

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)

507.01 DEFINITIONS.

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.

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.)

507.03 NOTICE OF BOOTING.

Upon booting of such motor vehicle, the officer or employee 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. As soon as practicable, the officer or employee shall 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.

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 post-immobilization 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.

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 shall 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.

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.)

507.07 IMPLEMENTATION AND ENFORCEMENT.

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.)

507.08 RIGHT 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.)

507.99 PENALTY.

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.)