

ORDINANCE NO. 905 (19)

AN ORDINANCE AMENDING PART 15, CHAPTER 19, SECTION 15-1901, ESTABLISHING APPROPRIATE METHODS FOR VERIFYING INSURANCE FOR MOTOR VEHICLES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR REPEALER.

SECTION 15-1901 – Authority to impound vehicles; release of vehicles.

(a) Members of the police department are authorized to remove a vehicle from a street to a garage or other place of safety under any of the following circumstances:

(1) When an officer arrests any person driving or in control of a vehicle for an alleged offense and the officer is, by ordinance, state statute or departmental policy, required or permitted to take and does take the person arrested either before a duly appointed judge or to a place of incarceration;

(2) When such a vehicle is left unattended upon any bridge, viaduct, causeway, tube or tunnel, highway or any public thoroughfare or street, and it constitutes a hazard or obstruction to traffic;

(3) When a vehicle is left unattended or disabled as to constitute an obstruction to traffic and the person in charge of such vehicle is, by reason of physical injury or otherwise, incapacitated to such an extent as to be unable to provide for its custody or removal;

(4) When any vehicle is left unattended upon a street and is so parked illegally as to constitute a definite hazard or obstruction to the normal movement of traffic;

(5) When any vehicle has been parked for more than one hour in excess of the time allowed for parking in any place;

(6) When any vehicle which has been involved in two or more violations of this part for which citation tags have been issued and not presented as required, is parked in violation of any provisions of this chapter;

(7) When any vehicle is found where a report or complaint has previously been made alleging that the vehicle has been stolen;

(8) When the vehicle is parked in a marked handicapped parking space and the vehicle displays no handicapped parking decal or tag displayed as provided by law;

(9) When the vehicle is parked in any parking area marked by a sign or otherwise as a "Tow-Away" zone;

(10) When at the request of a private property owner or the agent thereof;

(11) When a vehicle is found to be in violation of the Oklahoma Vehicle License and Registration Act, as set forth in 47 O.S. § 1115.1.

(12) When the officer has probable cause to believe that the vehicle is not insured as required by the Compulsory Insurance Law of the state as documented by one of the following:

- a. An admission by the driver or other occupant of the vehicle; or
- b. Confirmation through the Oklahoma Insurance Department's online verification system for motor vehicle liability policies indicating the vehicle is not insured;

(13) When the officer has probable cause that the person operating the vehicle has not been granted driving privileges or that the driving privileges of the person are currently suspended, revoked, canceled, denied, or disqualified;

(14) When at the scene of an accident, the owner or driver is not in a position to take charge of the vehicle and direct or request its proper removal;

(15) When a red sticker has been affixed to a vehicle warning the vehicle will be impounded after 48 hours if not removed.

(b) A vehicle impounded under subsection (a) of this section shall be released to the owner of the vehicle, or other person lawfully entitled to take possession of the vehicle, or any other person lawfully entitled to take possession of the vehicle, provided that such return or delivery of same shall be made only after presenting such proof of interest upon the following conditions when no longer needed for investigation by the police department subject to the following:

(1) If the person seeking the release has a valid title or the vehicle is currently registered, which registration can be verified by the state tax commission or any similar governmental entity that records and verifies the ownership of vehicles for any other state, and that the person has a valid driver's license or a temporary one issued when that person surrenders his license or other proper photo identification and valid insurance as required by the Compulsory Insurance Law of the state.

(2) If the person has a bill of sale from a local automobile dealer, dated within 30 days of the date of impound, the person has a valid driver's license or other proper photo identification and valid insurance.

(3) If the person has a valid insurance verification form and the vehicle identification number is on this card, and on the day of the attempted release the state tax commission verifies that the registered owner is the person seeking release of the vehicle, and the person has a valid driver's license or other proper photo identification and valid insurance.

(4) If the registered owner is unable to be present, but sends the title or registration, a notarized statement describing the vehicle and giving the police department the owner's permission to release the vehicle to the person presenting the title or registration and letter and that person has proper photo identification and a copy of valid insurance for the vehicle. For out of state owners, their local police department may electronically notify the city police department for verification of ownership. The police department shall keep on file the original letter or notification.

(5) The person attempting to obtain the release must sign a hold harmless agreement releasing the city and wrecker service from any and all liability in releasing said vehicle. The police department shall provide the forms.

(c) Whenever any vehicle has been impounded in the manner provided for by this section, the registered or legal owner of the vehicle may contest the validity of the removal or storage by filing a written request for a hearing with the police department. Such written request must be filed before the vehicle is retrieved from storage; provided, however, the city shall not be required to provide a hearing if the request is received more than ten days following actual or constructive notice to the owner or driver of the vehicle that said vehicle has been so removed or stored. Failure of either the registered or legal owner to timely request or to timely appear upon a scheduled hearing shall satisfy the hearing requirement of this section.

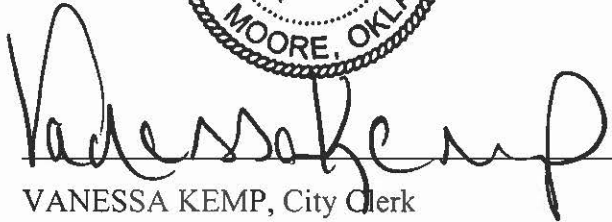
Severability. If any of the provisions of this ordinance are determined to be unconstitutional or unlawful by any court of competent jurisdiction, the remainder shall be severable and unaffected.


Repealer. Any ordinance or parts thereof in conflict with this section are hereby repealed.

PASSED AND APPROVED THIS 15th DAY OF APRIL, 2019.

ATTEST:




VANESSA KEMP, City Clerk


GLENN LEWIS, Mayor

APPROVED AS TO FORM AND LEGALITY:


RANDY C. BRINK, City Attorney