

1 soon as practicable, the city shall inform the owner of the immobilized vehicle of
2 the nature and circumstances of the prior outstanding or unsettled traffic violation
3 notices or warrants for which, or on account of which, such vehicle was
4 immobilized.

5 The owner of such immobilized vehicle, or other authorized person, shall be
6 permitted to secure release of the vehicle upon:

7 (a) Depositing

8 (i.) The collateral required for his appearance in the appropriate
9 court of competent jurisdiction to answer for each violation and
10 the total amount of outstanding parking fines, or

11 (ii) The amount of the fine or penalty for each violation for which
12 there is an outstanding or otherwise unsettled traffic violation
13 notice or warrant in the even there is no outstanding collateral re-
14 quired for appearance in the appropriate Court; and

15 (b) The payment of the fees as required by this section.

16 The owner of an immobilized vehicle, or a person with written authorization
17 to do so, shall have the right to a Post-Immobilization Hearing to determine the
18 validity of such immobilization, towing, and any towing or storage charges. Such
19 hearing must be requested within seventy-two (72) hours after the vehicle is
20 immobilized and shall be conducted by a Hearing Officer appointed by the Mayor
21 to conduct such hearings within seventy-two (72) hours after receipt of the request.
22 The Post-Immobilization Hearing is civil in nature and will not be used to
23 determine or adjudicate any citation issued relative to any immobilized vehicle and
24 the reason it was immobilized. Procedures for the conduct of the Hearing shall be
25 established by the Mayor and shall be provided to the owner, or the owner's
26 authorized representative, upon receipt of the hearing request. The request for a
27 Hearing may be submitted in person, or electronically including e-mail, to the City
28 address identified on the immobilization notice. If the seventy-two (72) hour
29 period for a Hearing falls on a weekend or holiday, or on a day when all but
30 emergency personnel of the City are released from work because of inclement
31 weather, natural disaster, or public safety threat, then the Hearing shall be held
32 either the first day the City is opened.

33 Provided the motor vehicle is not parked in an emergency, handicapped, or
34 otherwise specially-marked zone, including, but not limited to, lanes in which
35 parking is prohibited during certain periods of time, the immobilizing device or

1 mechanism shall remain in place where the vehicle has been immobilized for at
2 least twenty-four (24) hours unless the owner has complied with subsection (3). If
3 such compliance has not occurred within the twenty-four (24) hours, the vehicle
4 shall be towed and impounded at the City Impound Lot.

5 If the immobilization occurs when a vehicle is parked in an emergency,
6 handicapped, or otherwise specially marked zone, including, but not limited to,
7 lanes in which parking is prohibited during certain periods of time and no further
8 delay in the City's consideration can be tolerated, towing may occur immediately,
9 and the owner of such vehicle is subject to towing and impounding fees. City
10 Towing and Storage Fees shall be paid, along with any outstanding fines and fees
11 specified in this ordinance, before the owner of such vehicle, or the owner's
12 authorized person or agent, shall be permitted to repossess or secure the release of
13 the vehicle.

14 Notwithstanding any other provision of this section, if the owner of the vehicle
15 has had another vehicle immobilized within the previous twelve (12) months for
16 failure to settle outstanding City parking violations, or amounts of fines and costs,
17 as set forth in this division, the automobile shall be towed to the city impound lot
18 at the owner's expense, and shall not be released until the owner has complied with
19 all the provisions of this section including, but not limited, the payment of all
20 outstanding fines, fees and costs.

21 ***Fees and Towing expenses.***

- 22 (a) The owner of an immobilized vehicle shall be subject to a fee One
23 Hundred Dollars (\$100.00) for such immobilization; and,
24 (b) The owner of an immobilized vehicle that is towed shall be
25 subject to any Towing and Storage Fees and Costs.

26 A notice, printed on highly visible paper or other material shall be attached to
27 the vehicle in a conspicuous place, and shall read substantially as follows:

28 **WARNING!**
29 **DO NOT MOVE THIS VEHICLE**
30 **ATTEMPTS TO OPERATE THIS VEHICLE WHILE THE**
31 **IMMOBILIZING DEVICE IS ATTACHED MAY RESULT IN**
32 **SERIOUS DAMAGE TO THE VEHICLE OR SERIOUS BODILY**
33 **INJURY TO THE PERSON ATTEMPTING TO OPERATE THE**
34 **VEHICLE.** This vehicle has been immobilized by the City of Little Rock
35 for violations of the Municipal Code concerning parking violations.

1 To secure the release of the vehicle, payment shall be made for all
2 outstanding parking violations, parking warrants, and the immobilization
3 or impoundment fee, or both. An additional cost of Fifty Dollars (\$50.00)
4 shall be charged and paid for releases that occur after normal business
5 hours and holidays.

6 Arrangements for release of this vehicle may be made by calling the:

- 7 (1) Parking Enforcement Section at (phone number) between
8 9:00 AM and 4:00 PM, Monday through Friday; or
9 (2) The Little Rock Police Department (Desk Sergeant) at
10 (phone number) at all other hours and on Saturdays, Sundays, and
11 holidays.

12 **ATTENTION, VEHICLE OWNER: You are hereby advised of your**
13 **rights to request a prompt hearing to determine the validity of the**
14 **immobilization, tow, or both, and any related fees. Detailed infor-**
15 **mation relative to obtaining such a hearing is provided on this immo-**
16 **bilization receipt. The request must be made within seventy-two (72)**
17 **hours of the immobilization. A hearing on the appeal is normally held**
18 **within seventy-two (72) hours of the request. *The details of how to***
19 ***appeal a decision may be lift with this notice, but in any event are avail-***
20 ***able at any time at www.littlerock.gov; or may be obtained by calling***
21 ***(phone number)***

22 **CITY OF LITTLE ROCK**
23 **DEPARTMENT OF PUBLIC WORKS**

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25 In addition to the information set forth expressly above, the notice shall
26 provide contact information necessary to perfect an appeal within the seventy-two
27 (72)-hour time frame.

28 Notice of an intent to appeal is perfected if personally served on the City, or
29 sent electronically. For purposes of this provision, notice is considered to be sent
30 when placed in the mail, provided to a delivery service, or is registered as sent on
31 an electronic platform, including e-mail, from an address which belongs to or is
32 used by the owner of the vehicle.

33 The City Designee shall have the authority to implement the parking
34 enforcement provisions of this section.

1 Nothing in this section shall be construed to deprive any person of
2 constitutional right to a hearing or trial as to the violations charged, but it is
3 understood that this remedy shall not be available to the City until there has been
4 a finding a guilt on a prior parking offense, or the owner of the vehicle has failed
5 to appear and contest a prior parking offense.

6 It is no defense to the enforcement remedy set forth in this ordinance that the
7 owner of the vehicle was not the person in control of the vehicle when a parking
8 citation was issued; provided, if the owner of the vehicle at the time of mobilization
9 can establish the lack of ownership, possession, or control, at the time the parking
10 citations for the vehicle was issued, then such lack of ownership, possession, or
11 control, is an absolute defense to such citation.

12 If an appeal is successful, then the costs of immobilization and towing shall be
13 paid by the City; however, the owner shall still be responsible to pay any
14 outstanding fine amounts and court costs.

15 **Section 2. *Publication of Information.*** The e-mail address, and the method of notice and procedures
16 to be followed for any appeal after the immobilization of an automobile for unpaid parking fines, shall be
17 prominently posted on the City website, and shall be readily available to any person upon request.

18 **Section 3. *Severability.*** In the event any title, section, paragraph, item, sentence, clause, phrase, or
19 word of this ordinance is declared or adjudged to be invalid or unconstitutional, such declaration or
20 adjudication shall not affect the remaining portions of the ordinance which shall remain in full force and
21 effect as if the portion so declared or adjudged invalid or unconstitutional was not originally a part of the
22 ordinance.

23 **Section 4. *Repealer.*** All laws, ordinances, resolutions, or parts of the same, that are inconsistent with
24 the provisions of this resolution, are hereby repealed to the extent of such inconsistency.

25 **Section 5. *Emergency Clause.*** *Numerous motor vehicle owners abuse City parking regulations and*
26 *in the process either make it impractical for other citizens or visitors to find convenient parking, or make*
27 *it unsafe to persons seeking a safe parking place; the ability to find safe parking within close proximity to*
28 *the place of business to be visited is essential to the public health, safety & welfare; an emergency is,*
29 *therefore, declared to exist, and this ordinance shall be in full force and effect from and after the date of its*
30 *passage.*

31 **PASSED: June 18, 2019**

32 **ATTEST:**

APPROVED:

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34 _____
35 **Susan Langley, City Clerk**

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34 _____
35 **Frank Scott, Jr., Mayor**

1 **APPROVED AS TO LEGAL FORM:**

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4 **Thomas M. Carpenter, City Attorney**

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