

ORDINANCE NO. 4809

AN ORDINANCE to amend and reordain Chapter 4 (COMMITTEES, BOARDS AND COMMISSIONS), Title 2 (GENERAL GOVERNMENT) of The Code of the City of Alexandria, Virginia, 1981, as amended, by adding a new ARTICLE Z, Sections 2-4-210 through -211.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Chapter 4 of Title 2 of the Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended and reordained by the addition of the following new article and sections to read as follows:

(The following is all new language)

ARTICLE Z- ALEXANDRIA TOWING ADVISORY BOARD

Sec. 2-4-210 Creation, composition and organization.

- (a) There is hereby established a board known as the Alexandria Towing Advisory Board ("Board").
- (b) The Board shall consist of 6 members to be appointed by the city council. The composition of the Board shall be as follows:
 - 1. Two members from the Alexandria Police Department, to be nominated by the Chief of Police;
 - 2. Two members representing licensed towing and recovery operators doing business in the City of Alexandria; and
 - 3. Two citizens at large, one of which shall have expertise in property management or is a business owner.
- (c) A quorum of the board shall consist of at least one police member, one towing operator member and one citizen member.
- (d) Members of the Board shall be appointed in the manner prescribed in Article A of this title.
- (e) Members shall serve for a term of three years. Terms shall be staggered so that no more than half the Board will come up for reappointment in any year.
- (f) A Board chair, vice-chair and secretary shall be elected annually by the Board members at its organizational meeting.
- (g) The Board may adopt bylaws, rules and regulations governing its procedures so long as the same are not inconsistent with the city code, including, but not limited to, the establishment of committees through which it may carry on its functions and pmpose.

Sec. 2-4-211 Functions

The Board shall:

- (a) Provide a forum for an annual review of the rates and policies related to the towing, storage and retrieval of vehicles towed from private property by the property owner or their authorized agent; and
- (b) To review and approve as necessary any contracts by the City for municipal towing or other towing at the direction of City officials or their authorized agents; and
- (c) To provide a forum for public hearing, discussion and recommendations to city staff and the city council related to the towing, storage and retrieval of vehicles towed from private property by the property owner or their authorized agent.

Sec. 2-4-212 Meetings

- (a) The Board shall have at least one, but no more than four, regular meetings annually. The Board may also have special meetings as necessary.
- (b) Subject to the limitations set forth in Subsection (a) above, the Board shall meet at the call of the Chairperson, upon request of the city council or upon the request of the Director of Transportation & Environmental Services.
- (c) The Board shall be supported primarily by staff from the Department of Transportation & Environmental Services and such additional staff as the city manager may direct.

Sec 2-4-213 thru 2-4-219 Reserved.

Section 2. That this ordinance shall become effective upon the date and at the time of its final passage.

WILLIAM D. EUILLE
Mayor

Final Passage: May 18, 2013

§ 46.2-1217. (Effective until January 1, 2013) Local governing body may regulate certain towing.

The governing body of any county, city, or town by ordinance may regulate services rendered pursuant to police towing requests by any business engaged in the towing or storage of unattended, abandoned, or immobile vehicles. The ordinance may include delineation of service areas for towing services, the limitation of the number of persons engaged in towing services in any area, including the creation of one or more exclusive service areas, and the specification of equipment to be used for providing towing service. The governing body of any county, city, or town may contract for services rendered pursuant to a police towing request with one or more businesses engaged in the towing or storage of unattended, abandoned, or immobile vehicles. The contract may specify the fees or charges to be paid by the owner or operator of a towed vehicle to the person undertaking its towing or storage and may prescribe the geographical area to be served by each person providing towing services. The county, city, or town may establish criteria for eligibility of persons to enter into towing services contracts and, in its discretion, may itself provide exclusive towing and storage service for police-requested towing of unattended, abandoned, or immobile vehicles. Such criteria shall, for drivers of tow trucks and towing and recovery operators, be no less restrictive than those established pursuant to Chapter 28 (§ 46.2-2800 et seq.) of this title and regulations adopted pursuant thereto.

Prior to adopting an ordinance or entering into a contract pursuant to this section, the local governing body shall appoint an advisory board to advise the governing body with regard to the appropriate provisions of the ordinance or terms of the contract. The advisory board shall include representatives of local law-enforcement agencies, towing and recovery operators, and the general public.

"Police-requested towing" or "police towing request," as used in this section, includes all requests made by a law-enforcement officer of the county, city, or town or by a State Police officer within the county, city, or town pursuant to this article or Article 2 (§ 46.2-1209 et seq.) of this chapter and towing requests made by a law-enforcement officer at the request of the owner or operator of an unattended, abandoned, or immobile vehicle, when no specific service provider is requested by such owner or operator.

If an unattended, abandoned, or immobile vehicle is located so as to impede the free flow of traffic on a highway declared by resolution of the Commonwealth Transportation Board to be a portion of the interstate highway system and a law-enforcement officer determines, in his discretion, that the business or businesses authorized to undertake the towing or storage of the vehicle pursuant to an ordinance or contract adopted pursuant to this section cannot respond in a timely manner, the law-enforcement officer may request towing or storage service from a towing or storage business other than those authorized by such ordinance or contract.

If an unattended, abandoned, or immobile vehicle is towed as the result of a police-towing request, the owner or person having control of the business or property to which the vehicle is towed shall allow the owner of the vehicle or any other towing and recovery business, upon presentation of a written request therefor from the owner of the vehicle, to have access to the vehicle for the purpose of inspecting or towing the vehicle to another location for the purpose of repair, storage, or disposal. For the purpose of this section, "owner of the vehicle" means a person who (i) has vested ownership, dominion, or title to the vehicle; (ii) is the authorized agent of the owner as defined in clause (i); or (iii) is an employee, agent, or representative of an insurance company representing any party involved in a collision that resulted in a police-requested tow who represents in writing that the insurance company has obtained the oral or written consent of the title owner or his agent or the lessee of the vehicle to obtain possession of the vehicle. It shall be unlawful for any towing and recovery business to refuse to release a vehicle to the owner as defined in this section upon tender of full payment for all lawful charges by cash, insurance company check, certified check, money order, at least one of two commonly used, nationally recognized credit cards, or additional methods of payment approved by the Board. Thereafter, if a towing and recovery business refuses to release the vehicle, future charges related to storage or handling of the vehicle by such towing and recovery business shall be suspended and no longer payable.

The vehicle owner who has vested ownership, dominion, or title to the vehicle shall indemnify and hold harmless the towing and recovery operator from any and all liability for releasing the vehicle to any vehicle owner as defined in this section for inspecting or towing the vehicle to another location for the purpose of repair, storage, or disposal.