, time and place where each vehicle was picked up.
 - (3) The record owner of each vehicle impounded.
 - (4) The duration of time for storage of each vehicle.
 - (5) The disposition of each vehicle, including charges collected upon pickup, or proceeds derived from the sale of said vehicle.
 - (6) The name and address of the person claiming each vehicle, or the name and address of the purchaser of any vehicle disposed of by public sale.
- (H) Any commercial towing service contracted by the city pursuant to this section shall obtain and keep in full force liability insurance for property damage to impounded vehicles resulting from accident, theft, or other catastrophe in the sum of \$20,000 per vehicle.

('77 Code, § 7.302) (Am. Ord. 1535, passed 9-8-08)