

KF:gp
No. 11/10/82

83-0r-009

Date 10

1st Reading _____

AN ORDINANCE

Date to Mayor JAN 14 1983

Ref. to _____ Comm.

of the

Date Returned JAN 20 1983

Public Hearing _____

CITY OF

Date Resubmitted
to Council _____

2nd Reading & Final
Passage _____

MINNEAPOLIS

Alderman Scallon

presents the following ordinance:

Amending Title 18, Chapter 478 of the Minneapolis Code of Ordinances
relating to Traffic Code: Parking, Stopping and Standing - Vehicle Impoundment.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Sec 478.1040 of the above entitled ordinance be amended
to read as follows:

478.1040. Authorized. Any unoccupied OR ABANDONED vehicle , OR OTHER
VEHICLE IN THE INTEREST OF PUBLIC SAFETY, wherever found violating the provisions
of the traffic code may be immediately removed and impounded by any officer or
duly authorized person in the manner hereinafter provided, and shall only be
surrendered to the duly identified owner thereof upon the payment of the fees
hereinafter provided, which are declared to be the pound fees covering the same.

Section 2. That Sec 478.1050 of the above entitled ordinance be amended
to read as follows:

478.1050. Bids for pound-keepers IMPOUND TOWERS required. The purchasing
agent shall advertise for bids by persons, firms or corporations desiring to act
as pound-keepers IMPOUND TOWERS of vehicles impounded under the provisions of this
article. ~~Only persons, firms or corporations conducting public garages shall be~~
~~entitled to bid for the right to perform the duty of pound-keepers.~~ The notice for
bids shall describe the district from which vehicles shall be ~~impounded, the~~
~~boundaries of which shall be coincident with the precincts now established by~~
~~and for the police department.~~ TOWED. The publication of notice for such bids, the
filing of bids, and the procedure in the acceptance of such bids shall be in
accordance with the procedures of the purchasing department.

Section 3. That Sec 478.1055 of the above entitled ordinance be amended to read as follows:

478.1055. Referral to city council; acceptance of bids. Such bids, when received, shall be referred to the city council and by it considered. The notice shall recite that the council reserves the right to reject any and all bids. ~~The city council, in its discretion, may direct that bids be asked for service from year to year, or for a period of not more than five (5) years, or for a period of one year with option in the city council to renew the yearly contract, but such renewals shall not exceed five (5) years.~~ Upon the acceptance of bids in the various districts, the successful bidders shall be the ~~vehicle pound-keeper~~ IMPOUND TOWER within the ~~precinct~~ TOWING DISTRICT described in the notice for bids. After the acceptance of said bids and the designation of the ~~pound-keeper~~ IMPOUND TOWER in each of the ~~precincts~~, TOWING DISTRICTS, any vehicle ordered to be impounded by any police officer or any other duly authorized person shall be immediately ~~taken charge of~~ TOWED TO THE CITY IMPOUND LOT by the ~~pound-keeper~~, IMPOUND TOWER, and said vehicle shall only be released BY THE CITY, to the duly identified owner of said vehicle upon payment of fees required in this article.

Section 4. That Sec 478.1060 of the above entitled ordinance be amended to read as follows:

478.1060. ~~Pound-keepers~~ IMPOUND TOWER to be bonded. The person, firm or corporation whose bid is accepted shall file with the city comptroller-treasurer a bond in the sum of ten thousand dollars(\$10,000)

conditioned upon the proper handling and safekeeping of ~~impounded~~ TOWED motor vehicles, accessories and personal property, reimbursement of the city and owners for loss thereof, ~~and to guarantee payment to the city of fees due under its contract.~~ Such bond shall be approved by the city attorney.

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Section 5. That Sec 478.1070 of the above entitled ordinance be amended to read as follows:

478.1070. Towing and storage charges. The charge for towing and storage including administration and clerical expenses ~~reimbursable by the pound keeper to the city, in connection with the impounding, towing or storage of any vehicle shall not exceed the amount agreed upon in any current contract between the city and a duly licensed pound keeper, a true and correct copy of which shall be on file in the office of the chief of police for public inspection and reference.~~ SHALL BE SET BY THE CITY.

Section 6. That Sec 478.1080 of the above entitled ordinance be amended to read as follows:

478.1080. Charge when owner appears before towing. (a) Where a police officer OR OTHER AUTHORIZED PERSON has tagged a vehicle to be impounded on account of a parking violation, and OR where A REQUEST HAS BEEN MADE BY THE POLICE DEPARTMENT FOR A TOW TRUCK AT A SPECIFIED LOCATION, AND THE MAKE AND LICENSE NUMBER OF THE VEHICLE TO BE REMOVED HAS BEEN DESIGNATED, AND the owner or operator thereof appears before the tagged vehicle has been hooked to the tow truck and the wheels thereof hoisted from the ground, the tow truck operator shall release the said vehicle without payment of any fee or towing charge. Where the tow truck operator has any such vehicle on the hoist and the wheels thereof raised from the ground before the owner or operator thereof appears, he shall release the same upon the payment of a service fee not to exceed ~~two~~ FIVE dollars ~~(\$2.00)~~, (\$5.00), and give a receipt for such payment.

~~(b) -- Where a request has been made by the police department for a tow truck at a specified location, and the make and license number of the vehicle to be removed has been designated, and the owner or operator thereof appears and requests permission to remove the same before it is towed away, the tow car operator shall~~

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~~release the same upon payment of a service fee of three dollars (\$3.00), and give a receipt for such payment.~~

Section 7. That Sec 478.1090 of the above entitled ordinance be amended to read as follows:

478.1090. ~~Identification certificate~~ LICENSES AND PERMITS required.

The ~~chief of police and the impounder~~ IMPOUND TOWER under contract with the city ~~jointly~~ SHALL HAVE A VALID PUBLIC IMPOUND TOWERS LICENSE (CLASS E), PURSUANT TO CHAPTER 349 OF THIS CODE, PRIOR TO PERFORMING ANY WORK UNDER HIS CONTRACT WITH THE CITY. THE IMPOUND TOWER shall see to and require that every tow truck operator ~~answering a request by the police department for the towing and impounding of any vehicle~~ EMPLOYED BY THE IMPOUND TOWER shall have in his possession a ~~true identification certificate, issued by a furnisher of such certificates duly licensed~~ DRIVER'S REGISTRATION PERMIT FOR CLASS E SERVICE VEHICLES under chapter 294 349 of this Code. No person shall act as a tow truck operator in ~~answering any request from the police department for~~ the towing of any vehicle to be impounded without having in his possession such ~~identification certificate~~ REGISTRATION PERMIT herein provided for, and such tow truck operator shall exhibit such ~~identification card~~ PERMIT to the owner of the vehicle or his agent upon request therefor, ~~and shall truthfully answer any proper questions pertaining to the impounding of the vehicle.~~

Section 8. That Sec 478.1100 of the above entitled ordinance be amended to read as follows:

478.1100. Notice to owners. The ~~police department~~ CITY will endeavor to notify record owners AND LIEN HOLDERS of impounded vehicles not claimed within a reasonable time of said impoundment by ~~telephone or by letter~~ U.S. MAIL upon receipt of records of ownership from the registrar of motor vehicles of the state.

Section 9. That Sec 478.1110 of the above entitled ordinance be amended to read as follows:

478.1110. Storage of impounded vehicles. Any vehicle directed to be impounded as herein provided, from the time it is taken possession of by the pound

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keeper IMPOUND TOWER and during the time it is impounded, and until the same is released to the owner as herein provided, shall be considered to be in the custody of the law, and no work shall be done thereon by ~~the pound-keeper nor shall he~~ permit anyone. ~~to do any work thereon except the impounding and storage thereof by his employee or his agent, until such car has been released to the owner as herein provided. All such cars when released shall be released to the owner without further charge than the impounding and storage fees herein provided. The pound~~ keeper dDuring the time the vehicle is impounded shall ~~not permit~~ NEITHER the owner ~~or~~ NOR any other person SHALL BE PERMITTED to take or remove from the vehicle any part or parts, or change or repair any part or parts. All vehicles which have been involved in criminal proceedings and which are designated by the police department as being held for that reason shall be held and stored in inside garages. ~~Vehicles impounded for other reasons may be stored in inside garages or on licensed parking lots.~~

Section 10.. That Sec 478.1120 of the above entitled ordinance be amended to read as follows:

'478.1120. Release form. Upon return of the vehicle the pound-keeper CITY shall release the same by a release in writing which shall state the date of such release together with the charges enumerated thereon and the purpose for which such charges were made. ~~Such release shall be made in one original and three (3) copies, all of which shall be signed by the pound-keeper and the person to whom such release is made.~~ The pound-keeper CITY shall retain the original of such release and shall deliver one copy thereof to the owner of the vehicle. ~~and two (2) copies to the police department. Of such two (2) copies the police department shall deliver one to the city comptroller-treasurer.~~

Section 11. That Sec 478.1130 of the above entitled ordinance be amended to read as follows:

478.1130. Soliciting towing; damaged vehicles. The pound-keeper IMPOUND TOWER shall not solicit, directly or indirectly, the impounding or towing of cars under this article. If any unoccupied vehicle is found upon the streets of the city in such a damaged condition as a result of accident or disrepair that it cannot be driven, and is so located as to constitute an obstruction of the street, the same may be ordered impounded by the police department; OR OTHER AUTHORIZED OFFICIAL; provided, that if the owner or operator thereof has requested, or does request, that such vehicle be towed, AT HIS OWN EXPENSE, to his own or to any garage OR LOT other than the pound-keeper's CITY'S LOT, neither the pound-keeper nor the police department, nor anyone else shall order such vehicle to be impounded in any public pound unless the police department considers possession of such car is necessary in the prosecution of any person for violation of law.

Section 12. That Sec 478.1140 of the above entitled ordinance be amended to read as follows:

478.1140. Vehicles to be tagged. Any unoccupied vehicle or damaged car ordered impounded by the police department OR OTHER AUTHORIZED OFFICIAL shall immediately be tagged. ~~by the police department, which~~ THE tag shall show the disposition of the car ~~ordered by the police department~~ and the offense for which impounded.

Section 13. That Sec 478.1150 of the above entitled ordinance be amended to read as follows:

478.1150. Sale of vehicle when unclaimed by owner. (a) When the city, ~~acting by and through its chief of police,~~ desires to dispose of any such vehicle so impounded or otherwise recovered, IT ~~the police department~~ shall mail to the registered owner thereof, AND LIEN HOLDER if any, as shown by the records of the state registrar of motor vehicles, notice that the city has possession and intends to dispose of said vehicle. If the owner of the vehicle does not obtain the vehicle

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as provided in this article within fifteen (15) days after the mailing of such notice, the vehicle shall thereafter be sold by the ~~police-department~~ CITY to the highest bidder at a public sale thereof, provided that no person under the age of eighteen (18) years shall be eligible to bid on or purchase such vehicle. No less than ~~one-week~~ THREE (3) DAYS prior to such sale, notice stating ~~a-brief description-of-the-vehicle-and~~ the date, time and place of the sale shall be published in ~~the-official~~ A newspaper of GENERAL CIRCULATION IN the city. Upon sale and payment of the purchase price, the ~~chief-of-police-or-person-authorized by-him-to-conduct-the-sale~~ CITY shall deliver to the purchaser a memorandum bill of sale. ~~in-such-form-as-may-be-prepared-by-the-city-attorney.~~

(b) The proceeds from any such sale shall first be used to pay the cost of publication and conduct of the sale; secondly, to pay the towing, and storage AND ADMINISTRATIVE charges incurred pursuant to the provisions of this article; and, after payment of such costs and charges, any balance of such proceeds shall be deposited in the ~~general~~ PARKING fund of the city. Within ~~six-(6)~~ THREE (3) months of the date of such sale, such money so deposited in the ~~general~~ PARKING fund shall be paid over to a person who applies therefor and upon satisfactory proof establishes his ownership of said vehicle immediately prior to such sale.

Section 14. That Sec 478.1160 of the above entitled ordinance be amended to read as follows:

478.1160. Form of tag; report of towing agency. Red-colored traffic tags shall be used by police officers AND OTHER AUTHORIZED OFFICIALS when directing the towing and impounding of a vehicle for a parking violation. Such red tag shall be in the form prescribed by the chief of police and shall contain such information as may be deemed necessary including the make and license number of the vehicle so tagged, the date and time of offense and the offense charged, and any further information which the chief of police shall deem necessary and advisable. It shall

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not be necessary for the ~~police-officer~~ PERSON ISSUING A RED TAG to await the arrival of a tow truck, and when said vehicle is towed ~~and-impounded-by-a-duly~~ ~~authorized-towing-agency~~, it shall be the duty of the ~~towing-agency~~ IMPOUND TOWER OR HIS AGENT to prepare a written report of the description of the vehicle with an inventory of any personal properties visible therein at the time of the arrival of the TOWER AT THE LOCATION OF THE vehicle. ~~at-such-pound~~. The description and inventory must include the make and license number of the motor vehicle ~~and-the~~ ~~time-of-arrival-at-the-pound~~, together with a statement of the condition of the vehicle with regard to damaged parts and such other information as may be necessary to adequately describe the vehicle and property.

Section 15. That Sec 478.1170 of the above entitled ordinance be amended to read as follows:

478.1170. Report required when vehicle not tagged. Any police officer directing the impounding of any vehicle on other than a red tag as hereinbefore described shall prepare a written report in duplicate of the description of such vehicle including the following: Make of vehicle; license number; tools and other separate articles of personal property as may be readily discerned by him; the general description of the vehicle with regard to damaged parts, if any; the condition of the vehicle and such other information as may be necessary to adequately describe the vehicle and property delivered to the ~~pound-keeper~~ IMPOUND TOWER. The original copy of said report will be retained by the police department, and duplicate thereof remitted to the city comptroller-treasurer.

Section 16. That Sec 478.1180 of the above entitled ordinance be amended to read as follows:

478.1180. Insurance of ~~pound-keeper~~ IMPOUND TOWER. The ~~pound-keeper~~ IMPOUND TOWER shall provide and maintain in force during the period of any contract for the towing and ~~storage~~ of impounded vehicles, such insurance for general and automobile liability, ~~including-bodily-injury-and-property-damage,-including~~ ~~property-in-the-care,-custody-and-control-of-the-pound-keeper,-or~~ FOR fire and

extended coverage insurance, ~~or fire legal liability insurance, or~~ FOR contractual liability insurance, ~~or garage liability insurance or workmen's~~ FOR WORKER'S compensation insurance, ~~or any or all of said insurance coverages, or~~ AND FOR any other coverages, in such amounts and with such provisions as may be determined and approved by the city council for inclusion in specifications for the advertising for bids for towing and ~~storage~~ of impounded vehicles. Evidence of the existence of such insurance coverages shall be provided by the ~~pound-keeper~~ IMPOUND TOWER and filed with the city in the manner required by such specifications approved by the city council.

Section 17. That Sec 478.1190 of the above entitled ordinance be amended to read as follows:

478.1190. Article to be included in bid and contract. This article shall be and constitute part of any bid advertised by the purchasing agent and of any contract entered into with the city by any ~~pound-keeper~~ IMPOUND TOWER, as fully and to the same effect as if set forth at length in said contract and if any part or portion of any such contract entered into shall be inconsistent with the terms of this article, the provisions hereof shall in all respects prevail.

Section 18. That Sec 478.1200 of the above entitled ordinance be amended to read as follows:

478.1200. Tow sheets and receipts. Every ~~towing agency~~ IMPOUND TOWER, operating under the terms of this article pursuant to a contract with the city, shall at all times make and keep a "tow sheet" on all red tag tows which shall show the time and date of towing, ~~and impounding,~~ the make, license number and general condition of the vehicle ~~impounded~~ TOWED. All tow sheets shall be consecutively numbered, ~~the original and one copy of same to be delivered to the police department which will, in turn, remit the copy thereof to the city comptroller-treasurer.~~ ~~Every pound-keeper,~~ Upon releasing any vehicle impounded under

the terms of this article, THE CITY shall give to the owner or his agent a receipt for any moneys paid by such owner or his agent to the pound-keeper CITY at the time of the release.

RECORD OF COUNCIL VOTE

Alderman	Aye	Nay	N.V.	Abs.	Ovrd.	Sust.	Alderman	Aye	Nay	N.V.	Abs.	Ovrd.	Sust.
Dziedzic	X						Scallion	X					
O'Brien	X						Howard	X					
Daugherty	X						Rockenstein	X					
White	X						Schulstad	X					
Slater	X						Hoyt	X					
Carlson	X						Pres. Rainville	X					
Kaplan	X												

X INDICATES VOTE — N.V. - Not Voting Abs. — Absent Ovrd. - Vote to Override Sust. - Vote to Sustain

PASSED JAN 14 1983 19 _____
APPROVED _____
NOT APPROVED JAN 20 1983 19 _____
VETOED _____
ATTEST [Signature]
City Clerk

[Signature]
President of Council
[Signature]
Mayor