

ORDINANCE NO. 3641

AN ORDINANCE to add a new Chapter 13 (TOWING AND STORAGE OF MOTOR VEHICLES) to Title 9 (LICENSING AND REGULATION) of The Code of the City of Alexandria, Virginia, 1981, as amended.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Title 9 of the Code of the City of Alexandria, Virginia, 1981, as amended, be and the same hereby is amended by adding a new Chapter 13 to read as follows:

CHAPTER 13

Towing and Storage of Motor Vehicles

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) "Retrieval fee" means the compensation payable for the retrieval of a towed motor vehicle, during the periods of time prescribed in section 9-13-3(a)(3), from 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."

(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 a motor vehicle.

(h) "Tow truck operator" or "operator" means any individual who, as an employee of or otherwise for a tow truck service, tows motor vehicles.

#### 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 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, the maximum fee shall be \$75.00;
- (2) for the storage of a towed motor vehicle, the maximum fee for each 24-hour period of storage, or portion thereof, shall be \$20.00; 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) 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 \$10.00.

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

(c) Any towed motor vehicle that is covered by this chapter shall be towed directly to and stored at a facility located in the City of Alexandria or in the Commonwealth of Virginia within three miles of the boundaries of the City of Alexandria. It shall be unlawful for any person to cause a towed vehicle to be stored at a facility more than three miles beyond the boundaries of the City of Alexandria.

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

(e) If the owner of a motor vehicle is present and capable of removing the vehicle before it is removed by a tow truck operator, the vehicle shall not be towed; provided, that in such an event, the owner of the vehicle shall be liable for a reasonable fee, not to exceed \$25.00, in lieu of towing, payable to the tow truck operator.

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

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

- (a) the name of the tow truck service and operator;
- (b) a description of the vehicle to be towed, including its year, make, model, vehicle identification number and license plate number;
- (c) the date and time of the tow;
- (d) the address of the location from which the vehicle is being towed; and
- (e) the name and address of the facility to which the vehicle is to be delivered and stored, and from which the vehicle may be retrieved.

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

Any tow truck service that tows a motor vehicle from a location within the city shall take the vehicle to a storage facility from which towed vehicles may be retrieved 24 hours a day.

Sec. 9-13-6 Methods of payment.

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

- (a) cash in United States currency;
- (b) travelers' checks or money orders payable in United States currency; and
- (c) any credit or charge card that the tow truck service, tow truck operator or storage facility operator is authorized by the issuing credit or charge card company to accept, and that is accepted by the service or operator in the ordinary course of business.

Sec. 9-13-7 Receipt.

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

- (a) the name and address of the tow truck service;
- (b) the address from which the vehicle was towed;
- (c) the date and time that the vehicle was towed;
- (d) the date and time that the vehicle entered the facility at which it was placed for storage;
- (e) an itemized list of all the fees that are being charged; and
- (f) a signature of an authorized representative of the tow truck service.

Sec. 9-13-8 Posting of fees.

At every place of business where towing fees or storage fees, or both, are collected, there shall be prominently displayed a sign containing a list of the fees imposed for towing and storage services, which sign shall state that the listed fees do not exceed the maximum fees allowed by law and shall refer to section

9-13-3 of this code. 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, and license plate number of the vehicle;
- (d) the address of the property from which the vehicle was removed;
- (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 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 telephone number, 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, two-family and townhouse dwellings, as such dwellings are defined in the city zoning ordinance.

Sec. 9-13-11 Penalty.

Any person violating a provision of this chapter shall, upon conviction, be punished by a fine not to exceed \$250 for each violation; provided, that if, in any 12-month period, a person is convicted of having violated one or more provisions of this chapter in conjunction with the towing of more than one motor vehicle, the punishment for each violation in conjunction with the second and with any subsequent tow in the 12-month period shall be a fine not to exceed \$500.

Section 2. That this ordinance shall become effective on August 1, 1993, with the exception of new city code section 9-13-10 which shall become effective on November 1, 1993.

PATRICIA S. TICER  
Mayor

Final Passage: June 12, 1993