ORDINANCE NO.: 5428

ORDINANCE TO AMEND CHAPTER 21, SECTION 21-159 OF THE CITY OF MEMPHIS, CODE OF ORDINANCES, TO INCREASE THE BOOTING FEE FOR IMMOBILIZED VEHICLES

WHEREAS, Section 21-159 of the City of Memphis, Code of Ordinances authorizes the tow, impoundment or booting of any unattended vehicle illegally parked at any time upon any public thoroughfare, street, alleyway or other public property that is owned by a person that has outstanding unpaid traffic tickets; and

WHEREAS, this Section further authorizes the City to charge the owner of a vehicle that has been immobilized by the installation of a boot or other similar device a booting fee in the amount of twenty-five dollars ($25); and

WHEREAS, the City Court Clerk desires to amend Section 21-159 to increase such booting fee to seventy-five dollars ($75) and to amend the factors by which an unattended vehicle with outstanding parking tickets will be immobilized, towed or impounded;

NOW THEREFORE,

SECTION 1. BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, that Chapter 21-159 (a) and (b) of the City of Memphis, Code of Ordinances is hereby amended to read as follows:

> (a) Any unattended motor vehicle found parked at any time upon any public thoroughfare, street, alleyway or other public property of the city against which there is either a traffic citation or traffic summons that has not been paid sixty (60) days after final adjudication may, by or under the direction of an officer or a member of the police division, either by towing or otherwise, be removed or conveyed to and impounded in any place designated by the director of police. In lieu of towing and impoundment, such vehicle may be immobilized in such manner as to prevent its operation, except that no such vehicle shall be immobilized by any means other than by the use of a device or other mechanism that will cause no damage to such vehicle unless it is moved while such device or mechanism is in place. The City shall not be liable for any damage to such vehicle while such vehicle is immobilized by boot, towed or impounded.
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> (b) The owner of a vehicle which has been immobilized by the installation of a boot or other similar device shall be required to pay a fee of seventy-five dollars ($75.00) in addition to any forfeiture amount or bond. If a vehicle which has been immobilized by a booting device is later impounded by tow-in, the owner of the vehicle shall be required to pay towing and storage fees, in addition to any forfeiture amount or bond, but shall not be required to pay the booting fee.

SECTION 2. BE IT FURTHER ORDAINED, That the provisions of this Ordinance are hereby severable. If any of these sections, provisions, sentences, clauses, phrases or parts is held unconstitutional or void, the remainder of this Ordinance shall continue in full force and effect.

SECTION 3. BE IT FURTHER ORDAINED, That this Ordinance shall take effect from and after the date it shall have been passed by the City Council, signed by the Chairman of the Council, certified and delivered to the Office of the Mayor in writing by the Comptroller, and become effective as otherwise provided by law.

Myron Lowery, Chairman
Memphis City Council