

**AN ORDINANCE TO AMEND CHAPTER 73, “PARKING SCHEDULE”,
OF THE BOILING SPRINGS’ CODE OF ORDINANCES TO INCLUDE
IMMOBILIZATION OF VEHICLE PROVISIONS**

BE IT ORDAINED by the Board of Commissioners of the Town of Boiling Springs, North Carolina that:

Part 1. Section (B) of Chapter 73 of the Town of Boiling Springs’ Code of Ordinances is hereby amended to read:

(B) Penalty

- (1) Any violation of this Chapter shall subject the violator to a civil penalty in the amount of Fifteen Dollars (\$15.00). Violators will be issued a written citation that must be paid within thirty (30) calendar days from the date of issuance. If such fine is not paid within said period, the violator will be assessed a civil penalty of Fifty Dollars (\$50.00). An additional penalty of Fifty Dollars (\$50.00) will accrue each and every thirty (30) calendar days beyond the expiration of initial civil penalty period.
- (2) Immobilization of Vehicles for Unpaid Parking Citations
 - (a) The Chief of Police, or his designee, may immobilize by the use of wheel locks any vehicle which is illegally parked in violation of this Chapter and for which there are three (3) or more outstanding, unpaid, and overdue parking tickets issued on at least three separate days. For the purpose of determining whether an illegally parked vehicle has had issued against it three (3) or more outstanding, unpaid and overdue parking tickets issued on at least three separate days, it shall be sufficient if the license plate number of the illegally parked vehicle and the license plate number of the vehicle having received the tickets are the same.
 - (b) If a wheel lock is attached to a vehicle, a notice shall be affixed to the windshield or other part of the vehicle so as to be readily visible. The notice shall warn that the vehicle has been immobilized and that any attempt to move the vehicle may result in damage to the vehicle. The notice shall state the total amount of civil penalties due to parking tickets that are overdue and unpaid and attributable to such vehicle, and the immobilization fee to be charged. An immobilization fee of Twenty Dollars (\$20.00) shall be charged for the removal of the wheel lock. The civil penalties and the immobilization fee shall be paid to have the wheel lock removed. The address and telephone number to be contacted to pay such charges to have the wheel lock removed shall also be listed on the notice. The town shall not be responsible for any damage to an immobilized illegally parked vehicle resulting from unauthorized attempts to free or move the vehicle.
 - (c) If civil penalties due and the immobilization fee as herein provided are not paid, or satisfactory arrangements in lieu of payment are not made, within twenty-four (24) hours of the attachment of the wheel lock, the Chief of Police or designee may order such vehicle to be towed and impounded. The towing and storage fee will be determined by the towing service that is used. Once a vehicle has been towed, the

Chief of Police or designee shall mail or cause to have mailed, a notice of impoundment to the registered owner and lien holders, if any are known. All towing and storage charges incurred in connection with impounded vehicles shall constitute a lien upon such vehicles as provided in G.S. section 44A-2.

- (d) Upon payment of all civil penalties and overdue and unpaid parking tickets issued for the vehicle and of all other charges authorized by this section, including immobilization, towing, and storage fees, the vehicle shall be released to the owner or any other person legally entitled to claim possession of the vehicle.

Part 2. All ordinances in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

Part 3. This Ordinance shall become effective upon its adoption by the Board of Commissioners of the Town of Boiling Springs, North Carolina.

ADOPTED this the 4th day of September, 2007.

SIGNED: _____
Max J. Hamrick, Mayor

ATTEST: _____
Kim Greene, Town Clerk