

Chapter 2 Traffic Regulation

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**ARTICLE I.
IN GENERAL.**

SEC. 2-1. TRAFFIC CONTROL INSTALLATIONS.

The Airport Board is authorized to establish all traffic control devices, signs, signals, markings and insignias on the Airport.

SEC. 2-2. DEFINITIONS.

The definition of a term in this chapter shall apply only to this chapter.

ABANDONED VEHICLE shall have the meaning assigned in Section 683.002 of the Texas Transportation Code.

ADMINISTRATOR shall mean the Vice President of the Transportation Business Unit of the Dallas-Fort Worth International Airport Board.

AIR OPERATIONS AREA or "AOA" shall mean the area of the Dallas-Fort Worth International Airport bounded by a fence or to which access is otherwise restricted and which is primarily used or intended to be used for landing, taking-off or surface maneuvering of aircraft. The AOA does not include those leasehold areas within or having direct access to the AOA which are subject to security requirements imposed on the lessee or tenant under appropriate federal regulations or agreement incorporated in a signed lease.

AIRCRAFT RESCUE AND FIRE FIGHTER ROAD (AARF) or EMERGENCY ACCESS ROADS shall mean roads on the AOA that are maintained to support emergency responses.

AUTHORIZATION or AUTHORIZED shall mean acting under or pursuant to a written contract, permit, authorization or other evidence of right issued by the CEO or his designee.

BADGE shall mean an identification card issued by the Airport to identify a person with access authorization.

DISABLED PARKING PLACARD shall mean the placard issued by the state under section 681.002 of the Texas Transportation Code, as amended.

DISABLED PERSON shall mean a person who has a permanent or temporary disability within the meaning of Section 681.001 in the Texas Transportation Code, as amended, and who has applied for and received:

- (a) a disabled person or disabled veteran license plate from the state;
- (b) a disabled parking placard from the state; or

(c) a license plate or placard bearing the international symbol of access issued by a U.S. state or by a state or province of a foreign country.

DISABLED PERSON LICENSE PLATE shall mean the specially designed license plate of a vehicle, issued by the state to a permanently disabled person under Section 504.201 of the Texas Transportation Code, as amended.

DISABLED VETERAN LICENSE PLATE shall mean the specially designed license plate of a vehicle, issued by the state to a disabled veteran under Section 504.202 of the Texas Transportation Code, as amended.

ESCORT shall mean to accompany and monitor the activities of an individual who does not have unescorted access authority into or within a sterile area, secured area or SIDA.

INTERNATIONAL SYMBOL OF ACCESS shall have the meaning defined in Section 681.001 of the Texas Transportation Code, as amended.

JUNKED VEHICLE shall have the meaning defined in Section 683.071 of the Texas Transportation Code.

MOVEMENT AREA shall mean the area of the AOA utilized for taxiing, takeoff, and landing of aircraft and includes adjacent undeveloped areas. The movement area does not include loading ramps and parking area ramps.

NON-MOVEMENT AREA shall mean the area that includes all aircraft parking areas, loading ramps and aircraft maintenance ramps.

OPERATOR shall mean any person in control of a vehicle, including a railroad train or a vehicle being towed.

OWNER shall mean a person in whose name the legal title of an aircraft or a motor vehicle is held or vested.

PARK or **PARKING** shall mean to stand an occupied or unoccupied vehicle, other than temporarily while loading or unloading merchandise or passengers.

PARKING and ACCESS CHARGES are specified in the Dallas-Fort Worth International Airport Board Schedule of Charges.

PARKING BAN shall mean certain hours or times during which standing, parking, or stopping of a vehicle is prohibited along the curb of designated street as indicated by signs.

REGULATED VEHICLE means a taxicab or prearranged service vehicle.

RESTRICTED AREA shall mean any area locked or posted by the Airport to either prohibit or limit entry or access to specific authorized persons.

STAND or **STANDING** shall mean to halt an occupied or unoccupied vehicle, other than temporarily while receiving or discharging passengers.

STOP or **STOPPING** shall mean:

- (a) when required, to completely cease movement; and,
- (b) when prohibited, to halt, including momentarily halting, an occupied or unoccupied vehicle, unless necessary to avoid conflict with other traffic or to comply with the directions of a police officer or a traffic control sign or signal.

UNATTENDED VEHICLE shall mean a vehicle that is stopped or parked and whose driver and passengers have exited the vehicle and moved more than 50 feet away from the vehicle leaving, it unoccupied.

VEHICLE shall mean and include automobiles, trucks, buses, motorcycles, horse-drawn vehicles, bicycles, pushcarts and any other device in or upon or by which any person or property is or may be transported, carried, or drawn upon land.

VEHICULAR PARKING AREA shall mean those portions of the Airport designated and made available temporarily or permanently by the Airport Board for the parking of vehicles.

SEC. 2-3. LAW ENFORCEMENT.

Texas peace officers commissioned by the Airport Board shall have primary law enforcement authority within the boundaries of the Airport. In addition to DPS law enforcement officers, the Administrator, and the representatives and agents designated by the Administrator, shall have enforcement authority as to civil offenses related to parking or stopping a vehicle.

SEC. 2-4. TOWING.

- (a) Any vehicle which is abandoned or junked, or parked in violation of this Code, may be removed or towed away and impounded, all at the operator's or owner's expense and without liability for any damage to the vehicle. Such expense shall be a lien against the vehicle and payment in full shall be a prerequisite to the reclaiming of the vehicle by the operator or owner.
- (b) Any boat, trailer, storage compartment or other like property left in any parking facility on the Airport without authorization from the CEO will be towed away and impounded all at the operator's or owner's expense and without liability for any damage to the vehicle.

SEC. 2-5. SPEED LIMITS.

The speed limits upon the streets, ways, passages and vehicular routes within the boundaries and confines of the Airport are set, affirmed and ratified as described in Appendix I of this Code. Unless otherwise provided, the maximum speed limit on streets, ways, passages and vehicular routes within the boundaries and confines of the Airport shall be thirty (30) miles per hour. The streets, ways, passages and vehicular routes, and their corresponding block numbers within the boundaries and confines of the Airport, are set, affirmed, and ratified as described in Appendix I of this Code.

ARTICLE II. AIRSIDE TRAFFIC.

SEC. 2-6. AUTHORITY TO OPERATE ON THE AOA.

(a) A person commits an offense if he is on the AOA and:

- (1) does not display evidence of authorization issued by the Airport Board;
or
- (2) is not under authorized escort as described in Chapter 9.

(b) A person commits an offense if he operates a motor vehicle on the AOA and:

- (1) does not have a valid government issued driver's license in his possession;
- (2) does not have a license in his possession that is appropriate for the type of vehicle being operated; or,
- (3) does not display or refuses to present a driver's license upon demand by a peace officer.

SEC. 2-7. RECKLESS DRIVING.

A person commits an offense if he operates a motor vehicle on the AOA in a willful or wanton disregard for the safety of persons or property.

SEC. 2-8. OBEDIENCE TO SIGNS.

A person commits an offense if while on foot or operating any vehicle on the AOA:

- (a) he disregards a posted regulatory sign, special sign, signal, marking or device used to regulate, warn, or guide traffic; or

- (b) fails to comply with directions given by the control tower, a law enforcement officer, or a person designated by the Airport to control traffic.

SEC. 2-9. PARKING ON THE AOA.

A person commits an offense if he parks a motor vehicle, vehicle, trailer, or other equipment on the AOA:

- (a) in a manner contrary to any posted regulatory signs, traffic control devices or pavement markings; or
- (b) in any manner that prevents the passage or movement of aircraft, vehicles, trailers or pedestrians; or
- (c) in any manner that obstructs access to fuel shutoff valves, fire suppression equipment, or other emergency systems; or
- (d) that is inoperable or undergoing maintenance; or
- (e) that the Administrator or his designee instructed the person to remove from the AOA.

SEC. 2-10. MOTOR VEHICLE ACCIDENTS.

Any person operating a motor vehicle on the AOA which is involved in an accident resulting in injury to any person or damage to another's property shall:

- (a) immediately stop at the scene or as close as possible;
- (b) render aid if necessary;
- (c) exchange driver, vehicle, and insurance information if necessary; and
- (d) notify the DFW Airport DPS and the Airport Operations Center.

SEC. 2-11. DRIVING UNDER THE INFLUENCE.

A person commits an offense if he operates a motor vehicle on the AOA and:

- (a) has any detectable amount of alcohol in the person's system;
- (b) has any detectable amount of a dangerous drug in the person's system; or,
- (c) does not have the normal use of his mental or physical faculties by reason of the introduction of a controlled substance, a drug, a combination of two or more substances or any other substance into the body.

SEC. 2-12. SAFETY BELTS.

- (a) A person commits an offense if the person:

- (1) is operating or riding in a vehicle,
 - (2) is occupying a seat that is equipped with a safety belt, and
 - (3) is not secured by a safety belt while the vehicle is being operated in either the movement area or non-movement area of the Air Operations Area.
- (b) In this section, “safety belt” and “secured” have the meanings assigned by Section 545.412 of the Texas Transportation Code.
- (c) It is a defense to prosecution under this section that:
- (1) the person is engaged in servicing an aircraft and is driving or riding in a vehicle located within 25 feet of that aircraft;
 - (2) the person is driving or riding in a vehicle within a baggage make-up area and the person is present for the purpose of positioning equipment;
 - (3) the person is an emergency service provider performing his official duties;
 - (4) the person possesses a written statement from a licensed physician stating that for a medical reason the person should not wear a safety belt; or
 - (5) the person presents to the court, not later than the 10th day after the date of the offense, a written statement from a licensed physician stating that for a medical reason the person should not wear a safety belt.

ARTICLE III. PARKING VIOLATIONS.

SEC. 2-13. OBEDIENCE TO SIGNS.

- (a) A person commits an offense if, as the operator of a vehicle, he stops, stands, or parks a vehicle within the boundaries of the Airport in violation of an official sign, curb marking, or street marking prohibiting, regulating, or restricting the parking, stopping, or standing of vehicles, except when necessary to avoid conflict with other traffic or to be in compliance with the law or the directions of a police officer.
- (b) A person commits an offense if he:
- (1) is not a disabled person or transporting a disabled person and stops, stands, or parks a vehicle with a valid disabled person license plate, a disabled veteran license plate, a disabled parking placard, or a license

plate or placard bearing the international symbol of access in a parking space or area designated specifically for the disabled;

- (2) stops, stands, or parks a vehicle in a parking space or area designated specifically for the disabled without displaying a valid disabled person license plate, a disabled veteran license plate, or a disabled parking placard, each of which must bear the international symbol of access; or
- (3) stops, stands, or parks a vehicle in such a manner that the vehicle blocks an access or curb ramp or any other architectural improvement designed to aid the disabled.

SEC. 2-14. FIRE LANE.

A person commits an offense if the person stops, stands, or parks a vehicle in a fire lane except when necessary to avoid conflict with other traffic or to be in compliance with the law or the directions of a police officer.

SEC. 2-15. FAILURE TO PARK IN MARKED SPACE.

A person commits an offense if, in an Airport operated parking area, he parks a vehicle in a marked parking space and fails to park within the lines as designated.

SEC. 2-16. EMPLOYEE PARKING AREAS.

A person commits an offense if he operates, parks, or stands a motor vehicle within an Airport operated parking area designated for employee parking unless a valid permit, decal, or other authorization issued by the Airport is displayed on the vehicle in a manner established by the Administrator.

SEC. 2-17. PARKING BY AIR OPERATION AREAS FENCE.

A person commits an offense if he parks a vehicle or leaves other property within ten (10) feet of an AOA fence.

SEC. 2-18. PASSENGER LOADING ZONES – NO UNATTENDED VEHICLE.

A person commits an offense if the person parks, stops, or stands any vehicle and leaves it unattended in any passenger loading or no unattended vehicle zone.

SEC. 2-19. IMPEDING FLOW OF TRAFFIC.

A person commits an offense if he parks, stops or stands a vehicle in any Airport roadway, crosswalk, sidewalk, driveway, AOA, taxiway, parking area, passenger loading zone, material loading zone, at the taxi queue, or in front of or near any

entrance or exit to any building at the Airport so as to block, obstruct or impede the free passage of any vehicles or pedestrians.

SEC. 2-20. MATERIAL LOADING ZONES.

A person commits an offense if he:

- (1) stops, stands or parks any vehicle in a loading zone other than for unloading and delivery, pickup and loading of material by a vehicle authorized by the Airport Board for such use; or,
- (2) stops, stands or parks any delivery vehicle authorized by the Airport Board in a loading zone and exceeds the time limit or specified time window established by the Airport Board and posted in such loading zone.

SEC. 2-21. FAILURE TO PAY PARKING AND ACCESS CHARGES

A person commits an offense by failing to pay accrued parking or access charges at the Airport exits. This offense includes, but is not limited to, tow truck operators who remove vehicles from the Airport without paying the charges accrued by the vehicle being removed.

SEC. 2-22. PARKING DEFENSES.

(a) Law Enforcement and Emergency Service Vehicles.

It is a defense to prosecution under this Chapter that a vehicle in violation was owned or operated by a law enforcement agency, fire department or Emergency Medical Service provider and parked to support the performance of official duties.

(b) Authorized persons.

(1) It is a defense to prosecution under this Chapter that a vehicle in violation:

(A) was parked in a limited parking space and had parking authorization, in a form approved by the CEO and authorization was placed to be clearly visible on either the front windshield or rear window of the vehicle; or

(B) stopped, stood, or parked at the direction of a law enforcement officer, a traffic or parking controller, or an official traffic control device.

**ARTICLE IV.
ADMINISTRATIVE ADJUDICATION OF PARKING VIOLATIONS.**

SEC. 2-23. PARKING VIOLATIONS MADE CIVIL OFFENSES.

Every violation of this chapter governing the stopping, standing, or parking of a vehicle is a civil offense.

SEC. 2-24. HEARING REQUIREMENT.

A person charged with a stopping, standing, or parking offense is entitled to a hearing within 15 calendar days of issuance of the citation.

SEC. 2-25. HEARING OFFICERS; POWERS, DUTIES, AND FUNCTIONS.

(a) Hearing officers shall be appointed by the Administrator to administratively adjudicate all parking violations for which a parking citation has been issued under this chapter of this Code.

(b) Hearing officers shall have the following powers, duties, and functions:

(1) to administer oaths;

(2) to accept admissions to, and to hear and determine contests of, parking violations under this section;

(3) to issue orders compelling the attendance of witnesses and the production of documents, which orders may be enforced by a municipal court;

(4) to assess civil fines, penalties, and other costs for a parking violation in accordance with this chapter;

(5) to waive penalties assessed for a parking violation in accordance with this chapter; and

(6) to preside over, hear evidence, and make findings at an immobilization or impoundment hearing in accordance with this chapter.

SEC. 2-26. PARKING CITATIONS; FORM.

(a) A parking citation serves as the summons and complaint for purposes of this chapter.

(b) A parking citation must be on a form prescribed by the Administrator, and must include the following information:

- (1) the nature, date, time, and location of the alleged parking violation;
- (2) the license plate number of the illegally parked vehicle, or if not visible or legible, the vehicle identification number or the inspection tag number;
- (3) the make of the illegally parked vehicle; and
- (4) all other information required by state law.

SEC. 2-27. SERVICE OF A PARKING CITATION; PRESUMPTION OF SERVICE.

- (a) A parking citation must be served personally upon the operator of a vehicle, if the operator is present at the time of service. If the operator is not present, or cannot otherwise be personally served, the parking citation must be affixed to the vehicle in a conspicuous place.
- (b) An operator of a vehicle who is not the vehicle's owner, but who uses or operates the vehicle with the express or implied permission of the owner, shall be considered the owner's agent authorized to receive a parking citation required to be served upon the registered owner or operator of a vehicle in accordance with the provisions of this section.
- (c) If the owner or operator of a vehicle drives the vehicle away from or in any manner leaves the site of the parking violation while the issuing officer is preparing the parking citation, or refuses service of the parking citation, this fact shall be noted on the original and all copies of the parking citation.
- (d) The original parking citation must be signed by the issuing officer who shall affirm the truth of the facts set forth in the citation. An electronic signature satisfies the signature requirement.
- (e) The original and all copies, including all electronic copies, of a parking citation are prima facie evidence that the parking citation was issued and that an attempt at service was made in accordance with the provisions of this section.

SEC. 2-28. LIABILITY OF THE VEHICLE OWNER AND OPERATOR; PRESUMPTION OF LIABILITY.

- (a) Except as provided in subsection (b), the registered owner and the operator of a vehicle, when not the same, shall both be liable to the Airport Board for a parking violation charge, except that the operator of a vehicle shall be solely liable if the owner can prove that the vehicle was operated without the owner's express or implied consent.

- (b) A vehicle owner who is engaged in the business of renting or leasing vehicles under written rental or leasing agreements shall not be liable for parking fines, penalties, and costs imposed by the Airport Board on a rented or leased vehicle if, within 30 days after receiving written notice of a parking violation, the vehicle owner provides in affidavit form the true name, address, driver's license number and state or country of issuance of the person in possession of the vehicle at the time the parking citation was issued, and a true copy of the lease or rental agreement in effect at the time the parking citation was issued. A lessor of a vehicle who fails to provide such information and documentation shall be treated as any other vehicle owner and shall be liable with the vehicle operator for a parking violation charge.
- (c) It is a defense to any charge of a parking violation that, at the time of the violation, the illegally parked vehicle was reported to a police department as having been stolen prior to the time of the violation and had not yet been recovered.

SEC. 2-29. ANSWERING A PARKING CITATION.

- (a) A person who has been issued a parking citation shall answer to the charge of the parking violation by the date shown on the citation. An answer may be made in any of the following ways:
 - (1) an admission of liability with payment of the applicable civil fine, and any additional penalties and costs;
 - (2) a denial of liability made before a hearing officer at an administrative adjudication hearing on a date specified in the parking citation or at an instanter hearing before that date;
 - (3) an admission of liability with an explanation made before a hearing officer at an administrative adjudication hearing on a date specified in the parking citation or at an instanter hearing before that date;
 - (4) a request for permission from a hearing officer to adjudicate by mail; or electronic mail;
 - (5) a request to reset a scheduled administrative adjudication hearing from the date shown on the parking citation. A scheduled hearing may not be reset more than once unless the person charged pays to the Administrator, or his designated representative, an amount equal to the applicable civil fine for the parking violation, with any additional penalties and costs.
- (b) The Administrator, or his designated representative, shall issue a receipt for any amounts paid under this section. After presentation of the receipt, all

amounts paid will be refunded to the person charged if the hearing officer, or a municipal court on appeal, finds that the person is not liable for the parking violation.

- (c) Payment of the civil fine and any additional penalties and costs may be made in person or by mailing to the Airport Board the parking citation accompanied by payment of the amount shown on the citation. Payment by mail may be made only by money order, check, or in a manner prescribed by the Administrator. Payment of the civil fine and all penalties and costs assessed pursuant to this section shall operate as a final disposition of the parking violation charge, except when payment is made to reset a scheduled hearing or to file an appeal.

SEC. 2-30. ADJUDICATION BY MAIL, ELECTRONIC MAIL, OR THROUGH THE ONLINE CITATION APPEAL SYSTEM.

- (a) If a person charged with a parking violation shows good cause for not attending a hearing, either personally or through a representative, the hearing officer may permit the matter to be adjudicated by mail, electronic mail, or through the online citation appeal system, which adjudication must be completed within 90 calendar days of the date of the citation.
- (b) Letters, memoranda, affidavits, photographs, and other documentary materials shall be admissible as evidence for the purposes of adjudication by mail, electronic mail or through the online citation appeal system. The hearing officer may exclude from consideration any material that is not relevant to the adjudication of the alleged violation.
- (c) Failure of the person charged to proceed with an adjudication by mail, electronic mail or through the online citation appeal system, after requesting and receiving permission to adjudicate by mail, electronic mail or through the online citation appeal system, is an admission by the person charged of liability for the parking violation and shall subject the person who requested the adjudication by mail, electronic mail or through the online citation appeal system, to the appropriate civil fines, penalties, and costs assessed by the hearing officer.
- (d) If a hearing officer determines that an adjudication cannot proceed by mail, electronic mail or through the online citation appeal system, the hearing officer shall advise the person charged by first class mail that the person must appear to answer the charge at a hearing.

SEC. 2-31. HEARINGS FOR DISPOSITION OF A PARKING CITATION; NOTICE OF DECISION.

- (a) Every hearing for the adjudication of a parking violation charge under this section shall be held before a hearing officer.
- (b) At a hearing, the parking citation is prima facie proof of its contents. The officer or other authorized person who issued the parking citation is not required to be present at a scheduled administrative hearing unless requested at least three days in advance of the hearing by the person charged or by the hearing officer.
- (c) At a hearing, the hearing officer shall hear and consider evidence presented by the Airport Board and by the person charged. The Texas rules of evidence do not apply to a hearing under this section, and the hearing officer shall make a decision based upon a preponderance of the evidence presented at the hearing, after giving due weight to all presumptions and prima facie evidence established by this section or other applicable law.
- (d) At the conclusion of an instanter or a scheduled administrative adjudication hearing, the hearing officer shall immediately render an order or decision as to liability for the violation. The person charged shall also be notified of the right to appeal to municipal court, that failure to pay can result in immobilization and impoundment of the vehicle, and that the debt may be placed on the person's credit report for seven years or until the debt is paid.
- (e) If the person charged with a parking violation fails to answer the charge or to appear at a scheduled hearing, then within 7 calendar days after filing an order of liability issued under this section, a hearing officer shall notify the registered owner or operator of the vehicle in writing of the order. The notice must be sent by first class mail to the last address of the registered owner on record with the Texas Department of Transportation, or to the address of the registered owner or operator last known to the hearing officer.

SEC. 2-32. CIVIL FINE SCHEDULE.

- (a) All civil offenses under this chapter shall be punishable by a civil penalty of \$58.00, except for the following offenses:

<u>Violation</u>	<u>Civil Penalty</u>
Disabled Parking Space	\$ 500.00
Parking in a Fire Lane	\$ 68.00

- (b) Civil penalties for failure to pay parking fees shall be in addition to the parking fees themselves. When a vehicle is booted, a fee of \$100.00 shall also be assessed.
- (c) If a civil penalty is assessed, it must be in accordance with this section. A civil penalty may not be waived or modified by a hearing officer, or by a

municipal court on appeal, except that additional penalties and other costs may be added in accordance with this section.

(d) An additional penalty in an amount equal to the original civil penalty will be assessed if a vehicle owner or operator or the agent of the owner or operator fails to:

(1) answer to a parking violation charge within 15 calendar days after the date of issuance of the parking citation or fails to appear at any hearing scheduled after 15 calendar days from the date of the parking citation; or

(2) after being found liable, pay all civil fines, fees, and costs assessed for a parking violation within the time designated by the hearing officer.

(e) A penalty assessed under subsection (c) of this section may be waived by a hearing officer, or by a municipal court on appeal, if the vehicle owner or operator, or agent of the vehicle owner or operator, can establish that:

(1) through no fault of the vehicle owner or operator, or agent of the vehicle owner or operator:

(A) no notice of the parking violation was received as required by this chapter;

(B) no notice of the hearing officer's order was received as required by this chapter; or

(C) payment of the civil penalty assessed for the parking violation was not posted in a timely manner;

(2) the penalty was assessed in error; or

(3) the vehicle was at the time of the violation stopped, standing, or parked in response to a medical emergency.

SEC. 2-33. ENFORCEMENT OF ORDER.

In addition to the enforcement remedies allowed by state law, a hearing officer's order may be enforced by:

(a) impounding the vehicle that is the subject of the order when it is found within the boundaries of the Airport, if the person charged has committed three or more parking violations in any calendar year that have not been resolved either by a finding of no liability or by payment of all civil fines, penalties, and costs assessed by the hearing officer;

- (b) placing a boot on the vehicle that is the subject of the order when it is found within the boundaries of the Airport, if the person charged has committed three or more parking violations in any calendar year that have not been resolved either by a finding of no liability or by payment of all civil fines, penalties, and costs assessed by the hearing officer;
- (c) canceling or denying any permit to park or operate a transportation service at the Airport; and
- (d) reporting the debt to a credit reporting bureau, or any other civil remedy available at law.

SEC. 2-34. REMOVAL OF IMMOBILIZATION DEVICE.

- (a) The registered owner of an immobilized or impounded vehicle, or other authorized person, may secure the release of the vehicle upon:
 - (1) payment of the amount of the civil fine and late fees, if any, for each delinquent parking citation plus the applicable boot fees and towing and storage fees; or
 - (2) the posting of a cash bond in the amount of such civil fines, late fees, boot fees and towing and storage fees to ensure appearance at the immobilization/impoundment hearing.
- (b) Payment of the civil fines, late fees, boot fees, and any towing and storage fees shall constitute a waiver of the right to contest such civil fines and fees.
- (c) It shall be unlawful for any person, other than an officer or employee of the Airport Board acting in the course and scope of his duties under this section, to remove or attempt to remove or to tamper in any manner with an immobilization device (boot) installed on any vehicle pursuant to this section.
- (d) It shall be unlawful for any person, except under the direction of a peace officer, or an employee of the Airport Board, to tow, move, or to cause to be towed or moved any vehicle on which a boot is then installed pursuant to this section from the place where it was booted.
- (e) It shall be unlawful for any person, other than a peace officer or employee of the Airport Board acting in the course and scope of his duties, to remove or relocate any notice placed upon a booted vehicle under this section.
- (f) An offense under this section shall be a criminal offense punishable upon conviction by a criminal fine not to exceed Five Hundred Dollars (\$500).

SEC. 2-35. IMMOBILIZATION/IMPOUNDMENT HEARING.

- (a) The registered owner of a vehicle that is immobilized or impounded for the purpose of enforcing a hearing officer's order shall have the right to a prompt immobilization/impoundment hearing before a hearing officer.
- (b) The request for an immobilization/impoundment hearing must be made in writing to the Administrator, or his designated representative, on a form provided for that purpose, within 3 calendar days from the date the vehicle was immobilized or impounded, whichever occurred first.
- (c) An immobilization/impoundment hearing must be held within 48 hours after the Administrator, or his designated representative, receives the request for a hearing, excluding Saturdays, Sundays, and Airport Board holidays, at the parking adjudication office or at such other convenient and reasonable place as the hearing officer may designate.
- (d) The issue to be determined at the immobilization/impoundment hearing is whether the immobilization or impoundment of the vehicle was authorized by this chapter.
- (e) The immobilization or impoundment of a vehicle is valid if it complies with the requirements of this chapter, unless the vehicle owner or operator, or agent of the vehicle owner or operator, can establish that:
 - (1) the vehicle was registered to or operated by another person at the time the unresolved parking violations occurred;
 - (2) the vehicle was being operated without the owner's express or implied consent at the time the unresolved parking violations occurred; or
 - (3) through no fault of the owner, notice of the unresolved parking violations was never received as required by this section; and
 - (4) if the defective citations are dismissed, it would leave no more than two unresolved parking violations within the calendar year.
- (f) If the hearing officer determines that immobilization or impoundment of a vehicle was not valid, all fees paid for immobilization, towage, storage, and impoundment of the vehicle and any other amount paid to redeem the vehicle shall be refunded, including any civil fines, penalties, and costs for any parking violation that the hearing officer determines should not have been considered in counting parking violations for the purposes of immobilizing or impounding the vehicle. Any civil fines, penalties, and costs paid for a parking violation for which the registered owner was liable will not be refunded.

SEC. 2-36. APPEAL FROM HEARING.

- (a) A person determined by a hearing officer at a hearing, or by failure to answer a parking citation or appear at a hearing in the time required, to be in violation of a parking ordinance may appeal this determination to the municipal court in the manner and within the time allowed by state law.
- (b) The officer or other authorized person who issued the parking citation is not required to be present at the appeal hearing unless requested by the person charged or by the municipal court.
- (c) The appeal hearing must be a trial de novo in municipal court and is a civil proceeding for the purpose of affirming or reversing the hearing officer's order.
- (d) Service of notice of appeal under this section does not stay the enforcement and collection of any order of a hearing officer, unless the person filing the appeal pays to the Administrator an amount equal to all civil fines, penalties, and costs assessed against the person charged. The Administrator shall issue a receipt for any amounts paid under this subsection. After presentation of the receipt, all amounts paid will be refunded if the hearing officer's order is overturned on appeal.

SEC. 2-37. DISPOSITION OF CIVIL FINES, PENALTIES, AND COSTS.

All civil fines, penalties, and costs collected by the Airport Board under this chapter shall be paid into the Airport Board's general fund for the use and benefit of the Airport Board.