



MEMORANDUM

TO: Timothy J. Baroody, City Manager
FROM: Brian Layton, Chief of Police
DATE: January 26, 2021 (for the January 26 Council Meeting)
SUBJECT: Private Property Towing City Code Revision (58-453)

ISSUE

Should the City Council make an amendment to 58-453 of the City Code to increase the reasonable fees for the removal of motor vehicles, trailers, and their component parts unlawfully left on private property?

RECOMMENDATION

Council should amend the City Code to increase the reasonable fees.

DISCUSSION

The Code of Virginia, Section 46.2-1233 authorizes localities to set reasonable limits on fees charged for the removal of motor vehicles, trailers, and their component parts unlawfully left on private property. However, that section sets a minimum hookup and initial towing fee of \$135 for all localities in Planning District 16, which includes the City of Fredericksburg. The State Code also requires an additional \$25 fee to be charged for instances of towing that occur after regular business hours in addition to weekends and holidays, provided that no more than two additional fees may be applied per vehicle. City Code currently provides for an additional fee of \$25 on weekends and holidays, but not for evening or nighttime tows.

The Fredericksburg City Code currently sets the initial trespass towing fee at \$100, and does not include the additional fee for towing after hours. An update to the City Code is needed to conform to current Code of Virginia requirements.

FISCAL IMPACT

None.

Attachments: Ordinance



January 26, 2021
Regular Meeting
Ordinance No. 21-__

MOTION:

SECOND:

RE: **Amending § 58-453 of the City Code to Increase the Maximum Fees for Towing a Motor Vehicle from Private Property**

ACTION: **APPROVED: Ayes: 0; Nays: 0**

FIRST READ: _____ SECOND READ: _____

Sec. I. Introduction.

The Code of Virginia, Section 46.2-1233 authorizes localities to set reasonable limits on fees charged for the removal of motor vehicles, trailers, and their component parts unlawfully left on private property. However, that section sets a minimum hookup and initial towing fee of \$135 for all localities in Planning District 16, which includes the City of Fredericksburg. The State Code also provides for an additional \$25 fee to be charged for instances of towing that occur after regular business hours in addition to weekends and holidays, provided that no more than two additional fees may be applied per vehicle.

The Fredericksburg City Code currently sets the initial trespass towing fee at \$100, and does not provide for an additional fee for towing after hours. An update to the City Code is needed to conform to current Code of Virginia requirements.

Sec. II. City Code amendment.

It is hereby ordained by the Fredericksburg City Council that City Code Section 58-453, Towing of Motor Vehicles from Private Property, subsection C, be amended to delete the language shown in strikethrough and add the underlined language as follows:

§ 58-453 Towing of motor vehicles from private property.

- C. No tow truck service or operator shall charge a recovery fee or initial towing fee of more than the ~~\$100~~ \$135 for towing any motor vehicle from a private parking lot or parking area or space therein, or from any other private lot or building. 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 per instance may be charged, provided that in no event shall more than two such additional fees be charged for towing any vehicle. Such recovery or initial towing

fee shall include the storage fee for up to the first 24 hours from the time of removal from the property and shall not exceed \$30 for each subsequent twenty-four-hour period or any portion thereof. No tow truck operator or tow truck service shall charge any fee for mileage or any other fee in addition to the fees set forth in this section. Recovery and storage fees shall be reviewed at least every two years by the towing advisory board and any suggested changes shall be forwarded to the Council for its review.

Sec. III. Effective date.

This ordinance shall be effective immediately.

Votes:

Ayes:

Nays:

Absent from Vote:

Absent from Meeting:

Approved as to form:

Kathleen Dooley, City Attorney

Clerk's Certificate

I, the undersigned, certify that I am Clerk of Council of the City of Fredericksburg, Virginia, and that the foregoing is a true copy of Ordinance No. 21- duly adopted at a meeting of the City Council meeting held Date, 2021 at which a quorum was present and voted.

Tonya B. Lacey, MMC
Clerk of Council