



Legislation Text

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City of Alexandria, Virginia

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MEMORANDUM

**DATE:** JUNE 5, 2013

**TO:** THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL

**FROM:** RASHAD M. YOUNG, CITY MANAGER /s/

**DOCKET TITLE:**

Public Hearing, Second Reading and Final Passage of an Ordinance Authorizing Amendments to Section 9-13 of the City Code - Towing and Storage of Motor Vehicles. [ROLL-CALL VOTE]

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**ISSUE:** That City Council pass the proposed ordinance (Attachment 2) on first reading and schedule it for public hearing, second reading and final passage on Saturday June 15, 2013.

**RECOMMENDATION:** That City Council consider the ordinance on first reading and set it for public hearing, and second reading June 15, 2013 and final passage on Saturday, June 15, 2013.

**DISCUSSION:** The City's towing ordinance was last revised in 1993. In March 2012, City Council created an Ad Hoc Towing Services Advisory Board. The Board makes recommendations to City Council on the provisions in the contract for City authorized towing services and the maximum allowable towing charges for towing companies operating in the City. The Board reviewed the City's towing ordinance and made suggestions for improvements. City staff considered the Board's suggestions and is proposing the following changes to the towing ordinance:

Sec. 9-13-1 - Definitions:

Definitions be changed to provide terminology consistent with the language used in the towing industry.

Sec. 9-13-1 - (b) Change “retrieval fee” to “after hours fee;”

Sec. 9-13-1 - (d) Change the definition of “tow, tows or towing” from “*the act of removing...*” to “*when a tow truck has engaged a vehicle...*” This change is made to better define the action in City code and to provide consistency with the definition in the Fairfax County code;

Sec. 9-13-1 - (f) Delete “*has paid, or is required to pay, the business privilege tax authorized by the state law and imposed by section 9-1-73 of this code, and that*” This section of the code was repealed in 1995 so the reference is not necessary.

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

To maintain consistency with the towing rates in surrounding jurisdictions and state code, staff recommends the following rate adjustment:

- 1) Increase the cost of a standard tow from \$75 to \$125;
- 2) Create a new category for medium tows and allow charges up to \$250 per tow;
- 3) Create a new category for heavy tows and allow charge up to \$500 per tow;
- 4) Increase the drop fee from \$25 to \$50;
- 5) Increase the storage fee from \$20 to \$50 and allow for an oversized vehicle storage fee of \$5.00 per foot for any vehicle over 22 feet in length;
- 6) Replace the after-hours retrieval fee with an afterhours towing fee. Private tow lots are required to be open twenty four hours a day so there is no need to charge for an after-hours retrieval fee, the fee is more appropriately applied to the towing outside of normal business hours and;
- 7) Add a \$75 administrative fee for notification of the lien holder.

TOWING FEES FOR SURROUNDING JURISDICTIONS

	Alexandria Existing	Alexandria Proposed	Alexandria Fees	Fairfax Co Fees	Arlington Co
Standard Tow	\$75	\$125		\$125	\$125
Medium Tow	---	\$250		\$250	\$250
Heavy Tow	---	\$500		\$500	\$500
Drop Fee	\$25	\$50		\$50	\$25
Storage		---	\$50	\$50	\$50
Storage Large	---	\$5/ft		\$5/ft.	---
After Hours Tow	\$10	\$25		\$25	---
Admin Fee	---	\$75		\$75	---

Sec. 9-13-3 (c) Towing and storage fees and regulations:

Subsection (d) is combined with subsection (c) to establish that the storage rates of the jurisdiction where the vehicle is stored may be applicable.

Sec. 9-13-4 - Notice of Tow:

The notice of tow requirement is changed to eliminate the requirement that tow companies call the police non-emergency number before towing a vehicle from private property. This is done to expedite the towing process and to eliminate the hold experienced by towing companies when calling the Department of Emergency Communications (DEC). New methods will include faxing, emailing or texting the Police Department to notify of a tow.

**Sec. 9-13-6 - Method of Payment:**

This section is revised to align the City of Alexandria's ordinance with the Fairfax County ordinance since most tow yards are located in Fairfax County.

**Sec. 9-13-7 - Receipt:**

This section is changed to require that the following information be provided on the tow receipt; reason for the tow, date and time of the tow, name of the person to whom the vehicle was released by the towing company.

**Sec. 9-13-8 - Posting of Fees:**

This section is changed to require that City of Alexandria's towing rates and fees be prominently posted at the towing company's storage lot available to customers retrieving their vehicles.

**Sec. 9-13-9 - Towing Log or similar record:**

This section is changed so that it is no longer required that the towing log indicates the date and time the vehicle entered the facility and the mileage on the car when removed. This required information is addressed in Sec. 9-13-7.

**Sec. 9-13-10 - Warning Signs:**

The minimum size of the warning sign is changed to make the size compatible with standard sign blanks. The requirement that the phone number for DEC be listed instead of the police nonemergency number is also added.

**Sec. 9-13-12 - Penalty:**

The penalty is changed to allow staff to cite a towing company with a class four civil violation when violations occur. This is important because in the past a conviction was required and most violations being of small dollar value where not pursued since it was not cost effective. The proposed language creates a greater disincentive by stipulating that if a towing company is assessed two civil penalties for violations at the same property, the Department of Transportation & Environmental Services can issue a written warning to the property owner. In the event of a violation at a towing company that has within the last six months been previously issued a written warning the property owner shall be guilty of a class four civil violation as set forth in City Code section 1-1-11 (b)(4)

**Sec. 9-13-11 - Registration:**

The proposed language now requires any towing company operating in the City to register with the City and provide a list of properties from which the company is allowed to tow.

**FISCAL IMPACT:**

No fiscal impact

**ATTACHMENTS:**

Attachment 1: Ordinance Cover

Attachment 2: Ordinance

Attachment 3: PowerPoint Presentation

**STAFF:**

Mark Jinks, Deputy City Manager

Jerome Fletcher, Special Assistant to the City Manager

Richard J. Baier, Director, Transportation and Environmental Services

Joel Marcuson, Deputy Director, Transportation Planning, Transportation and Environmental Services  
Bob Garbacz, Division Chief, Traffic, Transportation and Environmental Services