

## **ORDINANCE G-1291**

### **AN ORDINANCE CREATING CHAPTER 325, ENTITLED "PRIVATE TOWING REGULATIONS" OF TITLE III, ENTITLED "TRAFFIC CODE" OF THE CODE OF ORDINANCES OF THE CITY OF JUNCTION CITY, KANSAS, TO REGULATE TOWING FEES IN ACCORDANCE WITH K.S.A. 8-1103**

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF JUNCTION CTY, KANSAS:

SECTION 1: Chapter 325 – "Private Towing Regulations" of the Code of Ordinances of the City of Junction City, Kansas is hereby amended to read as follows:

#### **SECTION 325.010: PURPOSE AND INTENT**

The purpose and intent of this Chapter is to protect the public and the rights of persons whose motor vehicles may be towed and stored by private towing services at the request of third parties.

#### **SECTION 325.020: DEFINITIONS**

The words and phrases defined below inform and frame the terms in this Chapter:

- A. TOWING means the moving or removing or the preparation of a motor vehicle for which a service charge is made, either directly or indirectly, of a motor vehicle from private property without the knowledge and actual consent of the owner or the person in legal possession of the vehicle.
- B. TOW TRUCK means any truck or other vehicle adapted or used for the purpose of towing, winching, carrying, or otherwise removing another vehicle from a given location for commercial purposes.
- C. STORAGE means the custody and control of a vehicle by a tow truck operator because of a third-party ordered tow.
- D. TOW OPERATOR means any person engaged in the business of offering or providing a tow service for commercial purposes.

- E. PRIVATE PROPERTY means all property privately owned regardless of whether the property is open to public access.
- F. PERSON means a natural person or a legal entity such as, but not limited to, an individual, firm, association, joint stock company, syndicate, partnership, or corporation.

### **SECTION 325.030: UNLAWFUL ACTS**

It is unlawful and a violation of this Chapter for any person to fail to comply with the following regulations when involved in the towing or request of towing motor vehicles from private property:

- A. Notification by Property Owner or Requesting Party. The property owner or person requesting the towing of or removal of a vehicle from private or public property shall, within one hour of prior to the such towing or removal, notify the City of Junction City Police Department of the following information concerning the tow or removal:
  - 1. Vehicle Identification Number ("VIN");
  - 2. Vehicle make;
  - 3. Vehicle model;
  - 4. Vehicle year;
  - 5. License plate number;
  - 6. Ultimate destination where vehicle is towed to and stored; person ordering the tow; and,
  - 7. Address from which the vehicle is towed.
- B. Access to Personal Property. The tow operator or storage person shall grant access to the personal property located within the towed vehicle for 48 hours after such vehicle has been towed and such property shall be released to the owner at no cost.
- C. Notification by Tow Operator. The tow operator shall notify the Junction City Police Department within two hours of the tow with the same information as required in 325.030(A).



- D. Junction City Police Department shall verify by VIN whether or not the vehicle being towed or removed is considered stolen based upon the VIN provided by the third-party and the tow operator.

## **SECTION 325.040: NONAPPLICABILITY TO GOVERNMENTAL VEHICLES AND TOWS**

The provisions of this Chapter shall not apply to law enforcement, firefighting, ambulance, or other governmental vehicles which are marked as such or to property owned by any governmental entity. A governmental is marked is a governmental logo is found on the front, side, or rear of a vehicle or the license plate notes the governmental entity.

## **SECTION 325.050: FEES FOR TOWING SERVICES**

As required by K.S.A. 8-1103(c), the following maximum fees for towing services, provided pursuant to this Chapter, shall be established as follows:

- A. *Towing.* There shall be a maximum charge of \$115.00 for towing a vehicle from one point to another within the corporate limits of the City when requested by the owner of private property as provided for by this Chapter. For a period not to exceed ten years, beginning after January 1, 2023, the maximum fee for towing may be increased annually by an amount not to exceed \$1.50 until the maximum fee reaches a total of \$130.00.
- B. *Mileage.* In addition, mileage at the rate of \$4.00 per mile from the point of hookup for each mile any vehicle is towed within the City may be charged. Towing shall be by way of the most reasonable direct route between the point of the tow's origination and its destination.
- C. *Storage Fee.* A maximum fee of \$40.00 per day may be assessed for each 24-hour period or portion of for storage at the wrecker or to the company's facility. For a period not to exceed ten years, beginning after January 1, 2023, the maximum fee for storage may be increased annually by an amount not to exceed \$1.00 until the maximum fee reaches a total of \$50.00 per day.

**SECTION 325.060: PENALTY**

Any person that violates the provisions of this Chapter and is convicted shall be fined not less than \$100.00 nor more than \$1,000.00 or incarcerated up to but no more 30 days in jail or a combination thereof. In addition, the violation shall be assessed restitution which will include the towing fees imposed.

SECTION 2. All ordinances and parts thereof that are inconsistent with any provision of this Ordinance are hereby repealed.

SECTION 3. This Ordinance shall be effective upon publication as required by law.

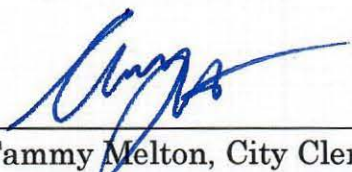
Passed and adopted by the Governing Body of the City of Junction City, Kansas this 16th day of August, 2022.



**CITY OF JUNCTION CITY, KANSAS**

  
\_\_\_\_\_  
Jeff Underhill  
Mayor

ATTEST: (Seal)

  
\_\_\_\_\_  
Tammy Melton, City Clerk