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ORDINANCE 2020-15

AN ORDINANCE TO AMEND the Code of the City of Lebanon, Chapter 168, Vehicles and Traffic, to amend Section 168-13.

Be it ordained by the Council of the City of Lebanon as follows:

Section 1.

Section 168-13 of Chapter 168, Vehicles and Traffic, is hereby amended as follows:

§ 168-13 Enforcement.

- A. (No Proposed Changes)
- B. The Chief of Police may also designate certain depositories where the above-described payments can be made or may receive payments by mail, or electronically, in lieu of payment at the Police Department.
- C. (No Proposed Changes)
- D. (No Proposed Changes)
- E. (No Proposed Changes)
- F. Any vehicle found parked on any public street, parking lot or any other place for which three (3) or more outstanding (i.e. unpaid) parking violations have been issued or sent, totaling at least \$100, may be subject to towing and storage or immobilization by the Lebanon Police Department provided notice of intent to tow and store or immobilize said vehicle has been placed on the vehicle or sent to the last known address listed with the State Motor Vehicle Department of the state in which the vehicle is registered Said notice shall contain the following information:
 - (1) The date, time and location of the violations leading to the issuance of the notice;
 - (2) That the subject vehicle will be towed, stored or immobilized after a specific date of not less than five days after the date of the notice unless all the outstanding violations and late fees are paid;
- G. Any vehicle towed and stored or immobilized in accordance with the preceding may be released in one of the following ways, subject to the additional requirements of section I below:
 - (1) By payment of all charges due.
 - (2) By posting cash bond with the Police Department in an amount sufficient to make full payment of all parking charges due arising out of violations subject to the provisions of this chapter in order to allow judicial determination regarding the matter in question.
 - (3) By judicial determination.
- H. When a motor vehicle has been towed and stored or immobilized pursuant to this chapter, the following preconditions to the release of said vehicle shall be satisfied. (1) The party

seeking the release of said vehicle shall pay all fees and charges incurred by the city for the towing and storage and immobilization of said vehicle. The fee for immobilization shall be \$100. The fee for towing and storage of a vehicle shall be that set out in the then current towing agreements between the Police Department and the towing companies who are party to towing agreement. (2) The person requesting the release of the vehicle shall present satisfactory evidence of his/her right to possession and sign a receipt upon receiving the vehicle.

- I. When a motor vehicle has been immobilized pursuant to the provisions of this chapter, the Lebanon Police Department shall affix a warning notice on the windshield of the vehicle advising the driver not to attempt to operate the vehicle or remove the immobilization device, and advising the operator or owner of the procedure to have the immobilization device removed.
- J. It shall be unlawful for any person to tamper with or attempt to destroy or remove any Lebanon Police Department immobilization device from a vehicle without authorization by the Lebanon Police Department, and the penalty for such action upon conviction shall be a violation and a fine of \$100, no portion of which may be suspended.

Section 2. Severability.

The provisions of this ordinance are declared to be severable, and if any section, subsection, sentence, clause or part thereof is, for any reason, held to be invalid or unconstitutional by a court of competent jurisdictions, such decision shall not affect the validity of any remaining sections, subsections, sentences, clauses or part of this ordinance.

Section 3. Effective Date.

This ordinance shall become effective upon passage.

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