

PINE BLUFF POLICE DEPARTMENT POLICY & PROCEDURES MANUAL

	SUBJECT:	POLICY NUMBER 420
	PARKING VIOLATIONS	ISSUE DATE 02/19/2008
	CHAPTER: TRAFFIC	EFFECTIVE DATE 02/19/2008
	ISSUED By: Chief of Police John E. Howell	TOTAL PAGES 4

I. PURPOSE

The purpose of this policy is to enforce parking violations, as they apply to the Americans With Disabilities Act, state law, and city ordinances, so disabled persons will have available parking at locations designated for such persons.

II. POLICY

Enforcement of parking violations occurring within the city is a major concern for the benefit of the citizens. In order to provide consistent enforcement of violations, it will be the policy of this department to strictly enforce all parking violations. All handicapped parking violations will be written on a Uniform Traffic Ticket and Complaint Form. Restrictive parking violations will be written on the parking ticket.

III. PROCEDURES

A. HANDICAPPED PARKING

1. It shall be the policy of the Pine Bluff Police Department to actively enforce handicapped parking on public and private property.
2. Officers will inspect the parking space to determine if it is properly marked, as outlined in A.C.A. 27-15-315. There should be a blue R7-8 sign for **each** parking space. Blue and white signs with the international sign for handicapped access, and labeled "Handicapped Parking" or "Reserved for Handicapped", posted before January 1, 1992 are acceptable. If the individual parking space does not have the proper sign, no enforcement action will be taken. Enforcement action will include the yellow striped access isle designed for loading and unloading handicapped mobility equipment.
3. Officers shall make a diligent effort to ensure that the proper handicapped identification placard, or license plate, is not improperly displayed on the vehicle and that a valid violation exists.

4. When an officer determines a vehicle is illegally parked in a handicapped space or zone, the officer will:
 - a. When the driver is present or can be readily located:
 - i. Cite the driver, as a normal citation would be written, on a uniform traffic citation.
 - ii. Give the offender a court date 2 weeks from the day of the violation.
 - iii. Turn in the citation to the traffic turn-in drawer.
 - b. When the driver is not present or can not be located:
 - i. Do a license plate check through ACIC/NCIC and verify the V.I.N. against the license plate return.
 - ii. If the license plate information is correct, enter the owners name and address in the operator blanks on a uniform traffic citation and the vehicle information in the appropriate spaces.
 - iii. Place the violator's copy of the uniform traffic citation on the driver's door, above the door handle, between the weather stripping and glass if possible, where it can be readily seen by the driver, or owner, upon return to the vehicle. If this is not possible, place the citation in the best available location on the vehicle, i.e. under the windshield wiper on the driver's side.
 - iv. Turn in the citation to the traffic-turn in drawer.
- B. When the driver or owner is not present, or can not be located readily, and the registration information is improper or there are fictitious tags on the vehicle:
 1. When a registration check determines the vehicle is not registered properly and the correct information about the owner can't be determined or the license plates on the vehicle are fictitious, the officer will tow the vehicle and place a hold on the vehicle until the actual owner attempts to recover his/ her vehicle. A.C.A. 27-15-305 (b) (1). The officer will confiscate any fictitious tags and turn them into evidence.
 2. Turn in the wrecker log to the traffic turn-in drawer.
 3. When the owner of the vehicle tries to recover his/ her vehicle, the officer will contact the owner and issue citations for the handicapped parking violation and any other applicable charges generated from this enforcement action.
 4. Turn in all citations to the traffic turn-in drawer.

- C. In cases of Failure to Appear in Court, when the owner of the vehicle was located and cited, the Municipal Court Clerk will:
1. Forward a list of the offenders, to include all pertinent information listed on the citation, to the Police Department Traffic Clerk. Information requested, but not limited to:
 - a. Name of violator
 - b. Address of violator
 - c. Birthday
 - d. Race/Ethnicity
 - e. Gender
 - f. Driver's License Number
 - g. Violation number
 - h. Citation number
 - i. Date of the offense
 - j. Location of the offense
 - k. Court date
 - l. Officer who issued the citation and their payroll number.
 2. The Pine Bluff Police Department Traffic Clerk will then send a notice of compliance, by certified mail, granting the owner 10 business days to respond to the citation.
 3. If the owner does not respond as required and after the 10 business days, a warrant for Failure to Appear shall be issued.
 4. The cost of the certified mail notification shall be added to the cost of the fine if the offender responds to the notification.
 5. If a warrant is served, the cost of the certified notification will be added to the amount of the warrant.
 6. The amount of the certified letter will then be reimbursed to the Police Department.

D. NOTICE OF COMPLIANCE

The Notice of Compliance Letter can be a form letter addressed to the vehicle's owner. The notice of compliance shall be printed on Pine Bluff Police Department letterhead. An example of a notice of compliance is listed below:

1. A citation for illegally parking in a handicapped zone was placed on your vehicle, a **(Make, Model, & License Number of the vehicle)** while it was parked at **(Location)** on **(DATE)** at **(Time)** in violation of Arkansas State Statute Number 27-15-305.
2. The court date to appear for this violation was **(DATE)** at 9:00 am. You did not pay the fine and failed to appear in municipal court on the above date and time.
3. You have ten (10) business days from **(DATE)** to appear at Pine Bluff Municipal Court Division **(identify which division)** to answer this charge.

4. The fine cannot be paid prior to the court date. Your appearance is mandatory. If you fail to appear on the court date specified a warrant for your arrest will be issued.
5. If you have any questions or problems with your court date you can contact the Pine Bluff Police Department's Traffic Office at 870-543-5100.

E. RESTRICTIVE PARKING

1. Officers will use ACA 27-51-1302 for restrictive parking violations.
2. Officers will attempt to determine the owner of the vehicle by running an ACIC check on the vehicle using license plate number or vehicle identification number if the driver of the vehicle is not available. Ticket will be placed on the windshield of the violating vehicle if the owner/driver is not available.
3. Restrictive Parking tickets will be turned in, in the same manner as any other traffic ticket