

ORDINANCE NO.

AN ORDINANCE AMENDING CITY CODE CHAPTER 13-7 (*VEHICLE IMMOBILIZATION SERVICES*) TO PROHIBIT VEHICLE IMMOBILIZATION SERVICE AND OPERATORS FROM CHARGING A SECURITY DEPOSIT FOR A BOOT AND TO AUTHORIZE VEHICLE IMMOBILIZATION SERVICES AND OPERATORS TO USE BOOTS THAT MAY BE REMOVED BY THE VEHICLE OWNER OR OPERATOR AND DEPOSITED IN AN ON-SITE, WELL-LIT RECEPTACLE FOLLOWING PAYMENT OF THE IMMOBILIZATION FEE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. Subsection (B) of City Code Section 13-7-6 (*Receipt for Payment of Immobilization Fee, And Outstanding Parking Fees*) is amended as follows:

- (B) A licensee or permittee, either personally or through an employee or agent, is prohibited from charging or imposing any of the following:
- (1) more than the maximum fee allowed by this chapter for vehicle immobilization; [øø]
 - (2) any fee in addition to the fees authorized in this chapter, including any fee to process a payment made by a vehicle owner or operator in the form of an electronic check, debit card, other electronic payment platform, or major credit card[-]; or
 - (3) a security deposit for a boot.

PART 2. City Code Section 13-7-42 (*Requirements for Installation and Removal of a Boot*) is amended as follows:

§ 13-7-42 REQUIREMENTS FOR INSTALLATION AND REMOVAL OF A BOOT.

- (A) A licensee or permittee, either personally or through an employee or agent, is required to:
- (1) install at least one boot on a tire located on the driver's side of the vehicle when immobilizing a vehicle;
 - (2) either:
 - (i) remove the boot, in exchange for the vehicle immobilization fee, not later than one hour after the time the owner or operator

of the vehicle contacts the licensee responsible for installation of the boot to request removal of the boot; or

(ii) immediately send a code, signal, communication, or other remote means of unlocking the boot to the vehicle owner or operator via smartphone or other similar device, in exchange for the vehicle immobilization fee, that will enable the vehicle owner or operator to self-remove the boot if the owner or operator of the vehicle wants to remove the boot themselves; however, the licensee or permittee must remove the boot within one hour in exchange for the vehicle immobilization fee, as required in subsection (A)(2)(i), if the vehicle owner or operator requests the licensee remove the boot;

(3) waive the amount of the fee for removal of a boot, excluding any associated parking fees, if the licensee fails to have the boot removed within the time prescribed by subsection (A)(2)(i);

(4) remove a boot without charge to the vehicle owner or operator, or to the parking lot owner, if the removal is requested before the boot is completely installed and a conspicuous notice has been adhered to the front windshield or driver's side window of the vehicle at the time of immobilization as required under Section 13-7-44 (*Notification of Vehicle Owner*);

(5) remove a boot upon the order of a peace officer or parking enforcement officer; and

(6) wear high-visibility retro-reflective safety apparel when installing or removing a boot.

(B) A licensee responsible for the installation of more than one boot on a vehicle may not charge a total amount for the removal of the boots that is greater than the amount of the fee for the removal of a single boot.

64 (C) If a licensee or permittee installs a boot that may be self-removed by the
65 vehicle owner or operator, as described in subsection (A)(2)(ii), the licensee
66 is required to install, or have a third-party install, an accessible and secure
67 receptacle in which vehicle owners or operators can deposit self-removed
68 boots. The receptacle must be installed in a well-lit and clearly marked area
69 of the parking lot where the immobilized vehicle is parked.

70 **PART 3.** This ordinance takes effect on _____, 2022.

71 **PASSED AND APPROVED**

72
73
74 §
75 §
76 _____, 2022 § _____
77 Steve Adler
78 Mayor
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81 **APPROVED:** _____ **ATTEST:** _____
82 Anne L. Morgan Myrna Rios
83 City Attorney City Clerk
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