

# **CITY OF CLARKSVILLE PARKING AUTHORITY**

## **VEHICLE IMMOBILIZATION POLICY**

### **Section 1. Eligibility for Immobilization**

- (a) Any vehicle having ten (10) or more outstanding parking citations and/or which has accrued two hundred dollars (\$200) or more in unpaid fines shall be subject to immobilization.
- (b) Notwithstanding the provisions of subsection (a), a vehicle will not be subject to immobilization if the vehicle owner has an installment agreement for the payment of parking fines with the City of Clarksville under which all payments are current.

### **Section 2. Immobilization List**

- (a) Once a vehicle is found to be eligible for immobilization pursuant to Section 1(a), the Parking Manager shall send an Immobilization Eligibility Notice to the registered address of the vehicle owner.
- (b) If there is no corrective action taken by the vehicle owner within thirty (30) days of the date of mailing the Notice, the state registration number of the vehicle shall be placed on the immobilization list.
- (c) A vehicle on the immobilization list shall remain on the list until the amount of fines assessed to the vehicle for unpaid parking tickets and any other applicable fees is paid in full or the owner of the vehicle enters into an installment agreement with the City of Clarksville for the payment of such fines and fees.

### **Section 3. Immobilization Procedure**

- (a) If a vehicle on the immobilization list is parked on a public street or other right of way, whether or not the vehicle is legally parked, the vehicle may be immobilized by means of an immobilization device. Such immobilization may be conducted by the City of Clarksville or its designated agent.
- (b) At the time of immobilization, a notice shall be conspicuously placed on the driver's side window of the vehicle and shall contain the following information:
  - 1. That the vehicle has been immobilized;
  - 2. A caution not to move the vehicle;
  - 3. A statement that payment of the fines is required for removal of the device;
  - 4. City contact information for payment of the fines;
  - 5. A warning that if the vehicle remains immobilized for more than seventy-two (72) hours, it may be subject to impoundment; and
  - 6. A notice of the owner's right to an immobilization hearing.
- (c) Upon immobilization, a fifty dollar (\$50.00) fee will be assessed for the installation and removal of the immobilization device.

### **Section 4. Removal of Immobilization Device**

- (a) In order to have the immobilization device removed from a vehicle, the vehicle owner must pay all outstanding fines and any applicable fees to the City of Clarksville Finance and Revenue Department, or the vehicle owner must enter into an installment agreement with the City of Clarksville to pay all outstanding fines on terms established and approved by the Parking Authority.
- (b) Upon payment in full or signing an installment agreement, the immobilization device will be removed from the vehicle. In order to have the immobilization device removed on the day of payment, payment must be made by 4:00 p.m.

### **Section 5. Immobilization Hearing**

- (a) The owner of any vehicle that has been immobilized shall be entitled to an immobilization hearing in front of the Parking Authority.
- (b) This hearing is for the purpose of contesting the propriety of immobilizing the vehicle only, and not for the purpose of contesting any outstanding parking citations or fines for which the vehicle was immobilized.

- (c) In order to request a hearing, the vehicle owner must contact the Parking Manager's office. The Parking Manager shall set the hearing on the agenda for the next regularly scheduled meeting of the Parking Authority.
- (d) At the hearing, the Parking Authority will conduct a review of the decision to immobilize the vehicle, and the vehicle owner may present evidence relevant to that issue.
- (e) If the Parking Authority determines that the vehicle was improperly immobilized, the monies collected from the vehicle owner, including the immobilization fee, will be refunded to the vehicle owner.
- (f) If the vehicle owner is dissatisfied with the outcome of the immobilization hearing, he or she may appeal the decision to the Chancery Court, pursuant to the Clarksville City Charter, Article V, Section 14.5.

#### **Section 6. Impoundment**

In the event the vehicle remains immobilized for more than seventy-two (72) hours, the vehicle may be tagged as an "abandoned motor vehicle" by the Clarksville Police Department pursuant to T.C.A. § 55-16-103(1) and may be subject to impoundment under T.C.A. §55-16-104.

#### **Section 7. Tampering, Removal, or Destruction of Immobilization Device; Attempt to Drive Immobilized Vehicle.**

Any person who tampers with, removes or attempts to remove, or damages the immobilization device, or who attempts to drive a vehicle that is immobilized by an immobilization device, shall be subject to civil and/or criminal prosecution under any applicable local ordinance or state law.