

City of Alexandria, Virginia

MEMORANDUM

DATE: DECEMBER 3, 2008

TO: THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL

FROM: JAMES K. HARTMANN, CITY MANAGER *J*

SUBJECT: ORDINANCE TO AMEND THE CITY'S VEHICLE IMPOUND REGULATIONS TO CONFORM TO THE RECENT CHANGES IN STATE LAW RELATED TO THE DISPOSITION OF IMPOUNDED VEHICLES

ISSUE: Ordinance to Amend the City's Vehicle Impound Regulations to Conform to the Recent Changes in the State Law Related to the Disposition of Impounded Vehicles

RECOMMENDATION: That the City Council pass the ordinance on first reading and schedule it for public hearing, second reading and final passage on Saturday, December 13.

BACKGROUND: The City's authority to impound and subsequently sell unclaimed vehicles at auction is derived from Chapter 12 of Title 46.2 of the Virginia Code. Pursuant to Virginia Code Section 46.2-1202, the City must notify the owner of record and all persons having security interests in the vehicle of record that a vehicle has been taken into City custody within 15 days of the vehicle being taken into custody by the City. Currently, City Code Section 5-8-24 requires that notice must be given to the above mentioned parties within five days of a vehicle being taken into custody by the City.

DISCUSSION: In reviewing the process of auctioning impounded vehicles staff has found that it is a challenge for the Alexandria Police Department to meet such a short notice deadline. Therefore, staff requests that the notice deadline be extended from five days to ten days, as permitted by the Virginia Code.

FISCAL IMPACT: None.

ATTACHMENT: Proposed ordinance.

STAFF:
Lieutenant Scott Ogden, Police Department
Tom Culpepper, Deputy Director of Transportation and Environmental Services

Introduction and first reading: 12/09/08
Public hearing: 12/13/08
Second reading and enactment: 12/13/08

INFORMATION ON PROPOSED ORDINANCE

Title

AN ORDINANCE to amend and reordain 5-8-24 (NOTICE THAT VEHICLE HAS BEEN IMPOUNDED) of Article C (DISPOSITION OF ABANDONED, UNATTENDED AND IMMOBILE MOTOR VEHICLES), Chapter 8 (PARKING AND TRAFFIC REGULATION), Title 5 (TRANSPORTATION AND ENVIRONMENTAL SERVICES), of the Code of the City of Alexandria, Virginia, 1981, as amended.

Summary

The proposed ordinance increases the period within which the City must give notice to the owner and lien holder that their vehicle has been impounded from 5 to 15 days after the vehicle is seized.

Sponsor

Police Department

Staff

David P. Baker, Chief of Police
Tom Culpepper, Deputy Director, Transportation and Environmental Services
Christina Zechman Brown, Assistant City Attorney

Authority

§ 46.2-1202, Code of Virginia (1950), as amended
§ 2.04(g), Alexandria City Charter

Estimated Cost of Implementation

None

Attachments in Addition to Proposed Ordinance and its Attachments (if any)

None

ORDINANCE NO. _____

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AN ORDINANCE to amend and reordain 5-8-24 (NOTICE THAT VEHICLE HAS BEEN IMPOUNDED) of Article C (DISPOSITION OF ABANDONED, UNATTENDED AND IMMOBILE MOTOR VEHICLES), Chapter 8 (PARKING AND TRAFFIC REGULATION), Title 5 (TRANSPORTATION AND ENVIRONMENTAL SERVICES), of the Code of the City of Alexandria, Virginia, 1981, as amended.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Section 5-8-24 of the Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby amended and reordained to read as follows:

Sec. 5-8-24 Notice that vehicle has been impounded.

(a) The authorized city official directing the removal of any vehicle under this article, a designee of the official or another city employee designated by the city manager, shall, within ~~five~~ 15 days of the impoundment of the motor vehicle, by registered or certified mail, return receipt requested, provide notice to the owner of record of the impounded vehicle and to any person holding a security interest of record against the vehicle, as shown in records maintained by the department of motor vehicles; provided, that the vehicle has not already been released from the impoundment facility. The notice shall state the following: (i) the year, make, model and registration number of the motor vehicle; (ii) the address where the vehicle is being held; (iii) that the owner and any person having a security interest in the vehicle may reclaim the vehicle within 15 days from the date of the notice, after payment of all towing and storage charges resulting from the removal and storage of the vehicle; and (iv) that the failure of the owner and the persons having a security interest in the vehicle to reclaim the vehicle within the provided time period shall constitute both a waiver by the owner and such persons of all right, title and interest in the vehicle, and the consent by each of them to the sale of the vehicle at a public auction.

(b) If the records of the department of motor vehicles contain no address for the owner of an impounded vehicle or no address for any person shown by the department's records to have a security interest in the vehicle, and if such addresses cannot otherwise be determined with reasonable certainty, it shall be the responsibility of the authorized city official who directed the removal of the vehicle, a designee of the official or another city employee designated by the city manager to cause a notice to be published once in a newspaper of general circulation in the city. Such notice shall be published within the time limit set out in, and shall have the same contents required under, subsection (a) for a notice by mail. The failure of the owner and the person having a security interest in an impounded vehicle to reclaim the vehicle following notice by publication shall have the same consequences as those following a failure to reclaim after notice by mail. Any notice by publication may contain multiple listings of impounded motor vehicles.

1 Section 2. That this ordinance shall become effective upon the date and at
2 the time of its final passage.

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WILLIAM D. EUILLE
Mayor

7 Introduction: 12/9/08
8 First Reading: 12/9/08
9 Publication:
10 Public Hearing:
11 Second Reading:
12 Final Passage: