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PREAMBLE AND FINDINGS

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF MORROW, GEORGIA; TO AMEND TITLE 10, MOTOR VEHICLES AND TRAFFIC, TO ADD A NEW CHAPTER DEALING WITH THE REGULATION OF VEHICLE IMMOBILIZATION SERVICES; TO PROVIDE FOR CODIFICATION; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN ADOPTION DATE; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES ALLOWED BY LAW.

WHEREAS, the governing authority of the City of Morrow, Georgia (the "City") are the Mayor and Council thereof; and

WHEREAS, the City has determined that it is necessary to regulate services dealing with the use of vehicle immobilization devices; and

WHEREAS, the amendment is necessary to provide clarity and to promote efficiency and harmony relating to vehicle immobilization services.

NOW THEREFORE, BE IT AND IT IS HEREBY ORDAINED BY THE GOVERNING AUTHORITY OF THE CITY OF MORROW, GEORGIA:

Section One. Title 10, Motor Vehicles and Traffic, of the Code of the City of Morrow, Georgia is hereby amended by adding a new chapter and subsections as follows:

**"CHAPTER 4. – VEHICLE IMMOBILIZATION SERVICES.**

**Sec. 10-4-1. – Definitions.**

- (a) *Operator* shall mean any person, including a sole proprietor, independent contractor, partnership or similar business entity, operating vehicle immobilization devices for a vehicle immobilization service.
- (b) *State law.* Any reference to state law shall be deemed to refer to the Official Code of Georgia Annotated and the rules and regulations published annually by the public service commission related to towing.
- (c) *Vehicle immobilization device or boot* shall mean any mechanical device that is designed or adopted to be attached to a wheel, tire, or other part of a parked motor vehicle so as to prohibit the motor vehicle's usual manner of movement or operation.

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- (d) *Vehicle immobilization service* shall mean a person, including a sole proprietor, independent contractor, partnership or similar business entity, offering services anywhere in the City of Morrow whereby vehicles are immobilized by the installation of a vehicle immobilization device.

**Sec. 10-4-2. – Unlawful Actions and standard of practice.**

- (a) It shall be unlawful for any person or entity to affix a vehicle immobilization device to any vehicle parked in any off-street parking facility, lot or area located on private property within the City, regardless of whether a charge for parking is assessed, unless all of the following conditions are met:
- (1) Signs shall be located at each designated entrance to the parking facility, lot or area where such a device is to be used indicating that parking prohibitions are in effect. Additionally, a sign shall be visible from each and every parking space provided. The wording on such signs shall contain the following information:
    - i. A warning that any vehicle parked thereon which is not authorized to be parked in such area may be subject to use of a vehicle immobilization device or boot. The language on the sign shall include: "Warning: This property owner boots unauthorized vehicles."
    - ii. Set forth the maximum fee for removal of the device.
    - iii. The phone number of the person or entity responsible for removing the device.
    - iv. The name, address and phone number of vehicle immobilization service.
    - v. A statement that no additional fee will be charged for use of cash, credit cards, or debit cards.
    - vi. The size of each sign shall be a minimum size of 24 inches by 36 inches.
    - vii. Copy (font) height of sign verbiage shall be no less than one and a half (1 1/2) inches.
- (b) It shall be unlawful for any person or entity affixing a vehicle immobilization device to a vehicle within the City to charge a fee for removal of the device in excess of fifty dollars (\$50.00).
- (c) It shall be unlawful for any person or entity affixing a vehicle immobilization device to fail to provide a receipt of payment of the booting fee to the owner, driver, or person in charge of a vehicle. The receipt shall have the following information: the name, address, and phone number of the vehicle immobilization service; and the name and signature of the person who affixed/removed the vehicle immobilization device.
- (d) It shall be unlawful for any vehicle to be subject to a vehicle immobilization device and be towed simultaneously.
- (e) A vehicle immobilization device cannot be affixed to a vehicle and a fee cannot be charged if the driver of the vehicle returns to the vehicle before the installation of the vehicle immobilization device is complete.
- (f) A vehicle immobilization device shall be removed within one hour of the driver contacting the phone number of the person or entity responsible for removing the

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device as indicated on the sign visible from the parking space occupied by their vehicle.

**Sec. 10-4-3. – Permit required.**

No person or entity shall operate any vehicle immobilization service within the City without first having obtained a vehicle immobilization operator's permit.

**Sec. 10-4-4. – Application.**

- (a) Any person desiring a vehicle immobilization operator's permit shall make application for the same to the police department. The applicant shall provide the following information:
- (1) Name, current address and phone number of applicant;
  - (2) The applicant's addresses of residence for the past ten years;
  - (3) Occupational history of applicant;
  - (4) Criminal history of applicant; and
  - (5) Any other information deemed necessary by the City to conform to the requirements of this chapter.
- (b) Each applicant shall appear in person at the police department and sign a form allowing for a criminal background check.

**Sec. 10-4-5. – Application fee and permit renewal.**

The applicant for a vehicle immobilization operator's permit shall pay to the City such sum as fixed from time to time by the Mayor and Council when the application is filed. Should the permit be granted, the applicant's permit fee will then be considered as paid until the last day of the issuing month of the following year. Prior to permit expiration, all vehicle immobilization operators who expect to operate in the following year shall make an application for the renewal of their permits. The applicant shall pay an additional fee as fixed from time to time by the Mayor and Council with each renewal application filed.

**Sec. 10-4-6. – Denial, suspension and revocation of permit.**

- (a) The chief of police shall cause an investigation to be made to verify the information provided by the applicant.
- (b) The chief of police shall determine on the basis of the investigation, and taking into account the requirements of this Chapter, whether a vehicle operator's permit should be granted.
- (c) The chief of police shall immediately notify the applicant of his or her determination and, in the event the application is denied, shall give reasons therefor.

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- (d) The chief of police shall have the authority to suspend or revoke any permit issued under this Chapter, provided that ten (10) days notice and a hearing are afforded to the applicant.
  - (e) A permit may be denied, suspended or revoked for any of the following reasons:
    - (1) Where the applicant furnishes fraudulent or untruthful information or omits information requested in the application for a permit.
    - (2) Perjury or false swearing in making any statements under oath, including statements made in connection with an "application for permit" under this Chapter.
    - (3) For failure to pay all fees, taxes, penalties or other charges imposed by the provisions of this Chapter and of the Code of Ordinances.
    - (4) For failure to maintain all of the general qualifications applicable to the initial issuance of a permit.
    - (5) For violation of any part of this Chapter by the permit holder, his agents, partners, officers, employees or contractors.
    - (6) Conviction of a felony subsequent to the issuance of a permit or within a period of ten (10) years preceding the date of application.
    - (7) Engaging in any unfair or deceptive acts or practices.
    - (8) The violation of any law involving moral turpitude subsequent to the issuance of a permit or within a period of ten (10) years preceding the date of application.
  - (f) The judge of the municipal court shall have the authority to revoke a vehicle immobilization operator's permit when the holder thereof is convicted of a violation of the Code of Ordinances of the City.

**Sec. 10-4-7. – Transferability.**

Permits issued under this Chapter are not transferable.

**Sec. 10-4-8. – Content of permit and the posting thereof.**

A vehicle immobilization operator's permit shall bear the name, address and age of the operator. The permit shall also show the name of the operator's employer, shall have thereon a specimen signature of the operator, and shall display a current photograph of the operator. The permit shall be worn by the vehicle immobilization operator and in such a manner as to be in full view while in the performance of vehicle immobilization service activities.

Section Two. The preamble of this Ordinance shall be considered to be and is hereby incorporated by reference as if fully set out herein.

Section Three. This Ordinance shall be codified in a manner consistent with the laws of the State of Georgia and the City.

Section Four.

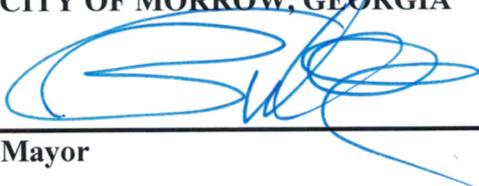
- (a) It is hereby declared to be the intention of the Mayor and Council that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.
- (b) It is hereby declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Ordinance.
- (c) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Mayor and Council that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of this Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

Section Five. All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.

Section Six. The effective date of this Ordinance shall be the date of adoption unless otherwise stated herein.

**ORDAINED this** 11th day of August, 2015.

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	<p><b>CITY OF MORROW, GEORGIA</b></p>  <hr/> <p><b>Mayor</b></p>
<p><b>ATTEST:</b></p> <hr/> <p><b>City Clerk</b></p>	<p><b>AGREED AS TO FORM:</b></p> <hr/> <p><b>City Attorney</b></p>

- First Reading: July 28, 2015

- Second Reading and Adopted: August 11, 2015

