

26-21-82

ADOPTION OF AMENDMENTS TO CHAPTER 82

(MOTOR VEHICLES AND TRAFFIC)

OF THE 1976 CODE OF THE COUNTY OF FAIRFAX, VIRGINIA

At a regular meeting of the Board of Supervisors of Fairfax, County, Virginia, held in the Board Auditorium of the Government Center at Fairfax, Virginia, on Tuesday, October 5, 2021, the Board after having first given notice of its intention so to do, in the manner prescribed by law, adopted amendments to Chapter 82 (Motor Vehicles and Traffic) of the 1976 Code of the County of Fairfax, Virginia, said amendments so adopted being in the words and figures following, to wit:

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF FAIRFAX COUNTY,

VIRGINIA:

That Chapter 82 (Motor Vehicles and Traffic) is amended as follows:

**AN ORDINANCE AMENDING
CHAPTER 82 OF THE FAIRFAX COUNTY CODE, RELATING TO
MOTOR VEHICLES AND TRAFFIC**

As Adopted on October 5, 2021

AN ORDINANCE to amend the Fairfax County Code by amending and readopting Section 82-5-32(g) relating to Motor Vehicles and Traffic.

Be it ordained by the Board of Supervisors of Fairfax County:

- 1. That Section 82-5-32(g) is amended and readopted as follows:**

CHAPTER 82 – Motor Vehicles and Traffic.

Article 5. – Stopping, Standing and Parking.

Section 82-5-32. Removal, immobilization, and disposition of vehicles unlawfully parked on private or county property.

(g) Rates and charges.

(1) Change to rates and charges.

- (A) Changes in rates and charges for trespass towing services rendered by operators shall be approved by the Board.
- (B) The Board may consider changes in rates or charges upon recommendation of the Director or the Advisory Board.
- (C) The Director shall conduct a review of rates every two years.
- (D) Any review of rate changes as well as any recommended change to any rule, regulation, or practice thereto shall come before the Advisory Board pursuant to a public hearing, which shall be scheduled as soon as analysis, investigation, and administration allow. All recommendations of the Advisory Board and the Director shall be conveyed to the Board for its consideration and determination.
- (E) Whenever the Director or Advisory Board determines a rate change is warranted, all registered operators shall provide notice to the public of proposed changes in rates and charges thereto, by means of a sign posted in a clearly visible place at each of their fixed places of business in Fairfax County. Such notice shall be on a document no smaller than 8.5 by 11.0 inches, printed in no smaller than 12-point type, and shall contain substantially the following information:

Notice of Proposed Rate Change

A proposed change in trespass towing rates is under consideration by the Fairfax County government. The proposed rates are: (Insert description of the proposed changes).

The proposed trespass towing rate change shall be considered by the Trespass Towing Advisory Board at a public hearing. The date, time and location of the public hearing may be obtained by calling the Department of Cable and Consumer Services. Any interested person may appear before the Advisory Board to be heard on this proposed change. Persons who wish to be placed on the speakers' list or who wish further information should call the Department of Cable and Consumer Services at 703-324-5966.

- (F) Notices with respect to a proposed rate change shall be posted within ten days of the staff report for such change and shall remain posted until the change in rates is denied or becomes effective.

(2) *Rates and charges.*

- (A) It shall be unlawful for an operator to charge any fees exceeding the fees set forth in this section.

- (i) Immobilization. An operator may charge a vehicle owner a maximum fee of \$75.00 for the release of a vehicle when it is immobilized. No other fee of any type may be charged.
- (ii) Drop fee. An operator may charge a vehicle owner a maximum fee of \$50.00 for the release of a vehicle prior to towing the vehicle from private property. No other fee of any type may be charged.
- (iii) Hookup and initial towing fee shall not exceed:
 - (I) ~~\$135.00~~\$150.00 for vehicles with GVWR of 7,500 pounds or less.
 - (II) \$250.00 for vehicles with GVWR of 7,501 pounds through 10,000 pounds.
 - (III) \$500.00 for vehicles with GVWR greater than 10,000 pounds.
 - (IV) For towing a vehicle between seven o'clock p.m. and eight o'clock a.m. or on any Saturday, Sunday, or holiday, a maximum additional fee of ~~\$25~~\$30 per instance may be charged; however, in no event shall more than two such fees be charged for towing any such vehicle.
 - (V) No other fees or charges shall be imposed during the first 24 hour period.
- (iv) Storage fee for the safekeeping of vehicles:

- (I) No charge shall be made for storage and safekeeping of a vehicle for the first 24 hours the vehicle is on the storage site.
 - (II) After the vehicle is on the storage site for more than 24 hours, a vehicle storage fee may be charged for each subsequent 24-hour period, or any portion thereof, at a rate not to exceed \$50.00 for any vehicle 22 feet or less in length, or \$5.00 per foot for any vehicle over 22 feet in length.
 - (v) If an administrative fee for notification of lien holder, owner, agent or other interested party is charged, it shall not exceed \$75.00. This fee may only apply after the vehicle is on the storage site over three full business days. If an administrative fee is charged, a copy of the Virginia Department of Motor Vehicles report shall be attached to the receipt given to the vehicle owner.
 - (vi) No other fees shall be charged unless expressly set forth herein.
 - (B) Upon vehicle release, the operator shall give the vehicle owner a receipt itemizing all charges.
 - (C) An operator shall not require a vehicle owner to sign any waiver of the vehicle owner's right to receive compensation for damages to the owner's vehicle as a condition of the owner retrieving the towed vehicle.
- 2. That the provisions of this ordinance are severable, and if any provision of this ordinance or any application thereof is held invalid, that invalidity shall not affect the other provisions or applications of this ordinance that can be given effect without the invalid provision or application.**
- 3. That the provisions of this ordinance shall take effect on October 31, 2021.**

GIVEN under my hand this- - - 5th day of October, 2021.

Jill G. Cooper
Clerk for the Board of Supervisors