

ORDINANCE NO. 7611-20

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 26, MOTOR VEHICLES AND TRAFFIC, OF THE CODE OF THE CITY OF NEWPORT NEWS, VIRGINIA, ARTICLE I., IN GENERAL, SECTION 26-17, ASSESSMENT OF COSTS AGAINST OWNER OF VEHICLE TOWED OR STORED BY POLICE DEPARTMENT OR AT DEPARTMENT'S REQUEST; SECTION 26-17.4, SAME-REMOVAL AND STORAGE OF TOWED VEHICLES; AND SECTION 26-17.5 SAME-POLICE TO BE NOTIFIED.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Newport News, Virginia:

1. That Chapter 26, Motor Vehicles and Traffic, of the Code of the City of Newport News, Virginia, Article I., In General, Section 26-17, Assessment of costs against owner of vehicle towed or stored by police department or at department's request; Section 26-17.4, Same-Removal and storage of towed vehicles; and Section 26-17.5, Same-Police to be notified, be, and the same hereby is, amended and reordained as follows:

CHAPTER 26

MOTOR VEHICLES AND TRAFFIC

ARTICLE I. IN GENERAL

Sec. 26-17. Assessment of costs against owner of vehicle towed or stored by police department or at department's request.

(a) The city shall be authorized to assess certain towing or storage and administrative costs against the owner of any vehicle which has been towed or stored by, or at the request of, the police department, except when the department's request is made in response to a person's request for towing services from a specific towing firm. These costs shall be paid before the vehicle is released to the owner. Such costs shall be assessed in accordance with the following schedule:

- (1) *Towing.* The towing charge shall not exceed one hundred twenty-five dollars (\$125.00) for light vehicles weighing up to eight thousand eight hundred (8,800) pounds gross vehicle weight. The towing charge shall not exceed one hundred forty-five dollars (\$145.00) for towing any mid-size vehicle having a gross vehicle weight greater than eight thousand eight hundred (8,800) pounds and not more than eighteen thousand (18,000) pounds gross vehicle weight; and the towing charge shall not exceed three hundred seventy-five dollars (\$375.00) for towing any vehicle having a gross vehicle weight above eighteen thousand (18,000) pounds.

Tractor-trailer combinations may be towed separately. If towed separately, a separate charge may be applied to each component separately towed.

Dollies may be used to tow a vehicle where recommended by the current annual Towing and Service Manual published by the American Automobile Association. The charge for use of a dolly shall not exceed forty-five dollars (\$45.00) per tow.

Gojacks may be used to lift and move a locked, blocked or disabled vehicle several feet into hook-up alignment with a tow truck. The charge for use of gojacks shall not exceed fifteen dollars (\$15.00) per tow.

- (2) *Storage.* There shall be no storage charge if the vehicle is reclaimed within the first twenty-four-hour period after a tow. Storage charges shall be assessed at a rate not to exceed fifty-five dollars (\$55.00) per storage day for trucks having a gross vehicle weight above eighteen thousand (18,000) pounds, and a rate not to exceed thirty dollars (\$30.00) per storage day for all other vehicles. For purposes of this subsection, each twenty-four-hour period shall constitute one (1) storage day. In addition, each towing firm shall have adequate, accessible on-site parking and hook-up space available at all times for use by any owner, custodian or other person who arrives to retrieve a vehicle.
- (3) *Administrative charge.* The administrative charge shall be twenty-five dollars (\$25.00) and shall be assessed whenever the city must arrange for the towing of a motor vehicle other than at the request of the owner, or his agent. When the vehicle is stored on the city lot, the charge shall be paid to the city. When the vehicle is stored with a commercial wrecker service, the charge shall be paid to the wrecker service, whereupon this administrative cost will be forwarded to the city by the wrecker service.
- (4) *Other costs.* Reasonable charges for recovery (winching, uprighting, etc.), clean-up of an accident site, weather protection of stored vehicles in the event a vehicle is open to the elements, and notifications required by state law may be recovered. Such charges shall not exceed seventy-five dollars (\$75.00) for the notifications required by state law; twenty dollars (\$20.00) for the use of tarpaulin or tarp; fifty dollars (\$50.00) for the use of vehicle wrap; and fifty dollars (\$50.00) for clean-up; no notification to the Virginia Department of Motor Vehicles or to lien holders shall be initiated before the third consecutive day of storage. No charges other than those specifically authorized by this section shall be permitted.
- (5) *Pre-tow release.* If the owner or custodian of any vehicle unlawfully parked returns after a tow truck has arrived and is engaged in hooking up or has attached the subject vehicle to the tow vehicle, or is attached to the subject vehicle, he may reclaim the vehicle upon payment of a service fee not to exceed thirty-five dollars

(\$35.00) for light vehicles weighing up to ten thousand (10,000) pounds gross vehicle weight; eighty-five dollars (\$85.00) for any mid-size vehicle having a gross vehicle weight greater than ten thousand (10,000) pounds and not more than eighteen thousand (18,000) pounds gross vehicle weight; and one hundred twenty-five dollars (\$125.00) for any vehicle having a gross vehicle weight above eighteen thousand (18,000) pounds, plus payment of the administrative charge imposed by subsection (a)(3). No fee in excess of the applicable amount listed above, plus the administrative charge, shall be charged if the vehicle has not been moved from the lot or block where it was unlawfully parked. Payment of the fee provided by this subsection shall not relieve any vehicle owner from paying the fine imposed for having unlawfully parked said vehicle.

(b) The police department shall make a reasonable effort to notify and advise any vehicle owner of the costs provided for in this section when such person's vehicle has been towed at the request of the police department.

Sec. 26-17.4. Same--Removal and storage of towed vehicles.

(a) No tow truck service or operator shall charge a basic fee in excess of that set forth in this section. The towing charge shall not exceed one-hundred twenty dollars (\$120.00) for light vehicles weighing up to ten thousand (10,000) pounds gross vehicle weight. The towing charge shall not exceed one hundred seventy-five dollars (\$175.00) for towing any mid-size vehicle having a gross vehicle weight greater than ten thousand (10,000) pounds and not more than eighteen thousand (18,000) pounds gross vehicle weight; and the towing charge shall not exceed three hundred seventy-five dollars (\$375.00) for towing any vehicle having a gross vehicle weight above eighteen thousand (18,000) pounds. Tractor-trailer combinations may be towed separately. If towed separately, a separate charge may be applied to each. In addition, charges may be recovered for the notifications required by state law; however, such charges shall not exceed seventy-five dollars (\$75.00), or be initiated before the fourth consecutive day of storage.

(b) There shall be no storage charge if the vehicle is reclaimed within the first twenty-four-hour period after the tow. Storage charges shall be assessed at a rate not to exceed fifty-five dollars (\$55.00) per storage day for trucks having a gross vehicle weight greater than eighteen thousand (18,000) pounds; the storage rate shall not exceed thirty dollars (\$30.00) per storage day for all other vehicles. Each twenty-four-hour period shall constitute one (1) storage day.

(c) Each and every towing firm that tows motor vehicles from private property at a time other than the normal operating hours of the towing firm shall: (1) have an employee or agent at the telephone number provided in accordance with the first sign alternative in section 26-17.2 and/or at the storage facility so as to facilitate the return of said motor vehicle to the patron within one (1) hour of notification; or (2) have an employee or agent at the telephone number provided to the police department in accordance with section 26-17.5 so as to facilitate the return of said motor vehicle to the patron within one (1) hour of notification. In addition, each towing firm shall

have adequate, accessible on site parking and hook-up space available at all times for use by any owner, custodian or other person who arrives to retrieve a vehicle.

(d) A monetary, itemized receipt for each and every tow must be given to those persons whose vehicles have been towed by the towing service upon release of the vehicle. The information on the receipt must be clearly legible and include the time, date and place of the tow and the name of the towing service, with mailing address. The receipt must also list the amount of money paid for the release of the vehicle, any charges incurred in the tow and the reason for the charges. A copy of the receipt must be retained by the towing service. No charge shall be made for the use of tow dollies or gojacks. No charges other than those specifically authorized by this section shall be permitted.

(e) If the owner or custodian of any vehicle not authorized to be parked on private property returns after a tow truck has arrived and is engaged in hooking up or attaching the subject vehicle to the tow vehicle, or is attached to the subject vehicle, he may reclaim the vehicle upon payment of a service fee not to exceed thirty-five dollars (\$35.00) for light vehicles weighing up to ten thousand (10,000) pounds gross vehicle weight; eighty-five dollars (\$85.00) for any mid-size vehicle having a gross vehicle weight greater than ten thousand (10,000) pounds and not more than eighteen thousand (18,000) pounds gross vehicle weight; and one hundred twenty-five dollars (\$125.00) for any vehicle having a gross vehicle weight above eighteen thousand (18,000) pounds. No fee in excess of the applicable amount listed above shall be charged where the vehicle has not been removed from the lot or private property upon which it was unlawfully parked.

If the owner or custodian of any vehicle not authorized to be parked on private property returns after a tow truck has arrived, but before the vehicle has been attached, hooked up or towed, he may reclaim the vehicle without payment of a service fee.

Sec. 26-17.5. Same--Police to be notified.

Prior to, or simultaneously with, the removal of any vehicle by a towing firm, it shall be the duty of the towing firm to notify the police department, by telephone, telefacsimile, or by other electronic means, of the following:

- (1) Name, address and telephone number of the towing firm and the name(s) of the person or persons making the tow;
- (2) State license plate number of the vehicle towed and vehicle identification number of the vehicle towed;
- (3) Color, make and model of the vehicle towed;
- (4) Date and time of towing;

- (5) Address of place from which vehicle was towed;
- (6) Name of person with whom this towing agreement was made; and
- (7) Address of place where vehicle is stored and telephone number of an employee or agent who can assist in recovering patron's vehicle.

Upon release or return of a vehicle to its owner, it shall be the duty of the towing firm or tow truck operator to notify the police department, by telephone, telefacsimile, or by other electronic means, of the following within the next business day:

- (1) Name, address and telephone number of the towing firm and the name(s) of the person or persons that made the tow;
- (2) State license plate number of the vehicle towed and vehicle identification number of the vehicle towed;
- (3) Color, make and model of the vehicle towed;
- (4) Date and time of the tow;
- (5) Address of place from which vehicle was towed;
- (6) Name of person with whom this towing agreement was made; and
- (7) Address of place where vehicle was stored and telephone number of an employee or agent who assisted in releasing or returning patron's vehicle.

2. That this ordinance shall be in effect on and after April 1, 2020.

PASSED BY THE COUNCIL OF THE CITY OF NEWPORT NEWS ON FEBRUARY 25, 2020

Mabel Washington Jenkins, MMC
City Clerk

McKinley L. Price, DDS
Mayor

A true copy, teste:

City Clerk