

# BOARD OF ALDERMEN

ITEM NO. (A) 3

## AGENDA ITEM ABSTRACT

MEETING DATE: April 24, 2012

**TITLE: AN ORDINANCE AMENDING THE TOWN CODE TO STRENGTHEN THE REGULATIONS DEALING WITH THE TOWING OF VEHICLES FROM PRIVATE PROPERTY**

<b>DEPARTMENT:</b>	<b>PUBLIC HEARING: NO</b>
<b>ATTACHMENTS:</b> A. Proposed Changes to Ordinance	<b>FOR INFORMATION CONTACT:</b> Mike Brough, 929-3905

### PURPOSE

The Board of Aldermen is requested to adopt the proposed ordinance amending Article IX of the Carrboro Town Code dealing with the towing of motor vehicles from private property.

### INFORMATION

This ordinance modification alters the applicability section (8-78) to cover towing operators. The new text would read:

*The provisions of this article (~~other than Section 8-78.4~~) shall apply only to persons who are engaged in the business of towing motor vehicles, and only when such persons tow a motor vehicle from private property at the request of a person who is not the owner or operator of the motor vehicle that is towed.*

Section 8-78.1 is modified to clarify the credit/debit card requirement and requires waving a towing fee if payment by credit/debit card is refused. Proposed text:

*The towing or storage firm must accept payment by a major credit and debit cards in addition to cash for all fees charged covered under this article (including fees charged under Section 8-78.3). A refusal by a towing operator to accept payment by a major credit or debit card shall constitute a waiver by such operator of any entitlement to receive payment of such fee. The towing or storage firm must provide a receipt for each payment at the time the payment is made.*

Section 8-78.4 is modified to remove the ten vehicles in a twelve month period requirement for the sign requirement and would require the signs to state that town ordinance requires acceptance of payment by cash and major credit/debit cards. Section (b) would also create an exception for a resident towing a vehicle from their own property.

*(a) Subject to subsection (b) of this section, Not more than ten motor vehicles within a twelve month period. No person may charge a fee for a motor vehicle towing or storage service covered by this article unless Not more than ten motor vehicles within a twelve month period may be towed from private property at the request of the property owner or a person in possession of the property or an agent thereof unless no person may charge a fee for towing a motor vehicle from privately owned parking lots or areas unless the property from which the vehicle is towed contains signs that (i) (in accordance with Section 8-4(b) of the Town Charter) warn that vehicles parked on that property in violation of applicable parking restrictions will be towed at the owner's expense, and (ii) state that the signs that are posted to warn that vehicles may be towed also state that the*

*town requires that towers accept payment by cash or major credit/debit cards. towing operators are required by town ordinance to accept payment by major credit and debit cards for vehicle towing and storage services.*

*(b) The limitations of subsection (a) of this section shall not apply to the towing of motor vehicles from (i) a driveway or parking area that is manifestly designed to serve up to four dwelling units on a single lot, or (ii) any other area on private property that is manifestly not designed or intended for the parking of motor vehicles.*

## **FISCAL AND STAFF IMPACT**

At times, significant staff time will be associated with implementing and enforcing the proposed ordinance modifications to include assuring compliance from all tow operators and parking lots in the town and investigating complaints against said towing operators.

## **RECOMMENDATION**

Staff recommends that the Board consider the proposed ordinance.