

Council of the City of York, PA  
Session 2019  
Bill No.  
Ordinance No.

INTRODUCED BY: **Henry Hay Nixon**

DATE: **March 3, 2020**

**AN ORDINANCE**

Amending Article 507 "Booting" of the York City Codified Ordinances to establish regulations for booting on public and private property.

NOW, THEREFORE, BE IT ORDAINED, the by Council of the City of York, Pennsylvania, that Article 507 "Booting" of the Codified Ordinances be hereby amended as follows:

**ARTICLE 507  
BOOTING**

507.01 Definitions	507.11 Prohibited Acts
507.02 Boot installation	507.12 Authorization for Booting
507.03 Notice of booting	507.13 Notification of Removal or Booting
507.04 Boot removal; hearing	507.14 Booting Time Limitations
507.05 Towing and storage of vehicles	507.15 Complaints Against Licensed Booting Companies
507.06 Booting fee	507.16 Financial Interest of Private Property Owner and Towing Company
507.07 Implementation and enforcement	Prohibited
507.08 Annual License Required	507.99 Penalty
507.09 Minimum Requirements/Qualifications	
507.10 Right to Hearing Not Waived	

**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 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) 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.)

### **b) 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.**

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. **On private property, the notice must include a copy of the booting authorization form as described in Section 507.12(a), as well as the time the vehicle was discovered to be parked illegally.** 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.**

### **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.
- (d) 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 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.**

##### **a) 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.)

##### **b) 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 \$60.00 for such immobilization.**

#### **507.07 Implementation and Enforcement.**

##### **a) 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.)

##### **b) PRIVATE PROPERTY**

**Only 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 are permitted to boot vehicles on private property in the City of York.**

#### **507.08. Annual License Required.**

##### **a) Application for License.**

**Applications for license shall be submitted to the Chief/Commissioner of Police or his designee 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/Commissioner of Police or his designee 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 booting license shall be issued only to booting companies that comply with the provisions of this ordinance.**

**c) License and Application Fees.**

**All applicants shall submit a nonrefundable application fee of \$100.00 with their booting license application. If approved, the applicant shall pay a \$1000.00 license fee at the time of license pick up. Licenses not considered valid until the license fee is paid.**

**d) License Renewal.**

**All licenses, except those terminated for just cause as provided herein, are subject to an annual renewal fee of \$750.00. Licenses that are not renewed are void.**

**507.09. Minimum Requirements/Qualifications. Booting companies to be licensed under this ordinance shall maintain the following minimum requirements:**

**a) General Equipment.**

**(1) Business and equipment shall be located within the City of York, Pennsylvania. Vehicles must be plainly marked with the booting company's name, logo, and phone number. Booting company employees shall wear a uniform that plainly displays the company name and logo.**

**b. Contact Information: Booting companies must maintain a website that provides, at minimum, 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/Commissioner of Police or his designee.**

**d. Criminal Record.**

**(1) 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 owner 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**

**(2) No booting company employee shall have any misdemeanor and/or felony convictions for the following violations of the Pennsylvania Crimes Code in the last ten (10) years:**

**Chapter 25 Criminal Homicide**  
**Chapter 29 Kidnapping**  
**Chapter 31 Sexual Offenses**

**e. 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 Waived – Public Property.**

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.)

**507.11 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.**
- 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 or use logos or lettering similar to the City of York.**
- 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.**

**507.12. Authorization for Booting.**

**In order to boot a vehicle on private property, a licensed booting company must:**

- a. Obtain written authorization from the property owner to conduct booting on the property owner’s property.**
- b. Notice must be attached to any vehicle booted on private property indicating the time the vehicle was discovered to be parked illegally, the time the vehicle was immobilized, the name of the property owner, and the name and phone number of the booting company.**

- c. Notice shall be attached to the illegally parked vehicle upon being discovered by the booting company or property owner with the time marked.
- d. 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 telephone number of the booting service must be conspicuously posted on all signs.
- e. One sign, as described in Section 507.12(d) of this Ordinance is required for every 6 parking spaces and shall be evenly spaced throughout the parking lot.
- f. In addition to the posting of private parking lots as required in 507.12(d) and 507.12(e), the Chief/Commissioner of Police, or his designee may require additional signs be posted and/or that the posted signs be altered.

#### **507.13. Booting Time Limitations.**

A motor vehicle found to be illegally parked or disabled on private property may be immobilized \_\_\_\_\_ (\_\_\_\_) minutes after it is discovered. The time of discovery must be included in the “Notification of Booting” as required in Section 507.03 of this Ordinance. 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, but cannot be booted.

#### **507.15. Complaints Against Licensed Booting Companies.**

The Chief/Commissioner of Police, or his designee 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.

**507.16. 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.~~

#### **507.99 Penalties.**

- 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 that is not properly licensed as required by this ordinance, shall be subject to a fine, upon conviction, of not less than \$500.00 nor more than \$1000.00 for the first violation and not less than \$1000.00 nor more than \$2000.00 for each subsequent violation.
- c. Any booting company or property owner in violation of Section 507.16 shall be subject to a fine, upon conviction, of not less than \$1000.00 and not more than \$2000.00 and shall immediately have the booting license for the booting company involved suspended for a period of one year. Any subsequent convictions will result in a suspension of five years.
- d. Any unlicensed booting service may be subject to additional criminal charges in accordance with Pennsylvania law.

PASSED FINALLY: BY THE FOLLOWING VOTE:

YEAS: \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_

NAYS: \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_

\_\_\_\_\_  
Henry Hay Nixon, President of Council

ATTEST:

\_\_\_\_\_  
Dianna L. Thompson-Mitchell, City Clerk

Presented to the Mayor for approval this \_\_\_\_\_ day of \_\_\_\_\_.

Approved: \_\_\_\_\_  
Mayor Date

Vetoed: \_\_\_\_\_  
Mayor Date