

1ST READING
2ND READING
INDEX NO.

5-4-10
5-11-10

ORDINANCE NO. 12393

AN ORDINANCE TO AMEND PART II, CHATTANOOGA CITY CODE, CHAPTER 35, ARTICLE IV, RELATIVE TO VEHICLES FOR HIRE FOR NON-CONSENSUAL TOWING.

SECTION 1. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That Part II, Chattanooga City Code, Chapter 35, Article IV, is amended by adding the following new section:

NON-CONSENT TOWING FROM PRIVATE PROPERTY

(a) It is unlawful for any person, or the person's agent, to move or cause to be moved, any motor vehicle located on private property, from the property, if the owner of the motor vehicle has acquired any interest in the private property by virtue of a lease or any contract, without the express consent of the owner of the motor vehicle; or upon request by the owner or tenant of the property on which the vehicle is located; or unless the person so moving the motor vehicle has acquired an interest in the vehicle by operation of law, a security interest agreement, or is acting pursuant to an order of a court of competent jurisdiction, including a municipal court.

(b) A tow or wrecker operator shall notify the Chattanooga Police Department of any non-consent tow of a motor vehicle from a private property. The Notice required by this subsection shall be sent electronically or telephonically within one (1) hour of making the non-consent tow of a motor vehicle from a private property. A tow or wrecker operator shall send written confirmation of the non-consent tow of a motor vehicle from a private property within two (2) days if the motor vehicle is not claimed by the owner of record or the owner of record's representative. The written notice required by this subsection shall be waived if the tow or wrecker operator provided timely electronic or telephone notice to the Chattanooga Police Department and the owner or owner's representative has reclaimed the motor vehicle.

(c) Prior to towing a vehicle from private property without the vehicle owner's consent, the wrecker or towing operator must have express written authorization for towing of that vehicle from the owner of the private property or the owner's designated agent. When an individual is designated by a private property owner to act as an agent to authorize towing from the property, such designation must be in writing and signed

by the private property owner. There shall be some relationship between the private property owner and the designated agent, and there may be no personal or business relationship between the designated agent and the wrecker or towing operator. No employee of a wrecker or towing operator or designee of a wrecker or towing operator may patrol or otherwise participate in the decision making processes about which vehicles are to be towed, including but not limited to, the placing any sticker, signal or any other form of designation on any vehicle to be towed. Contracts or written agreements between a wrecker or towing operator and private property owners for non-consent towing must be retained by the wrecker or towing operator, and must include the property owner's signature and the signature(s) of any agent(s) designated by the private property owner. The wrecker or towing operator must make these documents available for inspection by the Chattanooga Police Department at any time. Maximum allowable rates for non-consent towing from private property will be as specified in subsections (d) and (e) of this Section.

(d) Any person {all licensees} who engage in the business of towing vehicles from public or private property shall post a notice on each vehicle, in letters not less than two (2) inches high and appearing in a legible manner on the boom or rear of the wrecker as follows:

"FEE TO DROP VEHICLE BEFORE DEPARTING:

Two Axle	\$75.00
Three or More Axles	\$150.00

If the owner or operator of the vehicle is present and removes the vehicle to be towed from the premises before it is connected to the towing vehicle, the owner or operator shall not be charged any fee. If the owner or operator of the vehicle is present after the towing vehicle has been connected to the vehicle to be towed, the vehicle shall not be towed, but the owner or operator of the vehicle shall be liable for a reasonable fee not to exceed Seventy-five Dollars (\$75.00) for two (2) axle vehicles and One Hundred Fifty Dollars (\$150.00) for three (3) or more axle vehicles in lieu of towing, provided the owner or operator of the vehicle forthwith removes the vehicle from the premises. A vehicle shall be deemed connected if every procedure required to secure the vehicle to the wrecker or wrecker equipment so that the vehicle may be safely towed has been completed at the time the owner or operator arrives, including the attachment of any safety chains.

(e) Rate Schedule for Non-consent Towing from Private Property.

Any wrecker or towing operator engaged in the business of non-consent towing shall not charge the owner of any towed vehicle or personal property in excess of the following rates:

Towing:

(1) Vehicles under seven thousand pounds GVWR.... \$125.00 (Daytime tow) and \$135.00 (Night/Weekend/Holiday) with winching fees when required of \$50.00 maximum.

(2) Vehicles over seven thousand pounds GVWR:

Length of 26 feet and under	\$250.00 (daytime tow); \$285(Night/Weekend/ Holiday)
Length of 26 feet and over Night/Weekend/Holiday	\$425.00 (daytime tow); \$500(Night/Weekend/ Holiday)

(3) The maximum fee for storage of a vehicle removed from private property{without the owners consent} shall be Twenty Dollars (\$20.00) per day. No storage fee shall be charged for a vehicle stored for eight (8) hours or less.

(4) In addition to the rates authorized above, tow and wrecker companies are authorized to charge a one-time processing fee of Fifteen Dollars (\$15.00) for any vehicle remaining in storage on the company lot for more than ten (10) days to offset direct costs for notification to the owner or lienholder as required by state law.

(f) The towing fees set forth in this Section shall be all inclusive; no additional fees may be charged, for using dollies, trailers, lifts, slim jims or any other equipment or service, or for mileage.

(g) The towing of any vehicle without the consent of the owner must be reported to the Chattanooga Police Department within one (1) hour of the completion of the towing of the vehicle. The towing operator or wrecker service shall advise the Chattanooga Police Department at that time of the non-consent tow of the location from which the vehicle was towed, vehicle identification number (VIN), license number, make, model and color of the vehicle.

(h) Tows from private property shall conform with the requirements of this Section along with federal and state laws, including T.C.A. § 55-16-112 and T.C.A. § 66-28-518.

SECTION 2. BE IT FURTHER ORDAINED, That this Ordinance shall become effective immediately upon its passage.

PASSED on Second and Final Reading

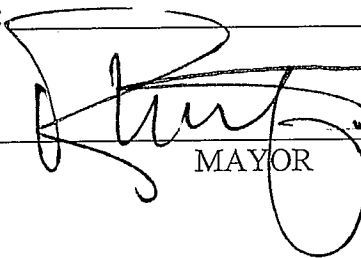
May 11, 2010.



CHAIRPERSON

APPROVED: _____ DISAPPROVED: _____

DATE: _____, 2010



MAYOR

KOF/add/mms