

ORDINANCE NO. 4589-15

AN ORDINANCE TO AMEND TITLE FIFTEEN OF THE CODE OF THE CITY OF JOHNSON CITY TO ENACT NEW PROVISIONS FOR UNSATISFIED PARKING TICKETS AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF JOHNSON CITY as follows:

SECTION I. That Title 15 of the Code of the City of Johnson City, Tennessee, be amended by adding a new section with the following language:

Immobilization and Removal of Vehicles with Three or more Adjudicated, Due, and Unsatisfied Parking Tickets.

- (1) The City is authorized to cause any motor vehicle on the public highways, public streets, public parking lots, or other public grounds against which there are three or more adjudicated, due, and unsatisfied parking tickets to be either immobilized or removed from the place it is found at the expense of the owner, driver, or operator. The removal or immobilization of the vehicle shall be by or under the direction of an officer or employee of the City's police department. The City may also remove an immobilized vehicle after three calendar days, unless exigent circumstances exist such as parking in a loading zone, fire lane, handicap parking space, blocking a driveway or access to property, or interfering with traffic, in which case the City may remove an immobilized vehicle immediately.
- (2) The owner, driver, or operator shall be obligated to pay any immobilization fee or removal charges for removing/immobilizing the vehicle and any storage charges, before the person immobilizing, removing, or storing such vehicle shall be required to surrender possession of the vehicle to the owner, driver, or operator. Additionally, the person seeking return of the vehicle shall be required to pay all outstanding parking tickets on the vehicle before the vehicle is released.
- (3) No person, firm, or other legal entity that immobilizes, removes, or stores any vehicle pursuant to this section shall release the vehicle prior to verification that all adjudicated, due, and unsatisfied parking tickets have been paid.
- (4) When a vehicle is immobilized pursuant to this section, there shall be placed on the vehicle in a conspicuous manner a notice warning that the vehicle has been immobilized and that any attempt to move the vehicle might damage it.

- (5) Any person who believes that his or her vehicle was immobilized or removed improperly may request and shall promptly receive a hearing regarding the immobilization/removal of the vehicle before the City Judge; immobilization/removal hearings shall be held within four business days of the request. The request for hearing shall be made with the municipal court clerk within five calendar days of the immobilization or removal of the vehicle or shall thereafter be barred. At the immobilization/removal hearing, after consideration of the evidence, the judge shall determine whether the immobilization and/or removal was valid. Where it has been established that the immobilization and/or removal was valid, the judge shall uphold and affirm the immobilization/removal and order the payment of all unsatisfied parking tickets, expenses, fees, immobilization and/or removal costs, and court costs (including the costs of the immobilization/removal hearing). Where it has been established that the immobilization and/or removal was invalid, the judge shall order the release of an immobilized/removed vehicle and the refund of the immobilization/removal fees. Any person who fails to appear at the time and place set for the immobilization/removal hearing shall be deemed to have conceded the validity of the immobilization and/or removal of the vehicle.
- (6) Notwithstanding anything to the contrary in any section of this title, it shall be conclusively presumed for each adjudicated, due, and unsatisfied parking ticket that the person or persons to whom a vehicle registration plate was issued was or were the individual or individuals responsible for incurring the parking violations and resulting liability or fine, unless the person requesting the immobilization/removal hearing proves that the vehicle was used without express or implied authority during each parking violation for which there is an adjudicated, due, and unsatisfied parking ticket.

SECTION II. BE IT FURTHER ORDAINED that all ordinances and parts of ordinances in conflict herewith be and the same are hereby repealed.

SECTION III. BE IT FURTHER ORDAINED that this ordinance shall take effect from and after its final passage on third and final reading and publication as required by law, the public welfare requiring it.

PASSED IN OPEN, PUBLIC MEETING
ON THE FIRST READING 9/02/2015
PASSED IN OPEN, PUBLIC MEETING
ON THE SECOND READING 9/17/2015
PASSED IN OPEN, PUBLIC MEETING
ON THE THIRD READING 10/01/2015
APPROVED AND SIGNED IN OPEN
MEETING ON THE 1st DAY OF
October, 2015
FOLLOWING PASSAGE ON THIRD
READING

/s/ Ralph Van Brocklin
MAYOR

ATTEST:

/s/ Janet Jennings
CITY RECORDER

APPROVED AS TO FORM:

/s/ James H. Epps, IV
CITY ATTORNEY