

## TOWING - PARKING VIOLATIONS

### POLICY:

It is the policy of the Omaha Police Department (OPD) to enforce all parking laws on public streets and to tow vehicles violating such laws when appropriate. Vehicles will be towed in accordance with the OPD [“Towing – General Procedures”](#) policy.

### PROCEDURE:

#### I. General

- A. When a vehicle is towed for any reason, including for a parking violation, officers shall use their Body Worn Camera (BWC) to record the tow.
  - 1. If the officer is unable to use their BWC, they shall use their MVR.
  - 2. Officers shall document in their report(s) when their BWC and/or MVR was used to record a tow.

**NOTE:** See the OPD [“Towing – General Procedures”](#) policy for more information on using a BWC to record a tow.

#### II. Parking Violations

- A. Any vehicle parked in violation of the "Peak Hour" ordinances or parked on a public street in a manner that creates a public nuisance (e.g., blocking a driveway, blocking a fire hydrant, unattended motor vehicle, parked in a bus zone, without current annual license plates and registration, etc.) may be towed.
  - 1. Officers will cite the vehicle PRIOR to requesting the vehicle be towed (See the [“Citations”](#) policy for more details).
  - 2. Officers will tow the vehicle in accordance with the OPD [“Towing – General Procedures”](#) policy.
  - 3. Officers will stand by for the tow truck and direct the vehicle towed to the OPD Vehicle Impound Lot facility.
  - 4. Officers will thoroughly complete an OPD Recovered/Impounded Vehicle Report ([OPD Form 202](#)) to document the tow.
- B. Parked, disabled, or abandoned vehicles that constitute a safety hazard may be towed in accordance with the following Omaha City Ordinances:
  - 1. [§36-231](#) - Unlawfully parked vehicles declared obstruction, misdemeanor and public nuisance.
  - 2. [§36-232](#) - Summary removal authorized.

#### III. Spectator or Assembly at Unlawful Drag Race or Speed Competition

- A. In accordance with Omaha Municipal Code [§36-141](#) and [36-232](#), a vehicle belonging to a person who is assembling at an unlawful drag race, sideshow, burnout, or any other illegal motor vehicle speed competition may be towed and impounded if:

1. The vehicle is parked within 200 feet of the event;  
– AND –
2. The vehicle is parked on a public street or highway or on private property that is open to the general public.

#### IV. Unpaid Parking Tickets

##### A. Verifying Unpaid Tickets.

1. Officers will verify the number of unpaid parking tickets for a vehicle located on public property when:
  - a. The officer is aware or suspects that the vehicle has three or more unpaid parking tickets that are more than 30 days old.
  - b. The officer is issuing the vehicle a parking ticket (See the "[Citations](#)" policy).
2. Officers will contact the Information Channel who will call the City Cashier to determine if a vehicle has accumulated three or more unpaid parking tickets that are more than 30 days old. The City Cashier will also provide the total dollar amount owed for the unpaid parking tickets to the Information Channel Operator.
  - a. The City Cashier is open from 8:00 a.m. to 3:30 p.m., Monday through Friday, excluding holidays (See [Appendix A](#) for the telephone number).
  - b. After contacting the City Cashier, the Information Channel Operator will notify the officer about the number of unpaid tickets that are more than 30 days old and the total dollar amount owed for the unpaid parking tickets.
  - c. If the vehicle in violation has not accumulated three or more unpaid parking tickets that are more than 30 days old, the officer will issue a parking citation as appropriate and will not impound the vehicle (see the OPD "[Citations](#)" policy).

**NOTE:** Officers shall not tow the vehicle until they have verified that the vehicle has three or more unpaid parking tickets that are more than 30 days old.

- ##### B. Once the officer confirms that the vehicle has three or more unpaid parking tickets that are more than 30 days old, the officer will tow the vehicle in accordance with the OPD "[Towing – General Procedures](#)" policy.
1. Officers will stand by for the tow truck and direct the vehicle be towed to the OPD Vehicle Impound Lot facility.
  2. Officers will complete a Recovered/Impounded Vehicle Report ([OPD Form 202](#)) to document the tow and include the following information:
    - a. Note that the vehicle was towed due to unpaid parking tickets.
    - b. The number of unpaid parking tickets.
    - c. The total dollar amount owed for the unpaid parking tickets.

3. If the owner of the vehicle is present and has an electronic device with internet access, they shall be given the option to pay the unpaid parking tickets immediately, before the officer requests a tow.
  - a. Violators may pay immediately at [www.ParkOmaha.com](http://www.ParkOmaha.com).
  - b. The officer shall confirm the payment via the website (<https://omaha.rmcpay.com>), request to view the payment confirmation sent to the owner, or contact the Information Channel who will call the City Cashier.
4. If the owner of the vehicle is present and is unable to pay the tickets before the vehicle is towed, officers may advise the owner that the driver may reclaim the vehicle from the OPD Vehicle Impound Lot by:
  - a. Furnishing proof to a Vehicle Impound Lot employee that their tickets have been paid. This may be shown by valid receipt(s) or the Vehicle Impound Lot employee may confirm the payment of the tickets on [www.parkomaha.com](http://www.parkomaha.com).
  - b. Paying all applicable Impound Fees.
5. In lieu of towing the vehicle, the officer may also choose to have the vehicle immobilized.
  - a. The officer may request that their supervisor or the OPD Information Operator contact ParkOmaha at 402-444-7275, option 2. ParkOmaha will then dispatch personnel to immobilize the vehicle.

**NOTE:** This option is available Monday-Friday, excluding holidays, 8:00 a.m.- 4:30 p.m. In case of an after-hours emergency, the phone number for ParkOmaha is 402-368-4200.

## **V. Dead Storage/Interstate Parking Violations**

- A. Vehicles that are parked on a public street or the interstate in excess of the following time periods are subject to tow:
  1. Public Street: Excess of 48 hours.
  2. Interstate: Excess of 12 hours.
- B. Officers may IMMEDIATELY tow a parked, abandoned, or disabled vehicle from a public street, alley, or interstate if the vehicle poses an imminent danger to the public, is a safety hazard, or could cause a crash (i.e., vehicle on blocks, vehicle obstructing traffic, or blocking the shoulder of a constricted part of the interstate) in accordance with the following Omaha City Ordinances:
  1. [§36-231](#) - Unlawfully parked vehicles declared obstruction, misdemeanor and public nuisance.
  2. [§36-232](#) – Summary removal authorized.
- C. When an officer receives a complaint about or observes a vehicle that has been parked in the same place on a public street or a vehicle parked on the interstate, the officer will:

1. Document the placement of the vehicle and position of the tires on the street using their Body Worn Camera (BWC) and/or Mobile Video Recorder (MVR), if available.
2. Declare the vehicle to be a “Dead Storage” vehicle.
3. Clear the vehicle through NCIC/NCIS by contacting the Information Channel Operator.
4. Complete a Tow Notice ([OPD Form 243](#)) and adhere it to the outside lower left corner of the rear window of the vehicle.
  - a. If the vehicle in violation is a motorcycle, the Tow Notice will be affixed to the license plate or the license plate bracket if the motorcycle has no license plate.

**NOTE:** Tow Notices ([OPD Form 243](#)) can be obtained through OPD’s Police Supply Unit.

5. Place a chalk mark on the top of the outer sidewall of each tire and on the pavement in front of and behind the left front tire, and record this process with their BWC and/or MVR, if available.
  - a. By marking the tires in the fashion described in this policy, it is possible to determine if the vehicle has moved substantially or slightly.
    - (1) If the tire markings are found by the follow-up officer to all point the same direction, regardless of whether they are all still at the top of the tire, the car has not been substantially moved and will be towed.
    - (2) If the markings point in different directions, the vehicle has been moved substantially and will not be towed.
  - b. If the officer is unable to use the chalking tires method, the officer will document the method used to determine the vehicle did not move for the follow-up investigation, which is to be conducted 48 hours later.

D. Prior to the towing of a vehicle for a Dead Storage or Interstate Parking violation, the vehicle will be checked to make certain that it has not been moved since it was originally cited.

1. Officers will follow-up on vehicles parked on a public street after 48 hours to see if the vehicle has been moved.
  - a. Officers will not tow a vehicle for Dead Storage until at least 48 hours after a Tow Notice ([OPD Form 243](#)) has been applied to the vehicle.

**NOTE:** Tow Notices ([OPD Form 243](#)) can be obtained through OPD’s Police Supply Unit.

- b. Officers will utilize their BWC and/or MVR when conducting the follow-up investigation to document the location and condition of the vehicle.

**NOTE:** If the vehicle is determined to be in violation and impounded, a narrative by the officer on the video can be useful in the event the owner were to file an appeal disputing the legality of the impound.

- c. Officers will document in the narrative section of the OPD Recovered/ Impounded Vehicle Report ([OPD Form 202](#)) the reason for the tow, and the details regarding what method was used to justify the impounding of the vehicle.
- 2. Officers will follow-up on vehicles parked on the interstate after 12 hours to see if the vehicle has been moved.
- E. If the vehicle has not been moved the officer will have the vehicle towed in accordance with the OPD "[Towing – General Procedures](#)" policy.
  - 1. Officers will stand by for the tow truck and direct the vehicle towed to the OPD Vehicle Impound Lot facility.
- F. Officers will thoroughly complete an OPD Recovered/Impounded Vehicle Report ([OPD Form 202](#)) to document the tow.
- G. BWC and/or MVR evidence will be labeled as "Non-Evidence." This will retain the video for 120 days, which is enough time for the appeal process.

## **VI. Unlicensed Vehicle Violations**

- A. Unlicensed vehicles are subject to be towed immediately.
- B. When an officer receives a complaint of or observes an unregistered vehicle that has been parked on a public street, the officer will:
  - 1. Declare the vehicle to be an unregistered vehicle.
  - 2. Clear the vehicle through NCIC/NCIS by contacting the Information Channel.
  - 3. Tow the vehicle in accordance with the OPD "[Towing – General Procedures](#)" policy.
  - 4. Stand by for the tow truck and direct the vehicle towed to the OPD Vehicle Impound Lot facility.

**NOTE:** Unregistered vehicles bearing valid dealer in-transit stickers within 30 days of transfer will not be towed. Unregistered vehicles with expired dealer in-transit stickers, with expired or improperly displayed license plates with any homemade in-transit stickers, or with no in-transit sticker, will be towed.

- C. Officers will thoroughly complete an OPD Recovered/Impounded Vehicle Report ([OPD Form 202](#)) to document the tow.

## **VII. Other Considerations**

- A. Per the City Prosecutor's Office, if a suspect has committed a parking infraction and also has a warrant, officers may use their discretion to determine whether or not to issue a citation for the infraction.
  - 1. If officers decide to pursue the infraction, officers shall cite the suspect but SHALL NOT book them for the infraction and only book them for their warrant (NRS [§29-422](#), [29-435](#)).

2. See OPD's "[Citations](#)" policy for more details on issuing citations for infractions to suspects with warrants.

## **REFERENCES:**

### **I. Laws**

- A. Nebraska Revised Statutes (NRS) §[29-404.02](#), [29-422](#), and [29-435](#).
- B. Omaha Municipal Codes: [36-170](#), [36-231-235](#), [36-241-248](#), and [36-281-288](#).

### **II. Previous OPD Orders**

- A. Previous General Orders: #65-77, 96-77, 91-83, 81-84, 81-94, 69-95, 27-97, 20-98, 45-01, 20-05, 21-05, 32-17, 32-19, 12-20, 16-21, and 39-25.

### **III. Other**

- A. PPM Monthly Updates: #04-2021.