

ORDINANCE NO. 2021-34  
CHAPTER 46  
ARTICLES I, II

AN ORDINANCE to amend Chapter 46 of the 2019 Detroit City Code, *Traffic and Vehicles*:

1) By amending Article I, *Generally*, Division 1, *Administration*, Sections 46-1-3, *Definitions G-I*, Section 46-1-5, *Definitions N-P*, and Section 46-1-7, *Definitions S-Z*, to define the terms “hook-up,” “non-consensual tow,” and “tow company”;

2) By amending Article I, *Generally*, Division 2, *Violations and Penalties*, Section 46-1-33, *Sections deemed to be misdemeanors; penalties*, to change the section numbers for police authorized towing from Sections 46-2-82 through 46-2-89 to Sections 46-2-92 through 46-2-98;

3) By amending Article II, *Enforcement*, Division 4, *Impoundment of vehicles*, Section 46-2-61, *Authority to create vehicle pounds; hours of operation of same*, to authorize civilian Police Department personnel to take action under the section and to change the hours of attendance at vehicle pounds for Police Department personnel from 7:00 a.m. to 10:00 p.m. to reasonable hours as designated by the Chief of Police;

4) By changing the name of Division 5, from “Police Authorized Towing” to “Towing;”

5) By dividing the renamed Division 5, *Towing*, into Subdivision A, *Generally*, which shall consist of Sections 46-2-81 and 46-2-82, Subdivision B, *Police Authorized Towing*, which shall consist of Sections 46-2-91 through 46-2-98, and Subdivision C, *Non-Consensual Towing*, which shall consist of Sections 46-2-111 through 46-2-115, to provide for a safe and well-managed vehicle towing system for non-consensual vehicle tows that requires Police Department involvement and authorization for tows from private property, to allow for the collection of administrative fees for tows from private property, to allow for inspection of impound yards, to require certain methods of payment be accepted, to authorize that the police authorized tow rates be set by City Council, to provide for an administrative fee for police authorized tows, and to require disconnection of a vehicle from tow truck prior to removal upon payment of a service fee;

6) By repealing Section 46-2-81, *Towing Rate Commission*, and adding substitute Section 46-2-81, *Purpose, scope, and enforcement*, Section 46-2-82, *Standards for authorized towers*, and adding substitute Section 46-2-82, *Misdemeanor violation; aiding and abetting violation; continuing violation; penalties for conviction thereof*;

7) By repealing Section 46-2-83, *Establishment, approval, and publication of towing and storage fees*, Section 46-2-84, *One hook-up fee for successive tows*, Section 46-2-85, *When authorized*, Section 46-2-86, *Requirements*, Section 46-2-87, *Payments*, Section 46-2-88, *Storage of vehicles generally*, and Section 46-2-89, *Release of stored vehicle*;

8) By adding Section 46-2-91, *Tow rates for police authorized towing*, Section 46-2-92, *Standards for authorized towers*, Section 46-2-93, *Establishment, approval, and publication of towing, storage, and administrative fees*, Section 46-2-94, *One hook-up fee for successive tows*, Section 46-2-95, *When authorized*, Section 46-2-96, *Requirements*, Section 46-2-97, *Payment*, and 46-2-98, *Release of stored vehicle*, Section 46-2-111, *Towing vehicles from private property*, Section 46-2-112, *Inspection of storage lot by Police Department and other authorized City agents; requirements of tow company and storage lot*, Section 46-2-113, *Recovery of abandoned, stolen, or suspected stolen vehicles*, Section 46-2-114, *Administrative fees*, and Section 46-2-115, *Methods of payment accepted; receipt required*.

IT IS HEREBY ORDAINED BY THE PEOPLE OF THE CITY OF DETROIT THAT:

Section 1. Chapter 46 of the 2019 Detroit City Code, *Traffic and Vehicles*, Article I, *Generally*, Division 1, *Administration*, be amended by amending Sections 46-1-3, 46-1-5, and Section 46-1-7; Article I, *Generally*, Division 2, *Violations and Penalties*, be amended by amending Section 46-1-33; Article II, *Enforcement*, Division 4, *Impoundment of vehicles*, be amended by amending Section 46-2-61; Article II, *Enforcement*, Division 5, be amended by changing the name of Division 5, from “Police Authorized Towing” to “Towing;” by dividing the renamed Division 5, *Towing*, into Subdivision A, *Generally*, which shall consist of Sections 46-2-81 and 46-2-82, Subdivision B, *Police Authorized Towing*,

which shall consist of Sections 46-2-91 through 46-2-98, and Subdivision C, *Non-Consensual Towing*, which shall consist of Sections 46-2-111 through 46-2-115; by repealing Sections 46-2-81, 46-2-82, and 46-2-83 and adding substitute Sections 46-2-81, 46-2-82, and 46-2-83; by repealing Sections 46-2-83, 46-2-84, 46-2-85, 46-2-86, 46-2-87, 46-2-88, and 46-2-89; and by adding Sections 46-2-91, 46-2-92, 46-2-93, 46-2-94, 46-2-95, 46-2-96, 46-2-97, 46-2-98, 46-2-111, 46-2-112, 46-2-113, 46-2-114 and 46-2-115, to read as follows:

**CHAPTER 46. TRAFFIC AND VEHICLES**  
**ARTICLE I. GENERALLY**  
**DIVISION 1. ADMINISTRATION**

**Sec. 46-1-3. Definitions: G—I.**

For purposes of this chapter, the following words and phrases, which have not been incorporated by reference into this chapter through Section 46-3-1 of this Code, shall have the meanings respectively ascribed to them by this section:

*Hazardous material* means explosives, flammable gas, flammable compressed gas, non-flammable compressed gas, flammable liquid, oxidizing material, poisonous gas, poisonous liquid, irritating material, etiologic material, radioactive material, corrosive material, or liquefied petroleum gas.

*Hook-up* means attaching a motor vehicle to another vehicle fashioned with implements that can be used to tow a vehicle to a storage lot or other location.

*Hybrid vehicle* means a vehicle that uses an on-board rechargeable energy storage system (RESS) and a fuel-base power source for vehicle propulsion.

*Idling* means a non-moving vehicle whose engine is operating.

*Immobilization* means, under Article I of this chapter, the placement of a restraint on a vehicle to prevent its operation.

*Impoundment* means, under Article I of this chapter, the relocation of a vehicle by towing to a pound for storage.

**Sec. 46-1-5. Definitions: N—P.**

For purposes of this chapter, the following words and phrases, which have not been incorporated by reference into this chapter through Section 46-3-1 of this Code, shall have the meanings respectively ascribed to them by this section:

*Non-consensual tow* means the owner, or other person having lawful custody of the vehicle, has not provided affirmative consent to the tow prior to hook-up.

*Normal demand parking meter rate* means the rate charged to all metered street segments identified by the Municipal Parking Department and applied to

specific parking zones during times designated as normal use based on occupancy thresholds.

*Occupancy threshold* means the percentage of average weekday usage for that parking zone sector during the timeframes of 8:00 a.m. to 6:00 p.m. and 6:00 p.m. to 10:00 p.m. which determines the applicable parking meter rate level for those timeframes based on the average number of meters occupied.

*Parking meter* means a mechanical or electronic timing device or other device to be used for the purpose of regulating or controlling single or multi-space parking which is actuated by the payment of authorized legal tender by manual or electronic means.

*Parking meter zone* means an area of the City's public streets which the Department of Public Works has designated as appropriate for parking in accordance with Section 46-1-9(a)(4) and Section 46-4-42(a) of this Code.

*Parking zone* means an area designated in Section 46-4-42(c) of this Code to permit metered parking for a maximum time limit and rate to increase available parking, improve traffic flow, and provide flexibility in the parking system.

*Parking zone sector* means an identified area designated by the Municipal Parking Department within a parking zone.

*Pay station* means a type of parking meter by which parking of a specific vehicle in any available space in a defined area may be regulated and controlled via an automated kiosk.

*Pickup truck* means a four-wheel motor vehicle having an enclosed front cab and open body with low sides and a tailgate, which may have an enclosure, cap, cover, or box over the rear exterior bed.

*Pickup zone* means that portion of the street, thoroughfare or highway adjacent to the curb or curb line where motor vehicles may park for the purpose of loading or unloading merchandise or materials of a heavy or bulky nature only at adjacent commercial establishments for periods not to exceed 15 minutes at any one time.

*Police authorized tow* means the towing, carrying, pushing or otherwise transporting for a fee by a tower or towers summoned by the police, any motor vehicle, except trailers and truck tractors, that has been wrecked or disabled in any manner, or any vehicle subject to removal under Article II, Division 5, of this chapter, including but not limited to abandoned or illegally parked vehicles and vehicles interfering with emergency activities or

impeding traffic from the traveled portion of a street, highway or freeway.

*Private passenger vehicle* means every motor vehicle, other than a bus, commercial vehicle, or taxicab, which is designed, used, or maintained primarily for the transportation of persons.

*Premium demand parking meter rate* means the rate charged to all metered street segments identified by the Municipal Parking Department and applied to specific parking zones during times designated as premium use based on occupancy thresholds.

**Sec. 46-1-7. Definitions: S—Z.**

For purposes of this chapter, the following words and phrases, which have not been incorporated by reference into this chapter through Section 46-3-1 of this Code, shall have the meanings respectively ascribed to them by this section:

*Secondary priority streets* mean all streets not designated as snow emergency routes.

*Service drive* means a street or roadway having the primary function of providing access to freeway entrances and exits.

*Snow emergency routes* means those streets designated by the Department of Public Works, marked as such, and, for purposes of this article, shall be considered first priority streets.

*Special event* means a ticketed event lasting four days or less which require payment of an admission fee for attendance and is held in fixed locations with capacity in excess of 1,000 persons.

*Special event parking meter rate* means the rate charged to all metered street segments identified by the Municipal Parking Department and applied to specific parking zones and/or parking zone sectors during times designated as special event use by the Municipal Parking Department.

*Standing* means the standing of a passenger vehicle upon a street with an operator in the driver's seat, or the standing of a commercial vehicle upon a street without an operator in the driver's seat for the purpose of loading or unloading of merchandise, material or goods of any nature, but only for the reasonable length of time that is actually required to effect such loading or unloading.

*Stop intersection* means an intersection at one or more entrances to which vehicles are required by stop signs to stop before entering.

*Stopping* means the stopping of a vehicle to load or unload passengers for a period not to exceed three minutes, with the operator remaining in the driver's seat.

*Through street* means a street or portion thereof at the entrances of which vehicles from intersecting streets are required, by standing stop signs, to stop before entering or crossing.

*Tow company* means any entity which, or individual who, performs wrecker or recovery services for financial gain.

**DIVISION 2. VIOLATIONS  
AND PENALTIES**

**Sec. 46-1-33. Sections deemed to be misdemeanors; penalties.**

(a) Violation of any of the following sections of this chapter is deemed to be a misdemeanor.

(1) Section 46-1-47. Unlawful disposition of parking violation notices or citations.

(2) Section 46-1-72. Penalty for removal of restraint or movement of a vehicle after immobilization.

(3) Section 46-1-83. Failure to answer a citation or notice to appear.

(4) Sections 46-2-92 to 46-2-98. Police authorized towing.

(5) Section 46-4-48. Deposit of slug, device, or substitute in parking meters prohibited.

(6) Section 46-4-50. Damage to, or tampering with, parking meters prohibited.

(7) Section 46-4-91. City license or other permit required; exceptions; violation; penalty.

(8) Section 46-4-109. Operation of snowmobiles prohibited in public places.

(9) Section 46-4-110. Vendors' vehicles to be removed at request of police.

(10) Section 46-4-113. Solicitation of towing services prohibited at the scene of accidents and emergencies.

(b) Unless another penalty is provided for in this chapter or in the Michigan Vehicle Code, being MCL 257.1 *et seq.*, which is incorporated by reference into this chapter through Section 46-3-1 of this Code, a person convicted of a misdemeanor for a violation of this chapter shall be punished by a fine of not more than \$100.00, or by imprisonment for not more than 90 days, or both in the discretion of the court.

**ARTICLE II. ENFORCEMENT  
DIVISION 4. IMPOUNDMENT  
OF VEHICLES**

**Sec. 46-2-61. Authority to create vehicle pounds; hours of operation of same.**

The Chief of Police is hereby authorized to create vehicle pounds, where automobiles and other vehicles may be moved by sworn or civilian police personnel for any lawful reason in the manner provided by

this division. Such pounds shall be located and operated at such places as may be designated by the Chief of Police and a sworn or civilian member of the Police Department, shall be in charge of each pound. The Chief of Police shall designate a sworn or civilian member of the Police Department to remain in attendance at each pound during reasonable hours as designated by the Chief of Police, for the purpose of receiving), safeguarding and discharging vehicles), and for collecting the fees provided by this division.

#### **DIVISION 5. TOWING** **Subdivision A. Generally**

##### **Sec. 46-2-81. Purpose, scope, and enforcement.**

(a) The City is responsible for maintaining clean, safe and functional streets. Residents and visitors are entitled to a safe and well-managed vehicle towing system for non-consensual vehicle tows that affords them a high level of customer service, convenience, courtesy, and professionalism.

(b) A tow company is deemed to conduct tow operations in the City if it has a place of business in the City which performs non-consensual tows, or if it hooks up vehicles for non-consensual tows within the City.

(c) The Police Department shall be responsible for enforcing the provisions of this division.

##### **Sec. 46-2-82. Misdemeanor violation; aiding and abetting violation; continuing violation; penalties for conviction thereof.**

(a) It shall be unlawful for any manager, operator, or owner of a tow company, or his or her employee, to violate any provision of this division, or to aid and abet another to violate such provision.

(b) Any person who violates this division, or aids and abets another to violate such provision, may be issued a misdemeanor violation for each day that the violation continues.

(c) Any person who is found guilty of violating any provision of this division, or aids and abets another to violate such provision, shall be convicted of a misdemeanor for each violation that is issued and, in the discretion of the court, may be fined up to \$500.00 and sentenced up to 90 days in jail, or both, for each misdemeanor violation that is issued.

##### **Secs. 46-2-83 – 46-2-90. Reserved.**

#### **Subdivision B.** **Police Authorized Towing**

##### **Sec. 46-2-91. Tow rates for police authorized towing.**

(a) A Towing Rate Commission shall be created, composed of the Auditor General as Chairperson, the Director of Buildings, Safety, Engineering, and Environmental Department or designated representative, the Chief of Police or designated representative, a representative of the public appointed by the Mayor, and a representative of the towing industry appointed by City Council.

(b) Such commission shall be charged with the duty of reviewing the administrative, towing, service, and storage fees for police authorized towing at least once every two years and submitting its recommendation to City Council by October 1st of the year of review. If the towing rate commission fails to forward such recommendation within the time provided, City Council may adopt a resolution to set the administrative, towing, service, and storage fees without such recommendation.

(c) Any tow contract initiated after Calendar Year 2021 shall be evaluated to determine whether an income based rate structure or tow hardship policy is feasible. Such findings shall be submitted to the City Council via resolution for consideration.

##### **Sec. 46-2-92. Standards for authorized towers.**

(a) The Board of Police Commissioners shall establish standards, including insurance and bonding requirements, that must be met in order for a tower to qualify for police authorized tows under this chapter, and the Police Department shall maintain a current list of such qualified towers. A separate list may be maintained for towers who tow abandoned vehicles in accordance with Sections 252a through 252m of the Michigan Vehicle Code, being MCL 257.252a through 257.252m, which is incorporated by reference into this chapter through Section 46-3-1 of this Code. The required insurance shall indemnify and hold harmless the City for any injury, damage, or loss that may result from a police authorized tow or storage under this chapter. The City shall not be liable for any such injury, damage, or loss. In accordance with Section 2-111 of the Charter, the Board of Police Commissioners shall promulgate administrative rules for the Body's determination as to which towers shall be called for tows under this chapter. Such rules shall provide, as nearly as practicable, for equitable distribution of police authorized towing to all towers on the list of qualified towers.

(b) All towers qualifying as police authorized towers shall be Detroit-based towers. For the purposes of this section,

the term "Detroit-based" shall indicate the physical and economic relationship to the City of Detroit determined by the payment of: (1) City income taxes on the tower's profits; and (2) City property taxes on the tower's vehicle storage lot, yard, or garage.

(c) All towing services performed by police authorized towers under this chapter shall be rendered with tow trucks clearly marked with the tow company's name, address, and telephone number. No private tow truck shall bear words which may be reasonably construed as indicating or suggesting that it is a City vehicle, Police Department vehicle, other police agency vehicle, or police authorized tow vehicle.

(d) For the avoidance of doubt, nothing in this section or in this Code shall be deemed to authorize the Board of Police Commissioners to conduct or supervise the procurement of police authorized towers. Consistent with standard City practice, police authorized towers shall be engaged via contracts, not permits. The procurement process shall be conducted and supervised by the Office of Contract Procurement. Contracts by which police authorized towers are engaged shall be approved by Chief Procurement Officer, the Corporation Counsel, and the City Council.

**Sec. 46-2-93. Establishment, approval, and publication of towing, and storage, and administrative fees.**

(a) No person performing police authorized towing or storage service on such wrecked or disabled vehicle shall charge fees in excess of the rates set by resolution of City Council. Such towing fee may consist of a flat rate hook-up fee plus an additional charge for each mile a vehicle is towed beyond one mile. Storage fees may be set on a *per diem* basis. The City Council may establish, by resolution, maximum fees for dolly tows, standard rates for police authorized towing to the City auto pound in lieu of the normal rates, excess time spent at the scene of a tow, separate fees for accident and non-accident tows to the curb or nearest side street, "dry runs" when the tower appears at the request of the Police Department, but does not perform an otherwise compensable towing task through no fault of the tower, and other necessary services.

(b) An administrative fee, as determined by City Council, shall be charged to the owner of each vehicle towed by a police authorized tower and shall be paid to the City when the vehicle is either redeemed or sold for a price that exceeds the towing and storage fees owed.

(c) In accordance with Section 9-507 of the Charter and based on the reasonable cost of towing and storing a vehicle, such towing and storage fees shall be established by the City Council through adoption of a resolution,

(d) After adoption of a resolution by the City Council and approval of the resolution by the Mayor, the fees that are provided for in Subsection (a) of this section shall be: (1) Published in a daily newspaper of general circulation and in the Journal of the City Council; (2) Made available at the Police Department and at the Office of the City Clerk; and (3) Reviewed by the City Council at least once every two years for adjustment, if any, of the fees established under this section.

(e) Towing and storage fees that are authorized by City Council resolution shall become effective at the beginning of the next fiscal year or as close to the next fiscal year as the City Council finds practicable.

**Sec. 46-2-94. One hook-up fee for successive tows.**

The towing rates resolution may provide that, when a vehicle is transported by a tower or towers summoned by the police, only one hook-up fee may be charged, notwithstanding that the vehicle may have been successively transported by the tower from the traveled portion of a street, highway, or freeway to a position at or on the curb or onto the nearest side street, and then to a destination requested by the owner or permitted by the police officer in charge.

**Sec. 46-2-95. When authorized.**

(a) No person shall perform any police authorized towing of any wrecked or disabled vehicle or any vehicle ordered impounded by a member of the Police Department without first having obtained written permission on forms approved by the Department, from the driver or owner of the vehicle or until the Detroit police officer investigating the wrecked or disabled vehicle, or vehicle subject to removal, shall have completed such officers investigation, and has given written permission for the towing service. A copy of the completed permission form shall be given to the authorizing person. Any person performing police authorized towing shall maintain a record of completed permission forms of all such towing for a period of six months. Completed forms must show total fees charged for services rendered.

(b) The tower shall provide the vehicle owner or driver with a copy of the towing rate schedule approved by City Council.

(c) In accordance with Section 252d(2)

of the Michigan Vehicle Code, being MCL 257.252d(2), if the owner or other person who is legally entitled to the possession of a vehicle to be towed or removed arrives at the location where the vehicle is located before the actual towing or removal of the vehicle, the vehicle shall be disconnected from the tow truck, and the owner or other person who is legally entitled to possess the vehicle may take possession of, and remove, the vehicle without interference upon the payment of a service fee for which a receipt shall be provided.

**Sec. 46-2-96. Requirements.**

(a) During a police authorized tow, as defined in Section 46-1-5 of this Code, the tower shall remove the vehicle from the traveled portion of the street, highway, or freeway:

(1) To a position at or on the curb or onto the nearest side street in order to remove the vehicle for the safety, health, and welfare of the persons using the traveled portion of the City's streets, highways, or freeways; or

(2) To a destination requested by the owner or driver; or

(3) To the City auto pound or precinct station at the direction of the police officer in charge in accordance with Article II, Division 4, of this chapter, or police impoundment pursuant to Section 252d of the Michigan Vehicle Code, being MCL 257.252d, which is incorporated by reference into this chapter through Section 46-3-1 of this Code; or

(4) To the private storage lot, yard or garage of the police authorized tower at the direction of the police officer in charge in the case of a wrecked or disabled vehicle, or any vehicle for the safekeeping pursuant to MCL 257.252d, provided, that the private storage lot, yard, or garage shall be located within the boundaries of the City and, provided further, that the driver or other person in charge of the vehicle is by reason of physical injury incapacitated to such an extent as to be unable to provide for its custody or removal or determine where the vehicle should be taken or is not otherwise immediately available to make such a decision. The towing and storage rates for such tow shall not exceed the rate established by resolution of the City Council after notice and hearing.

(b) A police authorized tow:

(1) Shall include the removal of all debris from the street, highway, or freeway; and

(2) Shall be made by the shortest and best legal route.

(c) In the case of a vehicle to be towed to a tower's private storage lot, yard, or

garage under Subsection (a)(4) of this section, the tower shall prepare and sign an inventory of the contents and equipment of the vehicle on a multi-copy form approved by the Police Department. The police officer in charge shall sign the completed form as witness to the inventory and the Police Department shall retain the signed original. The form shall indicate the location where the vehicle owner may reclaim the vehicle. The tower shall retain one copy of the signed form and mail one copy to the vehicle owner or driver within 48 hours of the date the tow is performed.

**Sec. 46-2-97. Payment.**

(a) *Responsibility for payment of tow fee:*

(1) In the case of a vehicle towed to an owner- or a driver-requested destination or to a tower's private storage lot, yard, or garage under Section 46-2-96(a)(2) or (4) of this Code, the tower shall pursue payment for services rendered from the owner or driver of the vehicle and the City shall assume no responsibility for payment or collection of the tow bill.

(2) The Police Department shall make arrangements to pay a police authorized tower for each tow of a vehicle to the City auto pound or precinct station under Section 46-2-96(a)(3) of this Code, for tows of illegally parked vehicles and for services for which payment by the vehicle owner is exempted by this Code. The Board of Police Commissioners may specify, with City Council approval and subject to Subsection (a) of this section, other circumstances under which the Police Department may arrange to pay the tow bill. Payment of a tow bill by the Police Department shall not relieve the vehicle owner of the owner's responsibility for payment and the owner shall reimburse the City for the amount of such bill except as a payment by the owner is exempted under Section 46-2-69 of this Code. In accordance with Section 2-111 of the Charter, the Board of Police Commissioners shall establish a procedure by which this subsection shall be implemented and administered.

(b) *Methods of payment accepted; receipt required.*

(1) Tow companies shall accept cash, cashier's checks, debit cards and at least three major credit cards such as Visa, Mastercard, Discover, or American Express.

(2) Tow companies shall provide an itemized receipt to the customer for each transaction.

**Sec. 46-2-98. Release of stored vehicle.**

Upon the presentation of proof of ownership and payment of permissible

charges for towing, storage, and the administrative fee, no person shall refuse to release promptly and willingly any vehicle which is claimed by any owner or any owner's representative.

**Secs. 46-2-99 – 46-2-110. Reserved.**

***Subdivision C.  
Non-Consensual Towing***

**Sec. 46-2-111. Towing vehicles from private property.**

(a) The following provisions apply to private property impounds accomplished by non-consensual tows:

(1) Tow companies shall not tow any vehicle from private property except by request of the property owner or other individual authorized to request such tow;

(2) Tow companies must notify and obtain Police Department approval, prior to the hook-up of a vehicle in conjunction with any private property impound;

(3) Tow companies shall maintain a written log of approvals required under Subsection (a)(1) of this section, and shall further maintain copies of documents, and photographs as follows:

- a. The date and time of the approval;
- b. The make and model and vehicle identification number of the vehicle, if ascertainable;
- c. The condition of the vehicle and any existing damage;
- d. The location from which the vehicle is being towed;
- e. The name, address, and telephone number of the owner or authorized agent of the private property who has authorized the tow of the vehicle from the private property;
- f. The name of the tow company employee reporting the impound;
- g. The name and badge number of the Police Department employee who approved the tow; and
- h. Photographs of the entire exterior of the vehicle taken immediately prior to hook-up;

(4) Both the vehicle, and documentary evidence required under Subsection (a)(3) of this section, must be brought to an authorized Police Department location within two hours of hook-up, and prior to moving the vehicle to a storage facility; and

(5) Copies of any documentation or photographs required under Subsection (a)(3) of this section shall be made available to the vehicle owner upon request.

(b) If the owner or other person who is legally entitled to the possession of a vehicle to be towed or removed arrives at the location where the vehicle is located

before the actual towing or removal of the vehicle, the vehicle shall be disconnected from the tow truck, and the owner or other person who is legally entitled to possess the vehicle may take possession of, and remove, the vehicle without interference upon the payment of a reasonable service fee for which a receipt shall be provided.

**Sec. 46-2-112. Inspection of storage lot by Police Department and other authorized City agents; requirements of tow company and storage lot.**

(a) For the purpose of ensuring compliance with this division, the owner, operator, or person in charge of the tow company's storage lot shall permit any employee, agent, sworn or civilian member of the Police Department as authorized by this Code, to inspect any portion of the premises during regular business hours, subject to constitutional restrictions on unreasonable searches and seizures.

(b) All hard copy records pertaining to the towing, storage, redemption, scrap, salvage, or sale of a vehicle shall be retained for not less than six months unless a longer retention period is required by law.

(c) Data on each vehicle shall be stored electronically and is subject to inspection and audit by the Department, subject to constitutional restrictions on unreasonable searches and seizures.

(d) Each storage facility shall contain a digital camera recording system with DVR backup that shall:

(1) Be focused on the customer service areas, and ingress and egress points of the storage lot;

(2) Retain footage for no less than 21 days; and

(3) Be open to inspection subject to constitutional restrictions on unreasonable searches and seizures.

(e) The tow company shall be responsible for securing the facility, including all vehicles located therein, for the safety of all towed vehicles.

(f) Towers shall post signage which must be conspicuously displayed and easily visible at each storage lot, yard or garage, which expressly states the following for non-consensual tows:

(1) The schedule of all towing fees, storage fees, and additional charges;

(2) The procedure for contesting towing and storage charges at the 36th District Court;

(3) The procedures for filing a claim for damages incurred to the vehicle or contents thereof as a result of the tow or while in storage;

(4) The list of documents required by the tow company in order for an owner to retrieve a towed vehicle; and

(5) A statement that the registered owner shall not be charged for the initial viewing of a recovered vehicle to retrieve title, registration, insurance documents, or personal property from the owner's vehicle.

(g) The Police Department may seek, at the department's discretion, an administrative warrant for entry on the property, and the reviewing Magistrate or Judge shall issue the warrant if the request comports with applicable law and procedure.

**Sec. 46-2-113. Recovery of abandoned, stolen, or suspected stolen vehicles.**

Except as provided in Section 46-2-111 of this Code, towers shall not engage in non-consensual tows of abandoned, stolen, or suspected stolen vehicles without having a law enforcement official inspect the vehicle at the scene and having run the vehicle in the LEIN system prior to hook-up.

**Sec. 46-2-114. Administrative fees.**

(a) An administrative fee shall be charged to, and paid by, the owner of each vehicle towed by a private tow company in a non-consensual tow, other than a Department authorized tower, from a location inside the City.

(b) The Police Department shall establish the administrative fee for non-consensual tows in accordance with Section 9-507 of the Charter subject to approval by the City Council through adoption of a resolution.

(c) After adoption of a resolution by the City Council and approval of the resolution by the Mayor, the fees that are provided for in Subsection (a) of this section shall be:

(1) Published in a daily newspaper of

general circulation and in the Journal of the City Council;

(2) Made available at the Police Department and at the Office of the City Clerk; and

(3) Reviewed by the Chief at least once every two years.

**Sec. 46-2-115. Methods of payment accepted; receipt required.**

(a) Tow companies shall accept cash, cashier's checks, debit cards and at least three major credit cards such as Visa, Mastercard, Discover, or American Express.

(b) Tow companies shall provide an itemized receipt to the customer for each transaction.

**Secs. 46-2-116 – 46-2-130. Reserved.**

**Section 2.** This ordinance is hereby declared necessary to preserve the public peace, health, safety and welfare of the People of the City of Detroit.

**Section 3.** All ordinances, or parts of ordinances, that conflict with this ordinance are repealed.

**Section 4.** In the event this ordinance is passed by two-thirds majority of City Council Members serving, it shall be given immediate effect and become effective upon publication in accordance with Section 4-118 of the 2012 Detroit City Charter. Where this ordinance is passed by less than a two-thirds majority of City Council Members serving, it shall become effective on the 30th day after publication, in accordance with Section 4-118 of the 2012 Detroit City Charter.

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JANICE M. WINFREY  
City Clerk



