1	ORDINANCE NO
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3	AN ORDINANCE TO AMEND LITTLE ROCK, ARK., ORDINANCE NO.
4	21,750 (JUNE 19, 2019) TO CLARIFY CERTAIN ISSUES AND CORRECT
5	CERTAIN LANGUAGE; TO DECLARE AN EMERGENCY; AND FOR
6	OTHER PURPOSES.
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8	WHEREAS, the Board of Directors passed Little Rock, Ark., Ordinance No. 21,750 on June 19, 2019
9	to amend the procedures to be followed for the immobilization of vehicles with excessive unpaid parking
10	tickets or fines; and,
11	WHEREAS, while finalizing the procedures for the owner of an immobilized appeal to challenge the
12	appeal it was determined that certain clarifying language was needed, and certain amendments were also
13	required.
14	NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF DIRECTORS OF THE CITY
15	OF LITTLE ROCK, ARKANSAS:
16	Section 1. Little Rock, Ark., Rev. Code § 32-322 (1988) on the immobilization of automobiles fo
17	which there are delinquent parking fines is hereby amended to read as follows:
18	A motor vehicle, parked upon public property or public right-of-way, by or under the
19	direction of a Certified Law Enforcement Officer, or by the Mayor or City Manager, or
20	their designee also known as the "City Designee", shall be immobilized in such a manner
21	as to prevent its operation if:
22	(a) There is an amount owed to the City as a result of outstanding or otherwise
23	unsettled parking violation notices for tickets that have been issued within the
24	previous twelve (12) months which are over thirty (30) days old, and one (1) or
25	more warrants have been issued for such a violation against the owner of such
26	motor vehicle; or,
27	(b) There is an amount equal to Two Hundred Fifty Dollars (\$250.00) or more
28	of unpaid parking violation fines, or costs, or both, that have been issued within
29	the previous twelve (12) months, pending against the owner of such motor vehicle.
30	Upon immobilization of such motor vehicle, the Officer or employee shall
31	cause to be placed on such vehicle, in a conspicuous manner, notice sufficient to
32	warn any individual that the vehicle has been immobilized and that any attempt to
33	move such vehicle might result in damage to such vehicle. In addition to any other
34	notice the owner of the motor vehicle has received prior to the immobilization, as

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

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

(I) Depositing

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- (a) A Bond set by Court Order requiring the appearance in the appropriate court of competent jurisdiction to challenge a violation that serves as a basis for the immobilization and the amount of the outstanding parking fines; or,
- (b) The amount of the fine or penalty for each violation for which there is an outstanding or otherwise unsettled traffic violation notice or warrant; and,
- (II) The payment of the fees as required by this section.

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

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

mechanism shall remain in place for twenty-four (24) hours unless the owner has complied with Subsections I and II above (3). If such compliance has not occurred within the twenty-four (24) hours, the vehicle shall be towed and impounded at the City Impound Lot.

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

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

Fees and Towing expenses.

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

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

WARNING!

DO NOT MOVE THIS VEHICLE

ATTEMPTS TO OPERATE THIS VEHICLE WHILE THE IMMOBILIZING DEVICE IS ATTACHED MAY RESULT IN SERIOUS DAMAGE TO THE VEHICLE OR SERIOUS BODILY INJURY TO THE PERSON ATTEMPTING TO OPERATE THE VEHICLE. This vehicle has been immobilized by the City of Little Rock for violations of the Municipal Code concerning parking violations.

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

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

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

ATTENTION, VEHICLE OWNER: You are hereby advised of your rights to request a prompt hearing to determine the validity of the immobilization, tow, or both, and any related fees. Detailed information relative to obtaining such a hearing is provided on this immobilization receipt. The request must be made within seventy-two (72) hours of the immobilization. A hearing on the appeal is normally held within seventy-two (72) hours of the request. The details of how to appeal a decision may be lift with this notice, but in any event are available at any time at www.littlerock.gov; or may be obtained by calling (phone number)

CITY OF LITTLE ROCK
DEPARTMENT OF PUBLIC WORKS

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

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

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

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

It is no defense to the enforcement remedy set forth in this ordinance that the owner of the vehicle was not the person in control of the vehicle when a parking

owner of the vehicle was not the person in control of the vehicle when a parking citation was issued; provided, if the owner of the vehicle at the time of mobilization can establish the lack of ownership, possession, or control, at the time the parking citations for the vehicle was issued, then such lack of ownership is an absolute defense to such citation.

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

Section 2. *Severability.* In the event any title, section, paragraph, item, sentence, clause, phrase, or word of this ordinance is declared or adjudged to be invalid or unconstitutional, such declaration or adjudication shall not affect the remaining portions of the ordinance which shall remain in full force and effect as if the portion so declared or adjudged invalid or unconstitutional was not originally a part of the ordinance.

Section 3. *Repealer.* All laws, ordinances, resolutions, or parts of the same, that are inconsistent with the provisions of this resolution, are hereby repealed to the extent of such inconsistency including, but not limited to, Little Rock, Ark., Ordinance No. 21,750 (June 19, 2019).

Section 4. Emergency Clause. Numerous motor vehicle owners abuse City Parking Regulations and in the process either make it impractical for other citizens or visitors to find convenient parking, or make it unsafe to persons seeking a safe parking place; the ability to find safe parking within close proximity to the place of business to be visited is essential to the public health, safety & welfare; the City has amended its ordinance on immobilization to clarify its intentions, and these further amendments should be immediately applicable so there will be only one regulatory scheme in place; an emergency is, therefore, declared to exist, and this ordinance shall be in full force and effect from and after the date of its passage.

31	ATTEST:	APPROVED:	
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34	Susan Langley, City Clerk	Frank Scott, Jr., Mayor	

PASSED: July 9, 2019

APPROVED AS TO LEGAL FORM: 1 2 3 **Thomas M. Carpenter, City Attorney** 4 5 // 6 // 7 // 8 // 9 // 10 // // 11 12 // 13 // // 14 15 // 16 // 17 // 18 // 19 // 20 // 21 // 22 // 23 // 24 // // 25 26 // 27 // 28 // 29 // 30 // 31 // // 32 33 // 34 // 35 // 36 //