

Chapter 10.44

AUTOMOBILE IMPOUNDMENT AND IMMOBILIZATION

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10.44.010 **Automobile Pound Created.**

There is hereby created in the City of Lincoln a pound for the impounding of automobiles and other vehicles of any character, which is hereby designated as an "automobile pound." (Ord. 15647 §1; July 9, 1990: P.C. §10.60.240: Ord. 5699 §1424; April 12, 1954).

10.44.020 **Establishment of Automobile Pound.**

The Mayor is hereby empowered and directed to locate the automobile pound and to designate any other locations as may be contracted for by the city for the placement of impounded vehicles where and as may seem appropriate for said purpose and as may be necessary to accommodate the vehicles impounded. The Mayor may change the location of the automobile pound or location designated for the placement of impounded vehicles as may seem appropriate for said purpose and as may be necessary to accommodate the vehicles impounded. The city may enter into a contract with private persons, firms, and corporations for the towing of such impounded vehicles and any other vehicles found to be in violation of the ordinances of the City of Lincoln. (Ord. 15647 §2; July 9, 1990: P.C. §10.60.250: Ord. 12106 §1; September 26, 1977: prior Ord. 5699 §1425; April 12, 1954).

10.44.030 **Impounding Vehicles; Fee For Release.**

Whenever any vehicle is found by a police officer parked or left standing in the streets, alleys, public ways or parking facilities, or other public places of the city or in violation of any ordinances of the city or state statute, or which is subject to impoundment pursuant to Chapter 10.06 or other applicable ordinances of the city, the police officer may remove and convey the vehicle by means of towing it or otherwise to the automobile pound, or such police officer may remove said vehicle or order that said vehicle be towed to the location contracted for by the city for the placement of impounded vehicles; and thereupon the vehicle shall not be discharged or removed from the automobile pound, or such location as may have been contracted for by the city for the placement of impounded vehicles, except upon payment by the owner, driver, or operator of such vehicle of a towing and storage fee as established by resolution of the City Council if such vehicle is held in the automobile pound of the City of Lincoln.

Whenever any vehicle is found by a Parking Control Officer parked in violation of any parking ordinances of the city delegated for their enforcement or which is subject to impoundment pursuant to Chapter 10.06 or other applicable ordinances of the city, the Parking Control Officer

may order that said vehicle be towed to the location contracted for by the city for the placement of impounded vehicles; and thereupon the vehicle shall not be discharged or removed from the automobile pound, or such location as may have been contracted for by the city for the placement of impounded vehicles, except upon payment by the owner, driver, or operator of such vehicle of a towing and storage fee as established by resolution of the City Council if such vehicle is held in the automobile pound of the City of Lincoln.

In the case when such vehicle is towed or removed to a location contracted for by the city for the placement of impounded vehicles, then the owner, driver, or operator shall pay such towing fees and storage costs as may be established by a contract between the City of Lincoln and such person, firm, or corporation operating such facility. When the owner, driver, or operator of the vehicle so impounded claims such vehicle, it shall be the duty of the person in charge to inform the owner, driver, or operator of the nature and circumstances of the violation for which the vehicle was impounded. If such person is found not guilty by the court upon such charges, the city shall refund to such person the fees paid by such person.

Towing fees imposed by the City pursuant to resolution in accordance with the terms of this section shall not apply to vehicles other than vehicles impounded upon the order of a police officer or Parking Control Officer because of parking or ordinance violations, or other violations of law, and shall not be imposed upon vehicles that have been towed because of accident, mechanical failure, or other instance in which a vehicle owner or operator requests that a vehicle be towed to the automobile pound or such location as may have been contracted for by the City for the placement of impounded vehicles.

Towing fees imposed by the City pursuant to resolution under the terms of this section shall be waived by the City on impounded vehicles sold at auction by the City pursuant to Neb. Rev. Stat. § 29-820, Neb. Rev. Stat. §§ 60-1901 et seq., or other applicable law. (Ord. 19594 §1; August 10, 2011: prior Ord. 19433 §13; August 16, 2010: Ord. 15647 §3; July 9, 1990: P.C. §10.60.260: Ord. 12727 §1; October 29, 1979: Ord. 12106 §2; September 26, 1977: Ord. 11542 §24; December 29, 1975: Ord. 10978 §1; December 17, 1973: Ord. 9460 §1; April 12, 1968: Ord. 5699 §1426; April 12, 1954).

10.44.035 Impounding Vehicles; Immobilization; Fee for Release.

Whenever any vehicle is found by a police officer parked or left standing in the streets, alleys, public ways or parking facilities, or other public places of the city or in violation of any ordinances of the city or state statute, or which is subject to immobilization pursuant to Chapter 10.06 or other applicable ordinances of the city, in lieu of impounding said vehicle the police officer may immobilize the vehicle by means of a wheel lock, boot, or other immobilization device which shall not be removed from the vehicle, except upon payment by the owner, driver, or operator such vehicle of an immobilization release fee, established by resolution of the City Council, and all other unpaid parking or traffic citations.

Whenever any vehicle is found by a Parking Control Officer parked in violation of any parking ordinances of the city delegated for their enforcement or which is subject to immobilization pursuant to Chapter 10.06 or other applicable ordinances of the city, in lieu of impounding said vehicle the Parking Control Officer may immobilize the vehicle by means of a wheel lock or other immobilization device which shall not be removed from the vehicle, except upon payment by the owner, driver, or operator of such vehicle of an immobilization release fee established by resolution of the City Council and all other unpaid parking or traffic citations.

When the owner, driver, or operator of the vehicle so immobilized claims such vehicle to seek its release, it shall be the duty of the person in charge of releasing the vehicle to inform the owner, driver, or operator of the nature and circumstances of the violation for which the vehicle was immobilized. If the owner, driver, or operator of an immobilized vehicle is found not guilty by the court upon such charges, the city shall refund to such person the fees paid by such person. (Ord. 19676 §4; February 27, 2012).

10.44.040 Account For Fees Collected.

It shall be the duty of the Chief of Police and the Director of Urban Development to account for any fees collected under the provisions of this chapter to the City Treasurer, who shall place the same in the City General Fund. The Chief of Police and the Director of Urban Development shall also keep a record of the name of the owner of each vehicle impounded or immobilized, the number of the registration plates thereon, the nature and circumstances of each violation involved, and the disposition of each case. (Ord. 19676 §5; February 27, 2012; prior Ord. 19594 §2; August 10, 2011: Ord. 19433 §13; August 16, 2010: Ord. 15647 §4; July 9, 1990: P.C. §10.60.270: Ord. 5699 §1427, as amended by Ord. 6446; August 27, 1956).

10.44.050 Impounding Provisions in Addition to Other Provisions of Chapter.

Nothing in this chapter shall be construed as superseding any other provisions of this title concerning the proper parking or operation of vehicles, and the collection of a fee therefor under this chapter shall not prevent or preclude prosecution for the violation of any of the provisions of this title concerning the parking or operation of vehicles in the city. (Ord. 15647 §5; July 9, 1990: P.C. §10.60.280: Ord. 5699 §1428; April 12, 1954).