

1ST READING 3-11-94
REFERRED TO (NAME OF) COMMITTEE PS&RS
PUBLIC HEARING
2ND READING AND FINAL PASSAGE 4-20-94

94-01-046
AN ORDINANCE
of the
CITY OF
MINNEAPOLIS

Biernat

presents the following ordinance:

Amending Title 13 of the Minneapolis Code of Ordinances by adding a new Chapter 320 relating to Licenses and Business Regulations: Vehicle Immobilization Services.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That the Minneapolis Code of Ordinances be amended by adding thereto a new Chapter 320 to read as follows:

CHAPTER 320. VEHICLE IMMOBILIZATION SERVICE

320.10. Definitions. As used in this chapter:

Locking wheel boot. A mechanical clamp or boot which is professionally manufactured and designed to lock the front left wheel of a motor vehicle, thus making the vehicle immobilized, and preventing anyone but a key holder from removing it.

Vehicle Immobilization. Use of a locking wheel boot that, when attached to the wheel of a vehicle, prevents free, self-propelled movement of the vehicle by the vehicle operator.

Vehicle Immobilization Service. A person, firm or corporation who at the request of a private property owner engages in the act of vehicle immobilization of vehicles that have been placed on a private parking lot without permission or without payment of a parking fee.

320.20. License required. No person, firm or corporation shall provide motor vehicle immobilization services as described herein without being licensed under this chapter.

320.30. License fee; expiration and renewal. The annual license fee shall be two hundred fifty dollars (\$250.00) to be paid when the application is filed. All licenses shall expire on September first of each year subject to renewal year to year thereafter.

320.40. Application for license. Application for a license under this chapter shall be made on forms provided by the Department of Licenses and Consumer Services and shall contain such information as the Department may require, including the following:

- (1) name, date of birth, place of birth, and street address of the place where the applicant resides;
- (2) address addresses of places where applicant has resided during the past (5) years preceding the date of application;
- (3) whether applicant has been convicted of any crime or ordinance

violation within the past ten (10) years preceding the date of application, including the specific charge, date of conviction, place of conviction, and sentence for such violation.

- (d) Whether applicant is a natural person, corporation, partnership or unincorporated association.
- (e) The street address and telephone number of the place where applicant proposes to operate the licensed business.
- (f) The private property locations where vehicle immobilization will be conducted and the persons authorized to order vehicle immobilization for each private property location.

320.50. Rules of operation. In addition to any other applicable regulation contained in this chapter or code, all Vehicle Immobilization Service licensees and their employees shall operate in strict accordance with the following:

- (a) Prior to installing a locking wheel boot on any motor vehicle at the request of someone other than the vehicle's owner, the vehicle immobilization service licensee shall determine that the parking lot has entrance warning signs which are in compliance with Chapter 319.230(e) of this code, and that in the case of Class A commercial parking lots, have an ample supply of self service fee payment supplies such as envelopes, pencils, instruction signs, and other common equipment. In the event that the parking lot lacks any such items, vehicle immobilization shall be prohibited.
- (b) Vehicle Immobilization Service licensees shall use a printed order form which includes the name, address and telephone number of the licensee's business, the name of the natural person authorizing the service, printed and signed in a legible manner. The order form shall also include the time the service was performed, the name of the person installing the locking wheel boot, the location where the service is being provided, and a description of the vehicle to be immobilized. Said person authorizing the vehicle immobilization and signing the above order form must be present when the locking wheel boot is attached to the vehicle and must be an owner of the property, or the license holder of the parking lot license for the property, or a bona fide employee of the owner or parking lot license holder, or a duly licensed protective agent, licensed under Minnesota Statutes, Chapter 326, hired by the owner or parking lot licensee. The Vehicle Immobilization Service licensee shall have this authorized order form signed, fully completed and in personal possession before installing the locking wheel boot. The amount charged for the service, including any parking fees due, shall be included on this order form and a copy of this form shall be given to the person reclaiming the vehicle. The original copy of the completed order forms shall be maintained at the licensee's place of business for a period of not less than two (2) years and shall be made available for review by the Director of Licenses and Consumer Services or their designated representative during all common and reasonable business hours.

- 17
- /
- (c) The licensee shall maintain a chronological log or record of the vehicles that have been immobilized. The log shall indicate a description of the vehicle, location that the service was performed, time of service, and time of vehicle release. A copy of this log or record shall be delivered to the Director of Licenses and Consumer Services each month.
 - (d) Immediately upon installing the locking wheel boot, a blaze orange warning decal at least forty-seven (47) square inches in size shall be prominently placed in the center of the drivers side window or on the front windshield directly in front of the vehicle steering wheel. The specific language on the warning sign shall be subject to approval by the Director of Licenses and Consumer Services and shall clearly and legibly inform the operator of the vehicle that a locking device has been installed on the front left wheel of the vehicle and that attempting to move the vehicle will cause serious damage to the vehicle. This decal shall display the telephone number and address of the licensee. Upon payment of the service fee, the licensee shall offer to remove the decal and shall have in possession the appropriate materials needed to remove all parts of the decal and residue.
 - (e) Vehicle Immobilization Service licensees shall maintain twenty-four (24) hour telephones and wheel locking device removal services, and shall respond to a request to remove a wheel locking device within sixty (60) minutes. If a licensee does not appear to remove the wheel locking device within sixty (60) minutes of a customer request, the locking device shall be removed at no charge.
 - (f) Vehicle Immobilization Service licensees shall not perform parking lot patrol activities such as determining which vehicles have not paid a parking fee or which vehicles are on the premises without the property owners permission.
 - (g) Vehicle Immobilization Service licensees shall not install a wheel locking boot on any vehicle displaying tax exempt plates, any marked emergency vehicle, any United States military vehicle, or any vehicle displaying a handicap vehicle permit without a Minneapolis police officer being present and duly notified.
 - (h) In the event that a vehicle is not claimed within twenty-four (24) hours, the licensee shall notify the Minneapolis impound lot of the vehicle's description and location. If the vehicle was reported as stolen, the licensee, at the direction of a police officer, shall remove the vehicle immobilization device free of charge.
 - (i) The Vehicle Immobilization Service licensee may not attempt to collect service fees or parking lot fees after a vehicle has been impounded by a Class A motor vehicle service licensee.

320.60. Insurance required. Each applicant for a Vehicle Immobilization Service license under this chapter shall at all times keep in full force and effect a public liability insurance policy written by an insurance company authorized to do business in the State of Minnesota, in the following amounts: One hundred thousand dollars (\$100,000.00) for injury or death to one person, three hundred thousand dollars (\$300,000.00) for each injury or death from each occurrence, and twenty-five thousand dollars (\$25,000.00) for property damage. Proof of the required insurance policy must be submitted on forms provided by the Department of Licenses and Consumer Services.

320.70. Service fee. The maximum service fee for vehicle immobilization shall not exceed seventy-five percent (75%) of the fee charged for a tow by the City of Minneapolis impound facility plus any commercial parking lot fees due. Vehicle Immobilization Service licensees shall honor all forms of payment currently accepted by the City of Minneapolis impound facility.

320.80. Denial, suspension and revocation. Any license under this chapter may be denied, suspended or revoked for violating any section of this chapter or code.

RECORD OF COUNCIL VOTE (X INDICATES VOTE)													
COUNCIL MEMBER	AYE	NAY	NOT VOTING	ABSENT	VOTE TO OVERRIDE	VOTE TO SUSTAIN	COUNCIL MEMBER	AYE	NAY	NOT VOTING	ABSENT	VOTE TO OVERRIDE	VOTE TO SUSTAIN
Dziedzic		X					Thurber	X					
Campbell	X						McDonald	X					
Biemat	X						Mead	X					
Rainville		X					Schulstad	X					
Niland	X						Minn	X					
Scott	X						President	X					
Herron	X						Cherryhomes	X					

PASSED APR 29 1994 DATE APPROVED - NOT APPROVED - ~~VETOED~~ MAY 05 1994 DATE

Garthi Cherry PRESIDENT OF COUNCIL *Shirley Beale* MAYOR
 ATTEST *Mary Kege* CITY CLERK