

**ORDINANCE NO. 2961**

**ORDINANCE AMENDING SECTIONS 12-275, 12-277, 12-278, 12-279, 12-280, AND 12-284 OF CHAPTER 12 ARTICLE XIII OF THE CODE OF THE CITY OF AUBURN ENTITLED "WHEEL LOCKING AND/OR TOWING" PROVIDING REGULATIONS FOR THE NONCONSENSUAL WHEEL LOCKING AND/OR TOWING OF VEHICLES FROM PRIVATE PROPERTY WITHIN THE CITY LIMITS OF THE CITY OF AUBURN, ALABAMA.**

**BE IT ORDAINED** by the City Council of the City of Auburn, Alabama as follows:

**Section 1.** That Chapter 12 Article XIII of The Code of the City of Auburn shall read as follows:

**ARTICLE XIII.  
WHEEL LOCKING AND/OR TOWING**

**Sec. 12-275. Receipts.**

Receipts will be given by the wheel locking/towing company to each vehicle owner or authorized operator upon release of the vehicle. Receipts shall include:

- (a) Itemization of all services rendered with charges identified in accordance with this article;
- (b) The identification of the person issuing the receipt;
- (c) The name, address, and telephone number of the wheel locking/towing company;
- (d) The date and time of the services including the time the vehicle was wheel locked or towed from private property and the time the vehicle was released to the owner or authorized operator;
- (e) The name of the property owner who authorized the wheel locking/towing;
- (f) The following language: "Notice: wheel locking/towing on/from private property is regulated by the provisions of [Chapter 12 Article 13](#) of the Code of the City of Auburn."

**Sec. 12-277. Fees.**

No additional fees shall be charged for wheel locking/towing which are not identified herein. All wheel locking/towing companies licensed by the city and operating under the provisions of this article shall adhere to the following schedule of maximum service fees:

*Maximum wheel locking fee:* \$50.00

*Maximum towing fee:* \$100.00

*Vehicle storage time fee:*

First 24 hours following the tow .....No charge

After the first 24 hours, per day for any part of a day .....\$10.00

The wheel locking/towing company must accept payment for all fees outlined herein both in cash and at least one universally-recognized credit card and must issue a receipt for each payment of fees received at the time the payment is accepted in accordance with [section 12-275](#). When a credit card is used for payment, the wheel locking/towing company may require that the credit card be presented in person.

**Sec. 12-278. Wheel locking.**

After a wheel lock has been attached, no vehicle may be towed until the wheel lock has been attached to the vehicle for at least four (4) hours. If a vehicle is towed, the wheel lock fee will be waived and only the tow fee will be charged.

**Sec. 12-279. Notification.**

The towing company must report all tows to the Auburn Public Safety Department Communications Division within one hour from the time of the tow.

The wheel locking company must leave a notification in a visible location and legible form on the wheel locked vehicle which shall display the name, address, and telephone number of the wheel locking company and which shall include the information contained in Section 12-280.

**Sec. 12-280. Release of vehicle.**

The wheel locking/towing company must release a vehicle that has been wheel locked or towed from private property within one hour of receiving a request to release said vehicle. Each wheel locking/towing company shall staff or monitor its telephones at all times (pager only does not satisfy this requirement) and immediately advise any vehicle owner or authorized representative who calls by telephone of the following:

- (a) Each and every document or other item which must be produced to release the vehicle.
- (b) Charges based on the fees itemized in [section 12-277](#).
- (c) The acceptable methods of payment.
- (d) That the vehicle can be unlocked or picked up or within one hour of a request received to unlock or retrieve said vehicle.

**Sec. 12-284. Compensation in exchange for wheel locking/towing agreement.**

It shall be a violation of this article for any owner or employee of a wheel locking/towing company to compensate, by cash or in-kind services, a property owner in exchange for any agreement to wheel lock or tow vehicles from the property owner's property.

**Section 2.** Should any provision or section of this Ordinance be declared invalid, such declaration shall not affect any other provisions or sections of this Ordinance, which provisions or sections shall remain in full force and effect.

**Section 3.** This Ordinance shall become effective upon its passage or upon its publication as required by law, whichever shall last occur.

**Adopted and approved** by the City Council of the City of Auburn, Alabama, on this the 2nd day of February, 2016.



BILL HAM, JR., Mayor

ATTEST:



CHARLES M. DUGGAN, JR.  
City Manager