

Chapter 71: Parking Regulations

71.09 IMPOUNDMENT AND DISPOSITION OF MOTOR VEHICLES.

Any person, at the direction of the Chief of Police, is hereby authorized to remove, or have removed at their direction, a vehicle from any public or private way or place, under any of the circumstances hereinafter enumerated, the Council hereby finding and determining such vehicles under such circumstances to be obstructions to traffic or public nuisances. Such vehicle is authorized to be removed under any of the following circumstances:

(A) When a vehicle upon a public way is so disabled as to constitute an obstruction to traffic and the person in charge of the vehicle is by reason of physical injury incapacitated to such an extent as to be unable to provide for its custody or removal;

(B) When any vehicle is left unattended upon a street or parked illegally so as to constitute a definite hazard or obstruction to the normal movement of traffic, or left unattended on any public street with engine running or with keys in the ignition switch or lock;

(C) When any vehicle is parked or left standing upon any area or portion of a public street in violation of or contrary to a parking limitation or prohibition established by the City Traffic Engineer, provided such area or portion of such public street has been posted with an official sign giving notice both of such limitation or prohibition and of the fact that such area or portion of such street is a "Tow Away" area;

(D) When a vehicle is parked in violation of any traffic ordinance and is an obstruction or hazard or potential obstruction or hazard to any lawful function or limits the normal access to a use of any public or private property;

(E) When a vehicle is left on a public way or place and appears to be abandoned, or a complaint is received that it is abandoned and remains there continuously for a period of 72 hours after notice is posted on the windshield that it will be impounded, or when an automobile hulk or junker is left on public or private property for such a period;

(F) When the driver of such vehicle is taken into custody by the police department and the vehicle would thereby be left unattended upon a street, highway or restricted parking area, or other public way;

(G) When a vehicle is found being driven upon the streets or other public way of the city and the same is not equipped with all of the necessary parts and equipment as required for a fully operational motor vehicle, or does not meet the standards for the parts or equipment required therein;

(H) When the driver of a vehicle is reasonably suspected of using license plates or a license permit unlawfully, misusing the license plates or license permit issued to the driver, or a vehicle is driven or parked without proper license plates or license permit, or with no license plates or license permit, or driven or parked with an invalid or expired license permit;

(I) When the driver of a vehicle is driving without an operator's license or chauffeur's license which is current and valid, or who does not have such license in the driver's immediate possession, or who drives a vehicle contrary to restrictions imposed upon the license, or who drives a vehicle while his or her operator's or chauffeur's license has been denied, suspended, canceled or revoked by the state;

(J) When any vehicle is reasonably suspected of being a stolen vehicle, or parts thereof to be stolen parts;

(K) When the driver of any vehicle is taken into custody for a suspected felony or misdemeanor, or when the vehicle is suspected of containing stolen goods, or other contraband;
or

(L) When any vehicle is parked or stopped in an emergency access lane in violation of or contrary to a parking limitation or prohibition established by city ordinance, provided that such emergency access lane has been posted with an authorized sign giving notice both of such limitation or prohibition and of the fact that such area or portion of such public roadway or private property is a "Tow Away" area. (Penalty, see § 10.99)

No vehicle may be towed from public property unless a peace officer or a duly delegated parking enforcement officer has prepared, in addition to the appropriate citation, a written towing report describing the motor vehicle and the reason for towing. The report required by this paragraph must be signed by the officer and the tow driver.

Within five (5) calendar days after the impounding of a vehicle pursuant to this Section, notice that the vehicle has been impounded shall be given by the Chief of Police to the owner and all readily identifiable lien holders. The notice shall be made by mailing to the owner thereof at his or her last known address, as shown by the records of the Commissioner of Public Safety, a written notice of such impoundment. If it is impossible to determine with reasonable certainty the identity and address of the registered owner and all lien holders, the notice shall be published once in the legal newspaper. The notice given pursuant to this paragraph, whether in writing or by publication, shall state (a) the date and place for the taking, the year, make, model and serial

number for the impounded vehicle if such information can be reasonable obtained and the place where the vehicle is being held, (b) inform the owner and any lien holders of their right to reclaim the vehicle upon payment of all towing and storage charges resulting from taking the vehicle into custody and (c) that the failure of the owner or lien holders to exercise their right to reclaim the vehicle, together with all contents, within the time allowed in this Section should be deemed a waiver by them of all right, title, and interest in the vehicle and contents and a consent to the transfer of title to and disposal or sale of the vehicle and contents pursuant to this Section. If a vehicle remains unclaimed after thirty (30) days from the date the notice was sent pursuant to this paragraph, a second notice shall be sent by certified mail, return receipt requested, to the registered owner, if any, of the vehicle and to all readily identifiable lien holders of record.

Towing and storage charges shall be established by resolution of the Council of the City of Henning. In addition to the towing and storage charges, clerical and administrative expenses incurred by the city and reasonable daily storage expenses shall be charged.

Before the owner or his agent or any lien holders shall be permitted to remove any vehicle impounded pursuant to this Section, they shall furnish satisfactory evidence of the owner's identity and ownership of said vehicle. The owner shall pay such fees for the towing and storage of said vehicle, clerical and administrative expenses, and storage fees as set forth by the Council. The owner shall sign a written receipt for said vehicle.

No vehicle impounded pursuant to this Section shall be released so long as it is designated as a police "Hold" without a written release thereof from the Chief of Police or a designated representative of the Chief of Police.

If, after the notices required by this section have been provided and a minimum period of forty-five (45) days has elapsed from the date that the vehicle and contents were taken into custody, the Chief of Police, by and through the City of Henning, may proceed to sell the same by sealed bid or by public auction, after first giving notice of such sale in the official legal newspaper. The notice pursuant to this Section shall be published no less than ten (10) days prior to the date of such sale as set forth herein. Said notice of sale shall include the time and place of such sale, stating further whether such sale shall be by sealed bid or by public auction or both. Records stating with reasonable certainty the manufacture's trade name, vehicle identification number, license number, ownership, if available from the records of the Commissioner of Public Safety, shall be kept and available for public inspection at the place of sale. Determination of whether the sale shall be by sealed bid or public auction shall be left to the discretion of the Chief of Police.

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