

Chapter 10-21

PARKING SERVICES AUTHORIZED TOWING

Sections:

10-21-01	TOWING AUTHORIZED
10-21-02	NOTICE OF TOW
10-21-03	RELEASE OF VEHICLE
10-21-04	HEARING
10-21-05	DISPOSAL OF UNCLAIMED VEHICLES
10-21-06	SEVERABILITY

Section 10-21-01 TOWING AUTHORIZED

- A. The City of Boise, through its division of Parking Services, shall contract with a towing company (hereinafter referred to as “towing company”) located within the area of impact of Boise City, including the City of Garden City, for the purpose of towing vehicles pursuant to this section. The contract shall designate the maximum tow and per day storage fee allowed to be charged for a tow and subsequent storage pursuant to this section.
- B. Towing Company shall only be authorized to tow a vehicle pursuant to this section upon written request of the division of Parking Services.
- C. Upon performing an authorized tow, the Towing Company shall have a lien against the towed vehicle for the amount of the towing fee and storage costs not to exceed ninety (90) days.
- D. Parking Services shall only authorize the towing of a vehicle upon confirmation that the registered owner of the vehicle has accumulated delinquent, unpaid, or otherwise unsettled and uncontested parking fines which have remained unpaid for a period of thirty (30) days totaling at least two hundred dollars (\$200), or five (5) or more tickets.

(6606, Amended, 09/25/2007; 6463, Added, 04/18/2006)

Section 10-21-02 NOTICE OF TOW

- A. Upon performing a tow, the Towing Company shall send notice to the registered owner of the towed vehicle at the address on file with the Department of Transportation. Notice shall be mailed within twenty-four (24) hours by first class mail postage prepaid.
- B. The notice shall:
 - 1. Inform the owner that the vehicle has been towed pursuant to this ordinance.
 - 2. Identify the vehicle by year, make, model and license plate number.
 - 3. Indicate where the vehicle was removed from and the current location of the vehicle.
 - 4. Describe the requirements for retrieving the vehicle from impound.
 - 5. State that the vehicle can be sold for tow and storage charges, and unpaid parking fines, if

not claimed within thirty (30) days from the date of mailing of the notice.

6. Describe the procedure for obtaining a hearing.
(6463, Added, 04/18/2006)

Section 10-21-03 RELEASE OF VEHICLE

- A. A vehicle towed pursuant to this section shall only be returned to the owner upon payment in full, by cashiers check, money order, debit card, or credit card, payable to the City of Boise, of any outstanding parking fines for which the owner has not previously asked for a hearing with the Magistrate Court.
- B. Prior to the release of the vehicle, the owner shall also be responsible for the towing fee and associated storage costs incurred by the Towing Company. The towing fee and storage costs shall be paid directly to the Towing Company.
- C. The owner must also present proof of ownership of the vehicle, by way of photo identification consistent with the name on the vehicle registration, to the Towing Company prior to the release of the vehicle to the owner.

(6463, Added, 04/18/2006)

Section 10-21-04 HEARING

- A. An owner who disputes the appropriateness of the towing and impoundment of the vehicle may request a hearing with a Hearing Officer for the City of Boise.
- B. The request for hearing must be filed in writing with the division of Parking Services within thirty (30) working days of the mailing of the Notice of Tow or ten (10) working days of the release of the vehicle, whichever occurs first.
- C. A hearing will be scheduled with the Hearing Officer within seventy-two (72) hours of receipt of the request for hearing, unless a longer period is specifically requested by the owner.
- D. The Hearing Officer shall only determine whether the impoundment was proper and whether the associated towing and storage fees were proper. The Hearing Officer shall not have the authority to determine the appropriateness of the parking infractions which resulted in the towing of the vehicle.
- E. The findings of the Hearing Officer shall be made in writing at the time of the hearing. If the Hearing Officer finds that the impoundment and associated fees were appropriate and the fines and towing and storage fees have not been paid, the findings of the Hearing Officer shall include a notice to the Towing Company that the fines and fees must be paid before the release of the vehicle to the owner. If the Hearing Officer finds that the impoundment and associated fees were not appropriate, the findings shall include a notice setting forth an appropriate remedy, up to and including release of the vehicle to the owner.

- F. The decision of the Hearing Officer shall be final.

(6606, Amended, 09/25/2007; 6463, Added, 04/18/2006)

Section 10-21-05 DISPOSAL OF UNCLAIMED VEHICLES

A. If the owner of the vehicle fails to pay the tow and storage fees and the parking fines within thirty (30) days of the mailing of the Notice of Tow, and has not requested a hearing pursuant to 10-21-04 B, the Tow Company may proceed to sell the vehicle at public auction by giving ten (10) days public notice of the sale by advertising in the official newspaper of Boise City, which notice shall contain a description of the property to be sold, the time and place of sale and the terms and conditions of the sale. The proceeds of the sale must be applied to discharge of the lien of Tow Company and then to the fines owed to Boise City. The remainder, if any, must be paid over to the owner of the vehicle.

(6463, Added, 04/18/2006)

Section 10-21-06 SEVERABILITY

The provisions of this ordinance shall not prevent the owner of the vehicle from timely contesting a parking ticket in the Magistrate Court of the Fourth Judicial District. Should a court of competent jurisdiction determine that any part of this ordinance, or any application or enforcement of it is unconstitutional, then such portion of the ordinance, or specific application of the ordinance, shall be severed from the remainder, which shall continue in full force and effect.

(6463, Added, 04/18/2006)

(6674, Amended and Renamed , 06/24/2008)