



## Legislation Text

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**File #:** Ord. 2018-56(b), **Version:** 1

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### **AGENDA CAPTION:**

Consider approval of Ordinance 2018-56, on the second of two readings, amending Chapter 82, Article 4 of the City of San Marcos City Code by adding a new Division 3 regulating Vehicle Booting Activities On Private Parking Facilities; providing a savings clause; providing for the repeal of any conflicting provisions; providing for penalties; and providing an effective date.

**Meeting date:** January 15, 2019

**Department:** Police, Chief Chase Stapp

### **Amount & Source of Funding**

**Funds Required:** N/A

**Account Number:** N/A

**Funds Available:** N/A

**Account Name:** N/A

### **Fiscal Note:**

**Prior Council Action:** Council received a presentation on this topic during a recent work session and provided direction to bring back an ordinance. The Council approved the item on first reading on December 12, 2018.

**City Council Strategic Initiative:** [Please select from the dropdown menu below]

N/A

Choose an item.

Choose an item.

**Comprehensive Plan Element (s):** [Please select the Plan element(s) and Goal # from dropdown menu below]

- ☒ Economic Development - Sports Tourism, Eco-Tourism, Retail Tourism & 13,000 year heritage
- ☐ Environment & Resource Protection - Choose an item.
- ☐ Land Use - Choose an item.
- ☐ Neighborhoods & Housing - Choose an item.
- ☐ Parks, Public Spaces & Facilities - Choose an item.

☐ Transportation - Choose an item.

☐ Not Applicable

**Master Plan:** *[Please select the corresponding Master Plan from the dropdown menu below (if applicable)]*

Choose an item.

### **Background Information:**

On Tuesday, September 18, 2018, the City Council received a presentation from Chief of Police Stapp about the potential need for an ordinance to regulate the private use of vehicle immobilization devices within the city limits. Council provided direction to bring back an ordinance to address both fee caps associated with these devices and needed rules and regulations to prevent abuse. This ordinance addresses the concerns shared by Council during that work session.

- This ordinance required vehicle booting companies to register with the city.
- Booting of vehicles on private parking lots will be allowed only if the parking lot owner posts signs in accordance with state law notifying vehicle owners that an unauthorized vehicle may be booted.
- Booting companies may charge a fee of no more than \$50 for boot removal and must provide certain information to the vehicle owner to enable prompt removal of the boot and disclosing the rights of a vehicle owner to a hearing or to file a complaint.
- Vehicle owners have a right to request a hearing in JP Court regarding the propriety of a boot installation. Complaints may also be lodged with the police chief.
- Violations of the ordinance are punishable by a fine not to exceed \$500.

### **Council Committee, Board/Commission Action:**

**N/A**

### **Alternatives:**

The alternative to passing this ordinance is to leave the issue unaddressed by local control. This would allow private entities to set rates for the removal of vehicle immobilization devices without guidance and without limit.

### **Recommendation:**

The staff recommendation is to pass this ordinance thereby providing effective guidelines for the use of vehicle

immobilization devices within San Marcos.