

ORDINANCE NO. 42871

AN ORDINANCE to amend Section 20-163 requiring any person charging a tow fee, administrative fee, storage fee or other related fee to provide a receipt of payment to the person reclaiming the vehicle; and to provide an effective date thereof.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF OMAHA

Section 1. That Section 20-163 of the Omaha Municipal Code is hereby amended to read as follows:

Sec. 20-163. Unauthorized towing of motor vehicles

(a) It shall be unlawful to tow any motor vehicle from any private property, when such towing is not done at the authorization of the vehicle owner, lessee or other authorized motor vehicle operator, or to cause the same to be towed from any private property, where such towing does not conform to the laws of the State of Nebraska, including without limitation, R.R.S. §§ 60-2401 through and including 60-2411. Any person actually towing any such motor vehicle, and any private landowner, tenant or their agent requesting or authorizing any such non-consensual tow shall be responsible to cause such towing to conform with such state laws. Such responsibility for conformity to state law shall include all acts preceding the towing of the vehicle, the towing of the vehicle itself, and all acts following the towing of the vehicle, including all provisions respecting posting of legible and complete signs and providing the correct and accurate notice, and any such failure to cause the same to conform to state law shall be unlawful.

It shall also be unlawful for any person to obtain or demand any rate, charge or other compensation, or to assert any lien against any motor vehicle, where such towing, and the acts or omissions required by state law which precede and follow the act of towing, are not in full compliance with such state law. It shall be unlawful for any person who has caused any such vehicle to be towed in violation of such state laws or who has failed to take the requisite measures concerning signs, notice or other acts which precede or follow the towing of said vehicle, to fail to release said vehicle, in conformity to state law, to its lawful owner, lessee or other person entitled to possession of the same.

This section shall not apply to the towing of any motor vehicles as follows: (a) towed as the result of any order issued by any court of competent jurisdiction, (b) towed by any government agency where the parking or storage of such vehicle constituted a nuisance and the lawful procedures respecting the towing of such vehicle as a nuisance have been followed, and (c) towed in response to the order of any law enforcement officer, (i) because said vehicle came to a resting place on private property following a traffic accident, or (ii) where such vehicle is being seized as evidence or incident to the arrest of its operator or occupants.

As used in this section the expression "towing," and its other forms, refers to the act or removing a motor vehicle by any means other than the use of its own engine started by the permitted use of its own ignition key.

(b) It shall be unlawful for any person to charge a towing fee, administrative fee, storage fee, or other related fee exceeding the maximum fees provided in this section, for the towing or storage of a motor vehicle removed from private property without the consent of the motor vehicle owner, lessee or other authorized operator pursuant to subsection (a) herein. The maximum fees to be charged by a person performing such a non-consensual tow shall be \$150.00 per vehicle towed, plus a maximum administrative fee of \$25.00 per vehicle towed. The maximum fee to be charged by a person for the storage of a motor vehicle held after such a non-consensual tow shall be \$15.00 per day, per motor vehicle; provided, that there shall be no daily storage fee charged for any day on which the storage lot or facility is not open for the reclaiming of vehicles for at least four hours. Any person, entity or business that charges a towing fee, administrative fee, storage fee or other related fee must provide the person reclaiming the vehicle an itemized and accurate receipt of payment. The city council shall review the said maximum fees once every two years from the effective date of this ordinance. The amounts of the maximum fees set forth in this section may be revised, on a uniform basis, by resolution of the city council.

Section 3. This ordinance, being legislative in character, and in accordance with Section 2.12 of the Home Rule Charter of the City of Omaha, shall be in full force and take effect fifteen (15) following the date of its passage.

INTRODUCED BY COUNCILMEMBER

[Signature]

APPROVED BY:

[Signature] 2-8-2022
MAYOR OF THE CITY OF OMAHA DATE

ACTING

PASSED FEB 08 2022 7-0

ATTEST:

[Signature] 2-8-2022
CITY CLERK OF THE CITY OF OMAHA DATE

APPROVED AS TO FORM:

[Signature] 1/19/22
CITY ATTORNEY DATE