

CITY OF SHAWNEE
ORDINANCE NO. 3410

**AN ORDINANCE AMENDING SECTIONS 3.70.050, 10.45.030, 10.45.050,
AND 10.45.090 OF THE SHAWNEE MUNICIPAL CODE CONCERNING
TOWING AND REPEALING THE SECTIONS HEREBY AMENDED**

**NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE
CITY OF SHAWNEE, KANSAS:**

PARAGRAPH 1. Section 3.70.050 of the Shawnee Municipal Code is hereby amended to read as follows:

3.70.050 - Administrative Use of Tow Services.

The City Clerk, or his or her designee, shall maintain a list of tow services approved to provide such services at the request of law enforcement personnel. Tow services selected for use by the City Clerk, or his or her designee, shall maintain a current Tow Service Provider Agreement, and an Occupational License as set forth in Title 5 of the Shawnee Municipal Code, and will be placed alphabetically on a rotation tow list by the Police Department. When a service is needed, the first tow service on the rotation list will be contacted to supply the necessary service, and the tow service shall then be placed on the bottom of the list, and such rotation shall be continuous.

The continued use of a tow service is subject to the annual renewal of the tow service provider agreement, and continuing review and approval of the Chief of Police or designee. Justifications for removal of a Person or entity from the list of approved tow service providers may include failure to comply with a Tow Service Provider Agreement or the guidelines set forth in this Chapter.

- A. Tow Service Provider Agreement. Any Person or business providing tow services at the request of law enforcement personnel, shall, as a condition for placement on the tow rotation list, enter into and sign a Tow Service Provider Agreement, the terms of which shall require:
1. Compliance with all federal, state and municipal laws pertaining to the disposition of motor Vehicles in their possession;
 2. Current and continuing maintenance of all required licenses and permits, including a valid Certificate of Public Service issued by the Kansas Corporation Commission and a minimum of three (3) trucks providing tow services and registered with the Kansas Corporation Commission;
 3. Current and continuing maintenance of insurance and indemnification as uniformly required by the Chief of Police, in his or her sole discretion, of all other services removing Vehicles from a public way at the direction of the Shawnee Police Department; and

4. A non-refundable annual application fee to cover the costs of processing and verifying applications. The application fee shall be approved by the Governing Body and listed in the latest City of Shawnee Policy Statement Code.
- B. Maximum Tow and Storage Fees and Audits. The maximum towing, storage and other fees for any vehicle towed pursuant to this Chapter shall be approved by the Governing Body and listed in the latest City of Shawnee Policy Statement Code. The City shall have the right to audit the records and invoices of an approved tow service provider pertaining to such services rendered pursuant to the request of the Shawnee Police Department. Such audits may be on an as requested basis, provided that such review shall not occur more than once every six months.
- C. Complaints Regarding Tow Services. Complaints related to the providing of tow services at the request of law enforcement personnel, shall be in writing and forwarded to the Chief of Police or designee. Complaints shall be forwarded to the Police Department's Professional Standards Unit. All complaints shall be investigated and a report submitted to the Chief of Police or designee. A file will be maintained for review of complaints.
- D. Notice and Disposition of Complaints. If a complaint is filed, the tow service provider shall be permitted to refute the complaint. The Chief of Police or designee will make the provider aware of the investigations outcome, and the final determination. The Chief of Police or designee may determine the City will remove or suspend the tow service provider from the approved tow service rotation list.

PARAGRAPH 2. Section 10.45.030 of the Shawnee Municipal Code is hereby amended to read as follows:

10.45.030 - Definitions.

The following terms for the purpose of this Chapter shall mean:

- A. Non-consensual Towing means the towing of a vehicle without the express consent and agreement of a person having the right to operate the vehicle.
- B. Private Parking Area means any privately owned property intended for or giving the appearance of being intended for the parking of vehicles of customers, employees or invitees of a business, or guests and occupants of a multiple-family unit or apartment development consisting of four or more individual residential dwelling units as those terms are defined by Title 17 of the Code, including driveways, access ways, aisles or areas for the maneuvering of vehicles going to or from a Private Parking Space; excluding, however, any property zoned for single family residential use.
- C. Private Parking Space means that portion of a private parking area intended or giving the appearance of being intended for the parking of vehicles for customers of a business or guests and occupants of a multiple-family unit or apartment development consisting of four or more individual residential dwelling units as those terms are defined

by Title 17 of the Code, excluding the portion of a Private Parking Area that is a driveway, access way, aisle or maneuvering room for vehicles.

- D. Chapter means Chapter 10.45 of this code.
- E. Tow Truck Operator means the operator of a vehicle making a non-consensual tow or any person or entity which offers or provides a service of towing, transporting or impounding motor vehicles for a fee.

PARAGRAPH 3. Section 10.45.050 of the Shawnee Municipal Code is hereby amended to read as follows:

10.45.050 - Non-Consensual Towing

No Tow Truck Operator shall make a Non-consensual Tow of a vehicle parked in a Private Parking Space unless the Private Parking Area in which the space is located is posted with signs which are clearly visible and readable from any point within the Parking Area or at each entrance thereto which signs contain as a minimum the following information:

- A. The restrictions on parking.
- B. That "unauthorized vehicles will be towed" in not less than two (2) inches high, light reflective letters on a contrasting background.
- C. The telephone number and address where the person parking the vehicle can learn the location of the vehicle.
- D. Each sign shall state "Shawnee Municipal Code Chapter 10.45."

PARAGRAPH 4. Section 10.45.090 of the Shawnee Municipal Code is hereby amended to read as follows:

10.45.090 - Police Notification.

The Tow Truck Operator shall, within two (2) hours upon commencement of a Non-Consensual Tow, notify the Shawnee Police Department of the following information:

- A. The vehicle make, model and year;
- B. The vehicle identification number;
- C. The license plate number and State of Issuance;
- D. The location where the tow commences and the name of the person authorizing the tow;
- E. The reason for the tow; and
- F. The location to which the vehicle is to be towed and stored.

PARAGRAPH 5. Upon the effective date of this Ordinance, Sections 3.70.050, 10.45.030, 10.45.050, and 10.45.090 of the Shawnee Municipal Code as they existed before the above amendments are hereby repealed.

PARAGRAPH 6. If any part or parts of this Ordinance shall be held to be invalid, such invalidity shall not affect the validity of the remaining parts of this Ordinance. The Governing Body hereby declares that it would have passed the remaining parts of this Ordinance if it would have known that such part or parts thereof would be declared invalid.

PARAGRAPH 7. Neither the passage of this Ordinance, the repeal of the Ordinance or Code provisions set forth herein, or the future repeal or amendment of any Ordinance or Code section or part or portion thereof, shall in any manner affect the prosecution for violation of this Ordinance or any Ordinance or Code amended or repealed herein, nor be construed as a waiver of any license, fee or penalty at said effective date and unpaid under any Ordinance or Code, nor be construed as affecting any of the provisions of such Ordinance or Code relating to the collection of any such license, fee or penalty, or the penal provisions applicable to any violation thereof, nor to affect the validity of any bond or cash deposit in lieu thereof required to be posted, filed or deposited pursuant to any Ordinance or Code, and all rights and obligations thereunder shall continue in full force and effect. Any Ordinance or Code sections amended or repealed, are hereby continued in force and effect after the passage, approval, and publication of this Ordinance for the purposes of such rights, fines, penalties, forfeitures, liabilities, and actions therefore.

PARAGRAPH 8. This Ordinance shall be published as required by law and take effect on March 1, 2022.

This portion is intentionally blank.

PASSED by the Governing Body this 10th day of January, 2022.

APPROVED AND SIGNED by the Mayor this 10th day of January, 2022.



CITY OF SHAWNEE, KANSAS

By: _____

Michelle Distler, Mayor

ATTEST:

By: _____

Stephanie Zaldivar, City Clerk

APPROVED AS TO FORM:

By: _____

Ellis Rainey, City Attorney

The Legal Record

1701 E. Cedar St., Ste. 111
Olathe, KS 66062-1775
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CITY OF SHAWNEE - CITY CLERK
11110 JOHNSON DR
SHAWNEE KS 66203-2750

First published in The Legal Record, Tuesday, January 18, 2022.

CITY OF SHAWNEE Summary of Ordinance No. 3410

On the 10 day of January, 2022, the Governing Body of the City of Shawnee, Kansas passed Ordinance No. 3410, An Ordinance amending Sections 3.70.050, 10.45.030, 10.45.050, and 10.45.090 of the Shawnee Municipal Code concerning Towing and Repealing the Sections hereby amended.

A complete text of the Ordinance may be obtained or viewed free of charge at the office of the City Clerk or at www.cityofshawnee.org.

The undersigned hereby certifies as prescribed by KSA 12-3007 that the foregoing Summary of Ordinance No. 3410 is legally accurate and sufficient.

Dated: January 10, 2022

/s/ M. Ellis Rainey, II, City Attorney
1/18

Proof of Publication

STATE OF KANSAS, JOHNSON COUNTY, SS;
Maureen Gillespie, of lawful age, being first duly sworn, deposes and says that she is Legal Notices Clerk for The Legal Record which is a newspaper printed in the State of Kansas, published in and of general paid circulation on a weekly, monthly or yearly basis in Johnson County, Kansas, is not a trade, religious or fraternal publication, is published at least weekly fifty (50) times a year, has been so published continuously and uninterrupted in said County and State for a period of more than one year prior to the first publication of the notice attached, and has been entered at the post office as Periodicals Class mail matter. That a notice was published in all editions of the regular and entire issue for the following subject matter (also identified by the following case number, if any) for 1 consecutive week(s), as follows:

SUMMARY OF ORDINANCE NO. 3410
1/18/22



Maureen Gillespie, Legal Notices Billing Clerk

Subscribed and sworn to before me on this date:

January 18, 2022



Notary Public

DEBRA VALENTI
Notary Public-State of Kansas
My Appt. Expires Aug. 21, 2023

L94754
Publication Fees: \$8.64