

**CHAPTER 2011-30**

**No. 420**

**AN ORDINANCE** AMENDING SECTION 26 OF CHAPTER 15 OF THE CODE OF ORDINANCES OF THE CITY OF PROVIDENCE, ENTITLED "MOTOR VEHICLES AND TRAFFIC – IMPOUNDMENT OF VEHICLES – TOWING, OR IMPOUNDMENT OR IMMOBILIZATION OF VEHICLES OF SCOFFLAWS."

*Approved July 19, 2011*

***Be it ordained by the City of Providence:***

SECTION 1. Section 26 of Chapter 15 of the Code of Ordinances of the City of Providence is hereby amended as follows:

**Sec. 15-26. - Towing, or impoundment or immobilization of vehicles of scofflaws.**

(a) Upon an order of a judge of the municipal court of the city, obtained in accordance with subsection (b) of this section, any police officer, agent, or parking enforcement officer of the city shall have the authority to impound or seize (or cause the same to be done) any vehicle, whether by towing or by immobilization otherwise (such as by use of a boot) if five (5) or more parking tickets or citations for violations of the traffic ordinances, or regulations of the city have been issued against it and which remain outstanding and delinquent for more than fifteen (15) days, or if the operator of the vehicle has been cited for two (2) or more violations of Sec. 16-108 for noise emanating from motor vehicles.

(b) The procedure to be followed in the enforcement of the preceding subsection (a) shall be as follows:

(1) Prior to any such vehicle being ordered to be towed, seized, immobilized or impounded, if the vehicle is registered in the state, and a registration is on file with the state, a notice of noncompliance and an order to respond to the municipal court to answer to the traffic violations shall be forwarded to the owner of record by registered or certified mail.

(2) Said notice and order shall state that the registrant may appear before the municipal court at any session during the following fourteen (14) days, and request a hearing as to whether the vehicle should be towed or seized and impounded for said violations.

(3) If, after twenty-one (21) days from the date of mailing said notice or order, the registrant fails to appear, a judge of the municipal court shall issue a written order to the city police department to tow (or seize immobilize by use of a boot) and impound said vehicle.

(4) Prior to any such vehicle being ordered towed or seized and impounded, if the vehicle is registered in a state other than Rhode Island, said notice of noncompliance and order to respond (as aforesaid) shall be mailed (by registered or certified mail) to the registrar of motor vehicles (supplying as much information as reasonably available) of the state in which such vehicle is registered. Said notice of noncompliance and order and the procedure and consequences shall be the same as for a Rhode Island registrant, except that an out-state registrant shall be given twenty-one (21) days to appear before the municipal court, and twenty-eight (28) days before said court order shall issue. Upon any appeal to the municipal court contesting the booting fee or the right of the police department to tow or immobilize the vehicle, evidence of the city's compliance with this section shall establish probable cause for the towing or immobilization of the vehicle and

such probable cause shall be independent of any subsequent judicial ruling regarding traffic tickets and violations. Page 2

(5) Upon such a vehicle being thus towed or seized and impounded or immobilized, the city police department shall maintain a record of same, and upon inquiry by the registrant or other authorized person, notify same:

a. That they may appear at the next regular session of the municipal court, for the purpose of securing a hearing as to the towing or impoundment or immobilization of vehicle, liability for any charges arising there from, and for arraignment on the outstanding violations;

b. Provided that the registrant (or other authorized person) may either pay the outstanding traffic or parking fines together with all fees in connection with the seizure of the vehicle; or

c. Deposit with the court sufficient security for the payment thereof in the event the same are duly contested.

(6) Upon such a vehicle being thus duly towed and impounded in a convenient and safe place within the city, or immobilized by use of a boot at the place where it was located, the charge as set forth in section 15-18(c) shall be paid by the registrant of such vehicle or other authorized person, firm or corporation designated by said registrant before any such vehicle shall be released.

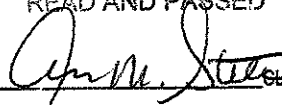
(7) No vehicle thus towed and/or impounded or immobilized under this section may be released by the city police department unless issued written notice to do so by the clerk of the municipal court.

(8) No vehicle thus towed and impounded or immobilized under this section shall be disposed of or sold by any person, company or organization having possession or custody of same, nor by the police department, the city or any of its agents, except by written order of the municipal court (or the clerk thereof) obtained pursuant to applicable state law, if any; and if there be no applicable state law, then the following procedure shall govern and apply: If such property remains unclaimed in the possession of the police department, an officer or agent thereof, or an authorized towing company or garage for one (1) month and the owner thereof or his place of abode or business is unknown, or if the owner and his place of abode or business are known and the owner, after receipt by registered mail of a written notice from such department or member to take possession of said property, refuses or fails for a period of ten (10) days following said receipt so to do, such department may sell the same by public auction, notice of the time and place of sale, with a description of the property to be sold, first being given by publishing the same once in each of three (3) successive weeks in a newspaper published in the city.

SECTION 2. This Ordinance shall take effect upon passage.

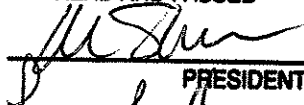
IN CITY COUNCIL  
JUL 07 2011

FIRST READING  
READ AND PASSED

 CLERK

IN CITY  
COUNCIL

JUL 18 2011  
FINAL READING  
READ AND PASSED

 PRESIDENT

ACTING CLERK

I HEREBY APPROVE.

 Mayor

Date:

7/19/11