

**AN ORDINANCE
AMENDING SECTION 15-435 (RATES AND CHARGES), OF ARTICLE IX
(REMOVAL, IMMOBILIZATION, AND DISPOSITION OF VEHICLES
UNLAWFULLY PARKED ON PRIVATE PROPERTY), DIVISION 4 (RATES AND
CHARGES), OF CHAPTER 15 (MOTOR VEHICLES AND TRAFFIC), OF THE CODE
OF THE CITY OF CHARLOTTESVILLE, 1990, AS AMENDED, TO CONFORM WITH
THE NEW REQUIREMENTS OF CODE OF VIRGINIA, § 46.2-1233.1, AS AMENDED**

WHEREAS, in order to conform Chapter 15 of the Code of the City of Charlottesville, 1990, as amended, with the new towing fee requirements as mandated by Chapter 323 of the 2023 Virginia Acts of the Assembly; and

WHEREAS, a joint public hearing on the proposed action was conducted; and

WHEREAS, the Council of the City of Charlottesville, Virginia, has considered the implications of the newly enacted Subsection (C) of Code of Virginia, § 46.2-1233.1 (as amended); and

WHEREAS, this Council finds that Section 15-453(a) of the Code of the City of Charlottesville, 1990, as amended, currently prohibits recovery and towing operators from recovering a maximum \$20.00 (USD) fuel surcharge fee for every vehicle towed from private property without such owner's consent, which the newly enacted Code of Virginia, § 46.2-1233.1(C) expressly allows;

NOW, THEREFORE, this Council deems it necessary to amend Section 15-435 of the Code of the City of Charlottesville, 1990, as amended, to permit recovery and towing operators to recover a fuel surcharge fee in accordance with Code of Virginia, § 46.2-1233.1(C), as amended, as of July 1, 2023; and

BE IT ORDAINED by the Council of the City of Charlottesville, Virginia that:

- 1. Section 15-435 the Code of the City of Charlottesville, 1990, as amended, is hereby amended and reenacted as follows:**

CHAPTER 15 MOTOR VEHICLES AND TRAFFIC

**ARTICLE IX REMOVAL, IMMOBILIZATION, AND DISPOSITION OF VEHICLES
UNLAWFULLY PARKED ON PRIVATE PROPERTY**

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 one hundred dollars (\$100.00) 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) 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) pounds \$250.00

For vehicles with a GVWR greater than twenty-six thousand one (26,001) pounds \$500.00

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.

(j) An operator is authorized to charge a fuel surcharge fee of no more than \$20 for each vehicle towed or removed from private property without the consent of its owner.

2. This ordinance shall become effective July 1, 2023.

Payne
Pinkston
Snook
Wade
Puryear

Aye No

Approved by Council
October 10, 2023

Kyna Thomas, MMC
Clerk of Council