ORDINANCE NO. _____, SERIES 2017

AN ORDINANCE AMENDING SECTION 115.451 OF THE LOUISVILLE/ JEFFERSON COUNTY METRO GOVERNMENT CODE OF ORDINANCES RELATING TO REMOVAL OF VEHICLES BY PRIVATE TOW OPERATORS; FEE LIMITS. (AS AMENDED)

SPONSORED BY: PRESIDENT DAVID YATES

WHEREAS, Louisville Metro Code of Ordinances ("LMCO") § 115.451 limits the amount of fees private tow operators may charge for services;

WHEREAS, the maximum collection fees permissible under LMCO § 115.451 are below the amount charged by the Louisville Metro Police Department, do not properly cover the expenses incurred by the private tow operators, and this section was last amended over ten years ago;

WHEREAS, Metro Council amends this ordinance to allow private tow operators to adjust for inflation and increase expenses associated with managing this business; and

WHEREAS, Metro Council modifies the private tow operator's reporting requirements from Metro Safe to the Louisville Metro Police Department to decrease the number of reported stolen vehicles and better inform citizens of where and how to recover impounded motor vehicles.

NOW, THEREFORE, BE IT ORDAINED BY THE LEGISLATIVE COUNCIL OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT (THE COUNCIL) AS FOLLOWS:

SECTION I: LMCO § 115.451 shall be amended as follows:

Where a private tow operator removes a motor vehicle because it is parked in a private parking lot in a manner inconsistent with posted instructions, and such removal is pursuant to a contract between the owner of the private parking lot and the tow operator for the removal of any such improperly parked motor vehicles, such tow operator may collect the following charges from the

owner of the motor vehicle, payable before the vehicle is released: up to but not more than ~~$107~~ $120 for removal and ~~the first three days of storage.~~ ~~;~~ ~~up to but not more than $10~~ $25 per day for storage thereafter. $138 for removal and the first 24 hours of storage, and up to but not more than $25 per calendar day thereafter. A private tow operator may not charge a calendar day for storage for days that the private tow operator is not open for the vehicle to be released. In addition to the towing charges, ~~there shall be allowed a $27 additional flat charge for any vehicle that needs to be dollied~~ private tow operators may charge an additional fee up to $27 per vehicle for a vehicle transported by a dolly type platform.

SECTION II: LMCO § 115.451 shall be amended as follows:

§ 115.455 NOTIFICATION TO POLICE, JEFFERSON COUNTY CLERK'S OFFICE AND REGISTERED OWNER REQUIRED.

(A) Prior to towing any vehicle from a private parking lot, a private tow operator shall contact ~~MetroSafe~~ Louisville Metro Police Department via telephone at (502) 574-5673 and provide the information as set forth in subsections (A)(1) through (A)(5), below. ~~MetroSafe~~ Louisville Metro Police Department will advise the private tow operator to either proceed with the tow or to leave the vehicle for the Louisville Metro Police Department to investigate. Private tow operators towing a vehicle located in a suburban city within Jefferson County that operates its own police department should also notify the suburban city police authority. This notification shall include:

(1) The make, model and vehicle identification number of the vehicle to be towed;

(2) The license number and state of issuance of the license plate;

(3) The location where the tow is to occur;

(4) The location of the private tow company storage yard where the towed vehicle will be taken; and

(5) The telephone number of the private tow operator.

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(B) Within one hour of the towing of any vehicle by a private tow operator from a private parking lot, the private tow operator shall notify the Jefferson County Clerk's Office ~~via facsimile~~ with similar information as set out in subsections (A)(1) through (A)(5), above, except, in subsections (A)(3) and (A)(4), the private tow operator shall set forth the time and location from where the vehicle was towed, and the location of the private tow company storage yard where the vehicle was taken. After receiving the notification as set forth in subsection (A)(1), above, the Jefferson County Clerk's Office will, in turn, notify the private tow operator of the name and address of the registered owner of the towed motor vehicle as soon as reasonably practicable. The private tow operator shall be responsible to pay such fees for the aforementioned information in subsection (A)(1), above, to the Jefferson County Clerk's Office pursuant to its agreement with Metro Government. If the Jefferson County Clerk is unable to provide the information as set forth in subsection (A)(1), above, then the private tow operator shall contact the Commonwealth of Kentucky Transportation Cabinet to obtain such information in accordance with KRS 376.275.

(C) Private tow operator shall notify the registered owner of the motor vehicle by registered mail to the name and address obtained from the Jefferson County Clerk's Office. Private tow operators must also comply with state notification requirements under KRS 376.275.

SECTION III: LMCO § 115.456 is created as follows:

§ 115.456 OWNER'S AUTHORIZATION FOR TOWING REQUIRED.

(A) No private tow operator shall remove a vehicle from a private parking lot unless the owner of the private parking lot, or said owner's authorized agent, signs a contemporaneous specific written authorization for such removal. The said written authorization shall ~~indicate~~ include the following:

~~(A)~~ (1) The make and model of the vehicle to be towed;

~~(B)~~ (2) The license number and state of issuance of the license plate of the vehicle to be towed;

~~(C)~~ (3) The location of the private parking lot from which the vehicle is to be towed;

~~(D)~~ (4) The signature and printed name of the person authorizing the towing;

~~(E)~~ (5) A written statement indicating the date and time of the authorization, that the person authorizing the tow is the owner of the private parking lot, or his or her authorized agent, and that said owner or authorized agent is not the employee of any tow operator; and

~~(F)~~ (6) A written statement indicating why the motor vehicle was parked in a manner inconsistent with posted instructions and subject to tow.

(B) Private tow operators shall also comply with reporting and notifying requirements contained in § 115.455.

SECTION IV: LMCO § 115.460 shall be amended as follows:

§ 115.460 ENFORCEMENT

Violations of this subchapter may be initiated by the issuance of a citation by a Code Enforcement Officer under § 32.283 with penalties set forth in § 115.999(J). Per § 115.453, a motor vehicle owner may seek monetary recovery for an improperly towed vehicle by filing a civil action in a court of competent jurisdiction.

SECTION V: LMCO § 115.999(J) shall be amended as follows:

(J) Any person who violates §§ 115.450 through 115.458 shall be punished as follows: for the first violation a minimum civil penalty of ~~$100~~ $150 or a maximum civil penalty of ~~$150~~ $200; for the second violation within a period of 24 months of the date of the first violation, a minimum civil penalty fine of ~~$150~~ $200 or a maximum civil penalty of ~~$200~~ $250; and for any additional violations after the date of a second violation within a period of 24 months from the date of a first violation, a minimum civil penalty of ~~$200~~ $250 and a maximum civil penalty of ~~$250~~ $300. Any person cited pursuant to this subsection may pay the minimum civil penalty within seven days from the date of issuance or request a hearing regarding such penalty to the Code Enforcement Board (“Board”) in accordance with §§ 32.275 et seq. If the person fails to respond to the citation within seven days as referenced

above, the person shall be deemed to have waived the right to a hearing. In this event, the Board shall enter a final order determining that the violation was committed and impose the civil penalty set forth in the citation. Each day such person, firm, or corporation shall neglect or refuse to comply with or violate any of the sections of §§ 115.450 through 115.458 shall constitute a separate offense.

SECTION VI: This Ordinance shall take effect upon its passage and approval.

_____ H. Stephen Ott Metro Council Clerk

_____ David Yates President of the Council

_____ Greg Fischer Mayor

_____ Approval Date

APPROVED AS TO FORM AND LEGALITY:

Michael J. O'Connell
Jefferson County Attorney

BY: _____

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