

## ORDINANCE NO. (2022) 332

### AN ORDINANCE TO AMEND THE CITY OF RALEIGH CODE OF ORDINANCES TO REVISE REGULATIONS ON TOWING VEHICLES FROM PRIVATE PARKING LOTS

**WHEREAS**, the City Council desires to revise the City Code to revise certain rules relating to the towing of vehicles from private parking lots.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH THAT:**

**SECTION 1.** City Code Section 12-7015 shall be amended to add the underlined language where noted below and to delete the language shown as stricken through:

#### **Sec. 12-7015. - IMPROPER TOWING FROM AND IMMOBILIZATION WITHIN PRIVATE PARKING LOTS.**

- (a) It is an offense of this ordinance to tow a *motor vehicle* from a parking space in a *private parking lot* unless the space and lot are clearly designated as such with signs no smaller than 24 inches by 24 inches prominently displayed at all entrances thereto, displaying the current name and current phone number of the *towing service* and *storage facility*, and, if individually owned or leased, the parking lot or spaces within the lot are clearly marked by signs of setting forth the name of each individual lessee or owner, as mandated by N.C.G.S. § 20-219.2. It is a further offense of this ordinance to place an immobilization device on a *motor vehicle* parked in a parking space in a private parking lot unless the space and lot are clearly designated as such with signs no smaller than 24 inches by 24 inches prominently displayed at all entrances thereto, displaying the current name and current phone number of the *towing service* and *storage facility*, and, if individually owned or leased, the parking lot or spaces within the lot are clearly marked by signs of setting forth the name of each individual lessee or owner. The civil penalties for an offense of this section are as prescribed in subsection (f).
- (b) Any *towing service* or *storage facility* engaged in the business of providing *non-consensual towing* or immobilization services shall accept payment by cash, debit card or a major national credit card. The *towing service* or *storage facility* shall provide a receipt of payment to the owner or operator of the *motor vehicle*. Failure to accept credit or debit cards for payment is a violation of this section and is punishable as a misdemeanor.
- (c) The operator of any tow truck immobilizing or removing a private *vehicle* at the request of any *person*, other than a police officer on duty *shall* report to the Raleigh Police Department the fact that the vehicle was immobilized, or if removed, that it was towed. If the *motor vehicle* was towed, the operator shall provide the *motor vehicle's* present storage space, together with a description of the vehicle and the tag number. The report *shall* be made by telephonic communication within one hour after the vehicle is immobilized or *is* deposited at the storage site. Any *person*, operating an *immobilization service* or *towing service*, or *storage facility* within the *City* *shall* maintain an attendant on call twenty-four (24) hours every day

capable of acknowledging requests for vehicle release within fifteen (15) minutes of receiving a call and of releasing the vehicle within forty-five minutes (45) of receiving the call. The attendant *shall* be clothed with the authority to release any vehicle upon the legal conditions of release being fulfilled. Lighting in the lot *shall* be provided at a minimum average maintained footcandle value of two (2) at the surface level. Vehicles towed *shall* be secured in a fenced storage lot ~~within ten (10) miles of the location from which the vehicle was towed~~, in a location that is accessible by public transportation, ~~and~~ in such a manner as to keep the vehicles safe from harm, **and within fifteen (15) miles of the location from which the vehicle was towed if the storage lot is located within the City or within ten (10) miles of the location from which the vehicle was towed if the storage lot is located outside of the City.** All tow trucks performing non-consensual tows *shall* display the name and telephone number of the towing company on each side of the tow truck.

- (d) The operator of any tow truck summoned to tow away any vehicle in a non-consensual towing *shall* not tow the vehicle away and *shall* release the vehicle if the operator of the vehicle returns prior to the tow truck having left the location to which it was summoned. The tow truck operator *shall* permit the *owner* of a towed vehicle to remove *personal property* from a vehicle in the custody of the tow truck operator. If the tow truck operator has removed *personal property* from the vehicle it *shall* be returned to the *owner* of the *property* upon request made to the tow truck operator. The operator is not prohibited from charging a fee to release the *vehicle*, but if a fee is required, the operator shall provide a receipt of payment to the owner or operator of the *motor vehicle*. Failure to accept credit or debit cards for payment is a violation of this section and is punishable as a misdemeanor.
- (e) No *towing service* shall remove a *motor vehicle* from a *private parking lot* **on a weekday** from the hours of **10:00**~~7:00~~ a.m. to **5:00**~~7:00~~ p.m. unless the owner or agent of the *private parking lot* signs a contemporaneous specific written authorization for such removal which is presented to the wrecker driver of the *towing service*. The agent must be someone other than an employee of the *towing service*. The written authorization shall contain the reason for the tow, the *vehicle* make, model, year, color, *vehicle* identification number (VIN) and license plate number. Following a tow under this subsection, the *towing service* shall follow the same notification procedures required under subsection (c) of this section.
- (f) Violations of this section shall carry civil penalties as follow:
  - First violation - \$200.00
  - Second violation within a two (2) year period of the first violation - \$300.00
  - Third violation within a two (2) year period of the first violation - \$400.00
  - Fourth violation within a two (2) year period of the first violation - \$750.00
  - Fifth violation within a two (2) year period of the first violation - \$1,000.00

**SECTION 3.** This ordinance shall be effective upon adoption.

**Adopted:** February 1, 2022

**Effective:** February 1, 2022

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*Prepared by the City Attorney's Office*