THE CITY OF ASHEVILLE

STAFF REPORT

Council Meeting Date: September 26, 2023

Subject: Ordinance Amendment - Section 19-213, Notice of Immobilization

Staff Resource(s): Ken Putnam, Transportation Department Director
Garrett Male, Parking Services Division Manager

Action Requested: Adoption of an amendment to Section 19-213, Notice of Immobilization, of the City of Asheville's Code of Ordinances to change the vehicle immobilization fee to correspond with the approved Fees & Charges Manual.

Background:

- Section 19-213 currently lists a wheel lock removal fee as being $25.
- However, the current City Council approved fee is $50.
- This action would revise the ordinance so that the outdated fee amount is removed and replaced with a reference to the current fee in the adopted City of Asheville Fees & Changes Manual.
- The City of Asheville Fees & Charges Manual is the mechanism by which fees are established for the City. The Manual contains information for each fee and charge external to City operations.
- As part of the budget development process, fees and recovery principles outlined in the Fees & Charges Manual are reviewed and updated as necessary.
- Proposed revisions to the Fees & Charges Manual are generally presented to City Council for their consideration and approval as part of the annual budget development and approval process.

Vendor Outreach Efforts:

- None - the recommended action is an Ordinance Amendment only.

Council Goal(s):

- Transportation and Accessibility

Committee(s):

- None

Pro(s):

- This action will ensure that the ordinance links the fee to the City of Asheville Fees and Charges Manual to ensure consistency going forward.

Con(s):

- None

Fiscal Impact:

- None

Suggested Motion:

- Motion to adopt an amendment to Section 19-213, Notice of Immobilization, of the City of Asheville's Code of Ordinances to change the vehicle immobilization fee to correspond by reference to the approved Fees & Charges Manual.

Attachment(s)

- Ordinance

ORDINANCE NO. _____

ORDINANCE AMENDING SECTION 19-213 OF THE CODE OF ORDINANCES REGARDING USE OF WHEEL LOCKS

WHEREAS, Section 19-213 of the City of Asheville Code of Ordinances provides for the use of Wheel Locks for the purposes of immobilizing illegally parked vehicles with overdue and unpaid parking related penalties; and

WHEREAS, Section 19-213 currently refers to an outdated wheel lock removal fee of $25.00, while the approved fee as detailed in the City of Asheville Fees and Charges Manual is actually $50.00.

WHEREAS, it is hereby proposed that the specific fee amount in the ordinance be removed and replaced with a reference to the current fee in the adopted City of Asheville Fees & Changes Manual;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. Section 19-213 of the Code of Ordinances be and is hereby rescinded, and replaced with the following:

Section 19-213. Notice of Immobilization.

(a) If a wheel local is attached to a vehicle, a notice shall be affixed to the windshield or other part of the vehicle so as to be readily visible.

(b) The notice shall warn that the vehicle has been immobilized and that any attempt to move the vehicle may result in damage thereto. The City of Asheville shall not be responsible for any damage to an immobilized illegally parked vehicle resulting from unauthorized attempts to free or move that vehicle.

(c) An immobilization fee established in the approved City's Fees & Charges Manual shall be charged for the removal of the wheel lock. The notice shall also state the total amount of civil penalties due for parking tickets which are overdue and unpaid and attributable to such vehicle, and the immobilization fee established in the approved City's Fees & Charges Manual to be charged. Said amounts shall be paid in full prior to removal of the wheel lock.

(d) The address and telephone number to be contacted to pay the charges to have the wheel local removed shall also be listed on the notice.

Section 2: If any section, subsection, sentence, clause, or phrase of this ordinance is,

for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 3: All ordinances or parts of ordinances in conflict are hereby repealed to the extent of such conflict.

Section 4: This ordinance will become effective upon adoption.

Read, approved, and adopted this 26th day of September, 2023.

_____ _____

City Clerk Mayor

Approved as to form:

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City Attorney