

INTRODUCED: September 25, 2017

AN ORDINANCE No. 2017-198

To amend section 27-302 of the City Code, concerning towing and storage fees, for the purpose of modifying the limits on fees charged for the towing, storage, and safekeeping of certain vehicles removed from private property.

Patron – Mayor Stoney

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: NOV 13 2017 AT 6 P.M.

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. That section 27-302 of the Code of the City of Richmond (2015) be and is hereby **amended** and reordained as follows:

Sec. 27-302. Towing and storage fees.

(a) The maximum fee that may be charged for removing or towing passenger cars, trailers and other vehicles of less than 10,000 pounds gross weight from private property, at the request of the owner of the property and without the permission of the owner of such a vehicle is [~~\$125.00~~] \$135.00. For towing a vehicle between 7:00 p.m. and 8:00 a.m. or on any Saturday, Sunday, or holiday, an additional fee of no more than \$25.00 per vehicle towed may be charged.

AYES: 8 NOES: 0 ABSTAIN: _____

ADOPTED: NOV 13 2017 REJECTED: _____ STRICKEN: _____

(b) The maximum fee that may be charged for the storage of such passenger cars, trailers and other vehicles is [~~\$35.00~~] \$45.00 per 24-hour period. However, no fee for the storage of such passenger cars, trailers and other vehicles may be charged [~~when a vehicle's owner or the vehicle owner's agent makes payment for the full fee for the removal of the vehicle and removes the vehicle from the place of storage before 5:00 p.m. on the first business day after the day on which the vehicle was removed~~] for the first 24-hour period.

(c) The maximum fee that may be charged for vehicles released at the scene or as a "drop fee" is [~~\$30.00~~] \$40.00. This fee may only be charged when the person conducting the towing has already hooked up the vehicle but has not yet removed the vehicle from [~~its location~~] private property and the vehicle's owner or vehicle owner's agent arrives to claim the vehicle and pay this fee. The person conducting the towing must release the vehicle to the vehicle's owner or the vehicle owner's agent in return for the payment of this fee.

(d) The maximum fee that may be charged for administrative fees is [~~\$30.00~~] \$50.00. This fee may only be charged when the vehicle has been left in the tow lot over 72 hours.

(e) An after hours release fee, not to exceed \$35.00, may be charged for vehicles released between 7:00 p.m. and 8:00 a.m. No other fees, liens or towing, storing or administrative costs may be charged.

(f) Any person violating the provisions of this section shall be guilty of a Class 1 misdemeanor.

§ 2. This ordinance shall be in force and effect upon adoption.



CITY OF RICHMOND
INTRACITY CORRESPONDENCE

O & R REQUEST
4-6856
AUG 7 2017
Office of the Chief Administrative Officer

DATE: July 31, 2017

EDITION: 1

TO: The Honorable Members of City Council

THROUGH: The Honorable Levar M. Stoney, Mayor

Handwritten signature and date: JS 9/20/17

THROUGH: Selena Cuffee-Glenn, Chief Administrative Officer

THROUGH: Lenora G. Reid, DCAO of Finance and Administration

THROUGH: John Wack, Director of Finance

Handwritten signature and initials: JW

FROM: Bobby Vincent, Director of Public Works

SUBJECT: TO AMEND CITY CODE CONCERNING TOWING AND STORAGE FEES FROM PRIVATE PROPERTY

ORD. OR RES. No. _____

PURPOSE: To amend Section 27-302 (a-e) of the City Code for Towing and Storage Fees from Private Property for the purpose making the City Code congruent with the State Code § 46.2-1233.1.

REASON: The City's Advisory Board for the Assessment of Towing Fees and the Storage of Vehicles the ("Towing Advisory Board") determined that the fees listed in the City Code should be congruent with the State Code.

RECOMMENDATION: Approval is recommended by the City Administration and the Towing Advisory Board. The Towing Advisory Board met on June 15, 2017 and approved the proposed code amendments.

BACKGROUND: Va. Code § 46.2-1233.1 outlines the limitation on charges for towing and storage of certain vehicles. Section 27-302 (a-e) of the City Code specifies fees for Towing and Storage Fees from private property.

Virginia State Code

§ 46.2-1233.1. Limitation on charges for towing and storage of certain vehicles.

A. Unless different limits are established by ordinance of the local governing body pursuant to § 46.2-1233, as to vehicles towed or removed from private property, no charges imposed for the towing, storage, and safekeeping of any passenger car removed, towed, or stored without the consent of its owner shall be in excess of the maximum charges provided for in this section. No hookup and initial towing fee shall exceed \$135. For towing a vehicle between seven o'clock p.m. and eight o'clock a.m. or on any Saturday, Sunday, or holiday, an additional fee of no more than \$25 per instance may be charged; however, in no event shall more than two such fees be charged for towing any such vehicle. No charge shall be made for storage and safekeeping for a period of twenty-four hours or less. Except for fees or charges imposed by this section or a local ordinance adopted pursuant to § 46.2-1233, no other fees or charges shall be imposed during the first 24-hour period.

B. The governing body of any county, city, or town may by ordinance, with the advice of an advisory board established pursuant to § 46.2-1233.2, (i) provide that no towing and recovery business having custody of a vehicle towed without the consent of its owner impose storage charges for that vehicle for any period during which the owner of the vehicle was prevented from recovering the vehicle because the towing and recovery business was closed and (ii) place limits on the amount of fees charged by towing and recovery operators. Any such ordinance limiting fees shall also provide for periodic review of and timely adjustment of such limitations.

City of Richmond Code

DIVISION 4. - TOWING OF VEHICLES FROM PRIVATE PROPERTY

Sec. 27-302. - Towing and storage fees.

(a)

The maximum fee that may be charged for removing or towing passenger cars, trailers and other vehicles of less than 10,000 pounds gross weight from private property, at the request of the owner of the property and without the permission of the owner of such a vehicle is ~~\$125~~. *No hookup and initial towing fee shall exceed \$135. For towing a vehicle between seven o'clock p.m. and eight o'clock a.m. or on any Saturday, Sunday, or holiday, an additional fee of no more than \$25 per instance may be charged; however, in no event shall more than two such fees be charged for towing any such vehicle.*

(b)

The maximum fee that may be charged for the storage of such passenger cars, trailers and other vehicles is ~~\$35.00~~ *\$45.00* per 24-hour period. However, no fee for the storage of such passenger cars, trailers and other vehicles may be charged ~~when a vehicle's owner or the vehicle owner's agent makes payment for the full fee for the removal of the vehicle and removes the vehicle from the place of storage before 5:00 p.m. on the first business day after the day on which the vehicle was removed.~~ *for the first 24-hour period.*

(c)

The maximum fee that may be charged for vehicles released at the scene or as a "drop fee" is ~~\$30.00~~ *\$40.00*. This fee may only be charged when the person conducting the towing has

already hooked up the vehicle but has not yet removed the vehicle from ~~its location~~ *private property* and the vehicle's owner or the vehicle owner's agent arrives to claim the vehicle and pay this fee. The person conducting the towing must release the vehicle to the vehicle's owner or the vehicle owner's agent in return for the payment of this fee.

(d)

The maximum fee that may be charged for administrative fees is ~~\$30.00~~ *\$50.00*. This fee may only be charged when the vehicle has been left in the tow lot over 72 hours.

(e)

~~No other fees, liens or towing, storing or administrative costs may be charged. An afterhours release fee may be charged between seven o'clock p.m. and eight o'clock a.m. The maximum fee for an afterhours release is \$35.00.~~

FISCAL IMPACT TO CITY/COST: This ordinance will have no fiscal impact on the City.

FISCAL IMPLICATIONS: N/A

BUDGET AMENDMENT NECESSARY: None

REVENUE TO THE CITY: N/A

DESIRED EFFECTIVE DATE: Upon Adoption.

REQUESTED INTRODUCTION DATE: September 11, 2017

CITY COUNCIL PUBLIC HEARING: September 25, 2017

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: Finance and Economic Development-
(September 21, 2017)

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: None

AFFECTED AGENCIES: Richmond Police and Public Works

RELATIONSHIP TO EXISTING ORD. OR RES: N/A

REQUIRED CHANGES TO WORK PROGRAM (S): None

ATTACHMENTS: None

STAFF: Lt. John Beazley, RPD (646-4721)
Lynne Lancaster, DPW (646-6006)