

# CITY OF CHARLOTTESVILLE, VIRGINIA

## CITY COUNCIL AGENDA



<b>Agenda Date:</b>	February 18, 2020
<b>Action Required:</b>	Approve resolution to amend the City Code, Sec. 15-435 (b) Immobilization.
<b>Presenter:</b>	Andrew Knuppel, Parking Advisory Panel, Chair
<b>Staff Contacts:</b>	Rick Siebert, Parking Manager
<b>Title:</b>	<b>Proposed Amendment to City Code §15-435 (b) – vehicle immobilization rates</b>

### **Background:**

Currently private property owners have two options for handling vehicles unlawfully parked on their property. They may have the offending vehicle towed or immobilized. Chapter 15, Article IX. of the City Code controls this process. Based on the current city code, towing is the only practical option.

The city has heard numerous complaints from out of town visitors and local residents who have experienced having their vehicle towed while parked. This unpleasant experience leaves a poor impression and can influence future decisions to visit.

At the request of a property owner the council appointed Parking Advisory Panel was asked to investigate if there are better alternatives to vehicle towing.

### **Discussion:**

The city transportation code does provide for vehicle immobilization, commonly called booting, as a legal alternative to towing. Immobilization is, however, currently impractical. Sec. 15-435 of the code sets the maximum fee of twenty-five dollars (\$25.00) for the release of a vehicle that is immobilized. In contrast, the hookup and initial towing fee shall not exceed \$125.00. While the amount of the tow fee makes towing commercially practicable, the immobilization release fee is so low this service is not a practical alternative. It is simply not practical to install a boot, remove the boot and provide 24-hour on-call service for \$25.00. As a result private property owners that choose to enforce their lots use towing.

At the direction of the Parking Advisory Panel, staff researched the issue. At least two national businesses were identified that could offer this service in Charlottesville if the maximum boot fee was raised to \$100.00. Both of these businesses use new self-release boot technology and 24-hour national call centers. With immobilization in place vehicle owners simply need to call and provide

a credit card and they are given instructions to release the device. This typically takes 15 minutes after returning to your car. The device needs to be returned to a local location within 3 to 4 business days.

A number of property owners have indicated that they might prefer to have offending vehicles immobilized rather than towed if the service was affordable and available because immobilization is a much more customer friendly alternative to towing.

**Community Engagement:**

Discussion with City Council appointed members of the Parking Advisory Panel and some private property owners that currently use tow services.

**Budgetary Impact:**

None.

**Recommendation:**

Staff recommends approval of the attached change to the City code.

**Alternatives:**

None.

**Attachments:**

Amended city code Sec. 15-435 (b).

**AN ORDINANCE AMENDING AND REORDAINING SECTION 15-435 (b), OF CHAPTER 15 OF THE CODE OF CHARLOTTESVILLE, 1990, AS AMENDED, RELATING TO A CHANGE TO RATES AND CHARGES FOR THE IMMOBILIZATION OF VEHICLES UNLAWFULLY PARKED ON PRIVATE PROPERTY**

**BE IT ORDAINED** by the Council for the City of Charlottesville, Virginia, that Section 15-435 (b) of Article IX of Chapter 15 (Motor Vehicles and Traffic) of the Charlottesville City Code, 1990, as amended, is hereby amended and reordained, as follows:

**Chapter 15 – MOTOR VEHICLES AND TRAFFIC**

**ARTICLE IX. – REMOVAL, IMMOBILIZATION, AND DISPOSITION OF VEHICLES UNLAWFULLY PARKED ON PRIVATE PROPERTY**

**Sec. 15-435. – Rates and charges.**

(b) *Immobilization.* An operator may charge a vehicle owner a maximum fee of ~~twenty five dollars (\$25.00)~~ one hundred dollars (\$100.00) for the release of a vehicle when it is immobilized. No other fee of any type may be charged.