

**ORDINANCE NO. 2, 2010**

**CHAPTER 282**

**VEHICLES AND TRAFFIC**

**ARTICLE IX**

**REMOVAL AND STORAGE OF VEHICLES**

**AN ORDINANCE AMENDING CHAPTER 282 ENTITLED “VEHICLES AND TRAFFIC” OF THE ONEONTA MUNICIPAL CODE**

**BE IT ORDAINED** by the Common Council of the City of Oneonta that the provisions of §282-39, §282-40 and §282-41 are amended to read as follows:

**Section 1. § 282-39. Authority to impound or immobilize vehicles.**

A. When any vehicle is parked, standing, left unattended or abandoned on any public street or highway within the City during a flood, fire or other public emergency, which affects that portion of the public street or highway upon which said vehicle is parked, standing, left unattended or abandoned, said vehicle may be removed by authority of the Supervisor of the Department of Public Service or by authority of the Oneonta Police Department.

B. When any vehicle is parked, standing, left unattended or abandoned on any public street or highway within the City during a snowstorm or after a precipitation of snow of 2 1/2 inches or more and continuing to such time as the snow is plowed and removed from the streets by the Department of Public Service, said vehicle may be removed by authority of the Supervisor of the Department of Public Service or the Oneonta Police Department.

C. When any vehicle is parked, standing, left unattended or abandoned on any public street or highway within the City when the Department of Public Service has posted appropriate signs at least 12 hours in advance of its intention to engage in snow removal, sweeping, washing or maintenance work affecting that portion of the public streets or highway upon which said vehicle is parked or abandoned, said vehicle may be removed by authority of the Supervisor of the Department of Public Service or by the Oneonta Police Department. The signs to be used in giving such no-parking notice shall be placed as near as possible to the curb, if any, and with sufficient frequency along the street so as to be visible and legible to any reasonable person.

D. When any vehicle is found unattended on any highway within this City where said vehicle constitutes an obstruction to traffic, or with expired registration, said vehicle may be removed by authority of the Supervisor of the Department of Public Service or any Police Officer.

E. When any vehicle is parked or abandoned on any highway within this City where stopping, standing or parking is prohibited, said vehicle may be removed by authority of the Supervisor of the Department of Public Service or any Police Officer.

F. When any vehicle is found to be in violation of Subsection A, B, C, D or E above, such vehicle may be impounded and towed to a place of storage, at the expense of the owner, by the authority of the Supervisor of the Department of Public Service or by the authority of the Oneonta Police Department or any officer thereof.

G. When a vehicle is found unattended on the private property of another, upon receipt of a signed complaint by the owner of such property that said vehicle was parked on said property without his permission, said vehicle may be removed by any Police Officer.

F. When a vehicle has accrued fines for parking violations of \$250.00 or more, wherein notification has been issued and not been answered within 45 days of the appearance date or dates shown on such summonses, said vehicle may be impounded and towed to a place of storage, at the expense of the owner, or immobilized, by the authority of the Oneonta Police Department.

**§ 282-40. Storage and charges.**

A). After removal of any vehicle as provided in this article, the Supervisor of the Department of Public Service or any Police Officer may store such vehicle in a suitable place at the expense of the owner. Such owner, or person in charge of the vehicle, may redeem the same upon payment of fees and charges to the City Chamberlain, as set from time to time by the Common Council. Such payment may be made to the Police Department during hours when the City Chamberlain's Office is not open for business.

B). If a vehicle has been impounded or immobilized for failure to pay parking fines of \$250.00 or more, said vehicle will be released to its owner upon payment of all towing and storage charges, if any, together with payment of all fines and penalties for delinquent parking tickets or judgments against the owner arising from such nonpayment. Payment may be made to the City Chamberlain or to the Oneonta Police Department during hours when the City Chamberlain's office is not open for business.

C). If a vehicle has been impounded or immobilized for failure to pay parking fines of \$250.00 or more and the vehicle owner contests the outstanding parking violations, the vehicle owner shall be required to appear in City Court to answer outstanding summonses and post bond, the amount of which shall not exceed the total of the maximum fines permitted upon conviction of the offenses charged in outstanding summonses against the vehicle (including accrued penalties) plus the expense of towing and storage. Upon authorization of the City Court, the vehicle shall be released to the owner.

**§ 282-41. Notice of removal or immobilization; tampering with or removal of immobilization device.**

A). The impounding authority shall, without delay, report the removal and the disposition of any vehicle removed as provided in this article to the Police Department, and it shall be the duty of such Police Department to ascertain to the extent possible the owner of the vehicle or person having charge of same and to notify him of the removal and disposition of such vehicle and of the amount which will be required to redeem same.

B). When a vehicle is immobilized, the Police Department shall attach to the vehicle a notice containing the following information:

- 1). The location and identifying characteristics of the vehicle.
- 2). The date and time of placement of immobilization device and signature of the installer.
- 3). Notice that further parking restrictions will be waived during the immobilization period for a period of three days from the date of immobilization.
- 4). Notice that any person tampering with the immobilization device or the vehicle will be subject to criminal prosecution and liable for any loss to the City of Oneonta.
- 5). The steps the owner must take to release the vehicle.
- 6). Such other information, statements, notices and warnings as the Chief of Police may from time to time determine are appropriate.

C). Tampering with or attempted removal of immobilization device prohibited. No person shall attempt to or tamper with, deface, remove or destroy any immobilization device or move a vehicle immobilized as herein provided. A violation of this section shall be punishable by a fine not exceeding \$250.00 or by imprisonment for up to 10 days, or both.

Section 2. This ordinance shall take effect immediately.