

One-rdg. _____
P. Hrngs. _____
Pgs. 4
Filed: 01-09-18

Sponsored by: Hosmer

First Reading: _____

Second Reading: _____

COUNCIL BILL: 2018-028

GENERAL ORDINANCE: _____

AN ORDINANCE

1 AMENDING Springfield City Code, Chapter 78, 'Offenses and Miscellaneous
2 Provisions,' Article II, 'Offenses Against Public Administration,' Section 78
3 -35, 'Failure to Appear,' by removing the language authorizing the
4 Springfield Police Department to collect a fee for the removal of a vehicle
5 immobilization device.
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8 WHEREAS, the purpose of Section 78-35 is to encourage compliance by
9 motorists to appear before the municipal court for the adjudication of outstanding
10 parking violations; and
11

12 WHEREAS, the proposed amendment will promote the payment of monies
13 toward parking violation fines and court costs, by removing the additional fee for
14 removal of the vehicle immobilization device.
15

16 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
17 SPRINGFIELD, MISSOURI, as follows, that:
18

19 Section 1 - That Springfield City Code Chapter 18-, 'Offenses and Miscellaneous
20 Provisions,' Section 78-35.,- 'Failure to Appear,' is hereby amended as follows:
21

22 Note: Added language is underlined. Deleted language is ~~stricken~~.
23

24 Section 78-35. – Failure to Appear.
25

26 (g) When a driver, owner or person in charge of a vehicle has accumulated not less
27 than four (4) citations for parking violations issued pursuant to the City Code to
28 which said driver, owner or person in charge has failed to respond, to a citation
29 for illegal parking issued pursuant to this section; provided that under the
30 circumstances in this subsection set forth employees of the city, acting in their
31 official capacity, and officers of the police department may, and they are hereby

32 authorized to temporarily and for a period of 72 hours, immobilize such vehicle
33 by installing on, or attaching to such vehicle, a device designed to restrict the
34 normal movement of such vehicle, and if such vehicle is so immobilized, the
35 employee of the city or police officer so installing or attaching such device shall
36 conspicuously affix to such vehicle a notice, in writing, on a form provided by the
37 chief of police, advising the owner, driver or person in charge of such vehicle,
38 that such vehicle has been immobilized by the city for violation of one or more of
39 the provisions of this chapter, and that release from such immobilization may be
40 obtained at a designated place; that unless arrangements are made for the
41 release of such vehicle within 72 hours the vehicle will be removed from the
42 streets at the direction of the employees of the city, acting in their official
43 capacity, or by a police officer, and that removing or attempting to remove the
44 device before a release is obtained is unlawful, and that damaging the device is
45 unlawful, and containing other such information as the chief of police shall deem
46 necessary. It shall be unlawful for any person to remove or attempt to remove
47 any such device before a release is obtained as herein provided or to move any
48 such vehicle before the same is released by the police department; ~~and where~~
49 ~~such vehicle has been properly immobilized in such manner, a fee of \$50.00~~
50 ~~shall be charged by the police department before releasing such vehicle,~~ and the
51 parking restrictions, if any, otherwise applicable shall not apply while such
52 vehicle is so immobilized. In no case shall a vehicle be released before payment
53 of all open parking citations ~~plus the fee of \$50.00 to the police department.~~ If
54 the vehicle has remained immobilized for a period of 72 hours and release has
55 not been obtained, the police officer or employee of the city causing such
56 immobilization shall have the vehicle impounded. It shall be unlawful to damage
57 the device for any reason, and the registered owner of the vehicle shall be
58 presumed to have caused the damage to such a device and shall be liable for
59 the cost of repair or replacement of the device, unless the registered owner can
60 demonstrate that another party caused the damage, in which case that party
61 shall be liable for the cost of repair or replacement of the device.

62
63 Section 2 - Severability Clause. If any section, subsection, sentence, clause or
64 phrase of this Ordinance is for any reason held to be invalid, such decision shall not
65 affect the validity of the remaining portions of this Ordinance. Council hereby declares
66 that it would have adopted the Ordinance and each section, subsection, sentence,
67 sentences, clauses, or phrases be declared invalid.

68
69 Section 3 – Savings Clause. Nothing in this Ordinance shall be construed to
70 affect any suit or proceeding now pending in any court or any rights acquired or liability
71 incurred nor any cause or cause of action occurred or existing, under any act or
72 ordinance repealed hereby. Nor shall any right or remedy of any character be lost,
73 impaired, or affected by this Ordinance.

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75 Section 4 - This Ordinance shall be in full force and effect from and after
76 passage.

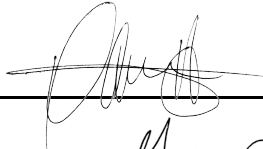
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Passed at meeting: _____

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

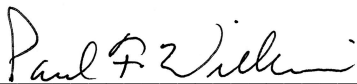
PURPOSE: To amend Springfield City Code, Chapter 78, 'Offenses and Miscellaneous Provisions,' Article II, 'Offenses Against Public Administration,' Section 78 -35, 'Failure to Appear,' by removing the language authorizing the Springfield Police Department to collect a fee for the removal of a vehicle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