

INTRODUCED: DEC 11 2006

AN ORDINANCE No. 2006- **328** - 2007-10

To amend and reordain City Code §§ 102-363, concerning procedures for impounding and immobilizing motor vehicles, and 102-365, concerning disposition of impounded motor vehicles, to provide for the recovery of costs related to the immobilization of vehicles against which there are outstanding parking violations.

Patron – Mayor Wilder

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: JAN 08 2007 AT 6 P.M.

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. That sections 102-363 and 102-365 of the Code of the City of Richmond (2004) be and are hereby amended and reordained as follows:

Sec. 102-363. Procedures for impounding and immobilizing motor vehicles.

(a) Abandoned and Inoperable Abandoned Motor Vehicles. The city may cause abandoned motor vehicles and inoperable abandoned motor vehicles to be removed to the vehicle compound for safekeeping.

(b) Unattended Motor Vehicles. The city may cause unattended motor vehicles to be removed by or under the direction of a law enforcement officer to the vehicle compound for

AYES: 5 NOES: 0 ABSTAIN: 1

ADOPTED: JAN 08 2007 REJECTED: _____ STRICKEN: _____

safekeeping. However, unattended motor vehicles shall not be removed from private property without the owner, lessee, or occupant of the premises providing to the city both a written request that the unattended motor vehicle be removed and the owner's, lessee's, or occupant's agreement to indemnify the city against any loss or expense incurred by reason of removal, storage, or sale thereof. The city shall not cause unattended motor vehicles to be removed from private property which is normally open to the public for parking unless there is posted at such places signs warning that vehicles left on the property for more than 72 hours will be towed or removed at the vehicle owner's expense.

(c) ~~[The city may cause motor vehicles against which there are three or more unpaid or otherwise unsettled parking violation notices to be immobilized or to be removed by or under the direction of a law enforcement officer or employee of the department of police to the vehicle compound for safekeeping.]~~ *Motor Vehicles with Three or More Unpaid Parking Violation Notices.*

(1) The city may cause any motor vehicle parked on the public highways or public grounds against which there are three or more unpaid or otherwise unsettled parking violation notices to be either immobilized or removed to the vehicle compound for safekeeping. The removal or immobilization of the vehicle shall be by or under the direction of an officer or employee of the department of police. No such vehicle parked on private property may be removed or immobilized unless written authorization to enforce this section has been given by the owner of the property or an association of owners formed pursuant to Code of Virginia, § 55-79.1 et seq. or § 55-79.39 et seq. and the city has provided written assurance to the owner of the property that he will be held harmless from all loss, damage, or expense, including costs and attorney's fees, that may be incurred as a result of the towing or otherwise of any motor vehicle

pursuant to this section.

(2) It shall be the duty of the law-enforcement personnel removing or immobilizing the motor vehicle or under whose direction such vehicle is removed or immobilized, to inform as soon as practicable the owner of the removed or immobilized vehicle of the nature and circumstances of the prior unsettled parking violation notices for which the vehicle was removed or immobilized.

(3) When a vehicle is immobilized pursuant to this section, there shall be placed on the vehicle, in a conspicuous manner, a notice warning that the vehicle has been immobilized and that any attempt to move the vehicle might damage it. For at least twenty-four hours from the time of immobilization, the owner of an immobilized motor vehicle, or other person acting on his behalf, shall be permitted to secure the release of the vehicle by payment of the outstanding parking violation notices for which the vehicle was immobilized and by payment of all costs incidental to the immobilization. After at least twenty-four hours have passed, and the owner of an immobilized vehicle or person acting on his behalf has not secured the release of the vehicle, law-enforcement personnel may direct that the vehicle be removed to the vehicle compound for safekeeping.

(d) *Inoperable Motor Vehicles.* In addition to the penalty prescribed in section 102-362, the city may cause the owner or occupant of any parcel of land found to contain an inoperable motor vehicle which is not in a fully enclosed building or structure, whether or not such inoperable motor vehicle is shielded or screened from view, to be given notice that the inoperable motor vehicle constitutes a nuisance and that the city will cause the vehicle to be removed unless the vehicle is placed within a fully enclosed building or structure or removed from the property within 48 hours or within some longer time period stated in the notice. If the

owner or occupant fails to comply with the notice and abate the nuisance within the specified time, the city or its agents shall cause such vehicle to be removed to the vehicle compound.

Sec. 102-365. Disposition of impounded motor vehicles.

(a) If no owner or lienholder of a motor vehicle impounded pursuant to section 102-363 can be located following the procedures in section 102-364 or if no owner or lienholder pays all costs incidental to its removal and storage and locating the owner, including the payment of any outstanding parking violation notices and any costs incidental to immobilization for a vehicle which was impounded for three or more unsettled parking violation notices, the city or its authorized agent shall, notwithstanding Code of Virginia, § 46.2-617, sell it at public auction.

(b) Auction of motor vehicles pursuant to this section shall occur no earlier than 16 days after notice was provided pursuant to section 102-364. However, auctions of unattended motor vehicles removed from private property shall occur no earlier than 61 days after such vehicles were impounded or 16 days after notice was provided pursuant to section 102-364, whichever date occurs later.

(c) Any personal property found in such motor vehicles may be sold incident to the sale of the vehicle as authorized in this section.

(d) The purchaser of such motor vehicles shall take title to the motor vehicle free of all liens and claims of ownership of others; shall receive a sales receipt at the auction; and shall be entitled, upon application to the state department of motor vehicles, to receive a certificate of title and registration card for the vehicle. The sales receipt from the sale shall be sufficient title only for purposes of transferring the vehicle to a demolisher for demolition, wrecking, or dismantling, and in that case no further titling of the vehicle shall be necessary.

(e) The city or its authorized agent shall reimburse itself from the proceeds of any

auction authorized in this section for the expenses of the auction; the cost of removing, preserving, and storing the motor vehicle which resulted from placing it in custody; and all notice and publication costs incurred pursuant to section 102-364. Any remainder from the proceeds of an auction shall be held for the owner of the motor vehicle or any person having security interests in the motor vehicle, as their interests may appear, for 90 days and then shall be deposited into the city treasury.

(f) In addition to the sale as outlined in this section, the cost of removal and disposal for inoperable motor vehicles shall be chargeable to the owner of the motor vehicle or the owner of the premises from which it was removed and may be collected by the city as taxes and levies are collected, and every cost authorized by this section assessed against the owner of the premises shall constitute a lien against the property from which the vehicle was removed, the lien to continue until actual payment of cost has been made to the city.

(g) After the sale at auction of any unattended motor vehicle, the city or its authorized agent shall notify the state department of motor vehicles of the disposition of the unattended motor vehicle.

§ 2. This ordinance shall be in force and effect upon adoption.



CITY OF RICHMOND
INTRACITY CORRESPONDENCE

RECEIVED
NOV 10 2006

OFFICE OF CITY

O&R REQUEST

DATE: November 6, 2006

EDITION: 1

TO: The Honorable Members of City Council

THROUGH: L. Douglas Wilder, Mayor

THROUGH: William E. Harrell, Chief Administrative Officer

FROM: Harry E. Black, Chief Financial Officer

RE: Vehicle Immobilization Charges

ORD. OR RES. No. _____

PURPOSE: To amend and re-ordain City Code §§ 102-363, 102-364, 102-365 and Appendix A.

REASON: To conform the Richmond City Code to Virginia Code §§ 46.2-1213 & 46.2-1216 regarding the costs incidental to the removal, immobilization or storage of a vehicle against which there are outstanding parking violations.

RECOMMENDATION: The administration recommends adoption of this ordinance.

BACKGROUND: On May 9, 2005, Richmond City Council adopted Ordinance No. 2005-115-63. This ordinance amended and re-ordained existing ordinances regarding vehicles with outstanding parking citations to enable such vehicles to be immobilized as well as towed from their location.

Subsequent to the adoption of Ordinance No. 2005-115-63, the City, through its on-street parking enforcement vendor, instituted the immobilization of vehicles with more than three outstanding parking citations. This program has proven to be successful in locating and collecting unpaid parking violation revenue. Virginia Code §46.2-1216 prescribes that a local ordinance that provides for the removal or immobilization of vehicles with outstanding parking violations shall permit the owner, or other person acting on their behalf, to repossess or secure the release of the vehicle upon the payment of the outstanding parking violation notices

and “all costs incidental to the immobilization, removal and storage of the vehicle.”

By adopting this Ordinance, City Council will provide the statutory authority for those with whom the City has contracted, directly or indirectly, to collect a vehicle immobilization fee, initially set at \$60.00, to offset part of the charges incurred by the City for the immobilization, removal and storage of the vehicle for which there are outstanding parking citations.

COST TO CITY: None

REVENUE TO CITY: None

DESIRED EFFECTIVE DATE: January 1, 2007

REQUESTED INTRODUCTION DATE: November 27, 2006

CITY COUNCIL PUBLIC HEARING DATE: December 11, 2006

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: Finance

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: None

AFFECTED AGENCIES: Finance, Budget, Public Works, Press Secretary

RELATIONSHIP TO EXISTING ORD. OR RES.: Ordinance No. 2005-115-63

REQUIRED CHANGES TO WORK PROGRAM(S):

ATTACHMENTS: Suggested changes to Richmond City Code §§ 102-363, 102-364 and 102-365 and Appendix A of City Code.

STAFF: Harry E. Black, Chief Financial Officer
Paul B. Bowers, Chief of Revenue Administration
L. Kevin Ervin, Operations Manager – Revenue Administration