

Meeting of the Towing Advisory Board
Tuesday, December 22, 2020
1 p.m.

Virtual/Electronic meeting
Register at www.charlottesville.gov/zoom

The Towing Advisory Board will meet virtually on Tuesday, December 22, 2020 at 1 p.m.

Continued review of City Towing Codes

- **ARTICLE IX. - REMOVAL, IMMOBILIZATION, AND DISPOSITION OF VEHICLES UNLAWFULLY PARKED ON PRIVATE PROPERTY**
- **DIVISION 1. - GENERALLY**
- **Sec. 15-400. - Definitions.**
- The following words, terms and phrases used in this article shall have the meanings set forth below:
 - *Advisory board* means the Charlottesville Towing Advisory Board;
 - *City* means the City of Charlottesville, Virginia.
 - *Council* means the Charlottesville City Council.
 - *Department* or *CPD* means the Charlottesville Police Department.
 - *DCJS* means the Virginia Department of Criminal Justice Services.
 - *Driver* means a person who drives or is in actual physical control of a tow truck.
 - *Drop fee* means a fee that is charged a vehicle owner for disconnecting a vehicle from a tow truck prior to leaving private property.
 - *Equipment* means any tow truck, vehicle or related machinery or tools used to provide towing.
 - *Immobilize* means to prevent a vehicle from moving using a procedure or piece of equipment, such as a boot. Immobilization does not include attachment to a tow truck.
 - *Law enforcement officer* means any officer authorized by law to direct or regulate traffic or to make arrests for violations of the Code of Virginia or local ordinances.
 - *# Operator* or *towing and recovery operator* means any person, including a business, corporation, or sole proprietor, offering services involving the use of a tow truck and services incidental to the use of a tow truck.
 - *Personal property* means any property in a vehicle which is not attached to or considered to be necessary for the proper operation of the vehicle.
 - *Property owner* means the owner, operator, authorized agent, or lessee of any land, space, or area used for parking or authorized agent of the person having control of such premises.
 - *Storage site* means a location where vehicles are taken until the owner reclaims the vehicle or it is sold, including any office or parking areas.
 - *Show up fee* means a fee that is charged a vehicle owner for initiating a tow but prior to and in lieu of engaging a vehicle by a physical or mechanical means to a tow truck prior to leaving private property.

Individuals with disabilities who require assistance or special arrangements to participate in the public meeting may call the ADA Coordinator at (434) 970-3182 or submit a request via email to ada@charlottesville.gov. The City of Charlottesville requests that you provide a 48 hour notice so that proper arrangements may be made.

- *Tow* or *towed* means when the tow truck has engaged a vehicle by a physical or mechanical means that can remove a vehicle from private property.
- *Tow truck* or *truck* means a motor vehicle for hire (i) designed to lift, pull, or carry another vehicle by means of a hoist or other mechanical apparatus and (ii) having a manufacturer's gross vehicle weight rating of at least ten thousand (10,000) pounds. Tow truck also includes vehicles designed with a ramp on wheels and a hydraulic lift with a capacity to haul or tow another vehicle, commonly referred to as "rollbacks."
- # *Towing coordinator* means the person appointed by the city manager to administer and enforce the regulations herein.
- *Vehicle* means every device in, on or by which any person or property is or may be transported or drawn on a highway, except devices moved by human power or used exclusively on stationary rails or tracks.
- *Vehicle owner* means the owner, operator, authorized agent, or lessee of a vehicle.
- (2-4-13)
- **Sec. 15-401. - Applicability.**
- (a)
- This article shall apply to all private property upon which vehicle parking is commercially provided within the boundaries of the City of Charlottesville, and to all towing and recovery operators conducting business within the boundaries of the City of Charlottesville.
- (b)
- This article shall not apply to:
 - (1)
 - Federal, state, or local public service vehicles.
 - (2)
 - Vehicle repossession activities.
 - (3)
 - Vehicles towed, moved, or stored at the request of a law enforcement officer.
- (c)
- The provisions of this section shall not be construed to prohibit vehicles from being towed when such towing is otherwise permitted by law.
- (2-4-13)
- **Sec. 15-402. - Violations.**
- It shall be unlawful for any person to violate any of the provisions of this article, or any regulation adopted pursuant to this article. Unless otherwise stated, each violation shall constitute a traffic infraction punishable by a fine of not more than that provided for a Class 4 misdemeanor.
- (2-4-13)
- **Sec. 15-403. - Property owners may authorize towing.**
- A property owner may have a vehicle towed to a storage site or immobilized without the permission of the vehicle owner if the vehicle is occupying the private property without permission of the property owner, and if all conditions set forth in this article are met.
- (2-4-13)
- **Secs. 15-404—15-410. - Reserved.**
- **DIVISION 2. - TOWING ADVISORY BOARD**
- **Sec. 15-411. - Definitions.**
- The following words, terms and phrases used in this article shall have the meanings set forth below.
- *Citizen member* means a member who has no direct or indirect interest, other than as a consumer, in or relating to the towing and recovery industry.

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- *Law enforcement member* means a member who is a Charlottesville police officer and appointed to the towing advisory board.
- *Member* means a person appointed to the towing advisory board.
- *Towing member* means an individual who, prior to appointment, and throughout the appointment term, shall be an operator of a towing business in Charlottesville.
- (2-4-13)
- **Sec. 15-412. - Composition of board.**
- (a)
- There shall be a towing advisory board ("advisory board"). The advisory board shall be composed of six (6) members, two (2) of whom shall represent the towing industry, two (2) of whom shall represent local law enforcement agencies, one (1) of whom shall be a citizen member, representing the community at large, and one (1) of whom shall be an alternate citizen member. Members of the advisory board shall be appointed or confirmed by the city council for terms of three (3) years each. The terms shall be staggered with no more than two (2) terms and no less than one (1) term to commence in any one (1) year. Vacancies shall be filled by the city council as they arise. A chairperson shall be elected by the advisory board from among the members of the advisory board. The advisory board may adopt bylaws, rules and regulations governing its responsibilities and duties hereunder.
- (b)
- The advisory board shall meet at the call of the chairperson, or two (2) members of the advisory board after notice to all members, or upon request of the city council. The advisory board shall meet at least once per year. The staff of the advisory board shall be from the Charlottesville Police Department. The chief of police, or his or her designee, shall attend all meetings of the advisory board.
- (c)
- A quorum will consist of a towing member, a law enforcement member and a citizen member.
- (d)
- The advisory board shall advise the city council and provide recommendation(s) as necessary for proposed changes to this article.
- (2-4-13)
- **Sec. 15-413. - Duties of the towing coordinator.**
- The towing coordinator shall have the following duties:
- (1)
- Receive, investigate, record, and attempt to resolve towing complaints.
- (2)
- Forward complaints that cannot be successfully mediated to the office of the attorney general.
- (3)
- Refer suspected violations of law to the proper enforcing agency.
- (4)
- Maintain records of towing complaints and their disposition.
- (5)
- Develop programs of towing education and information and disseminate such information.
- (6)
- Provide advice and information on towing matters to judicial, legislative, administrative, and other public and private bodies.
- (7)
- Analyze the nature of towing problems in Charlottesville and recommend to the city council legislative and administrative changes.
- (8)

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- Receive and process annual operator registrations.
- (9)
- Conduct reviews, inspections, and investigations of towing storage facilities and operations.
- (2-4-13)
- **Secs. 15-414—15-419. - Reserved.**
- **DIVISION 3. - REQUIREMENTS**
- **Sec. 15-420. - Registration by operators.**
- (a)
- All operators engaged in immobilizing or towing vehicles without the consent of the vehicle owner shall register with the City of Charlottesville prior to the initiation of any such operations and during January of each subsequent year. To obtain a registration certificate, the following information and documents must be provided to the department:
 - (1)
 - Name, address and telephone number of the business engaged in immobilizing or towing;
 - (2)
 - Name and telephone number of the business owner and/or manager;
 - (3)
 - Copy of the operator's business license issued pursuant to City Code [section 14-19\(d\)\(39\)](#);
 - (4)
 - Address and telephone number of each storage site to which vehicles will be towed; and
 - (5)
 - Proof of business insurance and tow truck insurance.
- (b)
- Any change to information provided at registration shall be provided to the department within thirty (30) calendar days of the change.
- (c)
- Each tow truck, while towing, shall have in the vehicle a copy of the city-issued registration certificate.
- (d)
- A tow truck driver shall have obtained an authorization document issued by the Virginia Department of Criminal Justice Services in order to operate a tow truck while providing towing services.
- (2-4-13)
- **Sec. 15-421. - Signs.**
- (a)
- The owner of any parking area subject to this article shall post permanent signs at all entrances, clearly visible during daytime and nighttime hours, that conspicuously disclose that any unauthorized vehicles will be towed or immobilized.
- (b)
- Such signs, at a minimum, shall (all measurements are approximate):
 - (1)
 - Be made of metal, PVC or a comparably sturdy and permanent material.
 - (2)
 - Be eighteen (18) inches high and twelve (12) inches wide.
 - (3)
 - Contain reflective letters and reflective graphics;
 - (4)
 - Contain the international towing symbol that is at least three (3) inches high by six (6) inches wide as found in the Federal Highway Administration, "Manual on Uniform Traffic Control Devices";

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- (5)
- Use Series B or Clearview lettering found in the Federal Highway Administration, "Manual on Uniform Traffic Control Devices";
- (6)
- Contain "towing enforced" in a font size of two-inch letters;
- (7)
- Contain "If Towed Call (434) 970-3280" in a font size of one-inch letters, which is the Charlottesville Police Department's non-emergency telephone number; and
- (8)
- Contain the name, address and contact information of the company which is authorized to tow vehicles from the parking area.
- (9)
- Contain "No Change Given" in a font size of two-inch letters if parking meter machines do not dispense change to patrons.
- (c)
- Signs that exist prior to adoption of this article that, in the sole opinion of the towing coordinator, substantially conform to the above requirements, may remain in place in lieu of replacement.
- (2-4-13)
- **Sec. 15-422. - Records.**
- An operator shall maintain written and electronic records for each towed or immobilized vehicle for a period of three (3) years after such tow or immobilization, and they shall be produced at any time, upon reasonable notice, to the towing coordinator or his or her designee. Records to be retained shall include:
 - (1)
 - The information required to be provided to the Charlottesville Police Department and other local law enforcement agencies;
 - (2)
 - A legible copy of the receipt provided to vehicle owner; and
 - (3)
 - Photographs and any other documentation supporting the tow.
- (2-4-13)
- **Sec. 15-423. - Operational requirements.**
- (a)
- All tow trucks must display evidence of being in compliance with state safety inspection requirements. All tow truck safety devices must be operational and used, in compliance with local, state, and federal laws and regulations.
- (b)
- All tow trucks shall have the following identifying markings of a contrasting color to the truck body on both sides of each tow truck:
 - (1)
 - The operator's business name as registered with the city in a font not less than three (3) inches in height.
 - (2)
 - The operator's telephone number in a font not less than three (3) inches in height.
 - (c)
 - Each immobilization device will have a label, clearly visible while the device is in position immobilizing a vehicle that lists the operator's name and telephone number, immobilization fee, and the operator's telephone number.
 - (d)

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- The Charlottesville Police Department shall be notified by the operator no later than fifteen (15) minutes after initiating the immobilization or towing of a vehicle. Such notification shall include:
 - (1)
 - Operator name and identification of the employee who towed or immobilized the vehicle;
 - (2)
 - Make, model, color, year and vehicle identification number of the towed or immobilized vehicle;
 - (3)
 - License plate type (such as passenger car, truck, dealer, taxi, disabled), number and state of the towed or immobilized vehicle;
 - (4)
 - Address where the vehicle was towed from or immobilized;
 - (5)
 - Reason for the tow or immobilization;
 - (6)
 - Time such tow or immobilization was initiated; and
 - (7)
 - Storage site address where the vehicle is located and the operator's telephone number.
 - (e)
 - It shall be unlawful to fail to report a tow or immobilization as required by subsection (d) above. Violation of the reporting requirements of this section shall constitute a traffic infraction punishable by a fine of not more than one hundred dollars (\$100.00), and limit the amount which may be charged for the storage and safekeeping of the towed vehicle to an amount no greater than that charged for one (1) day of storage and safekeeping.
 - (f)
 - An operator must tow each vehicle directly to a storage site in the city and identified by the operator pursuant to subsection [15-420\(a\)\(4\)](#). The vehicle must remain in that lot for at least thirty (30) calendar days if the owner fails to claim the vehicle.
 - (g)
 - Photographic evidence clearly substantiating the vehicle's condition, location, and reason for the vehicle's tow or immobilization must be made prior to connecting the tow truck to the vehicle, and retained in accordance with [section 15-422](#).
 - (h)
 - Once an operator connects to a vehicle and tows a vehicle from private property, the vehicle must be taken directly to a storage site registered with the department. Changing the towing vehicle is not permitted unless the original tow truck becomes non-operational.
 - (i)
 - While being towed, vehicles shall be properly secured in accordance with all laws, regulations, and tow truck manufacturer recommendations.
 - (j)
 - Nothing in this article shall release the operator from liability for failure to use reasonable care to prevent damage to the towed vehicle or its contents.
 - (2-4-13)
 - **Sec. 15-424. - Storage site requirements.**
 - (a)
 - A storage site shall be lighted during the hours of darkness to afford clear visibility to all portions of the storage site.
 - (b)
 - A towed vehicle shall not be stored more than a reasonable walking distance from the area where towing and storage fee payments are received.

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- (c)
- The operator shall exercise reasonable care to keep the towed vehicle and its contents safe and secure at all times, which shall include appropriate permanent fencing.
- (d)
- No operator may take a vehicle to a storage site which does not meet the following standards and comply with all other applicable ordinances and regulations:
 - (1)
 - A clearly visible sign must be posted at the entrance of the storage site that provides the operator's contact information, instructions and a local telephone number for obtaining release of a vehicle;
 - (2)
 - A clearly visible sign with a list of the operator's fees for immobilization, towing and storage services;
 - (3)
 - A clearly visible sign listing the Charlottesville Police Department's web site, office address, and telephone number.
- (2-4-13)
- **Sec. 15-425. - Personal property in towed vehicle.**
- (a)
- Nothing shall be removed from the vehicle by the operator without the express consent of the vehicle owner.
- (b)
- Personal property in the towed vehicle shall be made available for release within one (1) hour of a request of the vehicle owner without charge. It shall be the duty of the operator to return such personal property to the vehicle owner if the vehicle owner claims the items prior to auction. Any lien created under this article shall not extend to any personal property.
- (2-4-13)
- **Sec. 15-426. - Vehicle release.**
- (a)
- If a tow truck arrives at the private property for the purpose of initiating a tow pursuant to these regulations, the vehicle shall not be towed upon request of the vehicle owner if the vehicle owner removes the vehicle from the private property or corrects the violation before the vehicle is engaged by a physical or mechanical means to a tow truck. The vehicle owner shall be liable for a show up fee, as set forth in this article, in lieu of towing.
- (b)
- If the vehicle has been connected to the tow truck and has not yet left the private property, the vehicle shall not be towed upon request of the vehicle owner. The vehicle owner shall be liable for a drop fee, as defined in this article, in lieu of towing, provided that the vehicle owner removes the vehicle from the property or corrects the violation.
- (b)
- A vehicle moved to a storage site shall be made available for release within one (1) hour of request of the vehicle owner.
- (c)
- The operator or operator's agent will be available to be contacted by telephone twenty-four (24) hours a day, seven (7) days per week, unless there are no immobilized cars under the operator's control.
- (d)
- The operator shall accept the following forms of payment for any services: (i) cash; (ii) three (3) major national credit cards; (iii) MasterCard or Visa debit cards.
- (e)

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- In all cases when a vehicle is immobilized, towed, and/or fees are charged, the operator will provide the vehicle owner with a receipt that bears the: (i) complete name, address, and telephone number of the operator that towed the vehicle; (ii) date and time the vehicle was towed; (iii) address from which the vehicle was towed; (iv) person authorizing the tow; (v) reason for the tow; (vi) driver identification; (vii) time the vehicle was released; (viii) an itemized list of all fees assessed in the immobilization, towing, storage, and/or release of the vehicle; and (ix) the printed name of the person to whom the vehicle was released. Upon request of the vehicle owner, the operator shall provide photographic evidence and any other documentation substantiating the vehicle's condition, location, and reason for the vehicle's tow or immobilization within five (5) business days of such request.
- (f)
- If any requirements of this section are not met for such immobilization or tow, no fee shall be charged.
- (2-4-13)
- **Sec. 15-427. - Compliance.**
- (a)
- The operator will provide to the vehicle owner, upon request, a copy of supporting documentation for the tow, including photographs and written materials required by [section 15-423\(g\)](#).
- (b)
- Whenever it is necessary for purposes of enforcement of this article, the duly authorized agent of the towing coordinator may enter any towing business, business establishment, or storage site to obtain information, conduct surveys, audits, compliance reviews, or investigations.
- (2-4-13)
- **Secs. 15-428—15-434. - Reserved.**
- **DIVISION 4. - RATES AND CHARGES**
- **Sec. 15-435. - Rates and charges.**
- (a)
- It shall be unlawful for an operator to charge any fees exceeding the fees set forth in this section.
- (b)
- *Immobilization.* An operator may charge a vehicle owner a maximum fee of twenty-five dollars (\$25.00) for the release of a vehicle when it is immobilized. No other fee of any type may be charged.
- (c)
- *Show-up fee.* If an operator is summoned by the property owner or the property owner's agent to a location to tow a specific vehicle, and the vehicle owner is present and removes the vehicle from the private property or corrects the violation before the vehicle is connected to the tow truck, a fee of twenty-five dollars (\$25.00) may be charged the vehicle owner by the operator, provided that the operator obtains the authorization to initiate the tow of that specific vehicle from the owner of the property from which the vehicle is towed, or agent of the owner, in writing or by electronic means, including, but not limited to, e-mail, text message or facsimile. Such authorization shall be in addition to any written contract between the towing and recovery operator and the owner of the property or agent of the owner. For the purposes of this subsection, "agent" shall not include any person who either (i) is related by blood or marriage to the towing and recovery operator or (ii) has a financial interest in the towing and recovery operator's business.
- (d)

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- *Drop fee.* An operator may charge a vehicle owner a maximum fee of fifty dollars (\$50.00) for the release of a vehicle prior to towing the vehicle from private property, if it has been hooked up to tow truck. No other fee of any type may be charged.
- (e)
- *Hookup and initial towing fee shall not exceed:*
 - For vehicles with a gross vehicle weight rating (GVWR) of ten thousand (10,000) pounds or less\$125.00
 - For vehicles with a GVWR of ten thousand one (10,001) pounds through twenty-six thousand (26,000) pounds250.00
 - For vehicles with a GVWR greater than twenty-six thousand one (26,001) pounds500.00
- For the initiation of a tow of a vehicle on weekdays between 7:00 p.m. and 8:00 a.m. or on any Saturday, Sunday, or national holiday, a maximum additional fee of twenty-five dollars (\$25.00) per tow may be charged; however, in no event shall more than one (1) such fee be charged for towing any such vehicle.
- (f)
- *Storage fee for the safekeeping of vehicles:*
- (1)
- No charge shall be made for storage and safekeeping of a vehicle for the first twenty-four (24) hours that the vehicle is held at the storage site.
- (2)
- After the vehicle is held at the storage site for more than twenty-four (24) hours, a storage fee may be charged for each subsequent twenty-four-hour period, or any portion thereof, at a rate not to exceed fifty dollars (\$50.00) for any vehicle twenty-two (22) feet long or less and an additional five dollars (\$5.00) per foot for any vehicle over twenty-two (22) feet in length.
- (g)
- If a fee for notification of lien holder, owner, agent or other interested party is charged, it shall not exceed one hundred fifty dollars (\$150.00). This fee may only apply after the vehicle is held at the storage site over three (3) full business days. If any such fee is charged, a copy of the Virginia Department of Motor Vehicles report will be attached to the receipt given to the vehicle owner.
- (h)
- No administrative fees or any other charges may be collected unless expressly set forth herein.
- (i)
- An operator may not require a vehicle owner to sign any waiver of the vehicle owner's right to receive compensation for damages to the vehicle as a condition of the owner retrieving the vehicle.
- (2-4-13)
- **Sec. 15-436. - Changes to maximum rates and charges.**
- (a)
- The towing coordinator shall conduct a review of towing rates every three (3) years.
- (b)
- Any review of rate changes as well as any recommended change to any rule, regulation, or practice thereto shall come before the advisory board, which meeting shall be open to the public and be scheduled as soon as analysis, investigation, and administration permit. All recommendations of the advisory board and the towing coordinator shall be conveyed to the city council for its consideration, determination and potential adoption.
- (c)
- Whenever the towing coordinator or advisory board determines a rate change is warranted, all registered operators shall provide notice to the public of proposed changes in rates and

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charges thereto, by means of a sign posted in a clearly visible place at each of their fixed places of business. Such notice shall be on a document no smaller than eight and one-half (8.5) by eleven (11.0) inches, printed in no smaller than twelve-point type, and shall contain substantially the following information:

- *Notice of Proposed Rate Change*
- *(Insert the name of the operator)*
- *A proposed change in towing rates is under consideration by the City of Charlottesville. The proposed rates are: (Insert description of the proposed changes).*
- *The proposed towing rate change will be considered by the Towing Advisory Board. The date, time and location of the meeting may be obtained by calling the Office of the City Manager. Any interested person may appear before the Advisory Board to be heard on this proposed change.*

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