

ORDINANCE NO. _____

AN ORDINANCE to amend and reordain Chapter 13 (TOWING AND STORAGE OF MOTOR VEHICLES), Title 2 (LICENSING AND REGULATION) of The Code of the City of Alexandria, Virginia, 1981, as amended, by amending certain sections thereof as set forth more fully below.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Chapter 12 of Title 9 of the Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended and reordained by amending the following sections to read as follows:

(New language is underlined; deleted language is ~~stricken through~~)

Sec. 9-13-1 - Definitions.

The following words and phrases, when used in this chapter, shall have the following meanings:

(a) "Motor vehicle" or "vehicle" means:

(1) any motor vehicle designed primarily for the transportation of no more than ten persons, including the driver, and having a registered gross weight of 7,500 pounds or less; and

(2) any motor vehicle designed primarily for the transportation of property, such as pick-up trucks and panel trucks, and having a registered gross weight of 7,500 pounds or less.

(b) "After-hours fee" means the compensation payable for the towing of a motor vehicle, during the periods of time prescribed in section 9-13-3(a)(3), to a facility owned, operated, leased or used by a tow truck service, whether that facility is located within or beyond the City of Alexandria.

(c) "Storage fee" means the compensation payable for the storage of a towed motor vehicle that has been stored at or in a facility owned, operated, leased or used by a tow truck service, whether that facility is located within or beyond the City of Alexandria.

(d) ~~"Tow," "tows," or "towing" means the act of removing, by tow truck, a motor vehicle from privately owned property within the City of Alexandria where it is parked. The mere preparation of a motor vehicle for removal by a tow truck or the attachment of a motor vehicle to a tow truck, or both, does not, for purposes of this chapter, constitute a "tow" or "towing."~~ "Tow," "tows," or "towing" means when the Tow Truck has engaged a Vehicle by a physical or mechanical means that causes the Towed Vehicle to be removed from private property.

(e) "Towing fee" means the compensation payable for the towing of a motor vehicle.

(f) "Tow truck service" means any individual or entity that ~~has paid, or is required to pay, the business privilege tax authorized by state law and imposed by section 9-1-73 of this code, and that~~ tows motor vehicles for compensation, and includes any authorized

agent or legal representative of such individual or entity. The term does not, for purposes of this chapter, include an individual or entity that removes motor vehicles from public streets and other locations, pursuant to a contract with the City of Alexandria.

- (g) "Tow truck" means any truck used by a tow truck service to tow or transport away a motor vehicle, and includes a flatbed truck.
- (h) "Tow truck operator" or "operator" means any individual who, as an employee of or otherwise for a tow truck service, tows motor vehicles.
- (i) "Drop fee" means the compensation payable for the release of a vehicle that has been connected to a tow truck but not yet removed from premises private property from which it is to be towed.

Sec. 9-13-2 - Applicability.

This chapter applies (i) to the towing, by a tow truck service, of motor vehicles from privately-owned property within the City of Alexandria without the consent of the vehicle owner or driver, (ii) to the fees that are charged for such towing of vehicles, and (iii) to the fees that are charged for the storage and retrieval of such towed vehicles. The chapter does not apply to the towing of motor vehicles from public streets and other locations within the city that is performed pursuant to a contract with the City of Alexandria or at the direction of City of Alexandria staff, or to the storage of such vehicles.

Sec. 9-13-3 - Towing and storage fees and regulations.

- (a) The maximum fees that may be charged for the towing of motor vehicles and for the storage and, when specifically authorized by this section, the retrieval of such towed vehicles are as follows:
 - (1) for the towing of a motor vehicle (i) less than 7,500 pounds gross vehicle weight rating, the maximum fee shall be ~~\$75;~~\$125 \$125; (ii) for medium tows, 7,500 to 10,000 pounds gross vehicle weight rating, the maximum fee shall be \$250; (iii) for heavy tows, greater than 10,000 pounds gross vehicle weight rating, the maximum fee shall be \$500;
 - (2) for the storage of a towed motor vehicle, the maximum fee for each 24-hour period of storage, or portion thereof, shall be ~~\$20~~\$50 for any (i) vehicle 22 feet or less and (ii) \$5.00 per foot for any Vehicle over 22 feet in length; provided, that no storage fee may be charged for the first 24 hours of storage, ~~or any portion thereof, following the arrival of a towed vehicle at a storage facility unless the vehicle is not retrieved within that initial 24-hour period, in which case a storage fee for the initial 24 hours of storage may be charged;~~ and
 - (3)
 - ~~(4) for the retrieval of a towed motor vehicle from a storage facility (i) between the hours of 7:00 p.m. and 8:00 a.m. on any day, or (ii) at any time on a Saturday, Sunday or holiday, the maximum fee shall be \$10~~ \$25. For towing a vehicle between seven o'clock p.m. and eight o'clock a.m. or on any Saturday, Sunday, or holiday, an additional after-hours fee of no more than \$25 per instance may be charged; however, in no event shall more than two such fees be charged for towing any such vehicle. No charge shall be made for storage and safekeeping for a period of twenty-four hours or less.

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2 (4) If a fee for notification of lien holder, owner, agent or other interested party is
3 charged, it shall not exceed \$75.00. This fee may only apply after the Vehicle is
4 on the Storage Site over three full business days. No administrative fees will be
5 charged, or any other charges unless expressly set forth herein.

6
7 (b) It shall be unlawful for any person to charge a towing fee, storage fee or retrieval fee
8 that exceeds the fees established by subsection (a).

9 (c) Any towed motor vehicle that is covered by this chapter shall be towed directly to and
10 stored at a facility located in the City of Alexandria or in the Commonwealth of
11 Virginia within three miles of the boundaries of the City of Alexandria. It shall be
12 unlawful for any person to cause a towed vehicle to be stored at a facility more than
13 three miles beyond the boundaries of the City of Alexandria. If the facility at which a
14 towed motor vehicle is stored is located beyond the boundaries of the City of
15 Alexandria, any storage fee shall be assessed at the rate of the jurisdiction in which
16 the lot is located. This applies only to storage fees and not towing fees, after hours
17 fees or any other fees regulated by this chapter.

18 ~~(d) If the facility at which a towed motor vehicle is stored is located outside the City of~~
19 ~~Alexandria in a jurisdiction that has enacted a regulation limiting the fees that may be~~
20 ~~charged for the storage of towed vehicles and such ordinance applies to vehicles~~
21 ~~towed from the city, that jurisdiction's storage fee regulations shall apply.~~

22 (e) Vehicle Release.

23 (1) If the owner of the vehicle is present and removes the vehicle from the property
24 or corrects the violation before the vehicle is connected to the tow truck, no fee will be
25 charged the vehicle owner;

26 (2) If the vehicle has been connected to the tow truck and has not yet left private
27 property, the vehicle shall not be towed upon request of the vehicle owner. The owner
28 shall be liable for a drop fee, as set forth in this Section, in lieu of towing, in an amount
29 not to exceed \$50, provided that the vehicle owner removes the vehicle from the property
30 or otherwise corrects the violation.

31 Sec. 9-13-4 - Notice of tow.

32 When towing any motor vehicle, the tow truck service or operator shall contact the city's police
33 department and provide the following information:

34 (a) the name of the tow truck service and operator;

35 (b) a description of the vehicle to be towed, including its year, make, model, vehicle
36 identification number and license plate number;

37 (c) the date and time of the tow;

38 (d) the address of the location from which the vehicle is being towed; and

39 (e) the name and address of the facility to which the vehicle is to be delivered and stored,
40 and from which the vehicle may be retrieved.
41

- 1 (f) The City Manager, in conjunction with the Director of Transportation &
2 Environmental Services, the Police Chief and the Department of Emergency
3 Communications, shall promulgate regulations for compliance with this section.
4

5 Sec. 9-13-5 - Hours of operation of storage facilities.

6 Any tow truck service that tows a motor vehicle from a location within the city shall take the
7 vehicle to a storage facility from which towed vehicles may be retrieved 24 hours a day.
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9 Sec. 9-13-6 - Methods of payment.

10 A tow truck service, tow truck operator and storage facility operator shall accept payment for
11 towing fees, storage fees, after-hours fees and the drop "in-lieu-of-towing" fees set out in section
12 9-13-3(e) in each of the following ways:

- 13 (a) cash in United States currency;
14 ~~(b) travelers' checks or money orders payable in United States currency; and MasterCard~~
15 ~~or Visa debit cards;~~
16 (c) not less than two major national any credit or charge cards that the tow truck service,
17 tow truck operator or storage facility operator is authorized by the issuing credit or
18 charge card company to accept, and that is accepted by the service or operator in the
19 ordinary course of business; and
20 (d) personal checks, but only in the event that debit/credit cards payments cannot be
21 processed at the time payment is tendered.
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23 Sec. 9-13-7 - Receipt.

24 Upon payment of all towing, storage and, if applicable, retrieval fees, the tow truck service or
25 storage facility operator, as the case may be, shall immediately give the vehicle owner or
26 custodian a written receipt that contains the following information:

- 27 (a) the name and address of the tow truck service;
28 (b) the address from which the vehicle was towed;
29 (c) the date and time that the vehicle was towed;
30 ~~(d) the date and time that the vehicle entered the facility at which it was placed for storage~~
31 the reason for the tow and the entity or person who authorized the removal of the
32 vehicle;
33 (e) an itemized list of all the fees that are being charged; and
34 (f) ~~a signature of an authorized representative of the tow truck service~~ the date and time
35 when and the name of the person to whom the vehicle was released .

36 In the case of a drop fee, item (f) is not required and items (a) and (b) are modified to refer to the
37 address at which the drop fee was incurred.
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39 Sec. 9-13-8 - Posting of fees.

40 At every place of business where towing fees or storage fees, or both, are collected related to
41 vehicles towed from private property located in the City of Alexandria, there shall be
42 prominently displayed a sign containing a list of the fees imposed for towing and storage
43 services, which sign shall state that the listed fees do not exceed the maximum fees allowed by
44 law and shall refer to section 9-13-3 of this code. If the facility processes payments for tows from
45 multiple jurisdictions, those related to the City of Alexandria shall be separately posted and
46 displayed in a manner reasonably designed to make clear the rates that apply to tows from

Alexandria as opposed to other jurisdictions. Any fee or charge in excess of those posted is prohibited.

Sec. 9-13-9 - Towing log or similar record.

Every tow truck service shall maintain a separate log or similar record which shall show, for each motor vehicle that it has towed from a location within the City of Alexandria, the following information:

- (a) the date and time that the vehicle was towed;
- (b) ~~the date and time that the vehicle entered the facility at which it was placed for storage;~~
- (c) the make, model, year, Vehicle Identification Number and license plate number of the vehicle;
- (d) the address of the property from which the vehicle was removed; and
- ~~(e) the total mileage of the tow; and~~
- (f) the towing and storage fees actually charged.

Such log or record shall be maintained for a period of at least one year from the date of each tow, and shall be made available, during normal business hours, for inspection by the city. In addition, the portion of such log or record pertaining to a particular motor vehicle shall be made available, during normal business hours, for inspection by the owner of the vehicle.

Sec. 9-13-10 - Warning signs.

It shall be unlawful for any tow truck service or operator to tow a motor vehicle unless the area in which the vehicle is parked has posted, at each entrance, a legible sign of a minimum size of 12" by 18" ~~area of four square feet~~ that contains the following:

- (a) a pictorial symbol of a tow truck;
- (b) a statement, in letters not less than three inches in height, to the effect that any trespassing motor vehicle within the area is subject to towing and storage at the expense of the vehicle owner;
- (c) if applicable, the hours and days of the week when trespassing vehicles are subject to towing; and
- (d) ~~a~~ the telephone number for the City of Alexandria's Department of Emergency Communications, or such other telephone number as may be designated by the City, ~~other than that of the city police department,~~ that may be called 24 hours a day for information regarding the retrieval of a towed vehicle; provided, that the requirements of this section shall not apply to areas providing parking for single-family, and two-family ~~and townhouse dwellings~~, as such dwellings are defined in the city zoning ordinance.

Sec. 9-13-12 - Penalty.

Any person violating a provision of this chapter shall be guilty of a class four civil violation as set forth in City Code section 1-1-11(b)(4), to be assessed by the Department of Transportation & Environmental Services. In the event any tow truck service is assessed two civil penalties hereunder for violations at the same property, the Department of Transportation & Environmental Services shall issue a written warning to the property owner at the address of record in the tax records for the City of Alexandria. In the event a violation at a property that has been issued a written warning occurs within 6 months of the issuance of such written warning.

1 the property owner shall be guilty of a class four civil violation as set forth in City Code section
2 1-1-11(b)(4), separate from and in addition to any penalty that may be assessed against any other
3 person. i.e n, upon conviction, be punished by a fine not to exceed \$250 for each violation;
4 provided, that if, in any 12-month period, a person is convicted of having violated one or more
5 provisions of this chapter in conjunction with the towing of more than one motor vehicle, the
6 punishment for each violation in conjunction with the second and with any subsequent tow in the
7 12-month period shall be a fine not to exceed \$500.

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9 Sec. 9-13-11 – Registration

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11 (a) Any tow truck service providing service in the City of Alexandria shall register with
12 the Department of Transportation & Environmental Services prior to commencing
13 service in the City by January 31 of each subsequent year.
14 (b) The Department of Transportation & Environmental Services shall issue certificates in
15 the normal course of its business after receiving the following materials from each
16 applicant:
17 (1) the name, address and telephone number of the tow truck service;
18 (2) the name and telephone number of the business owner or chief executive
19 officer of the business;
20 (3) either A) a copy of the tow truck service's City of Alexandria Business,
21 Professional and Occupational License; or B) a written certification from the
22 business owner or CEO that the tow truck service does not transact sufficient
23 business to require such a license pursuant to the terms of City Code Section
24 9-1-1, et seq. and a copy of the tow truck service's business license from the
25 jurisdiction in which they are licensed;
26 (4) the address and telephone number of the facility to which vehicles towed from
27 the City of Alexandria are to be taken; and
28 (5) the addresses and (if applicable) trade names of the property owners who have
29 authorized the tow truck service to tow vehicles from their property. Such
30 information will be considered proprietary business information pursuant to
31 Va. Code Section 2.2-3705.6.
32 (c) Any change to the information provided at the time of registration shall be provided to
33 the Department of Transportation & Environmental Services within 30 days of such
34 change.

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

38
39 WILLIAM D. EUILLE
40 Mayor

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42 Introduction:
43 First Reading:
44 Publication:
45 Public Hearing:
46 Second Reading:
47 Final Passage: