

CHATTANOOGA PARKING AUTHORITY

VEHICLE IMMOBILIZATION POLICY



The Chattanooga Parking Authority (CPA) is charged by the City Council of the City of Chattanooga, Tennessee under Article X. STOPPING, STANDING AND PARKING with managing on-street parking in downtown Chattanooga.

On-street parking is essential for short-term parking for the customers who come downtown to shop, visit a business or government agency, enjoy restaurants, attractions, our downtown parks and riverfront. Proper enforcement of parking regulations ensures availability of this parking. Enforcement encompasses not only the issuance of citations for parking violations, but also the collection of these penalties to encourage compliance with parking regulations.

Unfortunately, even though they may be cited for violations, some individuals may still not obey the parking regulations. Accordingly, it is essential to implement a policy of immobilization as the ultimate penalty to encourage compliance.

Section 24-337. Immobilization and Impoundment of vehicles.

- (a) If a vehicle has a record of three (3) or more currently outstanding delinquent parking citations which have been outstanding for more than sixty (60) days and are not under appeal, and if the Parking Authority is in compliance with the procedural requirements of this section, the Parking Authority may immobilize or impound a motor vehicle parked, stopped or standing upon a street or public way within areas where the Parking Authority has been granted enforcement authority. Such power is in addition to the authority granted pursuant to section 24-303 to remove and impound vehicles declared to be a public nuisance.

- (b) The Parking Authority may only undertake the immobilization or impoundment of a motor vehicle upon satisfaction of all of the following conditions precedent:
 - (i) At least three (3) citations for parking violations must be outstanding and must be delinquent for more than sixty (60) days with respect to the vehicle for which immobilization or impoundment is imposed;
 - (ii) The Parking Authority shall have delivered written notice to the owner of such vehicle at the last indicated address in records maintained by appropriate state authorities, or by notification of proposed impoundment in a letter placed on the windshield of the car proposed for immobilization or impoundment;
 - (iii) At least ten (10) days have passed since the notification by the Parking Authority under subparagraph (ii) above;
 - (iv) The owner of vehicle proposed for impoundment or immobilization has not advised the Parking Authority in writing of the owner's belief that impoundment is unwarranted, and,
 - (v) The owner has not requested a hearing to challenge the validity of the impoundment under the provisions of Section 24-338 below.
- (c) The Parking Authority, in addition to the civil penalties levied for parking or traffic offenses, may impose reasonable towing, handling and storage charges upon the owner of such impounded vehicle.
- (d) The Parking Authority may condition the release of an immobilization or impounded vehicle upon the payment of all outstanding fines and late fees levied for parking or traffic offenses and the immobilization, towing, handling and storage charges imposed thereon, unless the owner or other persons entitled to possession challenges the validity of the impoundment pursuant to section 24-338 below or in a court of competent jurisdiction. A vehicle may be released to the owner or other person entitled to possession only upon proof of ownership or right to possession. The Parking Authority may require reasonable security, bond or other assurances of indemnification from a person who is not the registered owner of the vehicle prior to releasing the vehicle to such person.
- (e) For purposes of this section 24-339, "impoundment" shall mean either removal to a secure location or immobilization of the vehicle at the site of the violation by a device attached to the vehicle.

Section 24-338. Hearing to challenge validity of impoundment.

- (a) The owner of a motor vehicle which has been impounded for parking violations pursuant to this chapter, or other person entitled to possession may challenge the validity of such impoundment and request in writing a hearing before the Chattanooga Parking Citation Enforcement Hearing Board. The hearing shall be conducted within ten (10) business days of the date of the request, unless the owner or other person entitled to possession waives the limitation by the Parking Authority shows good cause for such delay. The Parking Authority shall retain possession of the vehicle pending the hearing, unless the owner or other person claiming right of possession posts a bond in an amount equal to the civil penalties and fees accrued as of the date of the hearing request. If the owner or person claiming possession of the vehicle is unable to pay the amount of the bond, the hearing shall be held within seventy-two (72) hours of the date the request for hearing is received, unless such person requests or agrees to a continuance.
- (b) No less than five (5) days prior to the date set for the hearing, the Parking Authority shall notify the person requesting the hearing of the date, time and place of the hearing. In the case of a hearing required to be held within seventy-two (72) hours of the date of the request as provided in this section, the person requesting the hearing shall be informed at the time of his request, or as soon thereafter as practicable, of the date, time and place of the hearing.
- (c) Any person who refuses or, except for good cause, fails to appear at the time and place set for the hearing shall be deemed to have conceded on his and the owner's behalf the validity of the impoundment.
- (d) At the hearing, after consideration of the evidence, the Chattanooga Parking Citation Enforcement Hearing Board shall determine whether the impoundment was valid and reasonable. Where it has not been established that the impoundment was justified, and order releasing the vehicle shall be entered. All fines and fees paid or amounts posted as bond because of the impoundment of the vehicle shall be returned. Where it has been established that the impoundment was justified, the board shall uphold the impoundment and condition the release of the vehicle upon payment of all civil penalties and fees accruing thereto. If bond has been posted as security for release of the vehicle, said bond shall be forfeited to the Parking Authority. Any fines or fees in excess of the amount of the bond posted shall be ordered to be paid by the owner of the vehicle to the Parking Authority. The Chattanooga Parking Citation Enforcement Hearing Board shall furnish the owner or person appearing on the owner's behalf with a copy of its order.
- (e) The Chattanooga Parking Citation Enforcement Hearing Board may consider a parking citation and any other written report made under oath by the issuing officer in lieu of the officer's personal appearance at the hearing.

Section 24-339. Appeal of impoundment determination.

An appeal from the Chattanooga Parking Citation Enforcement Hearing Board's determination may be made to a court of competent jurisdiction as provided by law. If the court finds that the impoundment was not justified, the Parking Authority shall release the vehicle, and if applicable, return all civil penalties and fees paid as a result of the impoundment.

POLICY FOR IMMOBILIZING VEHICLES

All vehicle owners eligible for immobilization shall be sent a letter (sample copy attached) notifying the owner of the vehicle that he/she has accumulated three or more unpaid citations and that if a hearing is not requested within ten days, the Chattanooga Parking Authority may boot and/tow the vehicle. The address to which the letter is sent is the last known address for which the Chattanooga Parking Authority may have a record.

If the vehicle owner requests a hearing before the Chattanooga Parking Citation Enforcement Hearing Board, all related parking citations shall be placed on administrative hold, and eligibility to be booted and/or towed shall be rescinded until the outcome of the hearing is provided.

If the owner of the vehicle fails to respond to the notice or to request a hearing, the vehicle shall be eligible to be immobilized 10 calendar days after the date the letter was sent.

Procedure for Immobilizing Vehicles

1. **Confirmation and Approval.** The Parking Ambassadors will call the Chattanooga Parking Authority office to confirm that the vehicle in question is still a scofflaw vehicle. The Ambassador should give the license number and state designation, make, model, and color of the vehicle to the CPA office as well as the current location of the vehicle. Upon verification of the vehicle status, and upon receiving authority to proceed with booting, the Ambassador should request that the staff installing the boot be dispatched to immobilize the vehicle.
2. **Placement of Device.** If accessible, the CPA employee installing the boot shall place the immobilization device on the driver-side front tire of the vehicle. If it is not accessible, the device may be placed on the passenger-side front tire of the vehicle. The location of the device and the device number shall be noted on the Booting Form.
3. **Immobilization Citation.** An "Immobilization Citation" shall be issued. The amount of citations owed shall be entered by the parking ambassador on the Immobilization Citation. A fee of \$50.00 will also be assessed to cover installation and removal of the immobilization device.

4. **Booting Form.** A separate form, in a format approved by CPA, shall be placed on the driver's side window. The form shall indicate:

- that the boot has been placed on the vehicle due to unpaid parking citations;
- that all citations must be paid (or a plan for full payment approved) to have the boot removed;
- that unauthorized removal may result in damage to the vehicle;
- that unauthorized removal will damage public property, which is a criminal offense; and
- a telephone number to call for removal of the boot.

To the degree possible, the CPA employee installing the boot shall complete the following information:

- the current date and time
- the license number, state, and expiration date of the registration
- the make, model, and color of the vehicle
- the Vehicle Identification Number (VIN) on which the boot is placed
- the physical address (and meter number) where the vehicle is located
- the current condition of the vehicle (any damage, windows down, etc.)
- the total dollar amount owed (including the boot fee)
- the CPA employee name and signature
- the device number being used

5. **Vehicle Owner Arrival.** If the vehicle owner arrives after the boot is installed, the CPA employee shall instruct the vehicle owner how to pay the citations and have the boot removed. If the vehicle owner arrives while the boot is being installed, the boot agent shall attempt to continue to install the boot, unless the vehicle owner becomes confrontational, upon which the CPA employee will stop installing the device and depart.

6. **Photo Enforcement.** All vehicles booted shall be digitally photographed, with photos made of the booted wheel and of any visible defect in the vehicle (dents, scratches, etc.).

7. **Leaving Boot Location.** Once the boot is in place, and the Booting Form is affixed, the CPA employee should call the CPA office and inform them the vehicle has been booted. The CPA office will enter a "boot" citation into the electronic ticket writer to track the payment of the booting fee.

8. **Removal of Device.** No vehicle belonging to or driven by scofflaw shall be released either from immobilization or after being towed to its owner's possession or control until the full amount of all outstanding parking tickets, penalties and boot fees have been paid or suitable arrangements have been agreed upon. At no time may a CPA employee receive such payments. Boot removal shall only be made by a CPA employee after receiving such instruction by the CPA office.
9. **Payment of Fees.** During regular working hours (8:00 am – 5:00 pm Monday – Friday), in order to have an immobilization device removed, and individual must make full payment either to the CPA office in person, online or by telephone if a valid credit card is available to be used for payment. All outstanding unpaid citations contained in the parking program database must be paid along with any late penalties, along with a boot fee.
10. **Logging and Reporting.** The CPA Office staff shall keep a log of all bootings. This log shall be reconciled daily and monthly against payments made, vehicles towed, or boots released.
11. **Effective Date.** The effective date of this Vehicle Immobilization Policy was October 22, 2012.