



1           Upon immobilization of such motor vehicle, the officer or employee shall cause to be  
2 placed on such vehicle, in a conspicuous manner, notice sufficient to warn any individual  
3 that the vehicle has been immobilized and that any attempt to move such vehicle might  
4 result in damage to such vehicle. In addition to any other notice the owner of the motor  
5 vehicle has received prior to the immobilization, as soon as practicable, the City shall  
6 inform the owner of the immobilized vehicle of the nature and circumstances of the prior  
7 outstanding or unsettled traffic violation notices or warrants for which, or on account of  
8 which, such vehicle was immobilized.

9           The owner of such immobilized vehicle, or other authorized person, shall be permitted  
10 to secure release of the vehicle upon:

11           (I)     Depositing

12                   (a) A Bond set by Court Order, and met by the Owner, requiring  
13 the owner's appearance in the appropriate court of competent  
14 jurisdiction to challenge a violation that serves as a basis for the  
15 immobilization and the amount of the outstanding parking fines; or,

16                   (b) The amount of the fine or penalty for each violation for which  
17 there is an outstanding or otherwise unsettled traffic violation notice  
18 or warrant; and

19           (II)    The payment of the fees as required by this section.

20                   The owner of an immobilized vehicle, or a person with written  
21 authorization to do so, shall have the right to a post-immobilization  
22 hearing to determine the validity of such immobilization, towing, and  
23 within seventy-two (72) hours after the vehicle is immobilized and  
24 shall be conducted by a hearing officer appointed by the Mayor to  
25 conduct such hearings within seventy-two (72) hours after receipt of  
26 the request. The post-immobilization hearing is civil in nature and will  
27 not be used to determine or adjudicate any citation issued relative to  
28 any immobilized vehicle and the reason it was immobilized.  
29 Procedures for the conduct of the hearing shall be established by the  
30 Mayor, published on the City website, and shall be provided to the  
31 owner, or the owner's authorized representative, upon receipt of the  
32 hearing request. The procedures for the hearing shall be given to the  
33 person filing the request for a hearing at the time of filing, or  
34 electronically once the appeal is filed. The request for a hearing may

1 be submitted in person, or electronically, including email, to the City  
2 address identified on the immobilization notice. Notwithstanding any  
3 other provisions of this ordinance, if the seventy-two (72)-hour period  
4 for a hearing falls on a weekend or holiday, or on a day when all but  
5 emergency personnel of the City are released from work because of  
6 inclement weather, natural disaster, or public safety threat, then the  
7 hearing shall be held either the first day the City is opened for business  
8 if possible, but in any event no later than three (3) business days from  
9 the first day the City is open for business.

10 Provided the motor vehicle is not parked in an emergency,  
11 handicapped, or otherwise specially-marked zone, including, but not  
12 limited to, lanes in which parking is prohibited during certain periods  
13 of time, the immobilizing device or mechanism shall remain in place  
14 for twenty-four (24) hours unless the owner has complied with the  
15 above Subsections I on Deposits, and Subsection II as to the payment  
16 of fines and fees,. If such compliance has not occurred within the  
17 twenty-four (24) hours, the vehicle shall be towed and impounded at  
18 the city impound lot.

19 If the immobilization occurs when a vehicle is parked in an  
20 emergency, handicapped, or otherwise specially marked zone or in  
21 lanes in which parking is prohibited during certain periods of time and  
22 no further delay in the City's consideration can be tolerated, towing  
23 may occur immediately, and the owner of such vehicle is subject to  
24 towing and impounding fees. City towing and storage fees shall be  
25 paid, along with any outstanding fines and fees specified in this  
26 ordinance, before the owner of such vehicle, or the owner's authorized  
27 person or agent, shall be permitted to repossess or secure the release  
28 of the vehicle.

29 Notwithstanding any other provision of this section, if the owner  
30 of the vehicle has had another vehicle immobilized within the previous  
31 twelve (12) months for failure to settle outstanding City parking  
32 violations, or amounts of fines and costs, as set forth in this division,  
33 the automobile shall be towed to the city impound lot at the owner's  
34 expense, and shall not be released until the owner has complied with

1 all the provisions of this section including, but not limited to, the  
2 payment of all outstanding fines, fees and costs.

3 ***Fees and Towing expenses.***

4 (a) The owner of an immobilized vehicle shall be subject to a fee of One Hundred Dollars  
5 (\$100.00) for such immobilization; and,

6 (b) The owner of an immobilized vehicle that is towed shall be subject to any towing and  
7 storage fees and costs.

8 A notice, printed on highly visible paper or other material shall be attached to the vehicle  
9 in a conspicuous place, and shall read substantially as follows:

10 **WARNING!**  
11 **DO NOT MOVE THIS VEHICLE**  
12 **ATTEMPTS TO OPERATE THIS VEHICLE WHILE THE**  
13 **IMMOBILIZING DEVICE IS ATTACHED MAY RESULT IN**  
14 **SERIOUS DAMAGE TO THE VEHICLE OR SERIOUS BODILY**  
15 **INJURY TO THE PERSON ATTEMPTING TO OPERATE THE**  
16 **VEHICLE.** This vehicle has been immobilized by the City of Little Rock  
17 for violations of the Municipal Code concerning parking violations.  
18 To secure the release of the vehicle, payment shall be made for all  
19 outstanding parking violations, parking warrants, and the immobilization  
20 or impoundment fee, or both. An additional cost of Fifty Dollars (\$50.00)  
21 shall be charged and paid for releases that occur after normal business  
22 hours and holidays.  
23 Arrangements for release of this vehicle may be made by calling the:  
24 (1) Parking Enforcement Section at (phone number) between  
25 9:00 AM and 4:00 PM, Monday through Friday; or,  
26 (2) The Little Rock Police Department (Desk Sergeant) at (phone  
27 number) at all other hours and on Saturdays, Sundays and  
28 holidays.  
29 **ATTENTION, VEHICLE OWNER: You are hereby advised of your**  
30 **rights to request a prompt hearing to determine the validity of the**  
31 **immobilization, tow, or both, and any related fees. Detailed**  
32 **information relative to obtaining such a hearing is provided on this**  
33 **immobilization receipt. The request must be made within seventy-two**  
34 **(72) hours of the immobilization. A hearing on the appeal is normally**

1 held within seventy-two (72) hours of the request. *The details of how*  
2 *to appeal a decision may be left with this notice, but in any event are*  
3 *available at any time at [www.littlerock.gov](http://www.littlerock.gov); or may be obtained by calling*  
4 *(phone number).*

5 CITY OF LITTLE ROCK  
6 DEPARTMENT OF PUBLIC WORKS

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8 In addition to the information set forth expressly above, the notice shall provide contact  
9 information necessary to perfect an appeal within the seventy-two (72)-hour time frame.

10 Notice of an intent to appeal is perfected if personally served on the City, or sent  
11 electronically. For purposes of this provision, notice is considered to be sent when placed in  
12 the mail, provided to a delivery service, or is registered as sent on an electronic platform,  
13 including email, from an address which belongs to or is used by the owner of the vehicle.

14 The Mayor shall have the authority to implement the parking enforcement provisions of  
15 this Section.

16 Nothing in this section shall be construed to deprive any person of a constitutional right to  
17 a hearing or trial as to the violations charged, but it is understood that this remedy shall not be  
18 available to the City until there has been a finding of guilt on a prior parking offense or the  
19 owner of the vehicle has failed to appear and contest a prior parking offense.

20 It is no defense to the enforcement remedy set forth in this ordinance that the owner of the  
21 vehicle was not the person in control of the vehicle when a parking citation was issued;  
22 provided, if the listed owner of the vehicle at the time of immobilization can establish the lack  
23 of ownership at the time the parking citations for the vehicle which are the basis for  
24 immobilization occurred were issued, then such lack of ownership or possession is an absolute  
25 defense to such citation associated with the vehicle.

26 If an appeal is successful, then the costs of immobilization and towing shall be paid by the  
27 City; however, the owner shall still be responsible for the payment of any outstanding fine  
28 amounts and court costs.

29 **Section 2.** For purposes of Section of this ordinance, a reference to the Mayor means the Mayor, or  
30 the Mayor's designee which may include the City Manager.

31 **Section 3. Severability.** In the event any title, section, paragraph, item, sentence, clause, phrase, or  
32 word of this ordinance is declared or adjudged to be invalid or unconstitutional, such declaration or  
33 adjudication shall not affect the remaining portions of the ordinance which shall remain in full force and

1 effect as if the portion so declared or adjudged invalid or unconstitutional was not originally a part of the  
2 ordinance.

3 **Section 4. Repealer.** All laws, ordinances, resolutions, or parts of the same, that are inconsistent with  
4 the provisions of this resolution, are hereby repealed to the extent of such inconsistency including, but not  
5 limited to, Little Rock, Ark., Ordinance No. 21,758 (July 9, 2019) and Little Rock, Ark., Ordinance No.  
6 21,750 (June 19, 2019).

7 **Section 5. Emergency Clause.** *Numerous motor vehicle owners abuse City parking regulations and*  
8 *in the process either make it impractical for other citizens or visitors to find convenient parking, or make*  
9 *it unsafe to persons seeking a safe parking place; the ability to find safe parking within close proximity to*  
10 *the place of business to be visited is essential to the public health, safety & welfare; the City has amended*  
11 *its ordinance on immobilization to clarify its intentions, and these further amendments should be*  
12 *immediately applicable so there will be only one regulatory scheme in place; an emergency is, therefore,*  
13 *declared to exist, and this ordinance shall be in full force and effect from and after the date of its passage.*

14 **PASSED: February 4, 2020**

15 **ATTEST:**

**APPROVED:**

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17 \_\_\_\_\_  
18 **Susan Langley, City Clerk**

\_\_\_\_\_ **Frank Scott, Jr., Mayor**

19 **APPROVED AS TO LEGAL FORM:**

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21 \_\_\_\_\_  
22 **Thomas M. Carpenter, City Attorney**

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