

Adopted January 23, 2006

**#31 SELECTMEN'S ORDINANCE
AMENDING PARKING ORDINANCE**

Re: Towing and Immobilization for Unpaid Fines

The present text of Section 9 of the Town of Rye Parking Ordinance is hereby amended by addition of the following Section 9.5.

9.5 Towing and Immobilization for Unpaid Fines.

a. Authorization for Towing and Immobilization. The Police Chief is authorized to have a motor vehicle, the owner of which is listed on the Tow and Immobilization List and which is illegally parked in or on any public way, towed and stored, or otherwise immobilized, subject to the notice provisions of this section.

b. Preliminary Notice of Possible Towing or Immobilization. The Police Chief may, at any time subsequent to an owner accumulating three (3) unpaid parking tickets or unpaid fines in excess of \$125.00 on any and all vehicles registered in the owner's name, send the owner, by certified mail, notice that failure to resolve the violations within ten (10) days notice may lead to towing or immobilization of any or all of the owner's vehicles pending resolution of the outstanding tickets and fines.

The Preliminary Notice shall describe the right of appeal set forth in Subsection "e" of this section and the owners responsibility for paying the towing and storage charge for any vehicle which is towed.

c. Final Notice of Possible Towing or Immobilization. If the Preliminary Notice of Possible Towing or Immobilization does not result in the resolution of the subject unpaid parking fines, the Police Chief may, at any time ten days (10) subsequent to the mailing of the Preliminary Notice, send the owner by certified mail or by issuance of a red-tag warning directly on the driver's side window of the registered vehicle, notice that failure to resolve the violations within five (5) days of receipt of the notice may lead to towing or immobilization of any or all of the owner's vehicles pending resolution of the outstanding tickets and fines.

The Preliminary Notice shall describe the right of appeal set forth in Subsection "e" of this section and the owners responsibility for paying the towing and storage charge for any vehicle which is towed.

d. Tow or Immobilization List. The Police Department shall maintain a list of owners whose vehicles are subject to being towed and held in storage or immobilized pending final resolution of unpaid parking violations. The list shall include all motor vehicles belonging to an owner who

has received notice as specified in Subsection "b." The owner's name shall be removed from the list if the Police Chief, after hearing, orders otherwise or if all fines for offenses contained in the Notice of Towing or Immobilization are paid in full and received.

e. Hearing. At the request of the recipient of a notice issued pursuant to Subsections "b" or "c," the Police Department shall arrange a hearing with the Police Chief. Such hearing shall be scheduled during normal business hours of the Police Department. The Police Chief shall conduct and preside over all hearings. The hearing shall be informal and the rules of evidence shall not apply. As such hearing, the owner of the motor vehicle which is the subject of the hearing may present any defense of law or fact which is relevant to the issue of whether or not the subject vehicle should be placed on the Tow or Immobilization List. The decision of the Police Chief shall be final.

f. Release of Towed or Immobilized Vehicles. A person may have his or her name removed from the Tow or Immobilization List, and/or motor vehicles released from storage, and/or may have immobilization devices removed in the following manner.

- 1) By order of the Police Chief, after hearing; or
- 2) By payment in full of all parking fines attributable to the violations contained in the in the Notice of Towing or Immobilization; or
- 3) By posting a bond with the Police Department in an amount sufficient to make payment in full of all parking fines arising out of the violations contained in the notice of towing or immobilization in order to allow a judicial determination of the violations pursuant to state law; or
- 4) By a judicial determination resolving the violations and the payment of any fine arising out of such determination.

g. Unauthorized Removal of Immobilization Device. A person shall not remove an immobilization device from a vehicle without authority to do so. Any person who removes an immobilization device from a vehicle without authority to do so shall be guilty of a misdemeanor and subject to a penalty of \$1000.00.

h. Release of Stored Vehicle. A motor vehicle that has been towed and stored pursuant to this article, shall not be released until all fees and charges incurred by the towing company for the towing and storage of the vehicle have been paid.

Adopted January 23, 2006, Rye Board of Selectmen

Priscilla V. Jenness
Chairman

Joseph G. Mills, Jr.,
Vice-Chairman

Craig N. Musselman
Selectman