

AN ORDINANCE

2012-05-17-0356

REGULATING VEHICLE BOOTING PRACTICES IN
PRIVATELY OWNED PARKING FACILITIES AND SURFACE
LOTS IN THE CITY OF SAN ANTONIO; ESTABLISHING
CERTAIN FEES AND FINES; AND AMENDING THE CITY
CODE TO REFLECT SUCH CHANGES.

* * * * *

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. The City Code of the City of San Antonio, Chapter 16 Article XV is hereby amended in accordance with **EXHIBIT A**, establishing vehicle booting practices in privately owned parking facilities and surface lots in the City of San Antonio.

SECTION 2. This Ordinance shall be published in a newspaper of general circulation in the City of San Antonio in accordance with Section 17 of the City Charter.

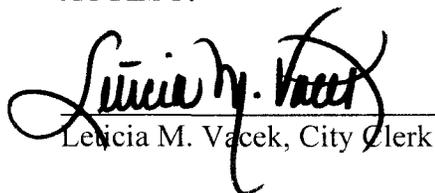
SECTION 3. The fees and rates set out in Section 1 of this Ordinance shall become effective five (5) days following the required publication in accordance with Section 2 of this Ordinance.

PASSED AND APPROVED this 17th day of May, 2012.



M A Y O R
Julián Castro

ATTEST:



Leticia M. Vacek, City Clerk

APPROVED AS TO FORM:

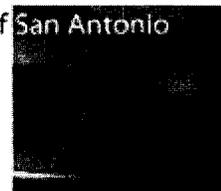


Michael D. Bernard, City Attorney



Request for
COUNCIL
ACTION

City of San Antonio



Agenda Voting Results - 10

Name:	10						
Date:	05/17/2012						
Time:	11:16:33 AM						
Vote Type:	Motion to Approve						
Description:	An Ordinance regulating booting practices in privately owned parking facilities and surface lots in the City of San Antonio; establishing certain fees and fines; and amending the City Code to reflect such changes. [Erik J. Walsh, Deputy City Manager; William McManus, Police Chief]						
Result:	Passed						
Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Julián Castro	Mayor		x				
Diego Bernal	District 1		x				
Ivy R. Taylor	District 2		x				
Leticia Ozuna	District 3		x				
Rey Saldaña	District 4		x				
David Medina Jr.	District 5		x			x	
Ray Lopez	District 6	x					
Cris Medina	District 7		x				
W. Reed Williams	District 8		x				
Elisa Chan	District 9		x				x
Carlton Soules	District 10		x				

RR
5/17/12
Item #10

EXHIBIT A

CITY OF SAN ANTONIO CODE OF ORDINANCES
CHAPTER 16, ARTICLE XV

Chapter 16 – LICENSES AND BUSINESS REGULATIONS

ARTICLE XV – BOOTING OPERATIONS

DIVISION 1 – GENERAL PROVISIONS

Sec. 16-500 – Definitions.

In this chapter:

Abandoned motor vehicle has the same meaning as defined by the Texas Transportation Code and Texas Occupations Code Section 2303.154 (a-1)

Boot has the same meaning as defined by the Texas Occupations Code.

Booting Company has the same meaning as defined by the Texas Occupations Code and includes any company that holds a contract to enforce parking violations/restriction by installing and removing a boot, or collects money related to the installation or removal of a boot.

Boot Operator has the same meaning as defined by the Texas Occupations Code.

City means the City of San Antonio.

Department means the San Antonio police Department, chief of police, or his designee.

Director or Department Director shall mean the Department head assigned the responsibility for supervising the city's ground transportation services or the authorized or designated representative of such Department head.

Parking facility has the same meaning as defined by the Texas Occupations Code.

Person means an individual, assumed name entity, partnership, joint-venture, association, corporation, or other legal entity.

Property entrance means any point of access by a vehicle to private property including adjoining properties and alley ways.

Property owner has the same meaning as defined by the Texas Occupations Code.

Unauthorized vehicle has the same meaning as defined by the Texas Occupations Code.

Vehicle has the same meaning as defined by the Texas Occupations Code.

Vehicle owner or operator has the same meaning as defined by the Texas Occupations Code.

Sec. 16-501 - Scope.

- (a) This article applies only to parking facilities offering parking space for pay that cause or allow the booting of unauthorized vehicles.
- (b) This article does not apply to the booting of vehicles:
 - (1) In relation to delinquent municipal parking citations;
 - (2) As provided in section 2308.004 of the Texas Occupations Code:
 - (A) In the exercise of a statutory or contractual lien right with regard to a vehicle; or
 - (B) By a commercial office building owner or manager.

Sec. 16-502 – Authority and Duties of the Department.

The Department shall implement and enforce this article. In addition to the powers and duties elsewhere prescribed in this article, the Department is authorized to:

- (a) Adopt rules and regulations, consistent with the provisions of this article and all applicable state laws, with respect to matters incidental or appropriate to the powers and duties as may be necessary for the proper administration and enforcement of this article.
- (b) Conduct random periodic investigations of booting companies throughout the city concerning their compliance with this article and state law.
- (c) Inspect booting service equipment for compliance with safety standards.
- (d) Conduct random inspections of booting service company records and facilities for compliance with state law and public safety.

Sec. 16-503 - Requirements for Posting Signs.

- (a) A minimum of one sign shall be placed on the right or left side of each driveway or curb cut through which a vehicle can enter the property, including an entry from an alley or other property abutting the property and at intervals along the entrance so that no entrance is farther than 25 feet from a sign if:
 - (1) curbs, access barriers, landscaping, or driveways do not establish definite vehicle entrances onto a parking facility from a public roadway other than an alley; and
 - (2) the width of an entrance exceeds 35 feet.

- (b) Each sign must conform to the minimum requirements as set forth in the Texas Occupations Code with no more than a six (6) inch sign height or more than a quarter inch letter variations, with lettering at least one inch in height in a solid color that contrasts with the background that clearly states:
- (1) How to pay for parking in the parking facility (i.e., 'pay attendant' or 'pay drop box,' etc.), and the hourly or other fee for such service; provided, however, for parking facilities utilizing different rates for various periods of parking, fee information may be contained on a separate sign adjacent to the pay station;
 - (2) A telephone number provided by the Department for vehicle owners to make complaints;
 - (3) If unauthorized vehicles may be booted in or towed from the parking facility, the following: 'Receipts must be displayed on dashboard.'; and
 - (4) Notice to 'See receipt for expiration time.'
- (c) In addition, signage must be:
- (1) Located at all pay stations; and
 - (2) Unobstructed by vegetation or any other obstruction.
- (d) In addition to the requirements listed in this section, signage located at pay stations shall clearly state the street address of the parking facility in lettering at least one inch in height in a solid color that contrasts with the background.
- (e) When the fee to park in a parking facility during a special event is a different amount than the hourly, daily or monthly rate, conspicuous temporary signage at least two feet high and two feet wide shall be posted at all entrances to the parking facility and at all pay stations, clearly stating the amount of the special event parking fee in letters not less than six inches high.
- (f) Any signage indicating a price for parking on a property must also indicate the amount of time a person may park for that price, in lettering at least as large as the lettering of the price. A failure to indicate the time increment covered will be deemed to allow for parking at that rate for a 24 hour period.
- (g) Upon review by the Department, a parking facility installing boots under this chapter may be required to install additional signage in order to correct problems associated with conformity of signage due parking facility layout.
- (h) A parking facility may not accept signage or installation of signs from a booting or towing company.
- (i) A booting or towing company will not hold ANY interest in the required signage.

Sec. 16-504 - Requirement for Parking Fee Receipt.

- (a) A booting company and/or boot operator commits an offense if he, either personally or through an employee or agent, immobilizes or causes the immobilization of a vehicle on a parking lot unless, at the time a vehicle is parked on the parking lot, the parking lot owner provides receipts in accordance with Subsection (b) of this section to a vehicle owner or operator in exchange for payment of the parking fee.
- (b) A parking lot owner shall provide two receipts for each vehicle parked on its premises. One receipt is to be placed in the front window and the other may be retained by the vehicle owner. Receipts must be issued by either an electronic pay station or a uniformed parking lot attendant,
- (c) All parking receipts must indicate:
 - (1) the amount paid to park the vehicle by the vehicle owner or operator;
 - (2) the date and time the parking fee was received from the vehicle owner or operator;
 - (3) the time when authorization for the vehicle to be parked on the parking lot expires; and
 - (4) the location of the parking lot on which the vehicle is parked.

Sec. 16-505 - Requirements for Installation and Removal of a Boot.

- (a) No vehicle may be booted for expiration of time for parking unless the expired time has exceeded one hour.
- (b) No vehicle may be booted if the violation is a first offense for that vehicle on that subject property. In the case of a first offense, notice should be placed conspicuously on the front windshield of the vehicle indicating the offense and that any future violations may result in booting of the vehicle. This section applies only if the vehicle owner has made some payment to park and time has expired. If no payment was made, and proper signage was in place, the vehicle may be booted on a first offense.
- (c) Only one boot may be placed on a vehicle.
- (d) When a vehicle is booted, the boot operator must affix a notice to the vehicle advising:
 - (1) that the vehicle has been booted and damage may occur if the vehicle is moved;
 - (2) the date and time the boot was installed;
 - (3) the name, address and telephone number of the boot operator and booting company;

- (4) a 24 hour telephone number for removal of the boot;
 - (5) any fees due and owing; and
 - (6) the right to a hearing regarding the imposition of booting fees.
- (e) A permit holder commits an offense if he either personally or through an employee or agent:
- (1) immobilizes a vehicle by installing a boot on a tire not located on the driver's side of the vehicle;
 - (2) immobilizes a vehicle on a parking lot for which the parking lot owner does not provide a receipt to the vehicle owner or operator;
 - (3) fails to arrive at a parking lot within 30 minutes after the time the licensee is notified to do so by the vehicle owner or operator or the owner or operator's representative: or
 - (4) fails to remove a boot without charge to the vehicle owner or operator, or to the parking lot owner, if the removal is requested before the boot is completely installed.
- (f) No fee for removal of a boot may be charged if the vehicle owner is able to produce a valid receipt showing proper payment was made, even if the receipt was not displayed at the time of booting.
- (g) A booting company or boot operator may not employ any devices intended to do damage to a vehicle.

Sec. 16-506 - Beneficial Interests and Rebates Prohibited.

- (a) A parking lot operating company or general manager may not have a direct or indirect monetary or ownership interest in a vehicle immobilization service that for compensation immobilizes unauthorized vehicles in a parking lot in which the parking lot operating company or general manager has an interest.
- (b) A parking lot operating company or general manager of a parking lot in which vehicles are immobilized may not accept any rebate, compensation or other valuable consideration, directly or indirectly, from a vehicle immobilization operator in connection with the immobilization of vehicles.

Secs. 16-506 – 16-609 – Reserved.

DIVISION 2 - PERMITTING

Sec. 16-510 – Company Permit Required.

- (a) A person shall not knowingly operate, allow to be operated, or cause to be operated, a booting company as defined in Section 16-500 without first obtaining an operating permit, nor shall a person boot a vehicle within the city unless the person who installs a boot or who employs or contracts with said person has been granted such operating permit.
- (b) Before an operating permit is granted, a written application for such on a form provided for that purpose must be submitted to and approved by the Director in accordance with the provisions of this chapter.

Sec. 16-511 – Application.

- (a) To obtain an operating permit, a person shall submit an application to the Department in the manner prescribed by this section. The applicant must be the person who will own and/or operates the proposed booting company or if an association, the chief officer. An applicant shall file with the Department a written application containing the following:
 - (1) The form of business of the applicant; if the business is a corporation or association, a copy of the documents establishing the business and the name, address and citizenship of each person with a direct interest in the business; notice of any change in an applicant's form of business shall be provided to the Department Director, within ten (10) business days of the change;
 - (2) The name, street address, phone number, TDLR license number and verified signature of the applicant and of the applicant's proposed business; an applicant shall notify the Department, in writing, of any change in the foregoing within ten (10) business days of the change;
 - (3) A representation of whether the applicant is a citizen of the United States of America by birth or naturalization, or, if alien, evidence of the applicant's legal residence in the United States and of the applicant's legal right to engage in employment therein;
 - (4) An identification and description of any revocation or suspension of an operating permit held by the applicant or the applicant's business which occurred prior to the date of filing the application.
 - (5) The number of boots to be used by the company and identification numbers of each boot;

- (6) A description of the operations of the proposed booting company and the location of the fixed facilities to be used in the operation;
 - (7) A description of the distinctive uniform to be worn by the applicant's boot operators;
 - (8) Documentation from an insurance company authorized by this chapter evidencing a willingness to provide, prior to commencement of the proposed service, the insurances required by this chapter; and
 - (9) Written documentation authorizing the release to the city of any and all information which an organization or entity may have concerning the applicant and a release to said organization or entity from all liability which may result from the furnishing of such to the city.
- (b) Within a reasonable time following receipt of an application, the Department shall review the information submitted, investigate the applicant's fitness to conduct a booting company, and prepare a written recommendation to the Director.
 - (c) The Director shall approve an application meeting the requirements of the public convenience and necessity and meeting the requirements for obtaining an operating permit as set forth in this chapter.
 - (d) Permits shall be valid for one year from the date of issuance.

Sec. 16-512 – Boot Installer Permit.

In accordance with the terms and provisions of this chapter, every person, before installing or removing a boot or accepting employment to become a boot operator within the city, shall apply for and obtain a driver or boot operator permit. Boot operator permits must be renewed on a yearly basis.

Sec. 16-513 - Investigation of Applicant.

- (a) Upon receipt of an application for a boot operator permit, the Director shall conduct an investigation concerning the character, experience and qualifications of the applicant to determine whether or not the applicant is fit, willing and able to operate a boot within the city in a manner consistent with the general welfare of the public and in accordance with the requirements of this chapter, rules and regulations established by the Director, and all other applicable rules, regulations and laws.
- (b) The applicant, at the time of application and at his own expense, shall:
 - (1) Be eighteen (18) years of age or older;

- (2) Be a citizen of the United States of America by birth or naturalization, or, if alien, submit evidence of legal residence in the United States and legal right to engage in employment therein;
 - (3) Execute an authorization in writing for the provision to the city of any and all information which an organization or entity may have concerning the applicant and a release to said organization or entity from all liability which may result from the furnishing of such to the city;
 - (4) Be approved for employment by a holder; an applicant shall provide the Director with the name and business address of said prospective employer and shall, upon transfer of employment from one holder to another, notify said Director of such in writing within two (2) business days of the transfer and further, pay the (\$15.00) fee required by this chapter;
- (c) The Director shall approve an application meeting the requirements for obtaining a boot operator permit as set out in this division and shall disapprove any application not meeting said requirements.

Sec. 16-514 – Denial of Permits.

- (a) If the Director, however, based on the investigation required by this chapter, determines that good cause exists for denial of the application, then the Department Director shall notify the applicant, of his decision and of his basis therefore. Upon the applicant receiving notice of the Director's decision, the applicant may appeal such decision in accordance with Section 16-519 of this chapter.
- (b) An application for a permit shall be denied where the applicant:
 - (1) Is under indictment for or has been convicted of the offense of criminal homicide including murder, capital murder, manslaughter, but excluding criminally negligent homicide;
 - (2) Has falsified or materially altered or omitted pertinent information in any governmental record, including an application for an operating permit; or
 - (3) Has not met the requirements for obtaining an operating permit as set forth in this chapter, rules, or regulations established by the Department Director.
- (c) An application for a permit may also be denied where the applicant is under indictment or has been convicted of any of the following:
 - (1) Any offense involving fraud or theft;
 - (2) Any offense involving the unauthorized use of a motor vehicle;
 - (3) Any violation of state or federal laws regulating firearms;

- (4) Any offense involving violence to any person except conduct classified as no greater than a Class C misdemeanor offense under the state law;
 - (5) Any offense involving prostitution or the promotion of prostitution;
 - (6) Any offense involving sexual assault, sexual abuse or indecency;
 - (7) Any offense involving the use, sale or possession of drugs;
 - (8) Any offense involving driving while intoxicated; or
 - (9) Any other job-related offense.
- (d) Upon denial of an application for a permit, an applicant shall not be eligible for re-application for a period of twelve (12) months from the date of denial, or, in the case of an appeal, from the date the hearing examiner affirms the denial.

Sec. 16-515 – Renewal of Permits.

- (a) To obtain renewal of a permit, a permit holder shall file with the Department, at least forty-five (45) days prior to the expiration date of the permit agreement, a written, sworn application for permit renewal. The permit shall then be renewed unless the Department determines, before the renewal date, that good cause exists for recommending to the Director that the application for permit renewal be denied based on documentation:
- (1) That the holder is in noncompliance and/or has demonstrated a history of noncompliance with the provisions of this chapter, the rules and regulations of the Director, the permit agreement, the operating permit or laws and TDLR rules;
 - (2) That the holder, since the date of his issuance of the original permit:
 - (A) Has been convicted of any felony;
 - (B) Has had his felony probation, parole or mandatory supervision revoked;
 - (C) Has falsified or materially altered or omitted pertinent information in any governmental record, including an application for permit renewal; or
 - (D) Has not met the requirements for permit renewal as set forth in this chapter; or
 - (3) That good cause exists to deny renewal.
- (b) If the Director decides to deny the application for renewal of a permit, the Director shall notify the holder of such decision, giving specific reasons for the basis of the denial. Upon the holder receiving notice of the Director's decision, the holder may appeal such decision in accordance with Section 16-519 of this chapter.

- (c) If the permit expires at no fault of the holder before a ruling either on the approval or denial of the renewal, then the holder may continue to operate the booting company pending a final decision.

Sec. 16-516 - Transfer of Permits.

Each permit issued pursuant to the provisions of this chapter is separate and distinct and shall not be transferable from the permit holder to another person or entity.

Sec. 16-517 – Reserved.

Sec. 16-518 – Revocation and Suspension of Permit.

- (a) The Director may revoke a permit, or suspend such permit for a period not to exceed one hundred and twenty (120) days, where the Director has determined it is in the best interest of the public or where the holder:
 - (1) Since the date of issuance of the permit, has been convicted for violations of any city, state, or federal law where said violation relates directly to the duties and responsibilities of the holder;
 - (2) Since the date of issuance of the permit, has been indicted for criminal homicide, including murder or manslaughter but excluding criminal negligent homicide, or for any of the offenses listed in Section 16-514 of this chapter;
 - (3) Has under his employment or contract, a boot operator whose permit has been suspended or revoked under the provisions of this chapter;
 - (4) Has failed to comply with a correction order issued to him by the Director within the time specified in the order;
 - (5) Has failed to comply with this chapter or any Department rules, orders, or directives;
 - (6) Has failed to pay a permit fee at the time it was due;
 - (7) Has failed to pay a monetary penalty at the time it was due; or
 - (8) Has allowed the operation of a boot without the city's approval.
- (b) Upon revocation of an operating permit, a holder shall not be eligible for re-application for a period of forty-eight (48) months from the date of revocation.

Sec. 16-519 – Right to Appeal Director’s Decisions; Hearing Officer Established; Procedure for Appeals.

- (a) An applicant or a permit holder may appeal to a hearing officer a decision by the Director to revoke, suspend, or deny a permit. The Director shall appoint a hearing officer for such appeals. Such hearing officer is hereby authorized to affirm, modify, or reverse the Director's decisions.
- (b) Upon receiving notice of the Director's decision, said applicant or permit holder shall have ten (10) business days from the date of receipt thereof during which to appeal such decision to the hearing officer. The appeal shall be in writing, accompanied by an appeal fee of one hundred dollars (\$100.00), and directed to the Director. If no appeal is made to the hearing officer within ten (10) business days after receipt of the Director's decision, the Director's decision shall become final.
- (c) Upon revocation, suspension, or denial of a permit, the permit holder shall immediately cease operation of services, whether or not an appeal is filed.
- (d) Upon the scheduling of the hearing officer's review of the Director's decision, the applicant or permit holder shall be given an opportunity to appear before said officer and present to him any information, including witnesses, which may be of assistance in arriving at a decision on the matter.
- (e) Upon action being taken by the hearing officer, the Director shall promptly and without delay act in accordance therewith and pursuant to the directions thereof.

Sec. 16-520 – Display of Permit.

Boot operators shall keep their permit on their person during all working hours and shall allow the Director, a peace officer, or any other person authorized to enforce the provisions of this chapter to examine said permit upon request.

Sec. 16-521 –Boot Operator Lists to be Furnished and Maintained.

Any booting company operating within the City limits shall provide to the Director a list of all persons employed to operate boots on its behalf, as well as a list of all properties, persons, businesses or other entities with which it has contracted or otherwise agreed to provide booting services. Any additions or deletions to said list must be reported to the Director within ten days of such addition or deletion.

Sec. 16-522 – Fees.

- (a) The following fees are hereby established:
 - (1) Boot operator permits \$15.00
 - (2) Renewal of boot operator permits \$15.00
 - (3) Replacement of lost boot operator permits \$15.00
 - (4) Booting company permit \$100.00
 - (5) Late permit payment \$28.00
- (b) All fees are due upon request of service and non-refundable.

Secs. 16-523 – 16-529 – Reserved.

DIVISION 3 - OPERATIONS

Sec. 16-530 – Information and Data to be Kept and Maintained Two Years; Records to be Made Available for Inspection.

Each booting company shall maintain at the business office information and data on the booting company business and operations. The following specific requirements are hereby prescribed:

- (a) Accurate records, reports, receipts, booting operator manifests, and other operating information and data as may be required by the Director shall be kept and maintained in a safe place for at least two years after date, and all such documents shall be made available at a place readily accessible for examination and copying at all reasonable times by the Department or a peace officer upon request.;
- (b) For good cause and upon request by the Director, every holder shall submit to the Department or peace officer, in accordance with the uniform system prescribed, such information and data (including, but not limited to, reports, receipts, pictures, and statistics for each month and/or year of operation) as determined necessary by the Director to evaluate the holder's operations; submission of the information and data shall be no later than the fifth calendar day following the request by the Department or immediately if requested by a peace officer;

Sec. 16-531 – Business Office.

A holder of a permit to operate a booting company shall maintain a business office in a location other than a dwelling and within the City limits of the City of San Antonio.

Sec. 16-532 – Amount of Insurance.

- (a) Except as otherwise provided by the holder's operating authority, the public liability and property damage insurance required by this chapter shall be the minimum amount. The state minimum amount as listed in Section 2308 of the Transportation Code and shall be required as set forth in subsection (b).
- (b) A booting company must obtain insurance for the insured facility or place of business that meets the following requirements:
 - (1) a general liability insurance policy on a broad form with:
 - (A) a combined single limit for bodily injury and property damage for each occurrence of at least \$500,000; and
 - (B) an aggregate limit for all occurrences for each policy year of at least \$500,000; and
 - (2) an automobile liability insurance policy covering the applicant and the applicant's employees for vehicles owned, hired, or otherwise used in the applicant's business, with a combined single limit for each occurrence of at least \$500,000.

Sec. 16-533 - Fee schedule.

- (a) No booting fees may be charged other than those fees listed in this subsection, including charges for dollies, special equipment, or mileage.
- (b) The maximum, total fee a permit holder may charge for removing a boot from a vehicle is thirty five (\$35.00). No additional fees may be charged.
- (c) If a vehicle has been booted, it shall not be towed during the first twenty-four (24) hours.
- (d) A booting company shall accept payment by cash, an electronic check, debit card, or credit card for any fee or charge associated with the removal of a boot. A booting company may not collect a fee for any charge associated with the removal of a boot from a person who offers to pay the charge with cash, an electronic check, debit card, or credit card form of payment that the booting company is not equipped to accept.
- (e) In no way is subsection (a) above to be construed to mean that a booting company may not charge less than the fees stated in subsections (b). These fees are the maximum that can be charged for any booting of a vehicle in accordance with this article.

Sec. 16-534 – Written Contract Required.

A booting company or boot operator may boot vehicles on a private lot only if the private property owner has entered into a written contract with the booting company authorizing it to perform that service and the contract is on file with the Department.

Secs. 16-535 – 16-539 – Reserved.

DIVISION 4 - ENFORCEMENT

Sec. 16-540 - Enforcement by Police Officers.

- (a) Any officer observing a violation of this article, state law or Texas Department of Licensing and Regulation Rule may take necessary action to ensure the safety of the public and its interests.
- (b) Any person employed by the City of San Antonio as a Parking Enforcement Officer has authority to enforce the provisions of this chapter and to issue citations for violations of this chapter.

Sec. 16-541 - Penalties.

- (a) Each violation of this chapter shall be deemed a separate offense.
- (b) An offense committed under this article, other than section 19-390 is punishable by a fine of not less than two hundred dollars (\$200.00) nor more than five hundred dollars (\$500.00). The minimum fine shall be three hundred dollars (\$300) for the second conviction of the same offense within any two-year period. A third conviction within any two-year period will result in a fine of five hundred dollars (\$500.00). At no time shall the minimum fine exceed the maximum fine established in this subsection.
- (c) Prosecution for an offense under this section does not prevent the use of other enforcement remedies or procedures applicable to the person charged with the conduct or involved in the offense.
- (d) The City shall have the right to seek other means of enforcement, to include but not limited to, seeking civil enforcement through means of injunctive relief in any court of competent jurisdiction.

Sec. 16-542 – Service of Notice.

- (a) Each permit holder shall designate and maintain a representative to receive service of notice required under this chapter to be given a holder and to serve notice required under this chapter to be given a driver or boot operator employed by a holder.
- (b) Notice required under this chapter to be given:

- (1) A holder or the holder's designated representative must be personally served or served by certified mail, return receipt requested, directed to the address, last known to the Director, of the holder to be notified, or to the holder's designated representative; or
 - (2) A driver or boot operator authorized by the city must be personally served or served by certified mail, return receipt requested, directed to the address, last known to the Director, of the driver or boot operator to be notified, or to the designated representative for drivers or boot operators.
- (c) Service executed in accordance with this section constitutes notice to the person to whom the notice is addressed. In the case of certified mail, notice occurs on the date indicated as the delivery date on the return receipt or on the fifth day after the date of postmark, whichever is sooner.

Secs. 16-542 – 16-899 – Reserved.