

ORDINANCE NO. **BG2013 - 43**

ORDINANCE APPROVING JOINT ORDINANCE WITH WARREN COUNTY AND
AMENDING CODE OF ORDINANCES

ORDINANCE APPROVING JOINT ORDINANCE
WITH WARREN COUNTY AND AMENDING
CHAPTER 15 (BUSINESS AND GENERAL
REGULATIONS) TO ADD A NEW SUBCHAPTER
RELATED TO TOWING OF VEHICLES FROM
PRIVATE PARKING LOTS AND THE
REGULATION OF PRIVATE TOW OPERATORS

WHEREAS, Warren County and the City of Bowling Green have heard concerns about the towing of vehicles from private parking lots throughout the City and County; and,

WHEREAS, it is in the best interests of Warren County and the City of Bowling Green to establish requirements for the towing of vehicles from private parking lots to provide consistency and to ensure that vehicle owners, private parking lot owners and tow truck operators are aware of appropriate procedures to tow vehicles from private parking lots, including notification to the vehicle owner and the applicable police agency, the applicable allowable fees, the reclaiming of the vehicle and similar regulations.

NOW, THEREFORE, BE IT ORDAINED by the City of Bowling Green, Kentucky as follows:

1. Chapter 15 (Business and General Regulations) is hereby amended as follows:

...

15-7 TOWING OF VEHICLES FROM PRIVATE PARKING LOTS.

15-7.01 Definitions.

As used in this Subchapter:

“MOTOR VEHICLE” shall mean a vehicle with a gross weight of ten thousand (10,000) pounds or less which is capable of transporting one or more persons.

“PRIVATE PARKING LOT” shall mean any parking lot wherein vehicles are parked or stored for hire or a parking lot provided by a business wherein customers are allowed to park.

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“TOW OR REMOVE” shall mean the act of attaching, lifting, pulling or dragging any vehicle behind the wrecker or tow truck and in which the vehicle can be self-supporting, carried on a dolly-type platform or supported on any other item necessary to facilitate the towing. For the purposes of this Subchapter, this definition does not require the vehicle to be towed or removed from the parking lot.

15-7.02 Signage.

a. No private impound tow truck service or operator shall tow or remove from private parking lots nor shall owners or operators of private parking lots have towed or cause to be towed or removed from any private parking lots in Warren County and the City of Bowling Green any vehicle unless the owner or operator has conspicuously posted and maintained notice signs meeting the specifications set forth below.

b. Notice signs shall be placed near each entrance of the private parking lot, in clear view free from interference from natural or manmade objects and easily visible to a motorist seated in a motor vehicle. The signs shall be at least twelve (12) inches by eighteen (18) inches with bold lettering. The sign shall indicate:

1. That the parking lot is privately owned;
2. That unauthorized vehicles are subject to tow;
3. The hours of operation of the parking lot;
4. The hours vehicles are prohibited from parking and subject to tow;
5. The tow and storage fees of the tow operator; and,
6. The name, address and telephone number of the private impound tow truck

service or operator.

15-7.03 Impound Tow Truck Service or Operator / Storage Yard Requirements.

a. No vehicle shall be towed or removed from a private parking lot without the express

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approval of the parking lot owner or his agent or a written agreement between the owner of the private lot and the private impound tow truck service or operator. All tow trucks used to tow or remove vehicles from private parking lots shall be clearly identified with the name of the towing company on the side of the truck. Any private tow service or operator that tows or removes a vehicle from a private parking lot in Warren County and the City of Bowling Green shall tow or remove that vehicle to a storage yard located within the City or County.

b. The storage yard shall post a sign clearly visible to the public specifying the tow and storage rates, not to exceed those imposed by this Subchapter.

c. The storage yard shall provide either an attendant who is on the site twenty-four (24) hours per day, seven (7) days per week or provide a conspicuously located and well lighted sign which gives the telephone number where the owner, manager or attendant of the storage yard may be reached at any time, twenty-four (24) hours per day, seven (7) days per week so that the vehicle may be reclaimed in a minimum amount of time, not to exceed one (1) hour.

d. The storage yard shall release a towed vehicle to the owner, operator, driver or authorized designee upon presentation of reasonable identification and payment to cover the costs of towing and storage authorized by this Subchapter.

e. Any storage yard used to store vehicles towed or removed from private parking lots in Warren County and the City of Bowling Green shall provide reasonable security and the storage yard and the tow truck service or operator shall be licensed by the State, Warren County and the City, if applicable, and shall comply with all applicable state, City of Bowling Green and Warren County laws, rules and regulations. Both the private impound tow truck service or operator and the storage yard shall obtain and maintain automobile and general liability insurance, workers' compensation as required by State law, garage keeper's liability insurance, garage liability insurance and collision coverage for vehicles in tow. Proof of the required insurance shall be made available to the City of

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Bowling Green and Warren County upon request.

f. No vehicle shall be towed or removed from any public parking lot, street or any other publicly owned or leased property without the express approval of the owner of the vehicle, a representative of the owner or a law enforcement official of the City of Bowling Green or Warren County.

15-7.04 Police Notification.

At the time any vehicle is being towed or removed from a private parking lot in Warren County or the City of Bowling Green, the tow operator shall contact the Bowling Green Police Department if the vehicle being towed is in the City, or the Warren County Sheriff's Office if the vehicle being towed in outside the city limits, by telephone and shall provide the following information:

1. The make, model and color of the vehicle being towed or removed;
2. The license number and state of issuance of the license plate and, if known, the vehicle identification number;
3. The time and location that the tow is occurring;
4. The location of the private tow company storage yard; and,
5. The telephone number which the vehicle owner can call to reclaim the vehicle.

15-7.05 Fee Limits.

a. The maximum charge which may be collected by a private impound tow truck service for towing or removing a vehicle from a private parking lot meeting the requirements of this Subchapter is one hundred eighteen (\$118.00) dollars for removal and the first three days of storage and up to, but not exceeding ten (\$10.00) dollars per day for storage thereafter. If the owner of the vehicle arrives before the vehicle is fully hooked to the tow truck and the tow truck is not yet ready or able to leave with the vehicle, the tow truck operator shall immediately release the vehicle without

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charge. If the owner of the vehicle arrives after the vehicle is fully hooked to the tow truck and the tow truck is ready and able to leave with the vehicle, the operator may charge a fee not to exceed fifty (\$50.00) dollars.

b. When an owner of a private parking lot, his agent or a tow operator causes a vehicle to be towed or removed in violation of this Subchapter, there shall be no charge to the owner or other person in charge of the vehicle for the cost of the tow or storage. Any owner, his agent or a tow operator who violates this Subchapter shall, in addition to the penalties set forth below, be liable to the owner of the vehicle for any amounts actually paid for the tow and storage of the vehicle, as well as any damage to the vehicle resulting from the tow or storage.

15-7.06 Rebates Prohibited.

It shall be unlawful for a private tow operator to pay, rebate money or to solicit or offer the payment or rebate of money, or provide any other valuable consideration to private parking lot owners. It shall also be unlawful for private parking lot owners to solicit or to accept payment or rebate of money, or any other valuable consideration from private tow operators for the privilege of towing or removing vehicles.

15-7.07 Emergency Vehicle Exemption / Occupied Vehicle.

No person may tow or remove from marked private parking lots any emergency vehicles, including but not limited to ambulances, police vehicles, fire vehicles, civil defense emergency vehicles or similar vehicles while such vehicles are on official business. No tow truck operator shall attempt to hook up to, tow or remove an occupied vehicle without first contacting the Bowling Green Police Department or the Warren County Sheriff's Office, depending on the location of the vehicle.

15-7.08 Penalties.

Any person who violates any provision of this Subchapter shall be guilty of a misdemeanor and upon conviction shall be punished by a fine not to exceed the maximum fine authorized by state

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law. Each day of such violation shall constitute a separate offense and no additional notice other than notice of the original offense shall be required to convict a person for violations resulting from a continuation of such offense.

2. The provisions of this Ordinance are hereby declared to be severable, and if any section, phrase or provision shall for any reason be declared invalid, such declaration of invalidity shall not affect the validity of the remainder of this Ordinance.

3. All prior Municipal Orders or Ordinances or parts of any Municipal Order or Ordinance in conflict herewith are hereby repealed.

4. This Ordinance is adopted pursuant to KRS 83A.060 in that it was introduced on _____, 2013, and given final reading on _____, 2013, and said Ordinance shall be in full force and effect upon signature, recordation and publication in summary pursuant to KRS Chapter 424.

ADOPTED: _____

APPROVED: _____
Mayor, Chairman of Board of Commissioners

ATTEST: _____
City Clerk

SPONSORED BY: Board of Commissioners, 11/14/2013, 12:00 p.m.