

## **ARTICLE 507**

### **Booting**

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### **CROSS REFERENCES**

- Power to establish removal and impounding procedures - see Vehicle Code (75 Pa. C.S.A. §6109(a)(22))
- Removal of vehicle - see Vehicle Code (75 Pa. C.S.A. §3352)
- Public/Private Towing – see TRAF.Art. 507

### **507.01. DEFINITIONSDefinitions.**

For the purpose of this article, the following definitions shall apply:

- (a) "Unsettled parking violation" means any outstanding violations of the parking, standing or stopping regulations of the City Traffic Code or Pennsylvania Motor Vehicle Code for which citations have been filed with a District Magistrate and a summons has been issued to which either no response has been made or for which a warrant has been issued and including adjudicated citations where the fine and costs imposed are unpaid.
- (b) "Boot, booting or booted" means the act of immobilizing a motor vehicle in such a manner as to prevent its operation with a device or by means which shall cause no damage to such vehicle unless it is moved while such device is in place or such means are employed. (Ord. 72-1989 §1. Passed 7-18-89.)

**~~507.02 BOOT INSTALLATION.~~Boot Installation.**

**PUBLIC PROPERTY**

A motor vehicle found parked within the City upon any public ground at any time may, by or under the direction of an officer or member of the City Police Department, be booted if there are three or more unsettled parking violations pending against the owner of the motor vehicle. (Ord. 72-1989 §1. Passed 7-18-89.)

**PRIVATE PROPERTY**

Any motor vehicle left unattended on private property within the City may be booted under the provisions of this regulation. The decision to boot any such motor vehicle shall be made by either the property owner or upon written authorization as specified in ~~507.11~~. Booting of such vehicle may be done only by booting services licensed by the City as designated in 507.08 of this Chapter.

**~~507.03 NOTICE OF BOOTING.~~Notice of booting.**

Upon booting of such motor vehicle, the officer, employee, or booting service shall cause to be placed on the vehicle, in a conspicuous manner, notice sufficient to warn any individual that the vehicle has been immobilized, and that any attempt to move the vehicle might result in damage to the vehicle. The notice shall also outline the procedure for obtaining removal of the boot. If the booting is on public property, the officer or employee shall, as soon as practicable, provide the owner of the booted vehicle, at his request, with a list of the prior unsettled parking violations for which, or on account of which, such vehicle was booted. (Ord. 72-1989 §1. Passed 7-18-89.)

**~~507.04 BOOT REMOVAL; HEARING.~~Boot Removal; Hearing.**

**PUBLIC PROPERTY**

The owner of a booted vehicle, or other authorized person, shall be permitted to secure release of vehicle upon:

- (a) Depositing of the collateral required for his appearance before a District Magistrate to answer for each unsettled parking violation;
- (b) Paying the amount of the fine, penalty and court costs, if any, for each unsettled parking violation; and
- (c) The payment of the fees as required by Section 507.06.

The owner of a booted vehicle, or other authorized person, shall have the right to a postimmobilization hearing limited to the determination of the validity of the booting. Such hearing shall be requested within fifteen days after the vehicle is booted and shall be conducted by a hearing officer appointed by the Mayor. The hearing shall be held during normal business hours within one business day of the demand therefor. The post-immobilization hearing shall not be determinative of or adjudicate the merits of any

citation issued relative to any immobilized vehicle but shall be limited solely to whether the vehicle was properly subject to booting under the provisions of this article. (Ord. 72-1989 § 1. Passed 7-18-89.)

**~~507.05 TOWING AND STORAGE OF VEHICLES~~Towing and Storage of Vehicles.**

The boot shall remain in place for forty-eight hours unless the owner has complied with Section 507.04. If such compliance has not occurred within forty-eight hours, the vehicle may be towed or impounded. If the booting occurs when a vehicle is parked in any zone regulated by towing provisions, then such vehicle is subject to immediate towing and impounding. Towing and storage fees, as set by administrative order, as specified in Article 513, shall be paid, along with fees specified in Section 507.04 before the owner of such vehicle, or authorized person, shall be permitted to repossess or secure the release of the vehicle. Vehicles unclaimed within sixty days of towing and storage shall be deemed abandoned and subject to disposal as such in the manner authorized by law. (Ord. 72 1989 § 1. Passed 7-18-89.)

**~~507.06 Booting Fee~~BOOTING FEE.**

**PUBLIC PROPERTY**

The owner of a booted vehicle shall be subject to a fee of fifty dollars (\$50.00) for such immobilization. (Ord. 72-1989 §1. Passed 7-18-89.)

**PRIVATE PROPERTY**

The owner of a booted vehicle shall be subject to a reasonable fee in the discretion of the booting service of not more than \$75.00 for such immobilization.

**~~507.07 Implementation and Enforcement~~IMPLEMENTATION AND ENFORCEMENT.**

**PUBLIC PROPERTY**

This article shall be enforced by the Police Department which shall have authority for implementing the parking enforcement provisions thereof and to promulgate such rules and regulations as are necessary therefor, which regulations shall become effective upon approval by Council. (Ord. 72-1989 §1. Passed 7-18-89.)

**PRIVATE PROPERTY**

This article will be enforced by booting services that are licensed to operate within the City of York- and owners of private property in accordance with the entirety of Article 507.

**~~507.08. Annual License Required.~~** There are two separate licenses available, a private booting license and a public booting license: The Public Booting License is required for any booting company engaged in the business of booting vehicles at the request of the

City from highways, public rights-of way or other public property in the City shall be licensed annually in accordance with the provisions of this Section. The Private Booting License is required for any booting company engaged in the business of booting vehicles from private property in the City shall be licensed annually in accordance with the provisions of this Section.

**a. Application for License.** Applications for license shall be submitted to the Chief of Police upon forms prepared and made available by the City. The application form(s) shall be properly completed, signed and accompanied by the application and license fee. The Chief of Police shall review and inspect the required storage facility and towing equipment and all applications for compliance with the terms of this ordinance and other applicable regulations.

**b. Issuance of License(s).** A private and/or public booting license shall be issued only to [booting companies that comply with the provisions of this ordinance.](#)

**c. License Fee.** The license fee under this ordinance for the original application shall be \$750.00 for the public booting license and \$750.00 for the private booting license. These are nonrefundable application fees. If the booting service is also applying for or already has been approved for a towing license there is no additional fee for a booting license.

**d. Multiple Licenses.** The application fee for a second license for any booting company currently licensed (either public or private) at the time of original application shall be \$200.00.

**e. License Renewal.** All licenses, except those terminated for just cause as provided herein, are subject to an annual renewal fee of \$400.00 for a single license and \$700.00 for both a public and private icense. This renewal fee shall be paid within the first quarter of each calendar year. If the booting service is also renewing a towing license there is no additional fee for the booting license.

**507.09. Minimum Requirements/Qualifications.** Booting companies to be licensed under this ordinance to boot vehicles at the request of the City or private landowners shall maintain the following minimum requirements:

**a. General Equipment.**

(1) Business and equipment shall be located within the City of York, Pennsylvania.

~~(A)~~ ~~(A)~~ Only if the Chief of Police deems there to be a need to allow more tow companies to provide services controlled by this ordinance shall a tow company whose business is located outside the City of York be allowed to be licensed under this ordinance.

**b. Advertising:** Booting companies must be listed in the York classified section of the current published telephone directory. This listing must, at minimum, include the

company name, business address, and a business telephone number that is personally answered 24 hours per day.

**c. Insurance.**

**(1)** Booting companies shall be required to carry insurance at the minimum policy limits as follows:

(A) Automobile liability insurance in an amount not less than \$1,000,000.00, combined single limits.

(B) Workers' compensation insurance, as required by Statute.

(C) Miscellaneous coverage to provide complete protection to the City against any and all risks of loss or liability including comprehensive General Liability.

**(2)** The City shall be listed as an additional insured party on all policies and such policies shall contain a provision requiring notification to the City prior to any policy revision or termination. A copy of the policy shall be provided to the Chief of Police.

**d. Criminal Record.** No booting company owner shall have any misdemeanor and/or felony criminal convictions for criminal violations that would be inconsistent with providing professional booting service. Specifically, no booting company shall have such conviction(s) for the following violations of the Pennsylvania Crimes Code:

Chapter 25 Criminal Homicide

Chapter 29 Kidnapping

Chapter 31 Sexual Offenses

Section 3502 Burglary

Section 3921 Theft by Unlawful Taking or Disposition

Section 3922 Theft by Deception

Section 3925 Receiving Stolen Property

Section 4101 Forgery

Section 4104 Tampering With Records or Identification

Section 4107 Deceptive Business Practices

Section 4117 Insurance Fraud

**f. Property, Business Privilege, Mercantile, or Municipal Taxes and Fees.** No company shall receive a license or license renewal if the company has not paid its property taxes and/ or business privilege and mercantile Taxes or any other municipal fee as required under York City Ordinance.

**507.10 Right to Hearing Not WaivedRIGHT TO HEARING NOT WAIVED.**

Nothing in this article shall be construed to deprive any person of the constitutional right to a hearing or trial as to the violations for which citations have been issued.

(Ord. 72-1989 §1. Passed 7-18-89.)

**507.11507.10 Prohibited Acts.** It shall be a prohibited act for any booting company to:

- a. Sub-contract booting services requested by the City.
- b. Boot a vehicle on public property without authorization from the City.
- c. Boot a vehicle on private property without authorization from the property owner.
- d. Boot a vehicle on private property in violation of the requirements of this ordinance.
- e. Use “York” in the name of the booting company.
- f. Charge or provide a written quote or invoice, or collect fees in excess of those specifically designated in this ordinance.
- g. Falsify any information with regard to the application.

**507.121. Authorization for Booting.** No motor vehicle shall be booted on private property, except as authorized in Section 507.09(b), under the authority of this ordinance unless:

a. Written authorization for the vehicle to be booted is provided to the authorized towing company, in duplicate, signed by the owner or agent of the owner or the person having control of the property upon which the vehicle is left unattended. The authorization form shall be similar to the one hereinafter set forth and shall be completed at the time the vehicle is to be towed by the aforementioned person or persons.

*You are hereby authorized to tow the following illegally parked vehicle from the parking lot/space indicated below. This lot is either owned and/or leased by (name of lot owner/manager).*

*The vehicle and location are described as follows:*

MAKE \_\_\_\_\_  
MODEL \_\_\_\_\_  
YEAR \_\_\_\_\_  
COLOR \_\_\_\_\_  
LICENSE NUMBER AND STATE \_\_\_\_\_  
LOT/LOCATION \_\_\_\_\_  
Name/Address of Towing/Immobilizing Service: \_\_\_\_\_  
authorized signature \_\_\_\_\_  
please print name here \_\_\_\_\_

b. No vehicle shall be booted from a private parking lot unless the lot is posted at the time the vehicle is booted to notify the public of any parking restrictions and the operator of the vehicle violates those restrictions. Posting shall be in conformance to the Rules and Regulations set forth in Annex A, Title 67, Transportation, Part I, Department of Transportation, Subpart A, Vehicle Code Provision, Article VIII, Administration and

Enforcement, Chapter 217, Posting of Private Parking Lots. The booting service is also required to include its telephone number on all signs.

c. Signs as required in Section 507.09(b) of this Chapter and, in addition to the number of signs required by Section 507.09(b) of this Chapter, shall be in place and evenly spaced in the parking lot based upon the number of available parking spaces as follows:

26 – 50 parking spaces requires 1 additional sign

51 – 75 parking spaces requires 2 additional signs

76 – 100 parking spaces require 3 additional signs, etc.

d. In addition to the posting of private parking lots as required in Section 14(b), the Chief of Police may require additional signs be posted and/or that the posted signs be altered.

**507.132 Notification of Removal or Booting.** Within 1 hour from the time of booting of any vehicle by an authorized booting service, the York County Emergency Communications Center shall be notified, by providing the Center with a copy (or facsimile) of the written authorization and shall include the following information:

a. the make, model, color, and registration number

b. state of registration

c. address from where vehicle was removed

d. date and time of removal

e. towing fee

f. name and 24-hour telephone number of the towing company

g. location where the vehicle may be claimed by the owner

**507.143. Booting Time Limitations.**

**a. Non-Metered Private Lots.** A motor vehicle found to be illegally parked or disabled on private property and otherwise authorized to be legally booted or removed may not be booted or removed from the property for 15 minutes if the discovery of the motor vehicle was made by the booting company in which case the booting company shall include the discovered time and the booting or removal time on the “Notification or Removal or Booting” as required in Section 507.10 of this Chapter. If the discovery of the illegally parked or disabled motor vehicle was made by the property owner and the booting company was requested to boot or remove the illegally parked or disabled vehicle, the motor vehicle may be booted or removed immediately. If an illegally parked vehicle is discovered parked blocking the entrance or exit to or from private property, in a marked and signed fire lane, in a marked and signed handicapped space or wholly or partially on a lawn the vehicle may be towed immediately.

**b. Metered Private Lots.** A motor vehicle found to be illegally parked or disabled at a metered parking space on private property may not be booted or removed from the property unless the illegally parked vehicle has 3 or more consecutive unpaid parking tickets over the course of 3 or more calendar days, or 3 or more accumulated parking tickets in at least a 12-hour period of time.

**507.15. Complaints Against Licensed Booting Companies.** The Chief of Police shall notify the booting company owner within 14 days of receipt of any complaint against a booting company that will be investigated by the Police Department. Complaints by City of York employees against a booting company shall be brought to the attention of the Chief of Police within 7 calendar days

**507.165. Financial Interests of Private Property Owner and Towing Company Prohibited.** Booting companies are prohibited, either directly or indirectly, from giving or furnishing a rebate or payment of money or any other valuable consideration to a property owner from whose premise the booting company has, is about to, or will boot motor vehicles. Property owners are prohibited from accepting or giving, either directly or indirectly, any rebate, payment of money, or any other valuable consideration from or to a booting company in connection with the booting of a motor vehicle from private property except for signs and notices as required in Section 507.09. Property owners are prohibited from having a direct or indirect monetary interest in a booting company that, for compensation, boots motor vehicles on their private property. This section is not intended to prohibit the issuance of parking tickets to illegally parked vehicles.

**507.99 PenaltiesENALTIES.**

- (a) Any person who shall tamper with, remove or attempt to remove any device used to immobilize a motor vehicle that has been booted pursuant to this article, or who shall move or attempt to move the vehicle booted before release of the vehicle has been officially secured, shall be guilty of a summary offense and, upon conviction thereof, shall be fined not less than three hundred dollars (\$300.00) nor more than one thousand dollars (\$1,000), together with cost of prosecution, or imprisoned for not more than ninety days (90 days), or both. (Ord. 1-2009. Passed 1-6-09.)
- (b) Any booting service that operates within the municipality of York booting vehicles on private property in accordance with the Vehicle Code and is not an authorized booting service, as defined within this booting regulation, shall be subject to a fine, upon conviction, of not less than \$200.00 nor more than \$400.00 for the first violation and not less than \$300.00 nor more than \$600.00 for each subsequent violation.