



Legislation Text

File #: Ord 11-89, **Version:** 1

Amending Chapter 162, Traffic Code - Impounding of Vehicles, of the Saint Paul Legislative Code, to comply with state law changes and to update or eliminate outdated language.

THE COUNCIL OF THE CITY OF SAINT PAUL DOES ORDAIN:

Section 1

Chapter 162 of the Saint Paul Legislative Code is hereby amended to read as follows:

Sec. 162.01. Authority to remove.

(a) Any vehicle, wherever found, in violation of the ordinances of the City of Saint Paul or the laws of the State of Minnesota, is hereby declared to be a nuisance, and the same may be summarily abated by or under the direction or at the request of a police officer by removing and impounding such vehicle, in a public pound, by means of towing or otherwise, and shall only be surrendered to the duly identified owner thereof or his or her agent upon the payment of the fees hereinafter provided. Additionally during a snow emergency as declared pursuant to Chapter 161, the director of the department of public works, in cooperation with the chief of police, may authorize and direct that any vehicle cited or tagged for violation of a snow emergency order be removed and impounded by means of towing to a public pound.

(b) Any vehicle found upon the streets of the City of Saint Paul in such a damaged condition as a result of an accident or disrepair that it cannot be driven and is so located as to constitute an obstruction of the street may be removed and impounded, in a public pound, by the police department, and shall only be surrendered to the duly identified owner thereof or his or her agent upon the payment of the fees hereinafter provided; ~~provide that.~~ However if the owner or operator thereof has requested, or does request, that such vehicle be towed to his, her or to any garage other than the public pound, neither the police department nor anyone else shall order such vehicle to be impounded in a public pound unless the police department considers possession of such vehicle necessary in the prosecution of any person for violation of law.

(c) A motor vehicle shall be removed and impounded if the motor vehicle or its owner has three (3) or more parking or traffic citations which have gone into warrant or are over sixty (60) days old. This shall not be construed to authorize seizure of a vehicle without a warrant where a warrant would otherwise be required. Section 162.06 shall not apply to this section.

(d) In the event that a motor vehicle is towed under paragraph (c) above, the owner of the motor vehicle shall receive notice of the right to an informal hearing. The hearing will only determine the validity of the tow, impoundment and associated fees. The hearing will not determine or adjudicate any citation issued relative to the motor vehicle towed under paragraph (c). The owner of the vehicle or his or her agent must request such a hearing of the traffic violations bureau within fifteen (15) days of the vehicle's tow and impoundment. The hearing must be held within two (2) working days of the request and shall be conducted by a traffic violations bureau hearing officer.

(Code 1956 § 148.01; Ord. No. 17591, § 1, 9-20-88; C.F. No. 92-1497, § 1, 11-5-92)

Sec. 162.02. Prosecution.

The impounding of a vehicle shall not prevent or preclude the institution and prosecution of proceedings for

violation of law, in the municipal district court or elsewhere, against the owner or operator of such impounded vehicle.

(Code 1956, § 148.02)

Sec. 162.03. Police to notify owner.

(a) Within seven (7) calendar days after the impounding of such vehicle, pursuant to section 162.01, notice that the vehicle has been impounded shall be given by the chief of police to the owner thereof by either mailing to the owner thereof at his or her last known address, as shown by the records of the commissioner of public safety, a written notice of such impoundment, or by publication at least once within seven (7) calendar days following the date of said impoundment in a legal newspaper within the City of Saint Paul of a notice of the impounding, the license number of the vehicle, the vehicle identification number thereof, and the name and type of automobile. In the event the owner of said impounded vehicle be unknown, notice shall be given by publication.

(b) Notice of a vehicle's impoundment under section 162.01(c) shall be given in accordance with the procedures set out in paragraph (a) above, except that notice shall be given within two (2) business days of such impoundment.

(Code 1956, § 148.03; Ord. No. 17591, §§ 2, 3, 9-20-88)

Sec. 162.04. Department of police to be poundkeeper.

The duties of poundkeeper of vehicles impounded under the provisions of this chapter shall lie with the police department. The public pound shall be under the full and complete control, direction and management of the chief of police. For purposes of this chapter, the police department will be the poundkeeper.

(Code 1956, § 148.04)

Sec. 162.05. Towing and storage charges.

The towing and storage charges shall be established by resolutions of the council of the City of Saint Paul and such charges shall include the amount agreed upon in a current contract between the city and a contract tower, clerical and administrative expenses incurred by the city, and a reasonable daily storage expense.

(Code 1956, § 148.07)

Sec. 162.06. Charge when operator appears before towing.

Where a police officer has tagged a vehicle to be impounded, and where 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 vehicle without the 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 the amount agreed upon in any current contract between the city and a contract tower as provided herein, and shall give a receipt for such payment.

(Code 1956, § 148.08)

Sec. 162.07. Release of vehicles.

(a) Before the owner or his or her agent shall be permitted to remove such vehicle impounded pursuant to Section 162.01, he or she shall furnish satisfactory evidence of his or her identity and ownership of said vehicle, he shall demonstrate valid proof of insurance for such vehicle, shall pay such fees for the towing and storage of said vehicle as set out in this chapter, and he shall sign a written receipt for said vehicle. It shall be unlawful for any person to reclaim such vehicle so impounded without first paying all of said towing and storage fees provided herein.

(b) The poundkeeper shall not release vehicles designated as a police "hold" without a written release thereof from the chief of police or his or her authorized representative.

(c) When a motor vehicle is towed and impounded under Section 162.01(c), the vehicle shall be released to its owner or agent only after:

(1) Satisfactory evidence of his or her identity, proof of valid insurance for the vehicle, proper registration, and ownership of said vehicle is furnished;

(2) The associated fees for towing and storage and any fees under 162.05 are paid; and

(3) All unresponded to citations which have gone into warrant or are over sixty (60) days old, which list to the motor vehicle or its owner, are either paid, bail or bond is posted, or are dismissed by a court of competent jurisdiction. Proof of resolution shall be presented to the impound lot for release of vehicle.

(Code 1956, § 148.01; Ord. No. 17591, § 1, 9-20-88)

Sec. 162.08. Release form.

Upon the return of the vehicle the poundkeeper shall release the same by a release, in such form as approved by the chief of police, in writing, ~~which form.~~ The release receipt shall state the date of such release together with the charges enumerated thereon and the purpose for which such charges were made. Such release receipt shall be ~~made in one original and three (3) copies, all of which shall be signed by the poundkeeper and the person to whom such release is made.~~ The poundkeeper shall retain ~~the this original of such release form~~ and shall ~~deliver~~ give one copy thereof to the owner of the vehicle and two (2) copies to the police department, one of which copies shall be delivered to the accountant for the police department.

(Code 1956, § 148.10)

Sec. 162.09. Storage of impounded vehicles.

Any vehicle directed to be impounded, as herein ~~provided, from the time it is taken possession of by the poundkeeper and during the time it is impounded, and until the same is released to the owner or his agent, as herein provided,~~ shall be considered to be in the custody, ~~and no work shall be done thereon by the poundkeeper, nor shall he permit anyone to do any work thereon, except the impounding and storage thereof by his employees or his agents, until such vehicle has been released to the owner or his agent as herein~~ provided of the law from the time of impoundment until released as provided. All such vehicles shall be released to the owner or his or her agent ~~without other than~~ upon payment of the impounding and storage fees herein provided. ~~The poundkeeper during the time the vehicle is impounded shall not~~ Neither the impound lot nor the owner shall be permitted to the owner or any other person take or remove from the vehicle any part or parts or change or repair any part or parts. Nothing in this chapter shall prevent or preclude authorized law enforcement officials from working on or investigating an impounded vehicle while performing their official duties.

(Code 1956, § 148.11)

Sec. 162.10. Sale of vehicle.

(a) *Procedure, method.* If at the expiration of fifteen (15) days after mailing or publishing the notice provided for in Section 162.03 such vehicle is not redeemed by the owner or his or her agent, the chief of police, by and through the contract and analysis services ~~section~~ division of this city, shall proceed to sell the same by sealed bid or by public auction, after first giving notice of such sale in a legal newspaper within the City of Saint Paul, ~~such~~ Such notice ~~to shall~~ be published not less than ten (10) days prior to the date of such sale as aforesaid, and said notice of sale ~~to shall~~ include therein the time and place of such sale, stating further whether such sale shall be by sealed bid or by public auction or both. Records stating with reasonable certainty the manufacturer's trade name, vehicle identification number, license number, ownership, if available from the records of the commissioner of public safety, shall be kept and available for public inspection at the place of sale. Determination of whether the sale shall be by sealed bid or public auction shall be left to the discretion of the contract and analysis services ~~section~~ division and the chief of police, or agents, or either.

(b) *Special use by police prior to sale.* The chief of police, at the expiration of thirty (30) days after mailing or publishing a notice provided for in Section 162.03, may use such vehicles as are necessary for special police purposes of the City of Saint Paul. When such vehicles are of no further use for these purposes, the chief of police shall notify the contract and analysis services ~~section~~ division manager, who shall proceed to sell the same by sealed bid or by public auction after first giving notice of such sale in a legal newspaper within the City of Saint Paul. Said notice shall be published not less than ten (10) days prior to the date of such sale as aforesaid and said notice shall include therein the time and place of said sale, stating further whether such sale shall be by sealed bid or public auction or both.
(Code 1956, § 148.12; C.F. No. 04-161, § 1, 3-3-04)

Sec. 162.11. Abatement.

~~Subject to approval of the city council by resolution, the~~ The chief of police shall have the power to abate such towing and storage charges and/or administrative fees.
(Code 1956, § 148.13)

Sec. 162.12. Report of police officer.

Any police officer ~~or officers~~ directing the impounding of any vehicle shall prepare a written report of the description of such vehicle, which report shall, ~~among other things,~~ include the following: make of the car; license number; vehicle identification number; number of tires; tools and other separate articles of personal property; general description of the vehicle with regard to the condition; damaged parts ~~and such,~~ and other information as may be necessary to adequately describe the vehicle and property delivered to the poundkeeper. A copy of such report, signed by the officer, shall be delivered to the poundkeeper at the time of impounding, and the poundkeeper ~~shall receipt for such report and~~ shall receive and check such report, and his or her signature thereon shall be considered a receipt for the vehicle and property described in said report. The original of said report, together with a duplicate of the poundkeeper's receipt, shall be filed in the police department.
(Code 1956, § 148.14)

Sec. 162.13. Records.

The police department shall keep a record of all vehicles impounded by manufacturer's trade name or make, vehicle identification and license numbers, the names of the owners of such vehicles, and of all persons claiming the same, and such other descriptive matter as may identify such vehicles, the nature and circumstances of the impounding thereof, and the violation, if any, on account of which such vehicles were impounded.
(Code 1956, § 148.15.)

Sec. 162.14. Chapter to be included in bid.

This chapter shall be ~~and constitute~~ considered a part of any bid advertised by the contract and analysis services ~~section~~ division and of any contract entered into with the city by any contract ~~tower~~ owner, as in fully and to the same effect as if set forth at length in said contract, whether stated in full or not in the contract; and if any part or portion of any such contract entered into shall be inconsistent with the terms of this chapter, the provision hereof shall in all respects prevail.
(Code 1956, § 148.16; C.F. No. 04-161, § 2, 3-3-04)

Section 2

This ordinance shall take effect and be in force thirty (30) days following its passage, approval and publication.