

**THE BOROUGH OF YEADON
THE COUNCIL OF THE BOROUGH OF YEADON
DELAWARE COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2019-1394

**AN ORDINANCE, AMENDING SECTION 285 OF THE YEADON BOROUGH CODE
TO BE ENTITLED, "THE IMMOBILIZATION OF VEHICLES (BOOTING) WITH
UNSETTLED PARKING VIOLATIONS OR OUTSTANDING PARKING TICKETS.**

SECTION 285-91 (a): DEFINITIONS BOOT, BOOTING, or BOOTED

The act of immobilizing a motor vehicle in such a manner as to prevent its operation with a device or by means which will cause no damage to such vehicle unless it is moved while such device is in place or such means are employed.

- 1. PARKING TICKET.** A ticket issued by a police officer of the Borough or by a member of its parking meter enforcement personnel which shall be left on the windshield of a vehicle parked in violation of the Borough's parking ordinances setting forth a notice to the owner or operator thereof that such vehicle has been stopped or parked in violation of the provisions of the Borough's parking ordinances and instructing the owner or operator to report to the Parking Department or the office of the Mayor in regard to such violation or to pay the penalty therein provided.
- 2. PERSON.** A corporation, partnership, or other entity as well as an individual.
- 3. UNSETTLED PARKING VIOLATION.** An outstanding violation of the parking ordinances of the Borough of Yeadon or of the Pennsylvania Motor Vehicle Code occurring within the Borough of Yeadon for which a fine and costs have been imposed by a District Magistrate and remain unpaid more than 30 days thereafter.

SECTION 285-91 (b): BOOT INSTILLATION

A motor vehicle found parked within the Borough of Yeadon upon any public ground at any time may be booted by or under the direction of a police officer of the Borough or by or under the direction of a member of the Borough's parking meter enforcement personnel if there are three (3) or more unsettled parking violations pending against the owner of that motor vehicle.

SECTION 285-91 (c): NOTICE OF BOOTING

Upon booting of such motor vehicle, the officer or employee shall cause to be placed on the vehicle, in a conspicuous manner, notice sufficient to warn any individual that the vehicle has been immobilized and that any attempt to move the vehicle might result in damage to the vehicle. The notice shall also outline the procedure for obtaining removal of the boot. As soon as practicable, the officer or employee shall provide the owner of the booted vehicle, upon request, with a list of the prior unsettled parking violations for which, or on account of which, such vehicle was booted.

SECTION 285-91 (d): BOOT REMOVAL; HEARING

The owner of a booted vehicle, or other authorized person, shall be permitted to secure release of the vehicle upon:

- A. Depositing of the collateral required for his appearance before a District Justice to answer for each unsettled parking violation; or
 - B. Paying the amount of the fine, penalty and court costs, if any, for each unsettled parking violation; and
 - C. The payment of the fees as required by the Borough.
2. The owner of a booted vehicle, or other person authorized by the owner, shall have the right to a post-immobilization hearing limited to a determination of the validity of the booting. Such hearing must be requested within 10 days after the vehicle is booted and shall be

conducted by the Mayor or a hearing officer appointed by the Mayor. The hearing shall be held during normal business hours no more than one business day after the demand therefor. The post-immobilization hearing will not be determinative of or adjudicate the merits of any citation issued relative to any immobilized vehicle but will be limited solely to whether the vehicle was properly subject to booting under the provisions of this Part.

SECTION 285-91 (d): TOWING AND STORAGE OF VEHICLES

In addition to and in accordance with the provisions contained in Article VIII of the Section 285 of the Borough Code, a booted vehicle may be towed and stored if the owner has failed to secure the release of the boot pursuant to §285-91(d).

SECTION 285-91 (e): BOOTING FEE

Fees for the release from immobilization shall be established and set by resolution as adopted from time to time by the Borough Council.

SECTION 285-91 (f): TAMPERING WITH BOOT PROHIBITED

Any person who shall tamper with, remove or attempt to remove any device used to immobilize a motor vehicle that has been booted pursuant to this Part, or who shall move or attempt to move the vehicle booted before release of the vehicle has been officially secured, shall be guilty of a summary offense and, upon conviction thereof, shall be fined not less than \$100 nor more than \$300 together with costs of prosecution or be imprisoned for not more than 30 days, or both.

SECTION 285-91 (g): IMPLEMENTATION AND ENFORCEMENT

This Part shall be enforced the Police Department of the Borough of Yeadon, and the heads of those departments or the Borough Manager shall have authority for implementing the provisions hereof and promulgating such rules and regulations as are necessary therefor, which

regulations shall become effective upon approval by the Borough Council.

SECTION 285-91 (h): RIGHT TO HEARING NOT WAIVED

Nothing in this Part shall be construed to deprive any person of the constitutional and/or statutory right such person may have to a hearing or trial as to the violations for which citations have been issued.

SECTION 285-91 (i): EFFECTIVE DATE

This Ordinance shall become effective ninety (90) days after Council's adoption.

ENACTED AND ADOPTED by the Council this 16 day of October, 2019.

ATTEST:

COUNCIL OF THE BOROUGH OF YEADON

Merrida Pesswood

Secretary

By: Rajaya Momue

President of Council

APPROVED, this 16th day of October, 2019, by the Mayor of the Borough of Yeadon

ATTEST:

MAYOR OF THE BOROUGH OF YEADON

Merrida Pesswood

Secretary

By: Rohan H. Depk

Mayor