

Summary of Proposed Vehicle Immobilization Amendments

Chapter 319 – Open Air Motor Vehicle Parking Lots

- 319.230 (e):

Current Ordinance – 319.230 (e) requires that all parking lots that engage in towing or vehicle immobilization post signs informing the public of the use of such practices. 319.230 (e) sets forth the required content of the signage (lot owner's name, license number, name and telephone number, and the current fee charged).

Purpose of Amendment – The proposed amendment would separate the signage requirements between towing and vehicle immobilization. 319.230 (e) would become the requirements for those parking lots that engage only in towing. 319.230 (f) would become the requirements for those parking lots that engage in vehicle immobilization. The proposed 319.230 (e) would require the same content on the signage as the current ordinance.

- 319.230 (f):

Current Ordinance – 319.230 (f) requires that parking lots located within the Downtown B4 zoning district post no trespassing signs.

Purpose of Amendment – The current 319.230 (f) would be reorganized to become 319.230 (h). The proposed 319.230 (f) would become the signage requirement for parking lots that engage in vehicle immobilization. The proposed 319.230 (f) would require the same content on the signage as the current ordinance with an additional requirement that the signage include the phrase "Violators Booted Immediately" and include a logo chosen by the Director of Licenses and Consumer Services to represent vehicle immobilization. The purpose of the phrase "Violators Booted Immediately" is to warn the public that no grace period exists and that their vehicle may be booted quickly. The purpose of the logo is to provide a standard marker to identify those parking lots that engage in booting. An individual will be able to be instantly aware of the fact that a parking lot engages in vehicle immobilization. A logo may also help those individuals who do not speak English by providing a standard pictorial reference for those locations where vehicle immobilization will occur.

- 319.230 (g)

Current Ordinance – Proposed 319.230 (g) is a new section.

Purpose of Amendment – The purpose of 319.230 (g) is to permit a parking lot owner to include the information required by 319.230 (e) & (f) on one sign, if so desired by the parking lot owner.

- 319.230 (h)

Current Ordinance - Proposed 319.230 (h) is a new section.

Purpose of Amendment – Amendment reorganizes current ordinance 319.230 (f) to (h). Except for a new section letter, no other changes proposed.

Chapter 320 - Vehicle Immobilization Service

- 320.45 (a)

Current Ordinance – Proposed 320.45 (a) is a new section.

Purpose of Amendment – Proposed 320.45 (a) would require licensees to issue their employees a uniform and would require that the employee wear the uniform. Proposed 320.45 (a) also requires that the uniform identify the employee. The purpose of the proposed ordinance is to ensure that the booting employee is a visible presence while the employee is working and to ensure that, if necessary, an employee can be identified.

- 320.45 (b)

Current Ordinance – Proposed 320.45 (b) is a new section.

Purpose of Amendment – Proposed 320.45 (b) would require licensees to issue their employees business cards containing their supervisor's name, a business address and a telephone number. The purpose of the proposed ordinance is to ensure that an individual who has been booted has accurate contact information for the booting company.

- 320.45 (c)

Current Ordinance – Proposed 320.45 (c) is a new section.

Purpose of Amendment – Proposed 320.45 (c) would require that the licensee provide training in conflict management for its employees. The licensee would be responsible for providing training and for submitting documentation as to the type of training to the Director of Licenses and Consumer Services. The purpose of the proposed ordinance is to ensure that those employees who are in contact with the public have the skills and training necessary to defuse conflicts and to prevent situations from escalating.

- 320.50 (a)

Current Ordinance – 320.50 (a) requires licensees to ensure that the parking lots have warning signs as required by 319.230 (e).

Purpose of Amendment – The proposed change would amend the reference from 319.230 (e) to 319.230 (f) because of the proposed amendment to 319.230 (e) & (f) which has been explained above. No additional changes are being proposed to 320.50 (a).

- 320.50 (b)

Current Ordinance – 320.50 (b) sets forth who can authorize vehicle immobilization and sets forth the requirement for the form to be used to record that authorization.

Purpose of Amendment – In an attempt to clarify the ordinance section, current ordinance 320.50 (b) is being separated into two sections. Proposed section (b) will set forth the requirements as to who can authorize the vehicle immobilization. Proposed section (c) will

set forth the form that is required to be used. The individuals who are permitted to authorize vehicle immobilization in the current ordinance would continue to be permitted to authorize vehicle immobilization in the proposed ordinance. Proposed 320.50 (b) would also authorize a vehicle immobilization service licensee or their employees to authorize vehicle immobilization, pursuant to section 320.50 (e) (2).

- 320.50 (c)

Current Ordinance – 320.50 (c) requires that the licensee maintain a chronological log of the vehicles that have been immobilized.

Purpose of Amendment – The current 320.50 (c) would be reorganized to become 320.50 (f). Proposed 320.50 (c) would set forth the requirement as to the form used to authorize vehicle immobilization. Those proposed requirements would not change from what is required by the current ordinance.

- 320.50 (d)

Current Ordinance – 320.50 (d) requires that upon installing the boot, a blaze orange warning decal be attached to the booted vehicle.

Purpose of Amendment – The current 320.50 (d) would be reorganized to become 320.50 (g). The proposed 320.50 (d) would require that the licensee have a process for handling complaints arising from their immobilization of vehicles. The licensee would be required to include this information on the back of the form required by 320.50 (c). This form must be given to those individuals who have been immobilized. The purpose of the amendment is to require that the licensee have a process for handling disputes that arise from immobilization. If a licensee is able to resolve an individual's complaint, it would reduce the number of complaints that would be received by the City.

- 320.50 (e)

Current Ordinance – 320.50 (e) requires that the licensee maintain 24 hour telephones and wheel locking device removal services. 320.50 (e) also requires that if a licensee does not appear within 60 minutes of a customers request, the locking device shall be removed at no charge.

Purpose of Amendment – The current 320.50 (e) would be reorganized to become 320.50 (h) and 320.50 (i). The proposed 320.50 (e) (1) would prohibit a licensee from performing parking lot patrol activities, unless the licensee complies with 320.50 (e) (2). The proposed 320.50 (e) (1) also provides definitions as to what constitutes parking lot patrol activities. The proposed 320.50 (e) (2) would permit a licensee to engage in parking lot patrol activities and would permit a licensee to authorize vehicle immobilization services, provided that a licensee has a written agreement with the parking lot owner or licensee and has provided a copy of that agreement to the Director of Licenses and Consumer Services. The proposed 320.50 (e) (2) would not permit a licensee to patrol a Class A commercial parking lot.

- 320.50 (f)

Current Ordinance – 320.50 (f) prohibits licensees from engaging in parking lot patrol activities.

Purpose of Amendment – The current 320.50 (f) would be reorganized to become 320.50 (e). Amendment reorganizes current ordinance 320.50 (c) to (f). Except for a new section letter, no other changes proposed.

- 320.50 (g)

Current Ordinance – 320.50 (g) prohibits licensees from installing a boot on certain vehicles.

Purpose of Amendment – The current 320.50 (g) would be reorganized to become 320.50 (j). Amendment reorganizes current ordinance 320.50 (d) to (g). Except for a new section letter, no other changes proposed.

- 320.50 (h)

Current Ordinance – 320.50 (h) provides that if a vehicle is not claimed with 24 hours, the licensee must notify the Minneapolis impound lot of the vehicles description and location.

Purpose of Amendment – The current 320.50 (h) would be reorganized to become 320.50 (l). Amendment reorganizes a portion of ordinance 320.50 (c) to (h). Proposed 320.50 (h) would required that the licensee maintain a telephone line answered by a natural person whenever an employee is working and/or when a locking wheel boot is attached to a vehicle. The current ordinance requires a licensee to maintain a twenty four hour telephone service. The proposed ordinance change would permit a licensee to maintain less than twenty four hour service.

- 320.50 (i)

Current Ordinance – 320.50 (i) prohibits a licensee from collecting a service fee after the vehicle has been impounded by a Class A motor vehicle service licensee.

Purpose of Amendment – The current 320.50 (i) would be reorganized to become 320.50 (m). Amendment reorganizes a portion of ordinance 320.50 (c) to (h). Proposed 320.50 (i) would require that the licensee respond to a request to remove a boot within 60 minutes. Failure to respond within 60 minutes would require that the boot be removed at no cost. Proposed 320.50 (i) does not change the requirement currently existing in 320.50 (c).

- 320.50 (j)

Current Ordinance – Proposed 320.50 (j) is a new section.

Purpose of Amendment – Amendment reorganizes current ordinance 320.50 (g) to (j). Except for a new section letter, no other changes proposed.

- 320.50 (k)

Current Ordinance – Proposed 320.50 (k) is a new section.

Purpose of Amendment – Proposed 320.50 (k) would permit a police officer to request removal of the boot in order to prevent personal injury, damage to property, disorderly conduct or other criminal activity. The purpose of this proposal is to provide a safety valve to eliminate disturbances that would otherwise escalate. The purpose of this proposal is not to permit an individual police officer to act as a judge and jury and attempt to resolve booting disputes that are otherwise peaceful and/or non-dangerous. This section should be used infrequently.

- 320.50 (l)

Current Ordinance – Proposed 320.50 (l) is a new section.

Purpose of Amendment – Amendment reorganizes current ordinance 320.50 (h) to (l). Except for a new section letter, no other changes proposed.

- 320.50 (m)

Current Ordinance – Proposed 320.50 (m) is a new section.

Purpose of Amendment – Amendment reorganizes current ordinance 320.50 (i) to (m). Except for a new section letter, no other changes proposed.

- 320.50 (n)

Current Ordinance – Proposed 320.50 (n) is a new section.

Purpose of Amendment – Proposed 320.50 (n) sets forth the regulations that must be complied with if a licensee or employee of a licensee is monitoring the parking lot for the purpose of determining which vehicles are parked illegally. The regulations set forth by proposed 320.50 (n) do not apply if the owner or employee of the owner is monitoring the parking lot. Proposed 320.50 (n) (1) would require that during those times that the parking lot is being monitored by the licensee, the licensee places a sign at each entrance informing the public that the lot is being actively monitored. The purpose of proposed 320.50 (n) (1) is to make the vehicle immobilization process visible. A visible vehicle immobilization process ensures that the individual whose car is booted either intentionally parked in the area knowing that it was not a proper location for parking or should have known that it was not a proper location for parking. Proposed 320.50 (n) (2) would require that the licensee not permit an individual to monitor the lot if they are unable to provide information about the acceptable use of the lot. Proposed 320.50 (n) (3) would require that the individual monitoring the lot remain visible in the lot. The purpose of proposed 320.50 (n) (3) is to ensure that the vehicle immobilization process is a visible process. The parking lot monitor would not be able to hide in a location outside the lot. Proposed 320.50 (n) (4) would require that the individual monitoring the lot provide accurate information as to the acceptable use of the lot and as to the name, telephone number and address of the company providing the vehicle immobilization service. Proposed 320.50 (n) (5) would require that in limited circumstances the individual monitoring the lot provide a warning that the vehicle must be moved or it will be immobilized. A warning would be required pursuant to the proposed (n) (5) if the individual monitoring the lot knew when the vehicle was parked that it was not an authorized vehicle and the individual was close enough to that vehicle to have the opportunity to provide a warning. This provision would mainly apply to parking lots which have a limited list of authorized vehicles. In that situation, the individual monitoring the lot would know if the vehicle was one of the authorized vehicles. The provision is unlikely to apply in a

public lot where the use of the lot is authorized based on the destination of the driver. In that situation, the individual monitoring the lot would not know whether the vehicle is authorized until the driver left the parking lot, at which point, no warning would need to be given.

- 320.50 (o)

Current Ordinance – Proposed 320.50 (o) is a new section.

Purpose of Amendment – Proposed 320.50 (o) provides that a vehicle shall not be immobilized unless the licensee complies with Chapter 320.

- 320.90

Current Ordinance – Proposed 320.90 is a new section.

Purpose of Amendment – Proposed 320.90 prohibits a licensee from paying or offering to pay the person authorizing the vehicle immobilization service and prohibits the person authorizing the service from receiving or soliciting any remuneration for providing that service. Proposed 320.90 is based on 349.100 which prohibits tow truck licensees from paying remuneration to a person for authorizing that service.