

**CITY OF OAKWOOD
ADMINISTRATIVE POLICIES AND PROCEDURES**

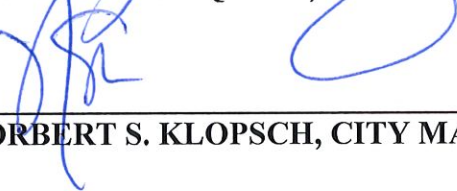
POLICY NO. 24
SUBJECT: TOWING AND BOOTING POLICY
DATE: OCTOBER 16, 2015
REVISED: AUGUST 8, 2023

RECOMMENDED BY: 

ROBERT F. JACQUES, LAW DIRECTOR

CONCURRED IN BY: 

MARGARET M. QUINN, MUNICIPAL JUDGE

APPROVED BY: 

NORBERT S. KLOPSCH, CITY MANAGER

POLICY: This policy establishes a protocol for administering Section 303.08 of the Traffic Code, which provides for the towing or booting of vehicles under certain circumstances.

PURPOSE: This policy is intended to provide consistency in the policies, procedures, and administration of the city's towing and booting ordinance.

RESPONSIBILITIES: The Director of Public Safety will have primary responsibility for implementation of this policy, although it is acknowledged that in exercising this responsibility, the Director will necessarily depend on the Oakwood Municipal Court to maintain a list of parking ticket offenders (vehicles) that meet the criteria for towing or booting set forth in Section 303.08, and to transmit that list to the Safety Department from time to time.

GENERAL PROVISIONS:

Effective this date, a "Towing and Booting Policy" is hereby established to provide policy guidance and procedures to city of Oakwood employees and officials that are responsible for administrative and enforcement actions relating to the towing and/or booting of motor vehicles in the city.

1. **Situations in which towing or booting are authorized.** Under Section 303.08, towing and/or booting are authorized for the following vehicles:

- a. Unattended vehicle parked on a city street or public lot in violation of a city ordinance or regulation.
- b. Vehicle meeting ALL OF the following criteria:
 - i. The vehicle has two or more outstanding Oakwood parking tickets; and
 - ii. The owner or operator has not paid the tickets for more than 10 days; and
 - iii. The owner or operator has failed to appear in court to address the tickets.

This Administrative Policy No. 24 addresses policies and procedures for towing or booting vehicles described in subsection 1(b), above.

Unattended vehicles described in subsection 1(a), above, are subject to towing ONLY and may NOT be booted. The decision to tow is discretionary and will be made according to existing Safety Department policies on that subject.

2. **List of vehicles eligible for towing or booting.** The Oakwood Municipal Court will maintain a list of parking ticket offenders (vehicles) that meet the criteria for towing or booting set forth in Section 303.08, and will transmit an updated version of that list to the Safety Department from time to time. The list should also include the current outstanding amount of fines owed and court costs, if any, for each offender/vehicle.

Upon receipt, the Director of Public Safety will be responsible for circulating each updated list to all Public Safety Officers and supervisory personnel, and for providing a copy to the dispatcher's office. Any previous lists should be immediately destroyed and replaced with the newest version.

3. **Locating listed vehicles.** As part of their regular patrol duties, Public Safety Officers will check vehicle registrations against the current list provided by the Oakwood Municipal Court. As a matter of policy, officers will not hunt for vehicles from the list, but vehicles may be encountered through any means of contact commonly used by law enforcement, including random registration checks, parking or traffic stops, field interviews, citizen complaints, and other forms of officer observation or contact occurring in the regular course of business.
4. **Procedure when a listed vehicle is located.** When an officer or supervisor encounters a listed vehicle, he or she will confirm its listed status with the on-duty dispatcher. If confirmed, the vehicle is to be towed or booted. In deciding whether to tow or boot the vehicle, booting is the preferred impoundment method and should be used whenever possible or practicable. Towing should only be utilized for listed vehicles meeting any of the following criteria:
 - a. The vehicle is encountered through a traffic or other law enforcement stop, as opposed to having been parked prior to discovery;
 - b. The vehicle is parked, lawfully or otherwise, on Far Hills Avenue or Shroyer Road; or
 - c. Any other reason, based on law enforcement best practices or traffic safety, why the vehicle cannot or should not be immobilized in place where it is encountered.

The officer or supervisor who has encountered the vehicle will be responsible for booting or towing. If a boot is to be utilized, the officer or supervisor should install it immediately and place a notification sticker on the driver's side window of the vehicle. (A sample notification sticker is appended to this Administrative Policy No. 24 as Exhibit A.) If the vehicle is to be towed, the officer or supervisor will follow departmental policy to contact the city's towing contractor and arrange for removal of the vehicle.

The disposition of the vehicle will be documented as follows:

- a. The officer or supervisor will notify the on-duty dispatcher as to the disposition of the vehicle, which will be recorded on a towing/booting log maintained in the dispatcher's office.
- b. The officer or supervisor will also prepare an information report, documenting the incident per departmental policy.
- c. The officer or supervisor will complete a Notice of Motor Vehicle Towing or Immobilization form and attach it to the report. (A sample Notice of Motor Vehicle Towing or Immobilization form is appended to this Administrative Policy No. 24 as Exhibit B.)
- d. The supervisor responsible for reviewing the information report as part of daily work will be responsible for mailing the pink copy of the Notice of Motor Vehicle Towing or Immobilization form to the registered owner of the vehicle on the next business day. The white copy of the form will be retained as a Safety Department record and the yellow copy of the form should be delivered to the Clerk of Courts.

5. **Release of towed or booted vehicles.** After towing or booting, a vehicle may only be released to the registered owner upon showing a valid driver's license; proof of current auto insurance; and proof of ownership (title or registration); and payment in full of all outstanding parking fines and court costs. *In the case of a booted vehicle, payment of an administrative booting fee must also be made prior to release of the vehicle.* As of the effective date of this policy, the administrative booting fee is \$90 subject to periodic adjustment by the City Manager. Alternatively, a vehicle may be released by written order of the Oakwood Municipal Court Judge, but no court order should be interpreted to waive the administrative booting fee unless it is expressly stated in the order.

Fines, court costs, and the administrative booting fee (if applicable) will be collected by the Clerk of Courts during regular business hours, and by the on-duty dispatcher after hours. The Clerk of Courts or dispatcher, as appropriate, will also verify the owner's driver's license, proof of insurance, and proof of ownership. Upon receipt of all payments and verification of license, insurance, and ownership, the same will be recorded on a Vehicle Release Form. The white copy of the Vehicle Release Form will be forwarded to (or retained by) the dispatcher; the yellow copy will be delivered to (or retained by) the Clerk of Courts; the pink copy will be provided to the vehicle owner. (A sample Vehicle Release Form is appended to this Administrative Policy No. 24 as Exhibit C.) Depending on whether the vehicle was towed or booted, the city's towing contractor will be contacted to remove any hold on the vehicle or an on-duty Public Safety Officer will be immediately dispatched to remove the boot.

Upon release of a vehicle, the white copy of the Vehicle Release Form will be forwarded to the Safety Department Records Clerk, who will develop and maintain a retention file for the forms.

(NOTE regarding partial payments and after hours payments: The court will determine its own policy regarding partial payments, but the dispatcher is not authorized to accept partial payments. Furthermore, if the court has not included the total amount of fines or costs on the current version of the list provided to the dispatcher's office, after hours payments cannot be accepted.)