

2015-06-112

THETFORD TOWNSHIP ORDINANCE NO: 112

IMPOUNDING VEHICLES; RELEASE FEE

THE TOWNSHIP OF THETFORD ORDAINS:

- A Authority procedure. A police officer is hereby authorized to remove, or cause to be removed, a vehicle from a road, street, public alley, public or private parking lot or highway or any other place open to travel by the public, and impound the vehicle under the circumstances hereinafter enumerated:
- (1) When a vehicle is in such a condition that the continued operation of the vehicle upon the highway would constitute an immediate hazard to the public.
  - (2) When a vehicle is parked upon the highway in such a manner as to create an immediate public hazard or an obstruction of traffic.
  - (3) When a vehicle is left unattended on a bridge, viaduct, causeway, subway, tube, or tunnel where the vehicle constitutes an obstruction to traffic.
  - (4) When a disabled vehicle on a street constitutes an obstruction to traffic and the person in charge of the vehicle is, by reason of physical injury, incapacitated and unable to provide for the vehicle's custody or removal.
  - (5) When a vehicle is left unattended on a street and is parked in a manner which constitutes definite hazard or obstruction to the normal movement of traffic.
  - (6) When a vehicle is found being driven on the streets or highways in an unsafe condition which endangers persons or property.
  - (7) When a vehicle is left continuously unattended on public or private property for 48 hours, after the Police Department has affixed a written notice on the vehicle.
  - (8) When the driver of the vehicle is taken into custody by the Police Department and the vehicle would thereby be left unattended on the street.
  - (9) When removal is necessary in the interest of public safety because of fire, flood, storm or other emergency reason and when any vehicle is

left parked upon a street during a snow storm or immediately following a snow storm, when it is deemed advisable that snow removal apparatus must be used on said street. The police officer shall make a reasonable attempt to contact the owner of the vehicle prior to said vehicle being impounded under this subsection. The Township Chief of Police may waive the impound release fee required under §70.501(A)(1), if, in the discretion of the Township Chief of Police, circumstances merit a waiver of the impound release fee.

- (10) When a vehicle is found parked in a tow-away zone which is designated by the Chief of Police and which is properly signposted.
- (11) When signs have been duly erected or parking meters have been capped indicating that parking is prohibited.
- (12) When the vehicle is involved in a DWLS, OUIL or OWI offense, pursuant to M.C.L.A. §§257.625 et seq.
- (13) When the Police Department determines that the vehicle is parked in violation of a Township ordinance.
- (14) When the Police Department deems it necessary that the vehicle be towed for the help, safety and welfare of the community.

**B** The Police Department, when impounding a vehicle under this section, shall do all of the following:

1. Check to determine if the vehicle has been reported stolen.
2. Within 24 hours after impounding the vehicle, enter the vehicle as impounded into the law enforcement information network.
3. Within seven days, and if the vehicle has not been released, excluding Saturday, Sunday, and legal holidays, after impounding the vehicle, send a notice that the vehicle has been impounded to the owner and the secured party, if any, by certified mail. Each notice shall contain all of the following information:
  - (a) The year, make and vehicle identification number of the vehicle.
  - (b) The location from which the vehicle was taken into custody.

- (c) The date on which the vehicle was taken into custody.
- (d) The name and address of the Police Department in whose custody the vehicle is being held.
- (e) The location where the vehicle is being held.
- (f) The procedure to redeem the vehicle.
- (g) The date by which the vehicle must be redeemed.
- (h) That a procedure exists to contest the impoundment of the vehicle.
- (i) A warning that the failure to redeem the vehicle or to contest the impoundment of the vehicle within 20 days after the date of this notice may result in the sale of the vehicle and termination of all rights of the owner and the secured party to the vehicle or the proceeds of the sale or to both the vehicle and the proceeds.

**C** No impounded vehicle shall be discharged or removed from its storage area except upon payment by the owner of such vehicle or his or her representative of such sums as are set by ordinance of the Township Board of Trustees for the release fee. However, no release fee shall be charged for a stolen vehicle if the vehicle is claimed within four days of receipt or seven days after mailing of the notice of impounding, whichever first occurs, and if the claimant has a police report stating that the claimant is the owner of the vehicle and that the vehicle was stolen. If the stolen vehicle is not claimed within four days of the receipt of the notice or seven days of the sending of the notice, whichever first occurs, then the vehicle owner shall pay the release fee before the vehicle shall be discharged or removed from its storage area. However, upon a showing of good cause to the Police Department by the vehicle owner as to why the vehicle was not claimed within the earlier of four days of receipt of the notice or seven days after mailing of the notice, the release fee may be waived.

**D** If the owner contests the impoundment of the vehicle, the matter shall be resolved after a hearing conducted in the district court for the Township. An owner who contests the impoundment of the vehicle may obtain release of the vehicle by posting a bond as determined by the court.

- E. If a vehicle remains unclaimed for more than 20 days, the Police Department shall, upon request from the towing agency, provide any necessary documentation for form TR-52 (10/96) or any revisions of said form thereof for the private or public sale of the vehicle by the towing agency. In the event the vehicle is sold at a private or public sale by the towing agency, the Township shall waive its release fee.
- F. The Police Department is hereby authorized to impound or immobilize a vehicle whose owner has failed to answer six or more parking violation notices or citations regarding illegal parking issues subsequent to January 1, 2000. Any vehicle impounded or immobilized pursuant to this subsection may remain impounded or immobilized until all such parking violation notices or citations issued to the vehicle have been answered.
- G. Abandoned vehicle defined. As used in this section, **ABANDONED VEHICLE** means a vehicle which has remained on public property or private property for a period of 48 hours after the Police Department or other governmental agency designated by the Police Department has affixed a written notice to the vehicle.
- H. Abandoned vehicle procedures. If a vehicle has remained on public or private property for a period of time so that it appears to the Police Department to be abandoned, the Police Department shall do all of the following:
1. Determine if the vehicle has been reported stolen;
  2. Affix a written notice to the vehicle. The written notice shall contain the following information:
    - a. The date and time the notice was affixed.
    - b. The name and address of the Police Department taking the action.
    - c. The name and badge number of the police officer affixing the notice.
    - d. The date and time the vehicle may be taken into custody and stored, at the owner's expense, or scrapped if the vehicle is not removed.

e. The year, make and vehicle identification number of the vehicle, if available.

I. Release fee. A release fee of \$50 shall be paid to the Township prior to release of any vehicle taken into impound by the Police Department. The fee may be waived by the Township Chief of Police in those instances where the vehicle was taken by the Police Department under circumstances not involving the registered owner of the vehicle. The waive of fees shall comply with the Township policy.

### SEVERABILITY

The phrases, sentences sections and provisions of this ordinance are severable and the finding that any portion thereof is unconstitutional or otherwise unenforceable shall not detract from or affect the enforceability of the remainder of this ordinance.

### EFFECTIVE Date

The foregoing ordinance was enacted by the Thetford Township Board on the 26<sup>th</sup> day of April, 2007.

PUBLICATION: Genesee Co. Herald

This Ordinance shall become effective immediately upon publication as provided by law.

Voting Yes: Dave Phillips, Julie Paulson, Shelly Ayotte, Luther Hatch

Voting No: NO

Date Passed: 4-26-2007

### TOWNSHIP OF THETFORD

Dated: 4-26-07

Luther M. Hatchett

BY: Luther M. Hatchett, Its Supervisor

Dated: 4-26-2007

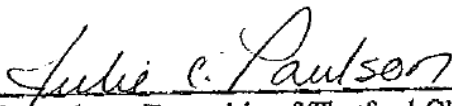
Julie C. Paulson

BY: Julie Paulson, Its Clerk

**CLERK'S CERTIFICATION**

STATE OF MICHIGAN            )  
  )SS  
COUNTY OF GENESEE         )

I, Julie Paulson , Clerk of the Township of Thetford, Genesee County, Michigan, do hereby certify that the above Ordinance was adopted at a regular meeting of the Township of Thetford Board of Trustees held at the Township of Thetford at 4014 East Vienna Road, Clio, Michigan 48420, on the 26 day of April, 2007, at which a quorum of the Township Board of Trustees was present and voted.

  
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Julie Paulson, Township of Thetford Clerk

**PREPARED BY:**  
OTIS W. STOUT (P-26100)  
Attorney at Law  
108 North Mill Street  
Clio, Michigan 48420  
(810) 686-0270

MT. MORRIS/CLIO HERALD Wednesday, May 23, 2007

THETFORD TOWNSHIP  
GENESEE COUNTY, MICHIGAN  
NOTICE OF ADOPTION  
SUMMARY OF ORDINANCE NO. 112  
NOTICE IS HEREBY GIVEN that  
Thetford Township, Genesee County,  
Michigan, on April 26, 2007, through  
its board adopted Ordinance No. 112,  
an ordinance regarding IMPOUND-  
ING VEHICLES RELEASE FEE.  
NOTICE IS FURTHER GIVEN that  
a true copy of Thetford Township Ordinance No. 112 is available for public inspection or purchase at the Thetford Township offices, 4014 East Vienna Road, Clio, Michigan, 48420, during normal business hours.  
Julie C. Paulson  
Thetford Township Clerk