

ORDINANCE NO. _____

1 AN ORDINANCE amending Chapter 10.44 of the Lincoln Municipal Code relating
2 to Automobile Impoundment by amending Section 10.44.030 of the Lincoln Municipal Code
3 relating to automobile impoundment by clarifying that towing fees payable to the city that are
4 enacted by resolution of the City Council shall be imposed only upon vehicles ordered to be towed
5 by a police officer or parking control officer because of parking, ordinance or statutory violations
6 and that such fees shall be waived on vehicles sold at auction; amending Section 10.44.040 to
7 provide that the City Treasurer shall place city impoundment fees in the City General Fund; and
8 repealing Sections 10.44.030 and 10.44.040 of the Lincoln Municipal Code as hitherto existing.

9 BE IT ORDAINED by the City Council of the City of Lincoln, Nebraska:

10 Section 1. That Section 10.44.030 of the Lincoln Municipal Code be amended to
11 read as follows:

12 **10.44.030 Impounding Vehicles; Fee For Release.**

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

1 Whenever any vehicle is found by a Parking Control Officer parked in violation of any
2 parking ordinances of the city delegated for their enforcement or which is subject to impoundment
3 pursuant to Chapter 10.06 or other applicable ordinances of the city, the Parking Control Officer
4 may order that said vehicle be towed to the location contracted for by the city for the placement of
5 impounded vehicles; and thereupon the vehicle shall not be discharged or removed from the
6 automobile pound, or such location as may have been contracted for by the city for the placement
7 of impounded vehicles, except upon payment by the owner, driver, or operator of such vehicle of
8 a towing and storage fee as established by resolution of the City Council if such vehicle is held in
9 the automobile pound of the City of Lincoln.

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

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

1 Towing fees imposed by the City pursuant to resolution under the terms of this section shall
2 be waived by the City on impounded vehicles sold at auction by the City pursuant to Neb. Rev. Stat.
3 § 29-820, Neb. Rev. Stat. §§ 60-1901 et seq., or other applicable law.

4 Section 2. That Section 10.44.040 of the Lincoln Municipal Code be amended to
5 read as follows:

6 **10.44.040 Account For Fees Collected.**

7 It shall be the duty of the Chief of Police and the Director of Urban Development to account
8 for any fees collected under the provisions of this chapter to the City Treasurer, who shall place the
9 same in the City ~~Garage~~ General Fund. The Chief of Police and the Director of Urban Development
10 shall also keep a record of the name of the owner of each vehicle impounded, the number of the
11 registration plates thereon, the nature and circumstances of each violation involved, and the
12 disposition of each case.

13 Section 3. That Sections 10.44.030 and 10.44.040 of the Lincoln Municipal Code
14 as hitherto existing be and the same are hereby repealed.

15 Section 4. That this ordinance shall take effect and be in force from and after passage
16 and publication in one issue of a daily or weekly newspaper of general circulation in the City,
17 according to law.

Introduced by:

Approved as to Form & Legality:

City Attorney

Approved this ___ day of _____, 2011:

Mayor