AN ORDINANCE

AMENDING Springfield City Code, Chapter 78, ‘Offenses and Miscellaneous Provisions,’ Article II, ‘Offenses Against Public Administration,’ Section 78-35, ‘Failure to Appear,’ by removing the language authorizing the Springfield Police Department to collect a fee for the removal of a vehicle immobilization device.

WHEREAS, the purpose of Section 78-35 is to encourage compliance by motorists to appear before the municipal court for the adjudication of outstanding parking violations; and

WHEREAS, the proposed amendment will promote the payment of monies toward parking violation fines and court costs, by removing the additional fee for removal of the vehicle immobilization device.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SPRINGFIELD, MISSOURI, as follows, that:

Section 1 - That Springfield City Code Chapter 18-, ‘Offenses and Miscellaneous Provisions,’ Section 78-35.,- ‘Failure to Appear,’ is hereby amended as follows:

Note: Added language is underlined. Deleted language is stricken.

Section 78-35. – Failure to Appear.

(g) When a driver, owner or person in charge of a vehicle has accumulated not less than four (4) citations for parking violations issued pursuant to the City Code to which said driver, owner or person in charge has failed to respond, to a citation for illegal parking issued pursuant to this section; provided that under the circumstances in this subsection set forth employees of the city, acting in their official capacity, and officers of the police department may, and they are hereby
authorized to temporarily and for a period of 72 hours, immobilize such vehicle by installing on, or attaching to such vehicle, a device designed to restrict the normal movement of such vehicle, and if such vehicle is so immobilized, the employee of the city or police officer so installing or attaching such device shall conspicuously affix to such vehicle a notice, in writing, on a form provided by the chief of police, advising the owner, driver or person in charge of such vehicle, that such vehicle has been immobilized by the city for violation of one or more of the provisions of this chapter, and that release from such immobilization may be obtained at a designated place; that unless arrangements are made for the release of such vehicle within 72 hours the vehicle will be removed from the streets at the direction of the employees of the city, acting in their official capacity, or by a police officer, and that removing or attempting to remove the device before a release is obtained is unlawful, and that damaging the device is unlawful, and containing other such information as the chief of police shall deem necessary. It shall be unlawful for any person to remove or attempt to remove any such device before a release is obtained as herein provided or to move any such vehicle before the same is released by the police department; and where such vehicle has been properly immobilized in such manner, a fee of $50.00 shall be charged by the police department before releasing such vehicle, and the parking restrictions, if any, otherwise applicable shall not apply while such vehicle is so immobilized. In no case shall a vehicle be released before payment of all open parking citations plus the fee of $50.00 to the police department. If the vehicle has remained immobilized for a period of 72 hours and release has not been obtained, the police officer or employee of the city causing such immobilization shall have the vehicle impounded. It shall be unlawful to damage the device for any reason, and the registered owner of the vehicle shall be presumed to have caused the damage to such a device and shall be liable for the cost of repair or replacement of the device, unless the registered owner can demonstrate that another party caused the damage, in which case that party shall be liable for the cost of repair or replacement of the device.

Section 2 - Severability Clause. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. Council hereby declares that it would have adopted the Ordinance and each section, subsection, sentence, sentences, clauses, or phrases be declared invalid.

Section 3 – Savings Clause. Nothing in this Ordinance shall be construed to affect any suit or proceeding now pending in any court or any rights acquired or liability incurred nor any cause or cause of action occurred or existing, under any act or ordinance repealed hereby. Nor shall any right or remedy of any character be lost, impaired, or affected by this Ordinance.

Section 4 - This Ordinance shall be in full force and effect from and after passage.
Passed at meeting: ________________________

________________________________________ Mayor

Attest: __________________________________________, City Clerk

Filed as Ordinance: ________________________

Approved as to form: ____________________________, Assistant City Attorney

Approved for Council action: _____________________, City Manager
EXPLANATION TO COUNCIL BILL 2018-028

FILED: 01-09-18

ORIGINATING DEPARTMENT: Police

PURPOSE: To amend Springfield City Code, Chapter 78, ‘Offenses and Miscellaneous Provisions,’ Article II, ‘Offenses Against Public Administration,’ Section 78-35, ‘Failure to Appear,’ by removing the language authorizing the Springfield Police Department to collect a fee for the removal of a vehicle immobilization device.

BACKGROUND INFORMATION: Existing City Code, Section 78-35, authorizes the Springfield Police Department (“SPD”) to collect a fee of $50.00 prior to removing a lawfully placed boot on vehicles. The proposed amendment will remove the $50.00 fee requirement for removal of a vehicle boot. The proposed amendment will promote the payment of monies toward parking violation fines and court costs, by removing the requirement for an additional fee to remove the boot.

The purpose of the existing ordinance is to encourage compliance with orders of the Municipal Court in the adjudication of parking violations. The boot will only be utilized in situations where a driver, owner or person in charge of a vehicle has accumulated not less than four (4) citations for parking violations and has failed to appear for the adjudication of such violations. The proposed amendment will further the intent of the ordinance while removing an additional monetary expense which does not independently deter negative behavior and rarely occurs, rendering collection of such amounts administratively ineffective.

Submitted by: Approved by:

Paul F. Williams, Chief of Police Greg Burris, City Manager