

Annapolis Police Department



GENERAL ORDER

Number: E.11

**Issue Date: November
2001**

TO: All Personnel

SUBJECT: Vehicle Scofflaw Violations

PURPOSE

The purpose of this General Order is to establish procedures and guidelines for the enforcement of the City of Annapolis Vehicle Scofflaw Ordinance.

POLICY

It shall be the policy of the Annapolis Police Department to tow any motor vehicle for which three or more citations for municipal parking violations have been issued and remain unsatisfied, where at least 30 days have elapsed since the issuance of the third unsatisfied citation.

I. Responsibilities of Officers and Parking Enforcement Officers

- A. Officers who recognize a vehicle as a possible scofflaw violator shall check with any Parking Enforcement Officer to ensure that the vehicle is in violation of the scofflaw ordinance. The officer will then follow procedures listed below in B, C and D of this section.
- B. Parking Enforcement Officers encountering vehicles listed on the Scofflaw Violations List will first check Communications to ensure that the vehicle has not been reported stolen or previously towed under the provisions of the scofflaw ordinance for the same violation. The officer or Parking Enforcement Officer shall then advise Communications of the location along with the make, model and color of the vehicle. A parking citation shall be issued marked "Scofflaw Violation". The scofflaw list is stored in the handheld computers that the Parking Enforcement Officers use to issue parking citations. This list is updated when the handheld computers are uploaded from the main parking violation computer which is located in the Department of Transportation.

- C. The vehicle will be towed according to existing policy and procedures. An Incident Report will then be completed and forwarded to the Records Section.
- D. A release for a vehicle towed pursuant to the scofflaw ordinance shall not be issued until all outstanding municipal parking fines and applicable towing and storage charges have been paid.
- E. It is recognized that Parking Enforcement Officers have primary responsibility to enforce the majority of scofflaw violations, however, officers when enforcing scofflaw violations will also follow this policy.

II. Notice to Owners and Operators of Towed Vehicles

The towing company shall provide the owner or operator of the towed vehicle with written notice that if they desire to contest the validity of the towing of the vehicle or the amount of any fines, towing or storage charges, a written request may be made for a hearing before the Chief of Police.

III. Responsibilities of the Records Section

The Records Section shall forward a copy of all reports concerning towed scofflaw vehicles to the Administrative Services Divisions, Parking Enforcement Unit.

IV. Hearings/Appeals

As required under §12.12.220 of the Charter and Code of the City of Annapolis:

- A. Any owner or operator who desires to contest the validity of the towing of a vehicle which that person owned or operated, or the amount of any fines, towing or storage charges, may request a hearing before the Chief of Police. A hearing shall be held by the Chief not later than forty-eight hours following receipt of the written request.
- B. An owner or operator not satisfied with the decision of the Chief of Police may file a written notice of appeal to the board of appeals within ten days from the date of the decision of the Chief. The notice of appeal shall describe the action appealed from and the grounds of the appeal. The board of appeals shall conduct a hearing and render a decision within thirty days from the receipt of the notice of appeal.
- C. During the pendency of an appeal, a vehicle may be redeemed from a towing company by the posting of an appeal bond in the full amount of all fines, towing and storage charges claimed to be due and owing. Upon the conclusion of all appeal proceedings, the appeal bond shall be forfeited except for the portion, if any, which is determined to represent fines, towing or storage charges, which have been erroneously or improperly assessed against the owner or operator of the vehicle.

- D. No fine, towing or storage charges imposed with respect to a motor vehicle towed pursuant to Section 12.20.210 of the Charter and Code of the City of Annapolis may be returned or in any way refunded to the owner or operator of the vehicle except in accordance with the appeal procedures set forth in this subsection.

Joseph S. Johnson
Chief of Police

References
1. Accreditation Standards: None
2. Charter and Code of the City of Annapolis 12.12.210, 12.12.220

Revision: This General Order replaces General Order C.4 Vehicle Scofflaw Procedure dated July 1, 1986