

AN ORDINANCE
BY COUNCILMEMBER DERRICK BOAZMAN

AN ORDINANCE TO AMEND CHAPTER 106, ARTICLE I OF THE CODE OF ORDINANCES OF THE CITY OF ATLANTA SO AS TO CREATE A NEW SECTION 106-13, TO BE ENTITLED "USE OF VEHICLE IMMOBILIZATION DEVICES ON PRIVATE PROPERTY"; TO REPEAL CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES.

WHEREAS, the vehicle immobilization service industry is not currently regulated by the State of Georgia or the City of Atlanta; and

WHEREAS, the Atlanta City Council, the Mayor, and the Atlanta Police Department have received a multitude of complaints from citizens and visitors to Atlanta about unfair business practices in the vehicle immobilization or "booting" industry; and

WHEREAS, there have been many occurrences when vehicles have been immobilized inappropriately and abusively and where car owners have been intimidated by employees of vehicle immobilization services; and

WHEREAS, the booting of vehicles on private property could lead to cars being held improperly and exorbitant fees being extracted in an extortionary fashion, which foreseeably could lead to incidents of parking lot violence; and

WHEREAS, the City is empowered and charged with the responsibility to prohibit and regulate by ordinance conduct and activities within the City that are deemed by this Council to be detrimental and offensive to the peace and good order of the City and of its citizens.

THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY ORDAINS AS FOLLOWS:

SECTION ONE: THAT CHAPTER 106, ARTICLE I OF THE CODE OF ORDINANCES OF THE CITY OF ATLANTA BE AMENDED SO AS TO CREATE A NEW SECTION 106-13 TO READ AS FOLLOWS:

SECTION 106-13 USE OF VEHICLE IMMOBILIZATION DEVICES ON PRIVATE OR COMMERCIAL PROPERTY.

- (a) *Findings by the Council.* The Atlanta City Council finds and determines that the practice of using vehicle immobilization devices, commonly referred to as “booting”, as a means of enforcing private parking regulations on commercial property constitutes conduct and activities within the City that are detrimental and offensive to the peace and good order of the City of Atlanta, its citizens and visitors.
- (b) *Vehicle immobilization device* shall mean any mechanical device that is designed or adapted to be attached to a wheel, tire, or other part of a parked motor vehicle so as to prohibit its usual manner of movement or operation.
- (c) It shall be unlawful for any commercial parking property owner, operator, manager, lessor or lessee to use or cause to be used any vehicle immobilization device, boot or other instrument that is designed to restrict the normal movement of a motor vehicle parked or present on any commercial parking facility.
- (d) It shall be unlawful for any person, independent contractor, partnership or corporation to offer services within the territorial limits of the City of Atlanta whereby motor vehicles on private or commercial property are rendered unmovable through the use of vehicle immobilization devices, boots, or other instruments that are designed to, or have the effect of, restricting the normal movement of such vehicles.
- (e) Violation of this Section shall be punished as provide by Section 1-8 of this Code of Ordinances.

SECTION TWO: THAT ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH ARE HEREBY REPEALED.

RCS# 3298
11/19/01
5:22 PM

Atlanta City Council

Regular Session

MULTIPLE

Public Safety Ordinances #1 thru #17
Execept #8, #11, 18; Resol #1 through #2
FILE

14) 00-0-2064

YEAS: 12
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 0
ABSENT 3

| | | | |
|-----------|-----------|-----------|-------------|
| Y McCarty | B Dorsey | Y Moore | Y Thomas |
| B Starnes | Y Woolard | Y Martin | Y Emmons |
| Y Bond | B Morris | Y Maddox | Y Alexander |
| Y Winslow | Y Muller | Y Boazman | NV Pitts |

MULTIPLE

00-0-2064

(Do Not Write Above This Line)

An Ordinance by Councilmember Derrick Boazman:

To amend Chapter 106, Article I of the Code of Ordinances of the City of Atlanta so as to create a new Section 106-13, to be entitled "Use of Vehicle Immobilization Devices on Private Property;" to repeal conflicting ordinances; and for other purposes.

FILED BY CITY COUNCIL

NOV 19 2001

- CONSENT REFER
- REGULAR REPORT REFER
- ADVERTISE & REFER
- 1st ADOPT 2nd READ & REFER
- PERSONAL PAPER REFER

Date Referred 12/4/00
 Referred To: Public Safety & Legal Aff.
 Date Referred _____
 Referred To: _____
 Date Referred _____
 Referred To: _____

First Reading

Committee _____
 Date _____
 Chair C. T. Moore
 Referred to _____

Committee P.S. & L.A.
 Date 12/12/00
 Chair C. T. Moore
 Action: Hold (see rev. side)
 Other: 1/16/01
 Members 1/30/01 4/12/01
3/13/01 5/15/01
3/29/01 5/29/01
5/13/01 6/15/01
3/29/01 9/14/01
 Refer To _____

Committee _____
 Date _____
 Chair _____
 Action: _____
 Fav, Adv, Hold (see rev. side) _____
 Other: _____
 Members _____
 Refer To _____

FINAL COUNCIL ACTION
 2nd 1st & 2nd 3rd Readings
 Consent V Vote RC Vote

CERTIFIED

CERTIFIED
 NOV 19 2001
 ATLANTA CITY COUNCIL PRESIDENT
Charles N. Payne

CERTIFIED
 NOV 19 2001
Paula Duvall Johnson
 MUNICIPAL CLERK

MAYOR'S ACTION