

AN ORDINANCE OF THE CITY OF READING AMENDING THE CITY OF READING CODIFIED ORDINANCES, CHAPTER 576 ENTITLED "MOTOR VEHICLES AND TRAFFIC", PART 8 ENTITLED "IMPOUNDING AND BOOTING OF VEHICLES", SUBSECTION B ENTITLED "BOOTING OF MOTOR VEHICLES" BY: (1) AMENDING SECTION 576-811 ENTITLED "DEFINITIONS" TO AMEND AND RESTATE IN ITS ENTIRETY THE DEFINITION FOR UNSETTLED PARKING VIOLATIONS; AND (2) AMENDING AND RESTATING IN ITS ENTIRETY SECTION 576-812 ENTITLED "BOOT INSTALLATION".

THE COUNCIL OF THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:

SECTION 1. Amending the City of Reading Codified Ordinances, Chapter 576 entitled "Motor Vehicles and Traffic", Part 8 entitled "Impoundment and Booting of Vehicles", Subsection B entitled "Booting of Motor Vehicles, as attached in Exhibit A:

SECTION 2. All relevant ordinances, regulations and policies of the City of Reading, Pennsylvania not amended by this Ordinance shall remain in full force and effect.

SECTION 3. If any section, subsection, sentence or clause of this Ordinance is held for any reason to be invalid, such decisions shall not affect the validity of the remaining portions of the Ordinance.

SECTION 4. This Ordinance shall be effective ten (10) days after its adoption and approval by the Mayor, in accordance with Section 219 of the City of Reading Home Rule Charter.

ENACTED: Dec 9, 2013

[Signature]
President of Council

Attest:

[Signature]
City Clerk

(Council Office & Parking Authority)

Submitted to the Mayor:

Date: 12/10/13, 2013

Received by the Mayor's Office:

Date: 12/10, 2013

Approved by the Mayor:

Date: 12/10, 2013

Vetoed by the Mayor:

Date: _____, 2013

I, **LINDA A. KELLEHER**, City Clerk of the City of Reading, Pa., do hereby certify, that the foregoing is a true and correct copy of the original Resolution passed by the Council of the City of Reading, on the 9 day of Dec, A. D. 2013. Witness my hand and seal of the said City this 10 day of Dec, A. D. 2013.

[Signature]
CITY CLERK

EXHIBIT A

B. Booting of Motor Vehicles.³

§576-811. Definitions.

As used in this Part, the following words shall have the following meanings:

BOOT, BOOTING or BOOTED - the act of immobilizing a motor vehicle in such a manner as to prevent its operation with a device or by means which will cause no damage to such vehicle unless it is moved while such device is in place or such means are employed.

UNSETTLED PARKING VIOLATIONS - outstanding violation(s) of this Part or the Pennsylvania Motor Vehicle Code *indicated by notice, ticket or for which citation(s) have been filed with a District Justice and a summons has been issued* to which either no response has been made or for which a *summons or* warrant has been issued, ~~and~~ including *any* adjudicated citation(s) ~~for which where~~ the fine and costs *have been* imposed ~~and remain~~ *are* unpaid *in full*.

§576-8012 Boot Installation.

Any vehicle or conveyance parked within the City upon any public ground at any time may, by or under direction of a Parking Enforcement Officer or member of the Department of Police, be booted if there are five or more unsettled parking violations pending against the owner of the vehicle or conveyance ~~on file with a District Justice or the Reading Parking Authority~~. The booted vehicle may be towed by the Parking Authority any time after the boot is installed.

§576-814. Boot Removal Hearing.

1. The owner of a booted vehicle or other authorized person shall be permitted to secure release of the vehicle upon:

A. Depositing of the collateral required for an appearance before a District Justice to answer for each unsettled parking violation.

B. Paying the amount of the fine, penalty and court costs, if any, for each unsettled parking violation.

C. The owner of a booted vehicle or other authorized person shall have the right to a post-immobilization hearing limited to the determination of the validity of the booting. Such hearing shall be requested within 15 days after the vehicle is booted and shall be conducted by the Executive Director of the Parking Authority. The hearing shall be held during normal business hours within 1 business day of the demand thereof, or as soon as practical. The post-immobilization hearing shall not be determined of or adjudicate the merits of any citation issued relative to any immobilized vehicle but shall be limited solely to whether the vehicle was properly subject to booting under the provisions of this Part.

§576-815. Booting or Towing and Storage of Vehicles.

The Reading Area Parking Authority may immediately tow any vehicle that is booted for having a minimum of five (5) unsettled parking tickets. The booted vehicle may be towed by the Parking Authority any time after the boot is installed. If the booting occurs when a vehicle is

³ Power to Establish - see Vehicle Code 75 Pa.C.S.A. §6109 *et seq.*
Removal and Storage - see Vehicle Code 75 Pa.C.S.A. §3352.

parked in any zone regulated by towing provisions, then such vehicle is subject to immediate towing and storage. Towing and storage fees, as specified in this Chapter shall be paid, along with fees specified in §15-814 before the owner of such vehicle or authorized person, shall be permitted to repossess or secure the release of the vehicle. Unclaimed within 60 days of towing and storage shall be deemed abandoned and subject to disposal as such in the manner authorized by law.

§576-816. Booting Fee.

The owner of a booted vehicle shall be subject to a fee in an amount as established from time to time by resolution of City Council for such immobilization in addition to any outstanding fines, which fee shall be paid prior to removal unless otherwise ordered in accordance with §15-814.

§576-817. Tampering with Boot Prohibited.

Any person who shall tamper with, remove or attempt to remove any device used to immobilize a motor vehicle that has been booted pursuant to this Part, or who shall move or attempt to move the vehicle booted before release of the vehicle has been officially secured shall be, upon conviction thereof, sentenced to pay a fine of not less than \$500 nor more than \$1,000 plus costs of repairing or replacing said device, together with the cost of prosecution, and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days.

§576-818. Implementation and Enforcement.

This Part shall be enforced by the Reading Parking Authority whose Executive Director shall have authority for implementing the parking enforcement provisions thereof and to promulgate such rules and regulations as are necessary therefore, which regulations shall become effective upon approval by Council.

§576-819. Right to Hearing Not Waived.

Nothing in this Part shall be construed to deprive any person of the constitutional right to a hearing or trial as to the violations for which citations have been issued.