

Ordinance No. 5818

AN ORDINANCE TO AMEND CHAPTER 41- WRECKERS OR TOWING OPERATOR OF THE CODE OF ORDINANCES OF MEMPHIS, TENNESSEE, TO DEFINE PRIVATE PROPERTY, ADD A METHOD OF PAYMENT PROVISION, AND REQUIRE THE PUBLISHING OF RATES

WHEREAS, the Memphis City Council strives to ensure our laws are clear, current and relevant to keep our citizens safe and best serve our business community, assisting them in operating in accord with the laws contained within the Tennessee Code Annotated and the Code of Ordinances of Memphis, Tennessee; and

WHEREAS, the City of Memphis has a significant governmental interest in protecting the health, safety and welfare of the general public and preserving the public order; and

WHEREAS, Chapter 41 of the Code of Ordinances of Memphis, Tennessee, allows the Memphis City Council to define, prohibit, regulate, or abate acts, omissions, or conditions, detrimental to the health, safety, or welfare of the public, and the peace and dignity of the City; and

WHEREAS, the Memphis City Council has received complaints from the public regarding the fee requirements of wrecking and towing companies and the ways in which it limits the public's ability to access those services; and

WHEREAS, the absence of a provision that clearly defines private property causes Chapter 41 to be vague and unclear in its application; and

WHEREAS, the Memphis City Council desires to minimize and control the adverse effects that occur when the public is required to remit payment to wrecking and towing companies in the form of cash during a time where a larger number of transactions are done through alternative methods of payment, such as credit and debit cards; and

WHEREAS, the Memphis City Council wishes to better regulate the wrecker and towing industry to conform to present day conditions and to provide for the protection of the public interest relating to the towing of vehicles; and

WHEREAS, this amendment does not relate to, and is not intended to regulate, the price, route, or provision of consensual towing services as preempted by the Federal Authority over Intrastate Transportation, codified in 49 U.S.C. § 14501(c)(1).

NOW, THEREFORE,

**Section 1. BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS**, that Chapter 41 - Wreckers and Towing Operator, of the Code of Ordinances, is hereby amended as follows:

**Article 1, Ch. 41-2. Definitions.**

Add the following definition to Article 1, Ch. 41-2:

**Private Property-** for the purposes of this Chapter, includes, but is not limited to, a parking lot or garage for use by patrons of a particular business, or businesses or a lot or garage used for temporary storage of passenger cars or trucks for a fee and is staffed by an attendant.

**Article 1, Ch. 41-10. Emergency Wrecker Service and Wrecker Service Requirements and Records.**

Add the following subsection (f) to Article 1, Ch. 41-10:

(f) Every wrecker company or towing operator doing business within the corporate city limits of the City of Memphis shall publish its rates in such a place as to be in full view of anyone wishing to inspect same and/or be communicated to the owner of the vehicle, or party seeking the service, prior to services being rendered.

**Article 5**

**Article 5 shall be added to Chapter 41, as follows:**

Article 5, Methods of Payment

Ch. 41-51, Methods of Payment.

(a) Every wrecker company or towing operator and/or storage facility doing business within the corporate limits of the City of Memphis shall accept payment by:

1. Cash; and
2. Major credit card (i.e., Visa, Mastercard, American Express); and
3. Any additional forms of payment accepted by the City of Memphis impound lot, which shall be accepted within 60 days of implementation by the City.

(b) There may be an additional fee of no more than 4% charged for use of a credit card.

**Section 2. BE IT FURTHER ORDAINED,** That the provisions of this Ordinance are hereby severable. If any of these sections, provisions, sentences, clauses, phrases or parts are held unconstitutional or void, the remainder of this Ordinance shall continue in full force and effect.

**Section 3. BE IT FURTHER ORDAINED,** That this Ordinance shall take effect May 1, 2022 after having been passed by City Council, signed by the Chair of Council, certified and delivered to the office of the Mayor in writing by the comptroller, and becomes effective as otherwise provided by law.

Sponsors:

Martavius Jones

JB Smiley, Jr.

THE FOREGOING ORDINANCE  
# 5818 PASSED  
1st Reading 1/18/22  
2nd Reading 2/1/22  
3rd Reading 3/22/22  
Approved Martavius Jones  
Chairman of Council  
Date Signed: 3/31/22  
APPROVED:  
[Signature]  
Mayor, City of Memphis  
Date Signed: 4/11/22  
I hereby certify that the foregoing is a true  
copy and said document was adopted by the  
Council of the City of Memphis as above indi-  
cated and approved by the Mayor.  
Valerie C. Sipes  
Comptroller