

ORDINANCE No. 46,881

AN ORDINANCE TO AMEND AND REORDAIN SECTIONS 25-302 AND SECTION 25-601 TO INCREASE THE VEHICLE TOW FEES FOR LIGHT, MEDIUM, AND HEAVY TOWS AND TO REQUIRE THAT THE TOWING STORAGE LOT BE MANNED WITH AN EMPLOYEE DURING THE HOURS OF 9:00 AM TO 5:00 PM DAILY.

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BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That Section 25-302 of the Norfolk City Code, 1979, is hereby amended and reordained to read as follows:

Sec. 25-302. Same-Removal and storage of towed vehicles.

(a) Vehicles removed and/or towed from posted private property without the prior consent and agreement of the owner or custodian of the vehicle shall be subject to the following towing fees: one hundred fifty-five dollars (\$155.00) for a light tow (a vehicle having a weight of up to eight thousand eight hundred (8,800) pounds), one hundred seventy-five dollars (\$175.00) for a medium tow (a vehicle having a weight between eight thousand eight hundred one (8,801) pounds and seventeen thousand nine hundred ninety-nine (17,999) pounds) and three hundred fifty-dollars (\$350.00) for the towing of any vehicle having a weight of eighteen thousand (18,000) pounds and over. Those vehicles not claimed within seventy-two (72) hours of the tow shall also be subject to an administrative fee not to exceed seventy-five dollars (\$75.00). The total charge to the owner or custodian of any vehicle towed and/or removed from posted private property without the prior consent and agreement of said owner or custodian shall not exceed rates established by this subsection. Any person(s) and tow firm owner(s) violating the provisions of this section shall be guilty of a Class 1 misdemeanor.

(b) No tow truck service or operator shall charge more than thirty dollars (\$30.00) for vehicles seventeen thousand nine hundred ninety-nine (17,999)

pounds or less or no more than fifty dollars (\$50.00) for vehicles eighteen thousand (18,000) pounds or more per twenty-four-hour period for storage charges, not including an initial period of twenty-four (24) hours, for a vehicle removed from private property without the consent of the owner or custodian of the vehicle. Any person or tow firm owner(s) violating the provisions of this section shall be guilty of a Class 1 misdemeanor.

(c) No tow truck service or operator shall charge any fee for mileage, in addition to the basic towing fee set forth in subsection (a) above, when the vehicle is being taken without the consent of the owner or custodian of the vehicle.

(d) A monetary 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, the name of the tow truck operator who made the tow and the name of the towing service said operator works for. The receipt must also list the amount of money paid for the release of the vehicle, any additional charges incurred in the tow and the reason for said additional charges. A copy of the receipt must be retained by the towing service for not less than twelve (12) months.

(e) No towed vehicle shall be removed from the Norfolk city limits within the first seventy-two (72) hours of the tow.

(f) The towing storage lot shall be manned with an employee on the premises from 9:00 am to 5:00 pm daily.

(g) 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:

(1) Shall, in addition to the towing firm's number required by section 25-300(b), post the towing firm's number for the storage lot where the vehicle towed at a time other than the normal operating hours of the towing firm may be

reclaimed; and

(2) Shall man the number posted and/or the storage facility so as to facilitate the return of said motor vehicle to the owner within two (2) hours of notification.

(h) Where the owner of a towed motor vehicle, trailer or semitrailer fails to reclaim said vehicle at the expiration of thirty-one (31) days, said vehicle may be sold pursuant to the provisions of sections Code of Virginia §§ 46.2-1213 and 46.2-1217, 1950, as amended.

The department of motor vehicles shall be notified of the disposition of any motor vehicle, trailer or semitrailer under Code of Virginia § 46.1-3, as amended.

(i) If the owner or custodian of any vehicle not authorized to be parked on private property returns after a tow truck service 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). No fee in excess of thirty-five dollars (\$35.00) 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 service has arrived but before the vehicle has been attached, hooked up or towed, he may reclaim the vehicle without payment of a service fee.

(j) Any person violating the provisions of these sections and subsections shall be guilty of a Class 1 misdemeanor.

Section 2:- That Section 25-601 of the Norfolk City Code, 1979, is hereby amended and reordained to read as follows:

Sec. 25-601. Towing, storage and administrative fees for vehicles towed and/or removed.

(a) Except as provided in section 25-302, all vehicles removed and/or towed from private or public property pursuant to this chapter and section 29-58, without the prior consent and agreement of the owner or custodian of the vehicle, shall be subject to a towing fee of one hundred fifty-five dollars (\$155.00) for a light tow (a vehicle having a weight of up to eight thousand eight hundred pounds); one hundred seventy-five dollars (\$175.00) for a medium tow (a vehicle having a weight between eight thousand eight hundred one (8,801) pounds and seventeen thousand nine hundred ninety-nine (17,999) pounds); and three hundred fifty dollars (\$350.00) for the towing of any vehicle having a weight of eighteen thousand (18,000) pounds or more, and storage fees of thirty dollars (\$30.00) for vehicles seventeen thousand nine hundred ninety-nine (17,999) pounds or less or no more than fifty dollars (\$50.00) for vehicles eighteen thousand (18,000) pounds or more per twenty-four-hour period (not included in the initial twenty-four (24) hours), which fees shall be paid by the owner or custodian upon retrieval of the vehicle, prior to release of the vehicle to such owner or custodian. Vehicles not claimed within seventy-two (72) hours of the tow/removal shall also be subject to an administrative fee not to exceed seventy-five dollars (\$75.00), which fee shall be paid by the owner or custodian of the vehicle, prior to release of the vehicle to such owner or custodian. Any motor vehicle coming to rest off four (4) wheels, in a ditch, in a body of water, wedged underneath another motor vehicle, or embedded into a structure, as a result of an accident or incident, may be charged an additional fee not to exceed one hundred dollars (\$100.00). An accident-site cleanup fee not to exceed fifteen dollars (\$15.00) is permitted to be charged. No vehicle access fees or viewing fees are permitted to be charged. The towing storage lot shall be manned by an employee on the premises from 9:00 am to 5:00 pm daily. After this time, the towing firm shall man the number posted to facilitate return of vehicle within 2 hours.

(b) The city manager and or his appointed representative is hereby authorized to waive or make fee adjustments for towing/storage and/or administrative fees for vehicles towed and/or removed,

if such adjustments are deemed appropriate.

Section 3:- That this ordinance shall be in effect from and after its date of adoption.

Adopted by Council June 27, 2017
Effective June 27, 2017