

AGENDA ITEM NO.

**COUNCIL MEETING**

APPROVED BY \_\_\_\_\_

DEPARTMENT DIRECTOR \_\_\_\_\_

CITY MANAGER \_\_\_\_\_

February 27, 2007

FROM: JON R. RUIZ, Interim Director  
Public Works Department

BY: DEL ESTABROOKE, Parking Manager  
Public Works/Parking Services Division

SUBJECT: AMEND SECTION 10-310 OF THE FRESNO MUNICIPAL CODE ESTABLISHING A  
VEHICLE IMMOBILIZATION ("BOOTING") PROGRAM ORDINANCE.

#### KEY RESULT AREA

Financial Management

#### RECOMMENDATION

Staff recommends that the City Council amend the Fresno Municipal Code and add an ordinance establishing a Vehicle Immobilization ("Booting") Program. Implementation of this program encourages compliance with local ordinances and assists in capturing delinquent parking citation fines.

#### EXECUTIVE SUMMARY

The Parking Services Division has made positive strides in the collecting of unpaid parking citations. The DMV Hold Program suspends a vehicle owner's ability to register their vehicle until delinquent parking citations are paid. The Intercept Project partners Parking Services with the Franchise Tax Board, garnishing the tax returns of those with delinquent citations. These programs only allow us recourse against the vehicle owner during specific time periods.

The California Vehicle Code allows the Parking Services staff to physically tow a vehicle off the street at any time if the vehicle has 5 or more unpaid citations. This process is time consuming for the parking controllers and forces the vehicle owner to incur additional penalties for towing, storage, and retrieval of their vehicle. The Vehicle Immobilization Program allows an alternative option by giving the vehicle owner time to pay their citations and avoid towing fees, incurring a lower administrative "booting" fee instead. It also frees up Parking Controllers to spend more time on patrol assisting with FMC and CVC enforcement.

## **KEY OBJECTIVE BALANCE**

Implementing an Immobilization Program meets the Key Objective of Financial Management. The collection of unpaid parking citations is a top priority for Parking Services. Implementation of this program allows us to collect penalties owed to the City that we are unable to collect due to time constraints or limitations of existing programs.

## **BACKGROUND**

The Parking Services Division has been actively seeking methods and procedures to collect unpaid parking citations. Previously only the DMV Hold Program was in effect to attempt to collect these penalties. This program restricts the vehicle registration renewals of those who have not paid their parking tickets. There was only a 31% collection rate through the DMV Program. Through a partnership with a third-party collection agency called TurboData in 2006, Parking Services is now able to offer the option of paying by phone or online to accommodate violators unable to pay citations in person. TurboData also processes citation payments by mail and generates reminder notices and collection letters, giving violators several opportunities to respond and pay citations. Despite our efforts to collect citation penalties, several violators continue to disregard warnings and end up owing hundreds or even thousands of dollars to the City because of unpaid citations.

The addition of this program will allow the division to collect those unpaid penalties due the City. California Vehicle Code 22651.7 establishes when a vehicle can be immobilized.

A parking citation becomes delinquent 21 calendar days after issuance. Our citation administrator TurboData sends a delinquent notice to the vehicle owner at that time, and the vehicle owner has 14 calendar days after the delinquent notice is sent to respond. When a parking controller enters a vehicle license plate number into their handheld computer, they are directly linked to the TurboData database and can identify if the vehicle in question has unpaid citations. The controller contacts the office to confirm if these unpaid citations are in fact delinquent and that the vehicle owner has received the warning notices. Once this is confirmed, the vehicle is eligible to be booted or towed.

Once a positive vehicle identification is made, a Notice of Immobilization will be placed on the driver's side window of the vehicle. The vehicle must be parked on a public street and not on private property. The booting device will be affixed to the driver's side front tire. The notice will include language notifying the vehicle owner not to attempt moving the vehicle because the affixed boot could cause vehicle damage. The owner of the vehicle will have to notify Parking Services to have the boot removed. The boot will be removed after the citations, penalties, and the boot administrative fee, are paid. If the vehicle owner does not notify Parking Services within 24 hours of the immobilization, then the vehicle may be towed.

## **FISCAL IMPACT**

Currently there are approximately three hundred (300) vehicle owners having five or more unpaid citations in our system. As an example, parking fees owed to the City by a single individual are as high as \$2,750. Other California cities charge an administrative fee of \$75 (San Francisco) or \$100 (Los Angeles, Sacramento) for the removal of the immobilization boot. Parking Services intends to return to Council with a Master Fee Schedule amendment setting this fee at \$100.00.

ORDINANCE OF THE COUNCIL OF THE CITY OF FRESNO PROPOSED  
AND INITIATED BY \_\_\_\_\_ MOVED BY  
\_\_\_\_\_ SECONDED BY \_\_\_\_\_

BILL NO. \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

AMENDING SECTION 10-310 OF THE FRESNO MUNICIPAL CODE RELATING  
TO REMOVAL OF VEHICLES FROM STREETS AND CITY OWNED PARKING  
LOTS

THE COUNCIL OF THE CITY OF FRESNO DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 10-310 of the Fresno Municipal Code is amended to read:

SECTION 10-310. WHEN VEHICLES MAY BE REMOVED FROM STREETS AND  
CITY-OWNED PARKING LOTS [OR IMMOBILIZED].

[(a)] Any regularly employed and salaried officer of the Police Department of the city  
may remove or cause to be removed:

[(1)] Any vehicle that has been parked or left standing upon a street or alley for  
seventy-two or more consecutive hours without having been moved more than  
one-tenth of a mile.

[(2)] Any vehicle which is parked or left standing upon a street or alley or city-  
owned parking lot when such parking or standing is prohibited by ordinance or  
resolution of this city and signs are posted giving notice of such removal.

[(3)] Any vehicle which is parked or left standing upon a street or alley where the  
use of such street or alley or a portion thereof is necessary for the cleaning, repair  
or construction of the street or alley or for the installation of underground utilities  
or where the use of the street or alley or any portion thereof is authorized for a  
purpose other than the normal flow of traffic or where the use of the street or alley  
or any portion thereof is necessary for the movement of equipment, articles or  
structures of unusual size, and the parking of such vehicle would prohibit or  
interfere with such use or movement; provided that signs giving notice that such  
vehicle may be removed are erected or placed at least twenty-four hours prior to  
the removal.

[(b)] In addition to, or as an alternative to removal of vehicles, any regularly employed  
and salaried officer of the police department of the city or any regularly employed and  
salaried employee of the city who is engaged in directing traffic or enforcing parking

laws and regulations of the city may immobilize any vehicles under the requirements set forth in Section 22651.7 of the Vehicle Code, relating to vehicles with parking violations outstanding, as provided in Section 22651.7. An administrative fee or fees for such immobilization may be established by resolution of the city council. Any vehicle immobilized as set forth herein shall remain immobilized until the conditions set forth in Section 22651.7 are met, and all applicable administrative fees are paid to the city.]

[(c)] If any sentence, clause or phrase of this section is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portion of this section. Council hereby declares that it would have adopted this section and each sentence, clause or phrase thereof, irrespective of the fact that any one or more subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

SECTION 2. This ordinance shall become effective and in full force and effect at 12:01 a.m. on the thirty-first day after its passage.

\* \* \* \* \*

STATE OF CALIFORNIA )  
COUNTY OF FRESNO ) ss.  
CITY OF FRESNO )

I, REBECCA E. KLISCH, City Clerk of the City of Fresno, certify that the foregoing ordinance was adopted by the Council of the City of Fresno, at a regular meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2007.

AYES :  
NOES :  
ABSENT :  
ABSTAIN :

Mayor Approval: \_\_\_\_\_, 2007

Mayor Approval/No Return: \_\_\_\_\_, 2007

Mayor Veto: \_\_\_\_\_, 2007

Council Override Vote: \_\_\_\_\_, 2007

REBECCA E. KLISCH  
City Clerk

BY: \_\_\_\_\_  
Deputy

APPROVED AS TO FORM:  
CITY ATTORNEY'S OFFICE

BY:  \_\_\_\_\_  
Deputy