

**ORDINANCE NO. 1180**

**AN ORDINANCE AMENDING CHAPTER 1 OF TITLE 11 OF THE CODE OF ORDINANCES OF THE CITY OF CONYERS TO PROHIBIT THE USE OF VEHICLE IMMOBILIZATION SERVICES AND DEVICES; TO PROVIDE AN EFFECTIVE DATE; TO REPEAL CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES.**

**WHEREAS**, some private property owners in the City of Conyers have employed the use of private companies who provide vehicle immobilization services to affix mechanical locking devices, i.e. “boots” on allegedly unauthorized vehicles that have parked in their parking lots; and

**WHEREAS**, said actions taken by private property owners have led to unnecessary anger and conflict amongst the public, have created a drain on public safety resources that are better spent elsewhere, and does not resolve the issue of the allegedly improper use of a parking space; and

**WHEREAS**, it is in the best interests of the public to prohibit vehicle immobilization services and devices within the City of Conyers.

**NOW THEREFORE, BE IT ORDAINED** that it is the intention of the City Council and it hereby is ordained by the authority of same that the provisions of this Ordinance shall become and be made a part of the Code of the City of Conyers, Georgia, and the sections of the Code and this ordinance may be renumbered to accomplish that intention, and that Title 11, Chapter 1, General Offenses, of the Code of Ordinances of the City of Conyers, Georgia, hereby is amended through the creation of Section 22 therein.

**SECTION 1.** Section 11-1-22 of the Code of Ordinances of the City of Conyers, Georgia is hereby created, as set forth below.

**Section 11-1-22. Vehicle Immobilization Services and Devices Prohibited; definitions.**

- (a) The City finds that the immobilization (booting) of vehicles by private companies leads to unnecessary anger, conflict, a drain on public safety resources better spent elsewhere, and does not resolve the issue of the improper use of a parking space. The City has determined vehicle immobilization services to be unnecessary and not in the best interests of the public or the City.

- (b) Definitions. The following words, terms, and phrases, when used in this article, shall have the meanings, ascribed to them in this section, except where the context clearly indicates a different meaning:
1. *Vehicle immobilization device, device, or boot* shall mean any mechanical device that is designed or adopted to be attached to a wheel, tire or other part of a parked motor vehicle so as to prohibit the motor vehicle's usual manner of movement or operation.
  2. *Operator* shall mean any person, including a sole proprietor, independent contractor, partnership or similar business entity, operating vehicle immobilization devices for a vehicle immobilization service.
  3. *Vehicle immobilization service* shall mean a person, including a sole proprietor, independent contractor, partnership or similar business entity, offering services anywhere in the city limits of Conyers whereby vehicles are immobilized by the installation of a vehicle immobilization device.
- (c) Immobilization of a vehicle of another by use of a boot or other similar Vehicle Immobilization Device is prohibited in the City of Conyers.
- (d) In addition to the penalties described in Conyers Code §1-1-8, any person(s), Operator or Vehicle Immobilization Service found to have violated this section may be prosecuted for trespass to chattels.

**SECTION 2.** All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed to the extent of such conflict.

**SECTION 3.** If any section, subsection, provisions, or clause of any part of this Ordinance shall be declared invalid or unconstitutional or, if the provisions of any part of this Ordinance as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, such invalidity shall not be construed to affect the portions of this Ordinance not so held to be invalid, or the application of this Ordinance to other circumstances not so held to be invalid. It is hereby declared as the intent of the City Council that this Ordinance would have been adopted in its current form without the invalid or unconstitutional provision contained therein.

**SECTION 4.** Pursuant to Section 2-402(a)(4) of the Charter of the City of Conyers, Georgia, the second reading of this Ordinance is hereby waived in order to permit this Ordinance to become effective upon its adoption by the City Council and upon its execution by the Mayor.

**ADOPTED AND APPROVED** by the City Council of Conyers, Georgia this 7<sup>th</sup> day of August, 2019.



G. Vincent Evans, Jr., Mayor

ATTEST:



Christina Heyman, City Clerk

Approved by:



Michael S. Waldrop, City Attorney