

September 23, 2016

Ms. Libby Garvey
Chair
Arlington County Board
2100 Clarendon Boulevard
Suite 300
Arlington, Virginia 22201

Dear Chair Garvey:

Thank you for the opportunity to serve as a member of the County Board's Trespass Towing Advisory Board (TTAB). At our meeting in July, 2016, the TTAB membership voted to confirm me as the Chairman for this year. We held two meetings this year in addition to hosting a public hearing in July. Our work this year has resulted in the most comprehensive set of recommendations since the ordinance was originally enacted.

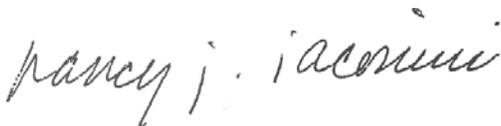
Attached, please find a copy of our meeting minutes for our September 15, 2016 meeting as well as a summary of the recommendations approved by the TTAB at that time, a redlined version of the County's towing ordinance including the TTAB recommendations, and a summary of public comments received both in July and during our online comment period. Our discussions this year covered a wide range of topics and the TTAB has made a number of recommendations for your consideration in the areas of signage, operational requirements, storage facilities, information sharing with the County, and safety standards.

In addition to the specific recommendations approved by the TTAB, during the course of the year we also discussed the issues of a second signature requirement and the use of "spotters" employed by tow companies to identify vehicles for towing. These topics have generated a great deal of interest, particularly in recent years. Following a lengthy discussion, the TTAB voted to not include de facto the requirement for a second signature in our current recommendations. The TTAB as a body did not make any formal recommendation on the use of spotters.

The TTAB looks forward to continuing to work with County staff to provide oversight of trespass towing activities in the County to the extent allowed by State law and identify areas for future improvement. We will continue our work to ensure towing from private property in Arlington County is properly regulated, and we look forward to working with you on this important issue.

On behalf of myself and all the TTAB members, we thank you for the opportunity to serve. If you or your colleagues have any questions, please do not hesitate to contact me.

Sincerely,



Nancy Iacomini
Chairman
Arlington County Trespass Towing Advisory Board

*Arlington County Trespass Towing Advisory Board (TTAB)
Meeting Minutes*

*Thursday, September 15, 2016
Courthouse Plaza, County Board Room*

Attendees

*Ms. Nancy Iacomini, Resident, Chair
Captain Brett Butler, Arlington County Police Department
Sergeant Paula Brockenborough, Arlington County Police Department
Detective Kyle O'Keefe, Arlington County Police Department
Mr. Al Leach, Towing and Recovery Operator
Mr. John O'Neill, Towing and Recovery Operator
Mr. Fred Scheler, Towing and Recovery Operator
Mr. Charles Abernathy, AAA Mid-Atlantic
Mr. Matt Chiste, Resident
Mr. Mike Green, Resident
Mr. Dennis Jaffe, Community Organization, BRAVO
Ms. Angie de la Barrera, Staff Coordinator
Mr. Brian Stout, Staff Coordinator*

Meeting Minutes

The meeting was called to order at 7:00 p.m.

The Chair informed all attendees that the meeting was being recorded and reminded the members of the TTAB of the rules and procedures that would govern debate. The Chair requested the staff coordinator provide a brief summary of public comments received during the public comment period.

The Chair moved to a section-by-section review of the draft ordinance, as recommended by staff, and opened the floor for amendments.

An amendment (#1) was offered by Mr. O'Neill, seconded by Mr. Leach, to strike the staff recommendation and insert, in whole, amended language. Following debate, the amendment was NOT AGREED TO by a vote of 3-4.

An amendment (#2) was offered by Mr. O'Neill, seconded by Mr. Scheler, to simplify and clarify language in Section 14.3-3. Following debate, the amendment WAS ADOPTED by a vote of 6-1.

An amendment (#3) was offered by Mr. O'Neill, seconded by Mr. Scheler, to simplify draft language requiring additional signage on the interior of a parking lot or parking garage. Following debate, the amendment WAS ADOPTED by a vote of 7-0.

An amendment (#4) was offered by Mr. O'Neill, seconded by Mr. Scheler, to restrict the frequency with which the County Manager, or his designee, could request information (storage facility information, copies of all Driver Authorization Documents, copies of all vehicle safety inspections, and proof of insurance) to not more than annually. Following debate, an amendment to the amendment was offered by

Captain Butler, seconded by Sergeant Brockenborough, to provide an exemption to this annual restriction for law enforcement officers. The amendment to the amendment WAS ADOPTED by a vote of 7-0. The amendment, as amended, WAS ADOPTED by a vote of 6-0, with 1 abstention.

An amendment (#5) was offered by Mr. O'Neill, seconded by Mr. Scheler, to strike Section 14.3-5(2)(c), requiring all operators to provide copies of all vehicles safety inspections to the County. Following debate, the amendment WAS ADOPTED by a vote of 6-1.

An amendment (#6) was offered by Mr. O'Neill, seconded by Mr. Scheler, to strike Section 14.3-5(3), requiring all operators to provide the County with any updates to the information required within 30 days of such changes. Following debate, the amendment WAS ADOPTED by a vote of 6-1.

An amendment (#7) was offered by Mr. O'Neill, seconded by Mr. Scheler, to strike Section 14.3-5(5), requiring all tow truck drivers to have their Driver Authorization Document in their possession at all times while performing towing operations. Following debate, the amendment WAS WITHDRAWN.

An amendment (#8) was offered by Mr. O'Neill, seconded by Mr. Leach, to strike Section 14.3-5(9), requiring all operators to properly secure vehicles in accordance with all laws, regulations and manufacturer specifications. Following debate, the amendment WAS ADOPTED by a vote of 6-1.

An amendment (#9) was offered by Detective O'Keefe, seconded by Captain Butler, to insert a new Section 14.3-5(9), requiring all operators to "properly secure all loads to meet all safety standards." Following debate, the amendment WAS ADOPTED by a vote of 7-0.

An amendment (#10) was offered by Mr. Chiste, seconded by Ms. Iacomini, to insert a new section stating "Nothing in this section shall release tow truck drivers from liability for failure to use reasonable care while towing a vehicle." Following debate, the amendment WAS ADOPTED by a vote of 4-3.

An amendment (#11) was offered by Ms. Iacomini, seconded by Mr. Green, to require property owners or their designee to provide specific authorization for each vehicle towed from their property. Following debate, the amendment WAS NOT AGREED TO by a vote of 1-6.

An amendment (#12) was offered by Ms. Iacomini, seconded by Mr. Green, to reject the staff proposal and to retain the existing requirement that the tow truck driver obtain photographic and/or video evidence of the vehicle's condition prior to the tow. An amendment to the amendment was offered by Mr. Jaffe, seconded by Ms. Iacomini, to require the tow truck driver to visually inspect and record any reasonably obvious damage to the vehicle prior to towing the vehicle. The amendment to the amendment WAS NOT AGREED TO by a vote of 0-7. The underlying amendment WAS NOT AGREED TO by a vote of 1-6.

An amendment (#13) was offered by Mr. O'Neill, seconded by Mr. Scheler, to provide towing and recovery operators with a 10 minute window within which they are required to notify the County of a trespass tow. Under the County's current ordinance, operators are required to provide notice to the County prior to leaving the property. Mr. Green made a motion to require notification to the County "prior to touching or hooking up" a vehicle to be towed. The amendment failed for a lack of second. Following debate, the underlying amendment WAS ADOPTED by a vote of 6-1.

An amendment (#14) was offered by Mr. O'Neill, seconded by Mr. Leach, to allow for storage location to be located within 3.25 miles of the County boundary line, instead of the existing 3 mile limit or the staff-proposed 4 mile limit. Following debate, the amendment WAS ADOPTED by a vote of 4-3.

Adjournment

The Chair called for any additional amendments. Seeing none, the meeting adjourned at 9:02 pm.

**Arlington County Trespass Towing Advisory Board (TTAB)
2016 County Ordinance Recommendations
As Approved at the September 15, 2016 TTAB Meeting**

*****The following recommendations use the 7/1/16 staff draft as the underlying ordinance language*****

Recommendation #1 (Amendment #2)

Issue: applicability (clarifying amendment)

In Section 14.3-3(A)(1), strike “to the towing, by a towing and recovery operator, of vehicles from privately owned property within the county without the consent of the vehicle owner or driver,” and insert “trespass towing,”

In Section 14.3-3(A)(2), strike “such towing of vehicles” with “trespass towing”

Recommendation #2 (Amendment #3)

Issue: signage requirements – interior of parking facility

Strike all language in Section 14.3-4(A)(2) and insert new language stating “When a single surface parking lot or parking garage contains parking spaces reserved for a particular user, such spaces shall be identified as restricted for such user.”

Recommendation #3 (Amendment #4, as amended)

Issue: operator information provided to Arlington County – frequency of County requests

In Section 14.3-5(2), after “or his designated agent,” insert, “at his request not more than annually.” The TTAB recommended County staff add, at the appropriate place in this section, an exception for law enforcement requests.

Recommendation #4 (Amendment #5)

Issue: operator information provided to Arlington County (cont’d)

Strike Section 14.3-5(2)(c), requiring all operators to provide copies of all vehicles safety inspections to the County.

Recommendation #5 (Amendment #6)

Issue: operator information provided to Arlington County (cont’d)

Strike Section 14.3-5(3), requiring all operators to provide the County with any updates to the information required within 30 days of such changes.

Recommendation #6 (Amendment #8)

Issue: securing of all towed vehicles

Strike Section 14.3-5(9), requiring all operators to properly secure vehicles in accordance with all laws, regulations and manufacturer specifications

Recommendation #7 (Amendment #9)

Issue: securing of all towed vehicles (cont’d)

Insert a new Section 14.3-5(9), which reads “Tow truck drivers shall properly secure all loads to meet all safety standards.”

Recommendation #8 (Amendment #10)

Issue: limits of liability

Insert, at the appropriate place in this section, language stating, “Nothing in this section shall release tow truck drivers and towing and/or towing and recovery operators from liability for failure to use reasonable care while towing a vehicle.”

Recommendation #9 (Amendment #13)

Issue: notice to the County of a trespass tow

In Section 14.3-6, strike “Prior to” and insert “Within ten (10) minutes of”

Recommendation #10 (Amendment #14)

Issue: location of storage facilities (maximum distance from County boundary)

In Section 14.3-7(F), strike “four (4)” and insert “three and one quarter (3.25)”

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RECOMMENDED ON 9-15-16**

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ARLINGTON COUNTY CODE

Chapter 14.3

**IMMOBILIZATION, REMOVAL, TOWING AND STORAGE OF VEHICLES FROM PRIVATE
PROPERTY***

§ 14.3-1. Findings and Purpose.

§ 14.3-2. Definitions.

§ 14.3-3. Applicability.

§ 14.3-4. ~~Compliance with State Licensing Requirements for Property From Which Vehicles~~

~~are Removed.~~

§ 14.3-5. ~~Removal of Trespassing Vehicles Tow Truck Operator and Driver Requirements
and Standards of Practice.~~

§ 14.3-6. ~~Notice to the County of Trespass Tow.~~

§ 14.3-7. Storage Facilities.

§ 14.3-8. Receipt Required.

§ 14.3-9. Fees.

§ 14.3-10. Manner of Payment.

§ 14.3-11. Records.

§ 14.3-12. Violations.

§ 14.3-1. Findings and Purpose.

The County Board has found that some members of the public and their property have been placed at risk in circumstances where their vehicles have been towed from private property without their consent and placed in storage because of a variety of factors. ~~Those factors including~~ include, but are not limited to, unfair and predatory towing and pricing practices, inadequate notice of when vehicles are subject to towing, unreasonable prices for towing and storage, and lack of adequate recourse in the event of improper towing or storage. ~~among others.~~ Based upon the foregoing, the County Board has concluded that the regulations provided for by this chapter are required to protect the public health, safety and welfare generally, and particularly the safety of those members of the public whose vehicles have been towed from private property without their consent and stored, as well as the public interest in ensuring that the prices charged for such non-consensual tows ~~from occurring in instances when vehicles are trespassing on~~ private property are fair and reasonable.
(Ord. No. 06-11, 7-8-06; Ord. No. 07-18, 12-15-07; Ord. No. 09-15, 5-16-09)

§ 14.3-2. Definitions.

Except as hereinafter set forth, the words used in this chapter shall have the same meaning as set forth in § 46.2-100 of the Code of Virginia, as such may be amended from time to time.

“Immobilization” means a procedure that utilizes equipment, such as a boot, that prevents a vehicle from moving. Immobilization does not include attachment to a tow truck.

“Storage fee” means the compensation payable for the storage of a towed vehicle that has been stored at or in a facility owned, operated, leased or used by a tow truck service.

“Tow, tows, or towing” means the act of removing, by tow truck, a vehicle from privately-owned property within the County where it is parked. The preparation of a vehicle for removal by a tow truck or the attachment of a

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vehicle to a tow truck, or both, does not, for purposes of this chapter, constitute a tow or towing.

“Towing fee” means the compensation payable for the towing of a vehicle.

“Towing and recovery operator” or “Operator” means a ~~person~~ business or entity engaged in the immobilization or towing of a vehicle from private property in Arlington County without the consent of the vehicle owner. ~~business of (i) removing disabled vehicles, parts of vehicles, their cargoes, and other objects to facilities for repair or safekeeping and (ii) restoring to the highway or other location where they either can be operated or removed to other locations for repair or safekeeping vehicles that have come to rest in places where they cannot be operated. The term includes any employee, authorized agent or legal representative of such individual or entity. Any person who in any way advertises himself as a towing and recovery operator or in any way conveys the impression that he is engaged in services of providing towing and recovery of vehicles shall be deemed to be engaged in towing and recovery services.~~ The term does not, for purposes of this chapter, include an individual or entity that removes vehicles from public streets and other locations, pursuant to a contract with the County.

“Tow truck” means a 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.”

“Tow truck driver” means an individual operating a tow truck in the removal of a vehicle from private property.

“Trespass tow” means the act of removing by tow truck, a vehicle from privately-owned property in Arlington County without the consent of the vehicle owner pursuant to a request for towing services made by the owner, operator, manager, lessee, or authorized agent in charge of private property, or pursuant to a contract between such person and a towing and recovery operator. The preparation of a vehicle for removal by a tow truck or the attachment of a vehicle to a tow truck, or both, does not, for the purposes of this chapter, constitute a trespass tow.

“Vehicle” means every device in, on or by which any person or property is or may be transported or drawn on a highway.
(Ord. No. 06-11, 7-8-06; Ord. No. 07-18, enacted 12-15-07; Ord. No. 09-15, 5-16-09)

§ 14.3-3. Applicability.

A. This chapter applies:

- 1. ~~to the towing, by a towing and recovery operator, of vehicles from privately-owned property within the County without the consent of the vehicle owner or driver~~ trespass towing,
- 2. to the fees that are charged for ~~such towing of vehicles~~ trespass towing, and
- 3. to the fees that are charged for the storage and retrieval of such towed vehicles.

B. This chapter does not apply to the towing of vehicles:

- 1. ~~the towing of vehicles~~ from public streets and other locations that is performed pursuant to a contract with the County, or to the storage of such vehicles, ~~or-~~
- 2. at the request of the vehicle owner, or
- 3. at the request of a creditor for the repossession of the vehicle, or

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4. from a parcel used at the time of towing for one single-family residence or one two-family residence.

(Ord. No. 06-11, 7-8-06; Ord. No. 07-18, enacted 12-15-07; Ord. No. 09-15, 5-16-09)

§ 14.3-4. Compliance with State Licensing Requirements.

~~All towing and recovery operators and all tow trucks engaged in business in the County shall comply with State licensing requirements imposed by State law, and shall provide evidence of such upon request by any representative of the County authorized to enforce the provisions of this chapter. (Ord. No. 06-11, 7-8-06; Ord. No. 07-18, enacted 12-15-07; Ord. No. 09-15, 5-16-09)~~

§ 14.3-54. Removal of Trespassing Vehicles. Requirements for Property From Which Vehicles are Removed

A. The owner, operator, or lessee, or authorized agent thereof, of any property, may have any vehicle occupying the property without the permission of its owner, operator, lessee, or authorized agent thereof, removed by towing to a storage facility until reclaimed by the owner or his agent provided the provisions of this chapter are complied with, as well as the following:

1. Signs shall be posted at all vehicle entrances to the property clearly, conspicuously, and legibly disclosing that vehicles parked without permission will be towed. Such signs shall be posted so that the locations on the property subject to towing shall be clearly identified. The signs shall meet the following requirements and include the following information:
 - a. each sign shall be not less than 12 X 18 inches;
 - b. the lettering on each sign shall be as follows: "towing at owner's expense" not less than three (3) inches in height; "24 hrs/7 days" not less than one (1) inch in height and placed just above the tow truck symbol; the tow truck symbol, not less than two (2) inches in height. Other lettering may vary in size but in no case be less than one-half (1/2) inch in height;
 - c. each sign shall contain a pictorial symbol of a tow truck;
 - d. each sign shall contain a statement to the effect that trespassing vehicles are subject to towing and storage at the expense of the vehicle owner;
 - e. each sign shall state the hours and days of the week when trespassing vehicles are subject to towing;
 - f. each sign shall provide the telephone number of the responsible towing and recovery operator to contact for information related to the location of vehicles towed from the property, which telephone number shall be answered by a person twenty-four (24) hours each day;
 - g. each sign shall provide the non-emergency telephone number of the County Police; and
 - h. each sign shall include the name of the business or businesses on or adjoining the property, the street address of the property, or the name of the property.

2. ~~For properties where the parking facilities serve multiple tenants and individual parking spaces are reserved only for patrons or residents of one tenant and are not open to patrons or residents of all tenants served by the parking facility, additional signs or markings must be used to clearly delineate which spaces correspond to each tenant. When a single surface parking lot or parking~~

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garage contains parking spaces reserved for a particular user, such spaces shall be identified as restricted for such user."

- 3. The foregoing requirement for signs shall not apply on any parcel of property used at the time of removal for one single-family residence or one two-family residence; and provided further, however, that parking spaces parallel to or at an angle to a public street and entered directly from a public street shall be deemed to be providing signs properly when the signs are placed along the sidewalk (or in a similar location when there is no sidewalk) adjacent to the space or row of spaces and there is at least one (1) of the signs required by this chapter within forty (40) feet of each such space.

§ 14.3-5. Operator and Driver Requirements and Standards of Practice

- 1. All towing and recovery operators and all tow trucks engaged in business in the County shall comply with State licensing requirements imposed by State law, and shall provide evidence of such upon request by any representative of the County authorized to enforce the provisions of this chapter.
- 2. All towing and recovery operators conducting trespass tows from private property in Arlington County shall provide the County Manager, or his designated agent, at his request not more than annually, the following information and documents:
 - a. Address, telephone number and vehicle storage capacity for each storage site to which vehicles will be towed;
 - b. Copies of all Driver Authorization Documents issued by the Virginia Department of Criminal Justice Services for all drivers employed by the Operator;
Copies of all vehicle safety inspections;
 - c. Proof of insurance coverage: All operators must have automobile liability, commercial general liability, garage-keepers liability, on hook coverage and worker's compensation as required by state and federal law;
- 3. Upon request by an Arlington County law enforcement officer, all towing and recovery operators conducting trespass tows from private property in Arlington County shall provide the information in subsection b as well as any other requested information. This requirement shall become effective January 1, 2017. The Operator shall inform the County manager, or his designated agent, of any changes to the information required in Subsection 1 within 30 days of such changes.
- 4. The tow truck driver and/or towing and recovery operator performing the tow shall obtain authorization of the owner, operator, or lessee of the property from which the vehicle is towed, or the authorized agent thereof. For the purposes of this subsection, "authorized agent" may include a representative of the towing and recovery operator. The towing and recovery operator, and the owner, operator, or lessee of the property, shall maintain for public inspection at its business offices, and at the property, respectively, copies of all contracts or other documents that appoint the operator as the authorized agent for the owner, operator or lessee of the property for purposes of authorizing tows from the property.
- 5. All tow truck drivers shall have their Driver Authorization Document in their possession at all times while performing towing operations.

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~~1-6.~~ All tow trucks shall meet all applicable federal, state and local regulations and safety standards. Operators shall only use vehicles and equipment designed and rated for the type of vehicle being transported.

~~2-7.~~ The towing and recovery operator performing the tow shall obtain and retain photographic and/or video evidence clearly showing the location of the vehicle, and substantiating the reason for its removal, and the condition of the vehicle. Evidence of the vehicle's condition shall not qualify as a violation of the requirements of this section as outlined in Section 14.3-12.

8. The tow truck used to perform the tow shall include the name, street address, and current, local telephone number of the towing and recovery operator permanently affixed in a conspicuous location on the exterior of the truck.

9. Tow truck drivers shall properly secure all loads to meet all safety standards. While being towed, vehicles shall be properly secured in accordance with all laws, regulations, and manufacturer specifications for tow slings, wheel lifts, tow dollies, car carriers/rollback and flatbeds, or any other equipment utilized in the immobilization or towing of the vehicle.

~~3-10.~~ Nothing in this section shall release tow truck drivers and/or towing and recovery operators from liability for failure to use reasonable care while towing a vehicle.

B. This section shall not apply to public safety and public health vehicles or where a vehicle, because of a wreck or other emergency, is parked or left temporarily on the property of another. (Ord. No. 06-11, 7-8-06; Ord. No. 07-18, enacted 12-15-07; Ord. No. 09-15, 5-16-09; Ord. No. 14-01, 2-25-14)

§ 14.3-6. Notice to the County of Trespass Tow.

A. ~~Immediately Prior to~~ Within ten (10) minutes of a trespassing vehicle being removed or towed as permitted by this chapter, notice of this action shall be given by the towing and recovery operator to the County Police. Such notice shall include the following information:

1. the name of the towing and recovery operator removing vehicle;
2. a description of the vehicle towed including make, model, VIN number and license plate;
3. the location of trespassing vehicle and the date and time of the tow;
4. the location of the storage facility to which the vehicle was towed; and
5. the name and address of the individual and/or entity who authorized the tow.

B. Failure to report such tow as required by this section shall constitute a traffic infraction punishable by a fine of not more than one hundred dollars (\$100.00). Such failure to report shall 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 day of storage and safekeeping. (Ord. No. 06-11, 7-8-06; Ord. No. 07-18, enacted 12-15-07; Ord. No. 09-15, 5-16-09)

§ 14.3-7. Storage Facilities.

A. All towing and recovery operators engaged in towing vehicles without the consent of their owners shall conspicuously display at their main place of business and at any other storage facilities where towed vehicles may be reclaimed, in locations readily visible to those reclaiming vehicles:

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1. signs that clearly and legibly provide the following information:
 - a. a comprehensive list of all their fees for towing, recovery, and storage services. Charges in excess of those posted shall not be collectable from any vehicle owner whose vehicle is towed or stored without his consent;
 - b. that payment may be made by cash, traveler’s check, money order, insurance company check, or debit, credit or charge card;
 - c. that a receipt shall be provided;
 - d. the vehicle owner’s right to inspect, as outlined in Section 14.3-7D.
2. a notice to vehicle owners, provided by Arlington County, which includes information regarding the County’s towing ordinance and the contact information for the Arlington County Police Department. Such notice shall be posted in both English and Spanish.

~~B. The fees authorized by this chapter shall be the maximum allowed and an additional fee for use of a debit, credit or charge card, or other form of payment, shall not be permitted.~~

~~C. Towing and recovery operators shall make change, up to one hundred dollars (\$100.00), for those who pay in cash for towing and storage charges applicable to vehicles towed under the provisions of this chapter.~~

D. The vehicle owner shall have the opportunity to inspect the vehicle and any items contained therein prior to payment. No towing and recovery operator shall require a vehicle owner to sign any waiver of the owner’s rights to receive compensation for damage to the owner’s vehicle as a condition of the vehicle’s release.

E. Storage facilities to which vehicles towed under the provisions of this chapter are towed shall be open twenty-four (24) hours a day and seven (7) days per week.

F. Storage facilities to which vehicles towed under the provisions of this chapter are towed shall be located within the County or at a location in the Commonwealth of Virginia that is within ~~three-four (34)~~ three and one quarter (3.25) miles of the boundary line of the County.

G. In the event that a vehicle is towed from the County and stored in or released from a location in another locality, the provisions of this chapter shall apply. (Ord. No. 06-11, 7-8-06; Ord. No. 07-18, enacted 12-15-07; Ord. No. 09-15, 5-16-09; 14-01, 2-25-14)

§ 14.3-8. Receipt Required.

- A. At the time a vehicle owner or agent reclaims a towed vehicle, the towing and recovery operator shall provide a written receipt that contains the following information:
 1. the name and address of the towing and recovery operator;
 2. the address from which the vehicle was towed;
 3. the date and time that the vehicle was towed;
 4. the date and time that the vehicle entered the facility at which it was placed for storage;
 5. an itemized list of all the fees that are being charged; and

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6. a signature of an authorized representative of the towing and recovery operator.

(Ord. No. 06-11, 7-8-06; Ord. No. 07-18, 12-15-07; Ord. No. 09-15, 5-16-09; 14-01, 2-25-14)

§ 14.3-9. Fees.

A. Charges imposed for the towing, storage, and safekeeping of any vehicle removed, towed, or stored without the consent of its owner shall not be in excess of the maximum charges provided for in this section.

B. Pursuant to §46.2-1233 of the Code of Virginia, the maximum fees that may be charged for the towing of vehicles and for the storage of such towed vehicles are as follows:

- 1. for the towing of a vehicle with a gross vehicle weight rating of seven thousand five hundred (7,500) pounds or fewer, the maximum fee shall be one hundred thirty-five dollars (\$135.00);
- 2. for the towing of a vehicle with a gross vehicle weight rating of between seven thousand five hundred and one (7,501) pounds and ten thousand (10,000) pounds, the maximum fee shall be two hundred fifty dollars (\$250.00),
- 3. for the towing of a vehicle with a gross vehicle weight rating of ten thousand and one (10,001) pounds or greater, the maximum fee shall be five hundred dollars (\$500.00).

4. for towing a vehicle between the hours of 7:00 p.m. and 8:00 a.m. or any Saturday, Sunday or holiday, an additional fee of no more than twenty-five dollars (\$25.00) per instance may be charged. In no event shall more than two (2) such fees be charged for the towing of any such vehicle.

4. for the storage of any towed vehicle, the maximum fee for each twenty-four (24) hour period of storage, or portion thereof, shall be fifty dollars (\$50.00); provided that no storage fee may be charged for the first twenty-four (24) hours of storage, or any portion thereof, following the arrival of a towed vehicle at a storage facility.

5. if any of the requirements of this Chapter are not met by the towing and recovery operator with respect to the towing or storage of a vehicle, there shall be no fee charged for that tow or the storage.

C. Except for fees authorized by this chapter, no other fees or charges shall be imposed.

D. No towing and recovery operator having custody of a vehicle towed without the consent of its owner may impose storage charges for that vehicle for any period during which the vehicle could not be reclaimed because the storage facility was closed.

E. If the owner or representative or agent of the owner of the trespassing vehicle is present, and ready, willing, and able to remove the trespassing vehicle from the premises at any time before it is removed from the premises by a towing and recovery operator, the vehicle shall be released to the owner or representative or agent of the owner for purposes of immediate removal from the property, but the owner or representative or agent of the owner shall be liable for a reasonable "in lieu of towing" fee, not to exceed twenty-five dollars (\$25.00), provided that the towing and recovery operator provides a written receipt to the owner or representative or agent of the owner identifying the accepted forms of payment specified in § 14.3-10.

(Ord. No. 06-11, 7-8-06; Ord. No. 07-18, enacted 12-15-07; Ord. No. 09-15, 5-16-09; 14-01, 2-25-14)

§ 14.3-10. Manner of Payment.

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A. Towing and recovery operators shall accept payment for towing fees, storage fees, retrieval fees and the “in lieu of towing” fee provided for in this chapter in each of the following ways:

1. cash in United States currency;
2. insurance company check
3. travelers’ checks or money orders payable in United States currency; and
4. any debit, credit or charge card that the towing and recovery operator is authorized by the issuing credit or charge card company to accept, and that is accepted by the towing and recovery operator in the ordinary course of business.

B. Towing and recovery operators shall make change, up to one hundred dollars (\$100.00), for those who pay in cash for towing and storage charges applicable to vehicles towed under the provisions of this chapter.

(Ord. No. 06-11, 7-8-06; Ord. No. 07-18, 12-15-07; Ord. No. 09-15, 5-16-09)

§ 14.3-11. Records.

A. Every towing and recovery operator shall maintain a record of the following information for each vehicle that it has towed from a location within the County:

1. the date and time that the vehicle was towed;
2. the date and time that the vehicle entered the facility at which it was placed for storage;
3. the make, model, year, VIN number, and license plate number of the vehicle;
4. the address of the property from which the vehicle was removed;
5. the name and address of the person and/or entity who authorized the tow;
6. the video or photographs taken at the time of the tow;
7. the towing and storage fees actually charged;
8. the date and time the vehicle was reclaimed, and by whom; and
9. a copy of the receipt provided to the vehicle owner or agent.

B. Such record shall be maintained for a period of at least one (1) year from the date of each tow, and shall be made available, during normal business hours, for inspection and copying by any representative of the County authorized to enforce the provisions of this chapter. In addition, the portion of such log or record pertaining to a particular vehicle shall be made available, during normal business hours, for inspection and copying by the owner of the vehicle or the owner’s authorized representative.

(Ord. No. 06-11, 7-8-06; Ord. No. 07-18, enacted 12-15-07; Ord. No. 09-15, 5-16-09)

§ 14.3-12. Violations.

~~A.~~ Except as otherwise specifically provided, any violation of this chapter is unlawful and punishable by a fine not to exceed one thousand dollars (\$1,000.00).

(Ord. No. 06-11, 7-8-06; Ord. No. 07-18, 12-15-07; Ord. No. 09-15, 5-16-09)

ARLINGTON COUNTY CODE

TOWING & STORAGE OF VEHICLES

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RECOMMENDED ON 9-15-16**

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