

ORDINANCE NO.: 2001-078

Amending 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 12, Motor Vehicles and Traffic, Article II, Stopping, Standing and Parking, Division 1, Generally, Sec. 12-53, Immobilization and impoundment of vehicles

BE IT ORDAINED by the Mayor and Council this 17th day of October, 2001, that the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 12, Motor Vehicles and Traffic, Article II, Stopping, Standing and Parking, Division 1, Generally, Sec. 12-53, Immobilization and impoundment of vehicles, is amended to read as follows:

Sec. 12-53. Immobilization and impoundment of vehicles.

(a) Authorized; procedure; fee. Any vehicle identified as a public nuisance may be impounded by the city by giving authorization to a commercial towing or wrecker service to tow the vehicle away and store it in a safe place until claimed by the owner or by immobilizing it in such a manner as to prevent its operation.

(1) Immobilization shall be at the direction of a city police officer or other city employee charged with such responsibility.

(2) Upon immobilization, the officer or employee shall place upon the vehicle a notice sufficient to warn the owner or driver that the vehicle has been immobilized and that any attempt to move or drive it may result in damage. Such notice shall also inform the owner or driver of the reason for immobilization and the amount of the outstanding bonds then due.

(3) Immobilization shall remain in place for 48 hours unless sooner released in accordance with subsection (b) of this section. If compliance with subsection (b) of this section has not occurred within 48 hours, the vehicle shall be towed and impounded.

(4) The owner of the vehicle immobilized or towed shall have the right to contest the validity of the action taken by the city by requesting a hearing by the City Manager or his/her designee. The request for a hearing must be in writing and delivered to the City Manager's office within ten (10) days of immobilization or towing. Any person dissatisfied with the decision of the City Manager or his/her designee may appeal the decision to a court of competent jurisdiction within ten (10) days after notice of the decision from which the appeal is taken.

(5) The owner of an immobilized vehicle shall be subject to a fee of \$35.00 for the immobilization, which fee shall be exclusive of any bonds posted, fines imposed or storage costs assessed.

(b) Release of vehicle to owner.

(1) No impounded vehicle shall be released without satisfactory proof of ownership. The owner of a towed or immobilized vehicle may secure its release by:

a. Posting the bond required by the municipal court for his appearance to contest the validity of the actions of the city and to answer for the parking violations.

b. Paying the fee imposed by subsection (a)(5) of this section.

(2) Towing and storage charges of a commercial towing or wrecker service shall be the

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responsibility of the owner.

This Ordinance shall become effective as of final reading.

Requested by:



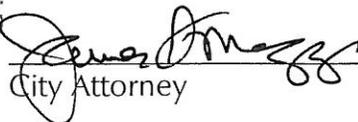
MAYOR

Approved by:



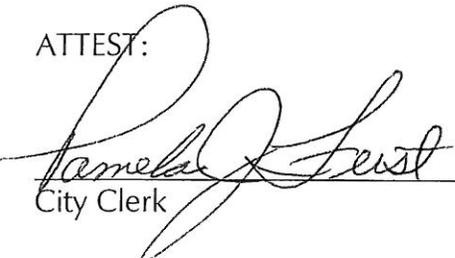
City Manager

Approved as to form:



City Attorney

ATTEST:



City Clerk

Introduced: 10/3/2001

Final Reading: 10/17/2001

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