

ORDINANCE NO. _____

ENTITLED: "AN ORDINANCE AMENDING SECTION 10.12.160, AUTHORITY TO IMPOUND ILLEGALLY PARKED VEHICLES, AND SECTION 10.12.170, IMMOBILIZATION, OF TITLE 10, VEHICLES AND TRAFFIC, MODIFYING TIME PERIOD FOR VEHICLE IMPOUNDMENT AFTER IMMOBILIZATION."

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF CHEYENNE, WYOMING:

Section 1. That Section 10.12.160, Authority to impound illegally parked vehicles, and Section 10.12.170, Immobilization, of Title 10, Vehicles and Traffic, are hereby amended as set out in this Ordinance.

10.12.160 - Authority to impound illegally parked vehicles.

- A. Any vehicle found parked in any unauthorized place or in violation of this code or any other city ordinance ~~or any vehicle which was immobilized pursuant to Section 10.12.170 B.3. and has not been released within three business days~~ may be towed ~~to any garage in the city by the police department in accordance with subsection (B) of this section, except that any vehicle which was immobilized pursuant to Section 10.12.170(B)(3) of the city code and that has not been released within two (2) business days, shall be towed by the police department in accordance with subsection (B) of this section.~~ The owner of the vehicle shall pay all reasonable charges of towing and storage incurred in addition to any penalties imposed for violation of this code or any other city ordinance.
- B. When authorized by this code or laws of this state, members of the police department may tow or otherwise remove a vehicle from a street or highway to the nearest garage or other place of safety, or to a garage designated ~~or maintained~~ by the police department, or otherwise ~~maintained~~ designated by the city.
- C. Whenever an officer removes a vehicle from a street as authorized in this section and the officer knows or is able to ascertain from the vehicle registration records the name and address of the owner, the officer shall immediately give or cause to be given notice in writing to the owner of the fact of removal, the reasons therefore, and the place to where the vehicle has been removed. In the event the vehicle is stored in a public garage, a copy of the notice shall be given to the proprietor of the garage.
- D. Whenever an officer removes a vehicle from a street under this section and does not know and is not able to ascertain the name of the owner, or for any other reason is unable to give the notice to the owner as hereinbefore provided, and in the event the vehicle is not returned to the owner within a period of three (3) days, then the officer shall immediately send or cause to be sent a written report of the removal by mail to the state department whose duty it is to register motor vehicles. The officer ~~will~~ shall file a copy of the notice

with the proprietor of any public garage in which the vehicle may be stored. Notice shall include a complete description of the vehicle, the date, time and place from which removed, reasons for removal, and the name of the garage or place where the vehicle is stored.

10.12.170 - Immobilization.

- A. Definition. For the purposes of this section, the word "immobilize" or "immobilization" means and includes the use of any device which may be attached or affixed to a vehicle and when so attached or affixed shall render the vehicle immovable.
- B. Scofflaw List. As frequently as practicable, the police department parking administration manager shall prepare and update the "scofflaw list," consisting of vehicles with three (3) default judgments as a result of unpaid parking citations.
 1. Notice that a vehicle is listed on the scofflaw list shall be served in the following manner:
 - a. The police department parking administration manager shall give notice by first class mail to the registered owner of each vehicle listed on the scofflaw list, stating that the vehicle is listed on the scofflaw list.
 2. The content of the notice that a vehicle is listed on the scofflaw list shall contain not less than the following information:
 - a. The date and the nature of each ticket overdue and the amount due on each;
 - b. The date of entry of default judgement on each unpaid parking citation;
 - c. That a scofflaw list fee of five dollars (\$5.00) ~~is~~ shall be imposed to cover administrative costs;
 - d. The total amount currently due;
 - e. That the owner shall, no less than fifteen (15) days after the date of mailing, respond to the notice by paying the total amount due;
 - f. That if the vehicle owner fails to respond within the prescribed time period, the listed vehicle ~~will~~ shall be subject to immediate immobilization; and
 - g. That if the vehicle is impounded pursuant to Section 10.12.160 of the city code, the owner ~~will~~ shall also be responsible for the reasonable costs of towing and storage.

3. A vehicle remaining on the scofflaw list after the date indicated in the notice issued pursuant to ~~Section 10.12.170 B.2.f.~~ paragraph (B)(2) of this section is subject to ~~be immobilized~~ immobilization by the chief of police or his designee while that vehicle is located upon any public property. The person immobilizing the vehicle shall leave under the windshield wiper or otherwise attach to the vehicle a notice advising the owner that the vehicle has been immobilized by the city for failure to pay amounts due for three (3) or more adjudicated parking infractions; that release from immobilization may be obtained by paying all outstanding fines and late fees owed relating to all adjudicated violations, plus all removal, towing, and storage charges and administrative fees; that unless such payment is made within ~~five-two (2)~~ two (2) business days of the date of the notice, the vehicle ~~will~~ shall be impounded; that it is unlawful for any person to remove or attempt to remove the immobilization device, to damage the immobilization device, or to move the vehicle with the immobilization device attached, unless authorized by the chief of police or an authorized agent of the city; and that the owner may seek an administrative review of the immobilization by submitting a request to the police department parking administration manager within ten (10) days of the release of the immobilization device.
 4. If the owner or an agent of the owner pays the fines and fees, if any, and all towing and storage charges, if any, the police department parking administration manager shall remove such vehicle from the scofflaw list and authorize its release from immobilization the next business day.
 5. If a vehicle immobilized pursuant to this section is not released within ~~five-two (2)~~ two (2) business days, (which does not include the day the vehicle was immobilized), the police chief shall require the vehicle to be removed or cause it to be removed and towed ~~to any garage in the city~~ in accordance with the impoundment provisions of Section 10.12.160 of ~~this title~~ the city code.
- C. Authorized. When the police chief finds a vehicle parked in violation of the provisions of this code, such person may immobilize the vehicle or cause the same to be done if that vehicle appears on the scofflaw list.
- D. Alternate Procedure. The provisions of this section are declared to provide an alternative manner for the enforcement of the provisions of this code pertaining to parking violations and shall not preclude impoundment of the vehicle parked as authorized under Section 10.12.160 of the city code or any other method of enforcing the parking ordinances.
- E. Penalty. Any person found guilty of tampering with an immobilization device in an attempt to remove or destroy it, is subject to the general penalty provision of this code under Section 1.24.010 of the city code.
- F. Post-Immobilization Review. The registered vehicle owner may seek a post-deprivation review of the immobilization by submitting a written request to the police department parking administration manager within ten (10) days of the placement of the

immobilization device and notice on the vehicle, as established by the notice date. The police department parking administration manager shall provide the request for review to the municipal court judge. Upon timely receipt of such written request, the municipal court judge shall, within a reasonable time as established by the court, conduct a review on the issue of whether the immobilization was proper and shall issue a written decision setting forth the reasons on which the decision is based, provided, however, that any previously adjudicated parking infractions that formed the basis of the vehicle's scofflaw status shall not be subject to the review. The person seeking review shall have an opportunity to present evidence on his or her behalf in accordance with requirements established by the court.

Section 2. Sections, paragraphs, sentences, clauses, and phrases of this ordinance are severable. If any section, paragraph, sentence, clause, or phrase of this ordinance is declared unconstitutional or otherwise unlawful, such declaration shall not affect any of the remaining sections, paragraphs, sentences, clauses, and phrases.

Section 3. That this ordinance shall be in full force and effect upon approval and publication.

FIRST READING:

SECOND READING:

THIRD AND FINAL READING:

PATRICK COLLINS, MAYOR

(SEAL)

ATTEST:

KRISTINA F. JONES, CITY CLERK

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