ARLINGTON COUNTY, VIRGINIA

County Board Agenda Item
Meeting of April 25, 2009

DATE: April 23, 2008

SUBJECT: Request to advertise for a public hearing for proposed amendments to the County's towing ordinance, Chapter 14.3 of the Arlington County Code.

C. M. RECOMMENDATION:

Authorize advertising for a public hearing on May 16, 2009 on proposed amendments to the County's towing ordinance, Chapter 14.3 of the Arlington County Code, set forth in Attachment A to increase base tow rate to $125; establish a new $250 charge for over sized vehicles; and provide additional information to consumers.

ISSUES: The appropriate rate that should be charged for non-consensual tows.

SUMMARY: The Towing Advisory Board, reappointed by the County Board on July 22, 2008, met on November 24, 2008. A copy of the meeting minutes is included as Attachment B. Through unanimous votes, the Advisory Board recommended the following changes:

1. Raise the base tow fee to a maximum of $125
2. Establish a base towing rate of $250 for vehicles with a gross vehicle weight (gvw) of 7,501 pounds or greater

The Towing Advisory Board did not make any additional recommendations. The meeting minutes of the Advisory Board's Meeting in November 2008 are included as Attachment B.

The proposed advertisement enables the County Board to consider the recommendations of the Towing Advisory Board. There is no data to support an increase given the inconsistent methodology and bench markers with other jurisdictions to determine a fair market value. The market analysis reveals an inconsistent result. Thus, the establishment of fees is a matter of County Board judgment based on information provided and from its public hearing. A base fee from $100 to $125 is within a reasonable range based on available information. The recommended advertisement enables the Board to consider the maximum fees recommended by the Towing Advisory Board.

County Manager: RC/SFD

County Attorney: JAM

Staff: Brian Stout, CMO

32.

In addition, amendments are proposed by staff to the towing ordinance to require additional consumer information posted at towing facilities and storage lots, as well as additional information provided with a written receipt by the towing and recovery operator to the vehicle owner or their agent upon retrieval of their vehicle. While this issue was discussed by the Towing Advisory Board, no recommendation was made by the Advisory Board.

DISCUSSION: On July 8, 2006 the Arlington County Board adopted Chapter 14.3, Towing and Storage of Vehicles, as a part of the County Code. The Board took this action after the Virginia General Assembly enacted legislation in 2006 that granted localities the authority to regulate more than just fees in ordinances governing the removal of trespassing vehicles from private property. The legislation required local governments to appoint a Towing Advisory Board, which would meet at least annually to review the towing ordinance and make recommendations, prior to adopting or amending a towing ordinance. The Arlington County Advisory Board on Trespass Vehicle Towing was initially appointed on May 23, 2006 and has since met annually to make fee and other ordinance recommendations to the County Board.

Towing Fees

1) Base Tow Fee
The result of this year's survey indicates fees ranging from a low of $80 in Alexandria to a high of $165 in Fairfax City. There is no consistent methodology or bench marker with other jurisdictions to determine a fair market value. The market analysis reveals an inconsistent result. As a result, there is no data to support a specific towing rate. The Towing Advisory Board's recommendation of the $125 base tow fee was unanimous.

A summary of the towing charges for jurisdictions in Virginia and the region are included as Attachment E. Several other jurisdictions outside of Northern Virginia not included in the analysis of the effective rates are also provided in the matrix for general benchmarking with other local governments.

2) New Base Tow Fee for Large Vehicles
The proposal to establish a higher base tow fee of $250 for vehicles in excess of 7,501 pounds gross vehicle weight was unanimously recommended by the Advisory Board. The market analysis also reveals an inconsistent result to support a specific new base tow fee.

The proposed advertisement enables the County Board to consider the recommendations of the Towing Advisory Board and to receive input from the public.

Consumer Information
Understanding the importance of communicating information to individuals that have had their vehicles towed and to ensure proper oversight of towing activities, two recommendations are proposed that would streamline the current process by requiring towing and recovery operators to provide more clear and concise information, both at their facilities as well as to individuals recovering their vehicles.

Under the current ordinance, towing and recovery operators are required to display a comprehensive list of their fees, the maximum fees allowable under the County ordinance, the non-emergency telephone number of the Police Department, and the business telephone number of the County official responsible for handling consumer complaints. In addition to this required information, towing and recovery operators have traditionally provided copies of the "Towing in Arlington" brochure, which is produced by the County. A copy of the current towing brochure is provided as Attachment F.

Under section 14.3-7, which stipulates what information shall be displayed at towing business and storage facilities, new language will be added requiring operators to provide "a Consumer Information Sheet," supplied by Arlington County, which will include, among other things, the fee limits and operator requirements established by this Chapter, and information about how to file a complaint with the County if the individual has been charged fees in excess of those provided for under this ordinance or if they believe proper procedures have not been followed by the towing and recovery operator." Under section 14.3-8, which provides for information that must be contained on or with the receipt provided by a towing and recovery operator to the vehicle owner or agent, a new requirement will be added providing that a copy of this Consumer Information Sheet be provided to the consumer along with their receipt.

This will provide more necessary information to individuals retrieving their vehicles. Additionally, it will allow the County to provide a direct communication to the public regarding the towing ordinance and the means to have their complaints heard should they believe the County ordinance has been violated.

Consumer Complaints

The towing ordinance has been effective in meeting its original purpose based on the continued reduction in consumer complaints received by Arlington County. The recent trend of annual reductions in the number of trespass tow complaints has continued, with 28 complaints/inquiries between September 2007 and August 2008, a reduction of 40% over the same time period from the previous year. Although Arlington County did not track complaints against towing companies in the same manner prior to September 2006, past reports have stated that instances of predatory towing and overcharging were exponentially higher prior to enactment of the ordinance.

Furthermore, the overwhelming majority of the complaints over the last two years were either resolved favorably or were legal tows. These numbers are further evidence that the consumer protections, consumer education and statutory restrictions on towing and recovery operators are working.

FISCAL IMPACT: None.

AMENDMENT TO CHAPTER 14.3 OF THE ARLINGTON COUNTY CODE

An ordinance to amend the Arlington County Code Chapter 14.3

BE IT ORDAINED BY THE COUNTY BOARD OF ARLINGTON COUNTY, VIRGINIA

I. Chapter 14.3 is hereby adopted as follows:

CHAPTER 14.3

TOWING AND STORAGE OF VEHICLES*

* **Editors Note:** Ord. No. 07-18, adopted December 15, 2007, amended former Ch. 14.3, relative to towing and storage of vehicles, in its entirety to read as herein set out. The provisions of former Ch. 14.3 derived from an ordinance of July 8, 2006, Ord. No. 06-11.

§ 14.3-1. Findings.
§ 14.3-2. Definitions.
§ 14.3-3. Applicability.
§ 14.3-4. Compliance with state licensing requirements.
§ 14.3-5. Removal of trespassing vehicles.
§ 14.3-6. Notice.
§ 14.3-7. Storage facilities.
§ 14.3- 8. Receipt required.
§ 14.3-9. Fees.
§ 14.3-10. Manner of payment.
§ 14.3-12. Violations.

* * *

§ 14.3-7. Storage Facilities.

(A) All towing and recovery operators engaged in towing vehicles without the consent of their owners shall conspicuously display at their main place of business and at any other storage facilities where towed vehicles may be reclaimed, in locations readily visible to those reclaiming vehicles:

(1) signs that clearly and legibly provide the following information:

(a) a comprehensive list of all their fees for towing, recovery, and storage services. Charges in excess of those posted shall not be collectable from any vehicle owner whose vehicle is towed or stored without his consent;

~~(b) the maximum fees permitted to be charged by this Chapter;~~

(2) that payment may be made by cash, traveler's check, money order, insurance company check, or debit, credit or charge card;

(3) that a receipt shall be provided;

(4) that the vehicle owner shall have the opportunity to inspect the vehicle for damage prior to payment and a tow company or tow truck operator shall not require a vehicle owner to sign any waiver of the owner's right to receive compensation for damages to the owner's vehicle as a condition of the vehicle's release.

~~(f) the non-emergency telephone number of the Police Department where the storage facility is located; and~~

~~(g) the business telephone number of the County official responsible for handling consumer complaints~~.

(2) a consumer information sheet, supplied by Arlington County, which will include, among other things, the fee limits and operator requirements established by this Chapter, the non-emergency telephone number of the Police Department, the business telephone number of the County official responsible for handling consumer complaints, and any other information the County determines is necessary to provide to the vehicle owner or his agent.

(B) The fees authorized by this Chapter shall be the maximum allowed and an additional fee for use of a debit, credit or charge card, or other form of payment, shall not be permitted.

(C) Towing and recovery operators shall make change, up to one hundred dollars ($100.00), for those who pay in cash for towing and storage charges applicable to vehicles towed under the provisions of this Chapter.

(D) Storage facilities to which vehicles towed under the provisions of this Chapter are towed shall be open twenty-four (24) hours a day.

(E) Storage facilities to which vehicles towed under the provisions of this Chapter are towed shall be located within the County or at a location in the Commonwealth of Virginia that is within three (3) miles of the boundary line of the County.

(F) In the event that a vehicle is towed from the County and stored in or released from a location in another locality, the provisions of this Chapter shall apply.
(Ord. No. 07-18, enacted 12-15-07)

§ 14.3- 8. Receipt Required.

(A) At the time a vehicle owner or agent reclaims a towed vehicle, the towing and recovery operator shall provide a written receipt that contains the following information:

(a) the name and address of the towing and recovery operator;

(b) the address from which the vehicle was towed;

(c) the date and time that the vehicle was towed;

(d) the date and time that the vehicle entered the facility at which it was placed for storage;

(e) an itemized list of all the fees that are being charged; and

(f) a signature of an authorized representative of the towing and recovery operator.

(B) In addition, the towing and recovery operator shall provide to the vehicle owner or agent a photocopy of the consumer information sheet referenced in Section 14.3-7(A)(g).

§ 14.3-9. Fees.

(A) Charges imposed for the towing, storage, and safekeeping of any vehicle removed, towed, or stored without the consent of its owner shall not be in excess of the maximum charges provided for in this Section.

(B) The maximum fees that may be charged for the towing of vehicles and for the storage of such towed vehicles are as follows:

(a) for the towing of a vehicle with a gross vehicle weight of seven thousand five hundred pounds or less, the maximum fee shall be one hundred twenty five dollars ($125.00);

(1) for the towing of a vehicle with a gross vehicle weight of seven thousand five hundred and one (7,501) pounds or greater, the maximum fee shall be two hundred fifty dollars ($250).

(b) for the storage of a towed vehicle, the maximum fee for each twenty-four (24) hour period of storage, or portion thereof, shall be fifty dollars ($50.00); provided that no storage fee may be charged for the first twenty-four (24) hours of storage, or any portion thereof, following the arrival of a towed vehicle at a storage facility.

(C) Except for fees authorized by this Chapter, no other fees or charges shall be imposed.

(D) No towing and recovery operator having custody of a vehicle towed without the consent of its owner may impose storage charges for that vehicle for any period during which the vehicle could not be reclaimed because the storage facility was closed.

(E) If the owner or representative or agent of the owner of the trespassing vehicle is present, and ready, willing, and able to remove the trespassing vehicle from the premises at any time before it is removed from the premises by a towing and recovery operator, the vehicle shall be released to the owner or representative or agent of the owner for purposes of immediate removal from the property, but the owner or representative or agent of the owner shall be liable for a reasonable "in lieu of towing" fee, not to exceed twenty-five dollars ($25.00), provided that the towing and recovery operator provides a written receipt to the owner or representative or agent of the owner identifying the accepted forms of payment specified in Section 14.3-10.
(Ord. No. 07-18, enacted 12-15-07)

* * *

ADVISORY BOARD MEETING ON TRESPASS VEHICLE TOWING
MINUTES OF MEETING HELD ON NOVEMBER 24, 2008

The Advisory Board on Trespass Vehicle Towing met on November 24, 20008 in the Arlington County Government offices at 2100 Clarendon Boulevard, Conference Room 311.

The meeting was attended by: Nancy Iacomini, Captain Brian Gough, Sergeant Christopher Hennigh, Detective Matt Lafley, Al Leach, John O'Neill, Fred Scheler, Charles Clohan and Ralph Wilcher. The meeting was also attended by several members of the public, including George King and several employees of Advanced Towing Services.

The meeting was called to order at 6:30 p.m. by the staff coordinator, who thanked the members for again agreeing to serve on the Advisory Board. Guests were advised that this was a public meeting but not a public hearing and only Advisory Board members were allowed to participate in the discussion. The timeline for County Board consideration of any amendments recommended by the Advisory Board was outlined and the Charge and Scope of the Advisory Board was reviewed.

The first order of business was the election of a Chairperson as required by Code of Virginia 46.2-1233.2. John O'Neill was nominated by Al Leach, seconded by Fred Scheler. Nancy Iacomini nominated herself, seconded by Captain Gough. The vote was 4 votes for Ms. Iacomini and 3 votes for Mr. O'Neill, and Ms. Iacomini was elected Chair.

Ms. Iacomini asked for the staff coordinator to review last year's Advisory Board recommendations, the County Manager's recommendations, and the final ordinance changes adopted by the County Board. Staff and the representatives from the Arlington County Police Department to the Advisory Board were asked if there were any clarifying amendments such as changes to definitions, etc. that should be considered based upon staff input resulting from ordinance implementation over the past year. There were none.

Ms. Iacomini then asked if any members would like to made additions to the tentative agenda. She then raised the issue of towing from a lot that does not have an existing towing contract and the proper role of the private property owner. Captain Gough stated that he was unaware of any problems to be resolved through amending the towing ordinance on this issue. Mr. Clohan spoke about the responsibilities of and problems for private property owners, especially in condominium buildings with designated parking spaces. He stated that signs must still be posted in lots and that Arlington County Police are supposed to be informed of all tows by the towing company prior to the tower leaving the tow site. Mr. O'Neill, Mr. Leach and Mr. Scheler all provided a description of their procedures when towing vehicles from a non-contract lot, which is usually the result of a complaint. The issue was tabled as the Advisory Board did not make a motion.

Ms. Iacomini then raised the issue of getting a "second signature" on a tow request ticket. Such a requirement would require the owner of the property, or their agent, to be physically present and authorize the towing of a trespassing vehicle on their lot. Other Advisory Board members expressed their concern with such a provision and stated their belief that the current statutory structure provided necessary safeguard. No motion was made on this issue.

Ms. Iacomini then turned the discussion to towing rates and she yielded the floor to Mr. O'Neill to outline his concerns and proposal. Mr. O'Neill provided the attached information to the Advisory Board for background and justification. Mr. O'Neill cited the cost of doing business in Arlington County, increased registration and licensing requirements imposed by the Commonwealth's Board of Towing and Recovery Operators, the decrease in the number and types of towing complaints, and the base towing rates in other jurisdictions in Virginia as reasons to support an increase to the state limit. Mr. O'Neill also requested the establishment of an additional charge for evenings, weekends or holiday tows. After other members expressed their disapproval, the request was withdrawn.

Ms. Iacomini, seconded by Captain Gough, made a motion to accept the following changes to towing rates:

- An increase in the base towing rate to $125.00
- The establishment of a base towing rate of $250.00 for vehicles with a gross vehicle weight of 7,501 pounds or greater

By a unanimous vote, the Advisory Board approved the recommendations.

The meeting was adjourned.

December 3, 2008

The Honorable Walter J. Tejada
Chairman and
Members of the Arlington County Board
Suite 300
#1 Courthouse Plaza
2100 Clarendon Boulevard
Arlington, Virginia 22207

RE: 2008 Towing Board Meeting

Dear Mr. Tejada:

The annual Towing Board met on Monday, November 24, 2008 at 6:30pm in room 311 of the County Office Building. All of the voting members of the appointed group were present; only two of the non-voting members were present.

I was elected chairman of the group – and as you will recall, I also had the privilege to serve as chairman in 2007.

Brian Stout, the County Staff liaison for the group stated staff did not have any issues to bring before the group. In years past, there were various changes and clarifications to the code that needed to be made, but none surfaced during this part year.

The main issue discussed by the group, and raised by the members from the Tow Industry was the request for an increase in the amount they could charge for towing. They presented various facts.

The state-imposed maximum is $125. Other tow-related fees area allowed by the state, such as an increase for evening tows and storage rates. After discussion among the voting members centering on the perceived needs of the industry, and the desire to keep charges as simple as possible (i.e. not charging by time of day), I made a motion to section 14.3-9 B.(a) of the County code to raise the tow fee from $100 to $125 and that the storage rate to be charged after the first 24 hours continue to be $50 (currently in the code), further that the so-called "drop fee" remain at $25.00 and that a new rate -- $250 -- be added for the towing of vehicles that are over 7500 gross vehicle weight (gvw). (These kinds of vehicles include the larger Hummers, trucks, etc. and does need special equipment. These types of tows occur rarely in the County).

The motion passed unanimously.

During the evening various towing-related issues were discussed including:

Small Lots with No Signs – There are instances where some small businesses and/or apartment buildings have owners who do not have a standing contract with any tow company. Therefore, their lots may be signed, but the signs do not contain information

concerning the tow company, etc. When asked about these admittedly rare situations, some towers said they wouldn't answer an owner's request to tow from their lot, others said they would if they got the tow request ticket signed by the property owner.. It still remains unclear exactly what is to happen. However, staff had not heard any complaints in the past year of those towed from in such a situation so perhaps it is not a pressing matter.

Second Signature: I again, as I have in years past, raised the issue of getting a "second signature" on a tow request ticket. This means that the owner of the property, or their agent, must physically be present and authorize the towing of a trespassing vehicle on their lot. Right now, most land owners have written or oral agreements with tow companies that permit the towers to patrol the land owners' lots and tow vehicles without any on the spot permission. I would also note it was said at the meeting that land owners in such arrangements do not pay a fee or retainer to the tow companies, as one would to a lawn care or cleaning service, but rather stipulate any tow fees go directly to the operator hired. There was no support for adding a "second signature" to the code.

Brochures – There is a brochure produced by the County that tells consumers their rights if they are towed, what the rates are to be, and the consumer complaint number they should call. These are to be distributed to all the tow companies who do business in Arlington and they are to give them to each person who comes in to claim their towed vehicle. (This is noted in Section 14.3-8 of the applicable county code.)

The towers say they are using the brochures, but the County still seems to have a large quantity on hand.

It was noted these brochures need to get to the towers so consumers will have the information to which they are entitled and that is referenced in the County Code. Staff did note the County is trying to both close a budget gap that is looming for FY 2009 and to anticipate needs for FY 2010, so the fate of the brochures is unclear.

Although not discussed at the meeting, I would strongly recommend in the advertisement for the December 13, 2008 County Board meeting, staff include language to amend Section 14.3-8 to include a new section (g) that would state: "In 12 point type on the front of the receipt, "Questions or complaints about Towing in Arlington County should be directed to County staff at 703-228-_____" or some such language staff would find most beneficial to consumers. If this is done, then the last paragraph of that section could be deleted and the County would not have to pay for the production of brochures – and the "towee" would have information readily available to them on their required receipt.

If you or your colleagues have any questions, I will be glad to try and answer them.

Sincerely,
Nancy Iacomini
Chairman
2008 Arlington County Towing Advisory Board

TO: ARLINGTON COUNTY TOWING ADVISORY BOARD MEMBERS

FROM: JOHN ONEILL, ADVANCED TOWING COMPANY

DATE: 11/24/2008

SUBJECT: REQUEST FOR TAB MEMBERS TO SUPPORT NON-CONSENT TOW FEE INCREASE TO STATE LIMITS

This year we will be requesting Arlington County increase non-consent towing fee limits to equal Virginia's non-consent towing fee limits. Information we have gathered from other municipalities, media reports, and cost data overwhelmingly supports the need to increase fees. We hope TAB members will agree so we may propose an increase to the Arlington County Board as soon as possible. Below is a summary of some information supporting increased fees. Several documents are attached which provide more detail.

VIRGINIA NON-CONSENT TOWING FEE LIMITS

In July 2006, Virginia increased non-consent towing fee limits to $125 for towing between 8 am and 7 pm Monday through Friday, not including an additional $25 fee for vehicles towed in the evening, on weekends or holidays. Storage fee limits were increased to $50 per day. [Attachment 1, Virginia towing fee limits attached, Code of Virginia 46.2-1231]

CITY OF ALEXANDRIA TOWING FEE INCREASE

In 2008, The City of Alexandria reported they raised the City's towing fees from $135 to $170. Quoted in the Alexandria Times and Washington Examiner, The City's Department of Transportation said their new $170.00 fee will barely cover the City's cost to impound vehicles and run a storage yard. [Attachment 2 and 3, Examiner/Alexandria Times articles]

MONTGOMERY COUNTY TOWING FEE INCREASE

Also in 2008, Montgomery County reported their tow fee would be increased to $237. [Attachment 4, WTOP report attached]

FAIRFAX COUNTY POLICE TOWING FEES INCREASE

In sync with the trends above, in 2008 Fairfax County awarded three towing contracts with fee structures equivalent to state fee limits. Impound/stranded motorist towing fees for a passenger vehicle range from $150 $175 not including additional fees. Storage charges range from $50 to $68 per day. Fees to tow wrecked vehicles are higher and range from $275 to $300. [Attachment 5, Notice of Award - Schedule of Fees]

FAIRFAX COUNTY INCREASING NON-CONSENT TOWING FEE LIMITS

David Reidenbach, Director of the Fairfax County Department of Cable Communications and Consumer Protection [DCCCP], reported to the Fairfax County Towing Advisory Board in 2008 that his department would recommend the Fairfax County Board raise non-consent towing fee limits to equal state tow fee limits based on the results of a comprehensive study performed by a county employed economist, and other information, to limits equivalent to or near Virginia's

price caps. Mr. Reidenbach indicated The Fairfax County Board has never chosen not to accept a recommendation by his department. [Attachment 6, excerpt of proposed fee increase and e-mail from David Reidenbach]

CPA COST ANALYISIS OF NON-CONSENT TOWING BUSINESS OPERATING COSTS IN ARLINGTON

In 2006 towing company members of the Arlington County Towing Advisory Board submitted an analysis of operating costs performed by a local CPA. The analysis was based on the costs of several towing companies operating in Arlington. The CPA'S findings indicated the base non-consent towing fee limit should range between $140 and $160.

SECOND COST ANALYSIS OF TOWING BUSINESS OPERATING COSTS

In late 2007 an accountant for one of the towing company representative members of the Arlington County Towing Advisory Board produced an earnings/costs estimate to demonstrate price increases are justified. [Attachment 7, Estimate of Projected Earnings]

ATTACHMENT #1

§ 46.2-1233.1. Limitation on charges for towing and storage of certain vehicles.

A. Unless different limits are established by ordinance of the local governing body pursuant to § 46.2-1233, as to vehicles towed or removed from private property, no charges imposed for the towing, storage, and safekeeping of any passenger car removed, towed, or stored without the consent of its owner shall be in excess of the maximum charges provided for in this section. No hookup and initial towing fee shall exceed $125. For towing a vehicle between seven o'clock p.m. and eight o'clock a.m. or on any Saturday, Sunday, or holiday, an additional fee of no more than $25 per instance may be charged; however, in no event shall more than two such fees be charged for towing any such vehicle. No charge shall be made for storage and safekeeping for a period of twenty-four hours or less. Except for fees or charges imposed by this section or a local ordinance adopted pursuant to § 46.2-1233, no other fees or charges shall be imposed during the first twenty-four-hour period.

B. The governing body of any county, city, or town may by ordinance, with the advice of an advisory board established pursuant to § 46.2-1233.2, (i) provide that no towing and recovery business having custody of a vehicle towed without the consent of its owner impose storage charges for that vehicle for any period during which the owner of the vehicle was prevented from recovering the vehicle because the towing and recovery business was closed and (ii) place limits on the amount of fees charged by towing and recovery operators. Any such ordinance limiting fees shall also provide for periodic review of and timely adjustment of such limitations.

(1990, c. 266; 1993, c. 598; 2006, cc. 874, 891.)

ATTACHMENT 2

Alexandria to hike towing fees 26 percent, citing program costs

Jun 19, 2008 3:00 AM (158 days ago) by Taryn Luntz, The Examiner Comments

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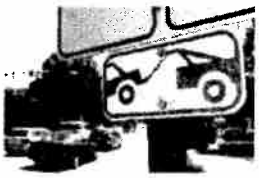

Alexandria is set to raise its towing fees 26 percent starting in July, due to the cost of administering the towing program and impound lot. The city will not raise the additional $30 daily fee it charges for car storage. – Greg Whiteself/Examiner File

WASHINGTON (Map, News) - Parking illegally is about to get riskier in Alexandria — the city is raising its towing fees 26 percent starting in July.

"We hadn't raised those fees in excess of five years," said Richard Baier, Alexandria's director of Transportation and Environmental Services.

The raised fees will cover the cost of administering the program as expenses rise, he said.

The city's towing fee will jump from $135 to $170 July 1, a move the City Council approved last week.

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Intervention Re-enactment

Alexandria's fees still will be within a $10 range of those charged by neighboring jurisdictions, Baier said.

The city will not raise the additional $30 daily fee it charges for car storage.

Towing fees are not a moneymaker for Alexandria, Baier said.

The city attempts to recover only the cost of running the tow trucks and the impound lot, he said.

"They don't quite cover all of the expenditure, but they attempt to cover the majority of it," Baier said.

Over the past year, Alexandria has towed more than 2,100 cars and paid $368,000 for its towing program.

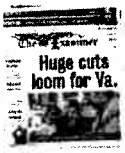
The city runs the impound lot but hires a contractor to do the towing.

Cars that are abandoned on the lot are auctioned after two months.

Towing fines are not the only car-related fees to rise in Alexandria this year as a gloomy economy and dwindling property tax revenue deplete county coffers.

The city is raising parking meter rates in Old Town by 25 to 50 cents — a change that officials expect to generate $700,000 this year.

Alexandria also established a program in March that prevents drivers with unpaid parking tickets from renewing their car registrations at the Department of Motor Vehicles until they settle their parking debts and pay an extra $20 — a measure



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20 photos
In this Nov. 10, 2008, file photo, actor Hugh...
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ATTACHMENT 3

Alexandria Times
Originally Established in 1797 as The Alexandria Times & Advertiser

The Economist
nuclear power's new age

www.alextimes.com
VOL 4 ... NO.45 November 20-24, 2008

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Hardly towing the line

New towing fees will cover gas costs and make no profit

By David Sachs
June 26, 2008

Beginning this Tuesday, watching your vehicle get hauled away by a tow truck will cost 26 percent more than it did as far back as five years ago – the last time the city raised towing fees and when gasoline costing more than three dollars was considered somewhat preposterous.

But the fee increase, leaping from $135 to $170, is not to satisfy the oft-villainized tow truck driver. It will instead barely cover operation costs for the city to tow and impound vehicles as gas prices rise in a faltering economy.

Unlike with the parking fees that were recently raised the city will gain no revenue from the increase.

"The general philosophy of the city is that various activities need to be cost neutral," said Tom Culpepper, deputy director of the Department of Transportation and Environmental Services. "We don't always fully recover costs and we certainly aren't making profits on them."

The fee relates to city streets and lots, not the private sector where tow truckers control their own rates. Culpper said that city tows, carried out by a contracted company, usually involve abandoned vehicles or vehicles with an "exorbitant" amount of tickets. Even a DUI arrest may require a tow truck for an inebriated vehicle owner.

"We receive maybe 10 to 15 vehicles a week," Culpepper said. "We aren't trying to make money to use it to offset other costs in the city or anything like that, but the fact is, the city as a municipality does need to have towing capability ... and we do it in a cost-neutral way.

Only one of the three fees associated with the city's towing practices – impound, recovery and storage – will rise. Gas prices have made the physical act of towing more expensive, while storage and recovery fees remain static.

Residents unhappy with the fee increase during strapped economic times can avoid the increase simply: Park legally. "We don't go out and aggressively look for vehicles to tow," Culpepper said.

Experts say high towing fees are common in an industry with little regulation, making aggressive and predatory towing practices common throughout the country. But outsourcing the city's towing needs to one company insures communication between the two parties, eliminating unfair towing practices.

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"[Predatory towing] is not unique," said Ron Smith, vice president of marketing for C: Logic (Compiled Logic), a Houston-based company offering solutions for the impound industry through data collection. "It's kind of a trend going on around the country."

Smith said the biggest problem his company encounters is a communication lag between municipal enforcement and towing companies, which leads to customers wondering if their car is stolen when they wake up on a Sunday morning to find it missing. More than likely it is sitting safely at an impound lot, which C: Logic helps monitor and update in real time.

The city contracts with Henry's Wrecker Service in Alexandria. CEO Fred Schler said that communication is no problem. "The police call us and it doesn't make a difference where the car is," Schler said. "We have to be there in 30 minutes. They expect you there within 30 minutes."

Schler said that Henry's contract with the city is small ("I don't want to put all my eggs in one basket") compared to its wide range of business, but he utilizes his own technology to make sure his towing is done fairly.

"We dispatch through the internet in real time," Schler said. "As long as I have a computer I can find out where any of my cars are."

Culpepper said that the rate it pays Henry's has not changed with the fee hike though it might once the contract is up for renewal.

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Reader Comments Send your comments!

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ATTACHMENT 4

Plan Calls for Charging More for Towed Cars

January 28, 2008 - 10:20am

ROCKVILLE, Md. - You could soon pay more to claim a towed car or ride the bus in Montgomery County.

The Montgomery County Council will vote on a plan by County Executive Isiah 'Ike' Leggett. The plan would help plug a deficit of about $401 million for the next fiscal year.

The county currently charges residents $23 a day for storing towed vehicles. Under the proposal, police spokeswoman Melanie Hadley says the vehicle's owner would have to pick up the full cost for towing a vehicle - about $237- plus $6 per letter mailed to owner.

Fares for Ride-On buses would jump a dime to $1.35.

Information from The Examiner

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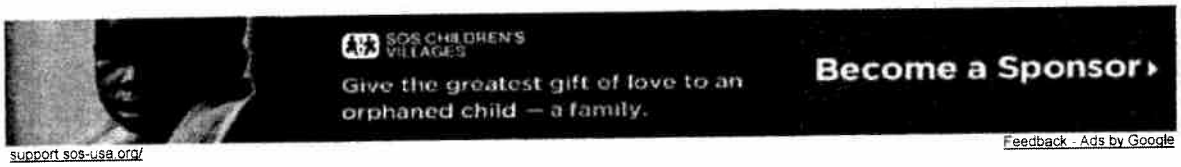

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ATTACHMENT 5

PRICING/FEE SCHEDULE

Class A (Large) Towing Zones	**Contractor**	**Fee/Charge**
Standard Tow Charge	Henry's	$500
	Redman	$300
	Willow Spring	$450
Crash Tow Charge (All hours)	Henry's	$750
	Redman	$400
	Willow Spring	$1500
Storage Fee for Each Calendar Day at a rate of (per day per foot):	Henry's	$7.50
	Redman	$1
	Willow Spring	$1
Mileage towing fee	Henry's	$16
	Redman	$1
	Willow Spring (Daytime & Nighttime)	$5
Class B (Small & Medium) Towing Zones		
Standard Tow	Henry's	$175
	Redman	$150
	Willow Spring	$175
Crash Tow Charge (All hours)	Henry's	$275
	Redman	$300
	Willow Spring	$275
Storage Fee for Each Calendar Day	Henry's	$68
	Redman	$50
	Willow Spring	$65
Mileage towing fee	Henry's	$5
	Redman	$1
	Willow Spring	$3
Additional fees that MAYBE charged by All Contractors		
Tarp Fee		$45
Additional Equipment Needed	Subject to approval by the towing coordinator for cost over $150.00	
Gate Fee		$0

PASSENGER VEHICLES

ATTACHMENT 6

~~(3) In all cases where a fee is paid, the tow truck company must provide the vehicle owner with a receipt that bears the complete name and address and telephone number of the tow truck company. Such receipt shall itemize all fees assessed in the towing, storage, and release of said vehicle. Such receipt shall include a printed notice stating that towers shall agree to mediate all complaints submitted to the Department of *Cable Communications and Consumer Protection* for resolution.~~

~~(h) A tow company or tow truck operator shall not require a vehicle owner to sign any waiver of the owner's right to receive compensation for damages to the owner's vehicle as a condition of the owner retrieving the towed vehicle.~~

~~(i) A tow company shall prominently display at the storage site, in a conspicuous place in that portion of the premises normally issued for receipt of payment, a sign which is readily noticeable and readable. The sign shall be furnished by the Department of Cable Communications and Consumer Protection, listing the Department's telephone number and informing consumers that they may contact the Department for assistance.~~

~~(j) A tow company or tow truck operator shall neither offer nor give any rebate, payment, or other compensation to a property owner or other person contracting for, authorizing or requesting the towing or removal of a vehicle.~~

(c) It shall be unlawful for a registered tower or driver of any tow truck to charge, or knowingly allow to be charged, any rate except as is provided in this Article.

(i) The initial connection and tow fee is not to exceed

a. $125.00 for vehicles 20 feet in length or less.

b. $200.00 for vehicles over 20 feet in length.

(ii) Storage fee for the safekeeping of vehicles.

a. No storage fee will be charged for the first 24 hours the vehicle is on the storage lot.

b. After the vehicle is on the storage lot for 24 hours, a vehicle storage fee may be charged at a rate not to exceed

i. $50.00 per 24-hour period or any portion thereof for any vehicle 20 feet long or less.

ii. $5.00 per foot per 24-hour period or any portion thereof for any vehicle over 20 feet.

(iii) Towers may charge an additional $25.00 if the vehicle is towed or released

c. between the hours of 7:00 PM and 7:00 AM and or;

d. on Sundays or a federal holiday.

(iv) No administrative cost for notification of lien holder, owner, agent or other interested party shall exceed $75.00. This fee may only apply after the vehicle is in the storage lot for a period of more than 72 hours.

(d) Towers may not charge any fees other than those authorized in this section.

(e) An itemized receipt will be issued for every tow service as specified herein.

(f) A tow operator or tow truck driver shall not require a vehicle owner to sign any waiver of the owner's right to receive compensation for damages to the owner's vehicle as a condition of the owner retrieving the towed vehicle.

(g) A tow operator or tow truck driver shall neither offer nor give any rebate, payment, or other compensation to a property owner or other person contracting for, authorizing or requesting the towing or removal of a vehicle.

(H) Unattended or Immobile Vehicles, Generally. (Stolen Vehicle Rule)

When a motor vehicle, trailer, semi trailer, or part or combination of a motor vehicle, trailer, or semi trailer was stolen or illegally used by a person other than the owner of the vehicle at the time of the theft or used without his authorization, express or implied, it shall be forthwith returned to its owner or the owner's successor in interest, other than an insurance company, who shall be relieved of the payment of any costs charged by the towing operator or storage facility for its daily storage and towing fees, provided that the owner removes the vehicle within five business days following the owner's receipt of written notice by certified mail, return receipt requested.

If the vehicle's owner fails to remove the vehicle within five days of receipt of such notice, the vehicle shall be released to the owner upon payment of the full costs of the towing and storage fees and the owner shall then be entitled to seek reimbursement from the state treasury from the appropriation for criminal charges. The owner shall produce a valid motor vehicle registration or other proof of ownership to the employees of the facility wherein the motor vehicle, trailer, semi trailer or part or combination thereof is being stored. In any case in which the identity of the violator cannot be determined, or where it is found by a court that this section was not violated, the costs of daily storage and towing fees of the vehicle shall be reimbursed to the tow operator and paid out of the state treasury from the appropriation for criminal charges. Payment from the treasury shall be made no later than 45 days from the application for such payment. [how does our ordinance control when the state treasury will pay these funds?]

In all cases where an insurance company is the stolen vehicle owner's successor in interest, the motor vehicle, trailer, semi trailer, or part or combination thereof shall be released to the insurance company upon presentation of a valid motor vehicle registration and payment by the

towing rate development. We do look at other jurisdictions as an informational indicator. To my knowledge, we have not found any other regional jurisdiction with a quantitative analysis approach to develop rates as we have developed, only a comparative analysis to other local jurisdictions. In order to determine the appropriate trespass towing rates, our index takes in to consideration such costs as salaries, profit margins, vehicles, fuel, insurance, and maintenance. The index considerations can vary significantly with only a small change in geographic location. For example, the fuel cost could vary between tow adjacent jurisdictions by as much as $0.30 per gallon or more.

Comparative analysis is a flawed rate determining method in that it makes basic assumptions such as the current rates were firmly based to begin with and have been kept up to date.

FYI - A public hearing regarding the new Fairfax County trespass towing code with new rates has been put on hold as a result of the current out of jurisdiction tow litigation. The public hearing should be held and the new code and rates should go in to effect once the jurisdiction litigation is completed.
Please contact me if you have any comments or questions.
Dave

Dave Reidenbach, Chief

Regulation and Licensing Branch
Department of Cable Communications
and Consumer Protection
12000 Government Center Parkway, Suite 127
Fairfax, Virginia 22035-0047

Front Desk 703-324-5966
Ph 703-324-5931
Fx 703-449-8659

From: joneilladvanced@aol.com [mailto:joneilladvanced@aol.com]
Sent: Monday, November 24, 2008 1:40 PM
To: Reidenbach, David R.
Subject: Question for you

Dear Mr. Reidenbach,

I am on the Arlington County Towing advisory board which is having its annual meeting this evening. Curious to know in short what Fairfax's basis was to increase towing fee limits? For example was it in part due to the study Steve Sinclair did, that there has been no increase in along time, etc..

Thank you for your time,

John O'Neill

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From: Reidenbach, David R. <[redacted]>
To: joneilladvanced@aol.com
Cc: Stein McCartney, Henri <[redacted]>
Subject: RE: Question for you
Date: Mon, 24 Nov 2008 3:42 pm
Attachments: Article_5-32_080807_amend_2.doc (188K)

John

Yes

Attached is the draft as it stands today. Changes may be in format such as recodification vs amendment

Please contact me if you have any comments or questions.

Dave

Dave Reidenbach, Chief

Regulation and Licensing Branch
Department of Cable Communications
and Consumer Protection
12000 Government Center Parkway, Suite 127
Fairfax, Virginia 22035-0047

Front Desk 703-324-5966
Ph 703-324-5931
Fx 703-449-8659

From: joneilladvanced@aol.com [mailto:joneilladvanced@aol.com]
Sent: Monday, November 24, 2008 2:33 PM
To: Reidenbach, David R.
Subject: Re: Question for you

Thanks for the info, it wil be quite useful. In one of the last TAB meetings we attended in Fairfax you suggested tow fee limits DCCCP would propose would be near, or equivalent to, Virginia's non-consent tow fee limits. Don't need specifics, but Is that still the case?

Thanks - John

P.S. Hope you have a great holiday

-----Original Message-----
From: Reidenbach, David R. <David.Reidenbach@fairfaxcounty.gov>
To: joneilladvanced@aol.com
Cc: Stein McCartney, Henri <Henri.SteinMcCartney@fairfaxcounty.gov>
Sent: Mon, 24 Nov 2008 2:16 pm
Subject: RE: Question for you

John

Sorry I missed your call.

Our study and the resulting price index to determine rates were used in the draft Fairfax County trespass

ATTACHMENT 7

PROJECTED STATEMENT OF EARNINGS

Number of Tow Trucks		5	5	5
Average Tows Per Month Per Truck		150	150	150
Total Average Tows Per Month		750	750	750
Total Average Tows Per Year		9,000	9,000	9,000
Revenue Per Tow		$ 125	$ 150	$ 175
Total Service Revenues		**$ 1,125,000**	**$ 1,350,000**	**$ 1,575,000**
Operating Expenses				
Advertisement	$ 6,365	$ 6,365	$ 6,365	$ 6,365
Bank Service Charges	18,000	18,000	18,000	18,000
Damages	15,700	15,700	15,700	15,700
Dues & Subscriptions	2,200	2,200	2,200	2,200
Equipment Rental	2,600	2,600	2,600	2,600
Insurance	70,000	70,000	70,000	70,000
License & Permits	9,300	9,300	9,300	9,300
Outside Contractors	10,000	10,000	10,000	10,000
Office Expenses	19,500	19,500	19,500	19,500
Payroll Expenses		371,250	445,500	519,750
Payroll Taxes		37,125	44,550	51,975
Postage & Delivery	7,500	7,500	7,500	7,500
Printing (Permits)	19,800	19,800	19,800	19,800
Professional Fees	25,000	25,000	25,000	25,000
Refunds (Goodwill)	25,000	25,000	25,000	25,000
Rent	96,000	96,000	96,000	96,000
Repairs & Maintenance	50,000	50,000	50,000	50,000
Supplies	7,000	7,000	7,000	7,000
Taxes	26,000	26,000	26,000	26,000
Telephone	18,000	18,000	18,000	18,000
Training Expense	5,600	5,600	5,600	5,600
Trash	1,200	1,200	1,200	1,200
Uniforms	3,600	3,600	3,600	3,600
Utilities	5,000	5,000	5,000	5,000
Truck Payments	84,000	84,000	84,000	84,000
Misc	5,000	5,000	5,000	5,000
Fuel (Gas & Diesel)	140,000	140,000	140,000	140,000
Truck Repairs	16,500	16,500	16,500	16,500
Employee Benefits	26,500	26,500	26,500	26,500
Total Operating Expense		**$ 1,123,740**	**$ 1,205,415**	**$ 1,287,090**
Net Earnings		**$ 1,260**	**$ 144,585**	**$ 287,910**
		0.11%	10.71%	18.28%

Assumptions

1. The Company owns 5 trucks
2. With 5 trucks the Company would tow approximately 800 vehicles per month
3. Payroll expense is approximately 33% of total revenues
4. Payroll tax expense is approximately 10% of total payroll expense
5. Interest expense, depreciation & amortization, and federal income have not been included in this presentation
6. This is assuming that ALL VEHICLES IMPOUNDED are retrieved and PAID FOR IN FULL

PROJECTED STATEMENT OF EARNINGS

Number of Tow Trucks			5		5		5
Average Tows Per Month Per Truck			160		160		160
Total Average Tows Per Month			800		800		800
Total Average Tows Per Year			9,600		9,600		9,600
Revenue Per Tow		$	125	$	150	$	175
Total Service Revenues		$	1,200,000	$	1,440,000	$	1,680,000
Operating Expenses							
Advertisement	$ 6,965	$	6,365	$	6,365	$	6,365
Bank Service Charges	18,000		18,000		18,000		18,000
Damages	15,700		15,700		15,700		15,700
Dues & Subscriptions	2,200		2,200		2,200		2,200
Equipment Rental	2,600		2,600		2,600		2,600
Insurance	70,000		70,000		70,000		70,000
License & Permits	9,300		9,300		9,300		9,300
Outside Contractors	10,000		10,000		10,000		10,000
Office Expenses	21,500		21,500		21,500		21,500
Payroll Expenses			396,000		475,200		554,400
Payroll Taxes			39,600		47,520		55,440
Postage & Delivery	7,500		7,500		7,500		7,500
Printing (Permits)	19,800		19,800		19,800		19,800
Professional Fees	25,000		25,000		25,000		25,000
Refunds (Goodwill)	38,400		38,400		38,400		38,400
Rent	96,000		96,000		96,000		96,000
Repairs & Maintenance	50,000		50,000		50,000		50,000
Supplies	7,000		7,000		7,000		7,000
Taxes	26,000		26,000		26,000		26,000
Telephone	18,000		18,000		18,000		18,000
Training Expense	5,600		5,600		5,600		5,600
Trash	1,200		1,200		1,200		1,200
Uniforms	3,600		3,600		3,600		3,600
Utilities	5,000		5,000		5,000		5,000
Truck Payments	84,000		84,000		84,000		84,000
Misc	5,000		5,000		5,000		5,000
Fuel (Gas & Diesel)	140,000		140,000		140,000		140,000
Truck Repairs	16,500		16,500		16,500		16,500
Employee Benefits	26,500		26,500		26,500		26,500
Total Operating Expense		$	1,166,365	$	1,253,485	$	1,340,605
Net Earnings		$	33,635	$	186,515	$	339,395
			2.80%		12.95%		20.20%

Assumptions

1. The Company owns 5 trucks
2. With 5 trucks the Company would tow approximately 800 vehicles per month
3. Payroll expense is approximately 33% of total revenues
4. Payroll tax expense is approximately 10% of total payroll expense
5. Interest expense, depreciation & amortization, and federal income have not been included in this presentation
6. This is assuming that ALL VEHICLES IMPOUNDED are retrieved and PAID FOR IN FULL

Trespass Towing Charges for Selected Jurisdictions

Last updated 4/09

Jurisdiction	Current Fees
Arlington County	Base Tow Fee: $100 Additional Night/Weekend Charge: n/a Storage Fee: $50/day after the first 24 hours Drop Fee: $25 Effective Rate: $100
City of Alexandria	Base Tow Fee: $75 Additional Night/Weekend Charge: $10 Storage Fee: $30/day beginning after 5:00 p.m. the day after the tow Drop Fee: $25 Effective Rate: $75/day and $85/nights & weekends
City of Falls Church	Base Tow Fee: $100 Additional Night/Weekend Charge: n/a Storage Fee: $40/day after the first 24 hours Drop Fee: $25 Effective Rate: $100
City of Fairfax	Base Tow Fee: $125 Storage Fee: $40 for the first 24 hours, and $55 for every 24 hours afterwards Drop Fee: $25 Effective Rate: $165
Fairfax County	Base Tow Fee: $50 Special Equipment Fee: $35 After Hours Charge Outside Business Hours: $15 Storage Fee: $25/day, beginning upon the arrival of the vehicle at impound Drop Fee: $25 Effective Rate: $110/daytime, $125/nights & weekends
Prince William County	Base Tow Fee: $75 Additional Night/Weekend Charge: $25 Storage Fee: $20/day after the first 24 hours Drop Fee: $25 Effective Rate: $75/daytime, $100/nights & weekends

Trespass Towing Charges for Selected Jurisdictions

Last updated 4/09

Jurisdiction	Current Fees
Loudoun County ***Loudoun County does not have a trespass towing ordinance, and therefore the State Code applies***	Base Tow Fee: $125 Additional Night/Weekend Charge: $25 Storage Fee: no limit set, except that no charges may be incurred in the first 24 hours Drop Fee: $25 Effective Rate: $125
City of Charlottesville ***Charlottesville does not have a local ordinance– they use the State Code limits***	Base Tow Fee: $125 Additional Night/Weekend Charge: $25 Storage Fee: no limit set, except that no charges may be incurred in the first 24 hours Drop Fee: $25 Effective Rate: $125
City of Lynchburg	Base Tow Fee: $125 Additional Night/Weekend Charge: $0 Storage Fee: no limit set - no charges may be incurred in the first 24 hours Drop Fee: $25 Effective Rate: $125
City of Fredericksburg	Base Tow Fee: $65 Additional Night/Weekend Charge: n/a Storage Fee: $20/day after the first 24 hours Drop Fee: $25 Effective Rate: $65
City of Manassas ***Manassas does not have a local ordinance– they use the State Code limits***	Base Tow Fee: $125 Additional Night/Weekend Charge: n/a Storage Fee: $20/day beginning after 5:00 p.m. the day after the tow Drop Fee: $25 Effective Rate: $125

Trespass Towing Charges for Selected Jurisdictions

Last updated 4/09

Jurisdiction	Current Fees
City of Richmond	Base Tow Fee: $65 Additional Night/Weekend Charge: n/a Storage Fee: $20/day beginning after 5:00 p.m. the day after the tow Drop Fee: $25 Effective Rate: $65
City of Virginia Beach	Base Tow Fee: $125 Additional Night/Weekend Charge: n/a Storage Fee: $20/day after the first 24 hours Drop Fee: $25 Effective Rate: $125
District of Columbia	Base Tow Fee: $100 Additional Night/Weekend Charge: n/a Storage Fee: $20/day – begins once the vehicle is impounded Drop Fee: $25 Effective Rate: $120
Montgomery County (MD) ***rates are set biennially through County Executive regulation***	Base Tow Fee: $100 Additional Night/Weekend Charge: n/a Storage Fee: $10/first 24 hours, $25/day afterwards Drop Fee: $50 Other Fee (Mileage): $4/mile Effective Rate: $110, plus mileage

recovery operator, and the owner, operator, or lessee of the property, shall maintain for public inspection at its business offices, and at the property, respectively, copies of all contracts or other documents that appoint the operator as the authorized agent for the owner, operator or lessee of the property for purposes of authorizing tows from the property. (4) The towing and recovery operator performing the tow shall obtain and retain the following, and shall provide a copy of each to the owner, operator, or lessee of the property; (a) digital and/or Polaroid photographs or videos of the vehicle in the location from which the vehicle is being towed; (b) digital and/or Polaroid photographs or videos of the condition of the vehicle prior to the tow; and (c) to the extent available, other documentary evidence substantiating the reason for the removal. (5) The tow truck used to perform the tow shall include the name, street address, and current, local telephone number of the towing and recovery operator permanently affixed in a conspicuous location on the exterior of the truck.

B. This section shall not apply to public safety and public health vehicles or where a vehicle, because of a wreck or other emergency, is parked or left temporarily on the property of another.

Section 14.3-6. **Notice.**

A. Immediately prior to a trespassing vehicle being removed or towed as permitted by this chapter. Such notice of this action shall be given by the towing and recovery operator to the County Police. Such notice shall include the following information: (a) the name of the towing and recovery operator removing vehicle; (b) a description of the vehicle towed including make, model, VIN number and license plate; (c) the location of trespassing vehicle and the date and time of the tow; (d) the location of the storage facility to which the vehicle was towed; and (e) the name and address of the individual and/or entity who authorized the tow.

B. Failure to report such tow as required by this section shall constitute a traffic infraction punishable by a fine of not more than $100. Such failure to report shall limit the amount which may be charged for the storage and safekeeping of the towed vehicle to an amount no greater than that charged for one day of storage and safekeeping.

Section 14.3-7. **Storage Facilities.**

A. All towing and recovery operators engaged in towing vehicles without the consent of their owners shall conspicuously display at their main place of business and at any other storage facilities where towed vehicles may be reclaimed, in locations readily visible to those reclaiming vehicles, signs that clearly and legibly provide the following information: (a) a comprehensive list of all their fees for towing, recovery, and storage services. Charges in excess of those posted shall not be collectable from any vehicle owner whose vehicle is towed or stored without his consent; (b) the maximum fees permitted to be charged by this chapter; (c) that payment may be made by cash, traveler's check, money order, insurance company check, or debit, credit or charge card; (d) that a receipt shall be provided; (e) that the vehicle owner shall have the opportunity to inspect the vehicle for damage prior to payment and a tow company or tow truck operator shall not require a vehicle owner to sign any waiver of the owner's right to receive compensation for damages to the owner's vehicle as a condition of the vehicle's release; (f) the non-emergency telephone number of the Police Department where the storage facility is located; and (g) the business telephone number of the County official responsible for handling consumer complaints.

B. The fees authorized by this chapter shall be the maximum allowed and an additional fee for use of a debit, credit or charge card, or other form of payment, shall not be permitted.

C. Towing and recovery operators shall make change, up to $100, for those who pay in cash for towing and storage charges applicable to vehicles towed under the provisions of this chapter.

D. Storage facilities to which vehicles towed under the provisions of this chapter are towed shall be open twenty-four hours a day.

E. Storage facilities to which vehicles towed under the provisions of this chapter are towed shall be located within the County or at a location in the Commonwealth of Virginia that is within three miles of the boundary line of the County.

F. In the event that a vehicle is towed from the County and stored in or released from a location in another locality, the provisions of this chapter shall apply.

Section 14.3-8. **Receipt Required.**

At the time a vehicle owner or agent reclaims a towed vehicle, the towing and recovery operator shall provide a written receipt that contains the following information: (a) the name and address of the towing and recovery operator; (b) the address from which the vehicle was towed; (c) the date and time that the vehicle was towed; (d) the date and time that the vehicle entered the facility at which it was placed for storage; (e) an itemized list of all the fees that are being charged; and (f) a signature of an authorized representative of the towing and recovery operator. In addition, the towing and recovery operator shall provide to the vehicle owner or agent a Consumer Information Sheet supplied by the County which sheet will include, among other things, information about how to file a complaint with Arlington County and the fee limits established by this chapter.

Section 14.3-9. **Fees.**

A. Charges imposed for the towing, storage, and safekeeping of any vehicle removed, towed, or stored without the consent of its owner shall not be in excess of the maximum charges provided for in this section.

B. The maximum fees that may be charged for the towing of vehicles and for the storage of such towed vehicles are as follows: (a) for the towing of a vehicle, the maximum fee shall be $100; (b) for the storage of a towed vehicle, the maximum fee for each twenty-four hour period of storage, or portion thereof, shall be $50; provided that no storage fee may be charged for the first twenty-four hours of storage, or any portion thereof, following the arrival of a towed vehicle at a storage facility.

C. Except for fees authorized by this chapter, no other fees or charges shall be imposed.

D. No towing and recovery operator having custody of a vehicle towed without the consent of its owner may impose storage charges for that vehicle for any period during which the vehicle could not be reclaimed because the storage facility was closed.

E. If the owner or representative or agent of the owner of the trespassing vehicle is present, and ready, willing, and able to remove the trespassing vehicle from the premises at any time before it is removed from the premises by a towing and recovery operator, the vehicle shall be released to the owner or representative or agent of the owner for purposes of immediate removal from the property, but the owner or representative or agent of the owner shall be liable for a reasonable "in lieu of towing" fee, not to exceed $25, provided that the towing and recovery operator provides a written receipt to the owner or representative or agent of the owner identifying the accepted forms of payment specified in Section 14.3-10.

Section 14.3-10. **Manner of Payment.**

Towing and recovery operators shall accept payment for towing fees, storage fees, retrieval fees and the "in lieu of towing" fee provided for in this chapter in each of the following ways: (a) cash in United States currency; (b) insurance company check; (c) travelers' checks or money orders payable in United States currency; and (d) any debit, credit or charge card that the towing and recovery operator is authorized by the issuing credit or charge card company to accept, and that is accepted by the towing and recovery operator in the ordinary course of business.

Section 14.3-11. **Records.**

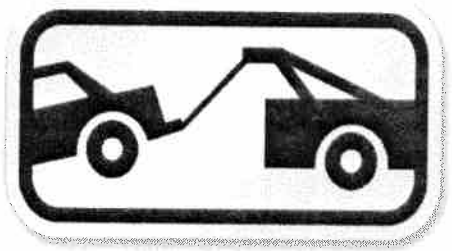
A. Every towing and recovery operator shall maintain a record of the following information for each vehicle that it has towed from a location within the County: (a) the date and time that the vehicle was towed; (b) the date and time that the vehicle entered the facility at which it was placed for storage; (c) the make, model, year, VIN number, and license plate number of the vehicle; (d) the address of the property from which the vehicle was removed; (e) the name and address of the person and/or entity who authorized the tow; (f) the video or photographs taken at the time of the tow; (g) the towing and storage fees actually charged; (h) the date and time the vehicle was reclaimed, and by whom; and (i) a copy of the receipt provided to the vehicle owner or agent.

B. Such record shall be maintained for a period of at least one year from the date of each tow, and shall be made available, during normal business hours, for inspection and copying by any representative of the County authorized to enforce the provisions of this chapter. In addition, the portion of such log or record pertaining to a particular vehicle shall be made available, during normal business hours, for inspection and copying by the owner of the vehicle or the owner's authorized representative.

Section 14.3-12. **Violations.**

Except as otherwise specifically provided, any violation of this chapter is unlawful and punishable by a fine not to exceed one thousand dollars ($1,000.00).

II. This amendment shall become effective upon adoption.



Towing in Arlington

Answers to the most commonly asked questions about the removal of trespassing vehicles from private property.

Arlington County
703-228-3260

Attachment F

Q: If my car has been towed, what do I do to find it?
A: To locate your towed vehicle, you can contact the Arlington County Police Department's non-emergency number at (703) 558-2222. The Police Department will tell you if your car has been reported as towed by a **private towing company**.

Q: Can I be towed from the parking lot of a closed business?
A: Yes. The contract between a property owner and a tow operator may provide for towing 24 hours a day, 7 days a week, whether the business is open or not.

Q: Why would a business care about parking in the lot when it's closed?
A: Some businesses cite liability issues (e.g., car gets damaged while parked on its property; items are stolen from a vehicle parked on its property). The other most frequently voiced concern is that vehicles may be left overnight, and customer parking will not be available when the business opens.

Q: How much can a tow company charge to release my car from impoundment?
A: Arlington County Code § 14.3-9 allows:

- $100 for towing a vehicle;
- No storage fee for the first 24 hours of storage and a $50 maximum for each subsequent 24-hour period of storage; and
- Drop fee of a maximum of $25.

Q: Do tow truck drivers have to wait for the property owner to request the tow? Is cruising the lot legal?
A: No law prohibits tow operators from monitoring lots. The contract with the property owner governs the terms of the tow.

Q: My car was damaged during the tow and the lot employee would not let me file a damage claim. What should I do?
A: Most likely, you will end up filing with your insurance company and/or taking the matter to civil court. However, see Arlington County Code § 14.3-7(A)(e).

Q: Why doesn't Arlington County force businesses to share parking outside of normal business hours?
A: Arlington County does not have the authority to tell private property owners how to control their property. Arlington encourages businesses to share parking, and some successful arrangements are in place. Free parking is also available at parking garages in Arlington County Government facilities after 5 p.m. weekdays and all day on weekends.

Q: If I return before the tow truck removes my car, do I still have to pay?
A: Yes. The Arlington Code does permit a drop fee of $25. (Arlington County Code § 14.3-9.E.)

Q: Can a tow company only accept cash, and refuse to accept a credit card?
A: No. The company must accept cash, an insurance company's check, travelers' checks or money orders, or debit, credit, or charge cards. (Arlington County Code § 14.3-10)

Q: What should I do if I think I have been overcharged or towed illegally?
A: If your car has been towed from private property and you have been overcharged, or if you have a complaint about damage, employee behavior or signage at the tow location, please contact Arlington County at (703) 228-3260 or send an e-mail to cmotow@arlingtonva.us.

Q: Who decides when a vehicle should be towed?
A: Removal of trespassing vehicles from private property may be done by verbal request or by written agreement between the private property owner and a tow truck service.

If the vehicle is towed by verbal request of the property owner, the call to the tow truck service must be made by someone who is physically on the premises.

If a written agreement exists, the property owner may designate a tow truck service to monitor the lot and remove any vehicle which meets the definition of trespassing as defined in the written agreement.

Q: How does a driver know that towing is enforced on a property?
A: Signs not less than 12x18 inches must be posted at all entrances to the premises alerting drivers that trespassing vehicles will be towed at the expense of the vehicle owner or custodian. The warning statement "towing at owner's expense" must be written in letters not less than three inches in height. Other lettering on the sign may be smaller. Other information which the sign must contain includes the hours of the day and days of the week during which towing is in effect; a pictorial symbol (like the one on this brochure) of a tow truck; and, when done by written agreement, the name and telephone number of the tow truck service.

Q: How does a vehicle owner or custodian know who authorized the tow?
A: If the tow is done by a written agreement, the tow truck service must disclose the name of the business or person who authorized the tow.

Quick Reference Points:

- There is no grace period provided in the County's ordinance. As soon as you leave the lot or if you park without a permit, your vehicle will become subject to towing.
- Property owners must post signs alerting potential parkers to their parking restrictions.
- Tow truck services must report each and every tow to the Police Department before the vehicle is towed.
- Tow truck services may charge no more than $100 for the tow and the first 24 hours of storage time.
- A $50 per day storage fee may be assessed, after the first 24 hours of storage time has elapsed.
- Tow truck services may tow by written agreement or verbal request.
- Towing by written agreement may authorize a tow truck service to monitor a lot and decide which vehicles meet the definition of a trespassing vehicle as described in the written agreement.
- Towing by verbal request means that tow truck services may only tow when called by the property owner or agent.
- If you have any questions, or wish to file a complaint concerning the towing of your vehicle, please contact Arlington County at 703-228-3260.

Excerpts from the County Code:

CHAPTER 14.3: TOWING AND STORAGE OF VEHICLES

Section 14.3-3. **Applicability.**
This chapter applies (i) to the towing, by a towing and recovery operator, of vehicles from privately-owned property within the County without the consent of the vehicle owner or driver, (ii) to the fees that are charged for such towing of vehicles, and (iii) to the fees that are charged for the storage and retrieval of such towed vehicles. This chapter does not apply to the towing of vehicles from public streets and other locations that is performed pursuant to a contract with the County, or to the storage of such vehicles.

Section 14.3-4. **Compliance with State Licensing Requirements.**
All towing and recovery operators and all tow trucks engaged in business in the County shall comply with state licensing requirements imposed by state law, and shall provide evidence of such upon request by any representative of the County authorized to enforce the provisions of this chapter.

Section 14.3-5. **Removal of Trespassing Vehicles.**
A. The owner, operator, or lessee, or authorized agent thereof, of any property, may have any vehicle occupying the property without the permission of its owner, operator, lessee, or authorized agent thereof, removed by towing to a storage facility until reclaimed by the owner or his agent provided the provisions of this chapter are complied with, as well as the following: (1) Signs shall be posted at all vehicle entrances to the property clearly, conspicuously, and legibly disclosing that vehicles parked without permission will be towed. Such signs shall be posted so that the locations on the property subject to towing shall be clearly identified. The signs shall meet the following requirements and include the following information; (a) each sign shall be not less than 12 X 18 inches; (b) the lettering on each sign shall be as follows: "towing at owner's expense" not less than three inches in height; "24 hrs/7 days" not less than one inch in height and placed just above the tow truck symbol; the tow truck symbol, not less than two inches in height. Other lettering may vary in size but in no case be less than one-half inch in height; (c) each sign shall contain a pictorial symbol of a tow truck; (d) each sign shall contain a statement to the effect that trespassing vehicles are subject to towing and storage at the expense of the vehicle owner; (e) each sign shall state the hours and days of the week when trespassing vehicles are subject to towing; (f) each sign shall provide the telephone number of the responsible towing and recovery operator to contact for information related to the location of vehicles towed from the property, which telephone number shall be answered by a person twenty-four hours each day; (g) each sign shall provide the non-emergency telephone number of the County Police; and (h) there will be a grace period of one year from the date of adoption to bring all signs into compliance. (2) The foregoing requirement for signs shall not apply on any parcel of property used at the time of removal for one single-family residence or one two-family residence; and provided further, however, that parking spaces parallel to or at an angle to a public street and entered directly from a public street shall be deemed to be providing signs properly when the signs are placed along the sidewalk (or in a similar location when there is no sidewalk) adjacent to the space or row of spaces and there is at least one of the signs required by this chapter within forty feet of each such space. (3) The towing and recovery operator performing the tow shall obtain authorization of the owner, operator, or lessee of the property from which the vehicle is towed, or the authorized agent thereof. For the purposes of this subsection, "authorized agent" may include a representative of the towing and recovery operator. The towing and

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OFFICE OF THE
COUNTY MANAGER
ARLINGTON, VIRGINIA
2009 APR -8 A 11:37

March 27, 2009

The Office of the Arlington County Manager
Mr. Ron Carlee, County Manager
2100 Clarendon Blvd., Suite 302
Arlington, VA 22201

REF: Advanced Towing Company, LLC

Dear Mr. Ron Carlee,

I am writing this letter as the Property Manager of Northern Virginia Management to express our support to increase the existing towing fee in Arlington County from $100.00 to $125.00. I believe the price of towing will serve as a deterrent to parking violators in many of our communities.

Sincerely,

Tim Kirchner, Property Manager
Northern Virginia Management

4306 EVERGREEN LANE SUITE 101 ANNANDALE VIRGINIA 22003
(703) 941-9002 FAX (703) 941-9005
EMAIL NVMANAGEMENT@EROLS.COM

RESI
REAL ESTATE SERVICE, INC. REALTORS

JAMES H. McMULLIN, President
JAMES B. McMULLIN, Vice President

COUNSELORS - SALES - INVESTMENTS - PROPERTY MANAGEMENT - BUILDERS - DEVELOPERS
4040 FAIRFAX DRIVE, SUITE 100, ARLINGTON, VIRGINIA 22203
PHONE: (703) 524-7500
FAX: (703) 524-4660

March 23, 2009

The Office of the Arlington County Manager
Mr. Ron Carlee, County Manager
2100 Clarendon Boulevard, Suite #302
Arlington, Virginia 22201

RE: TOWING FEE LIMIT

Dear Mr. Carlee:

It is understood that in May of this year the subject of initial non-consent towing fee limits will be addressed by the County.

As a business and commercial property owner as well as resident of Arlington I endorse an increase in towing fees from $100 to $125. I support an increase for the following reasons:

First, the cost of towing vehicles has increased. As you are aware fuel, equipment and personnel costs seem to consistently rise. Inflation of these costs has significantly impacted RESI business operations over the last two (2) years. Indeed, cost inflation is reflected in neighboring jurisdictions' and Virginia's permitted towing fees of $125.

Second, the increased towing fees will help alleviate unauthorized parking. Unfortunately, I and my staff spend a significant amount of time policing and enforcing parking policy at the Arlington commercial buildings we own and manage. An increase in towing fees will help deter habitual unauthorized parking at the referenced properties.

I recognize that some may oppose this increase. Having one's vehicle towed is rarely a pleasant experience and as a result people often have negative views toward towing companies and their fees. However, as iterated above, towing remains a valuable service. An increase in fees will help to ensure that Arlington County residents and businesses continue to receive efficient, prompt towing service from local professionals.

Sincerely,

James B. McMullin

MEMBER:
NATIONAL ASSOCIATION OF REALTORS
INSTITUTE OF REAL ESTATE MANAGEMENT #3651
AMERICAN SOCIETY OF REAL ESTATE COUNSELORS #537
FARM AND LAND INSTITUTE
VIRGINIA ASSOCIATION OF REALTORS
NO. VIRGINIA ASSOCIATION OF REALTORS, INC
VIRGINIA STATE BAR

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April 6, 2009

The Office of the Arlington County Manager
Mr. Ron Carlee, County Manager
2100 Clarendon Boulevard, Suite 302
Arlington, VA 22201

Re: Proposed Increase for Vehicle Towing Fees

Dear County Manager:

We are writing to you to express our support for the proposed initial non-consent increase to the towing fee limit to $125 in Arlington County. We believe that the increase is justified because the towing companies provide a valuable service to the property management industry and have no ability to offset operating cost increases unless regulated fee limits are periodically increased by Arlington County.

We appreciate your time and consideration on this issue.

Sincerely,

Michael Bushkoff
President

m:\Michael\management\increasetowingfeeltr

Columbus Club of Arlington, Inc.

EDW Council 2473
5115 Little Falls Road Arlington, Virginia 22207
703-536-9656 Fax: 703-533-8370

April 7, 2009

The Office of the Arlington County Manager
Mr. Ron Carlee, County Manager
2100 Clarendon Boulevard, Suite 302
Arlington, Virginia 22201

To Whom It May Concern:

As the Manager of a Club that uses a towing service on a regular basis, I am in favor of an Increase in the initial non-consent towing fee limit to $125.

I believe that the higher towing fee will act as a deterrent to parking violators which is always an issue here.

I also believe that the costs of towing vehicles have increased quite substantially since the last increase. It seem only fair that these increases in the cost of doing business are reflected in a fair compensation schedule.

Thank you for your consideration in this matter.

Best regards,

Jesse Corning
General Manager

S&S Property Management, L.C.
7481 Lee Highway Suite 100
Falls Church Va. 22042
Tel (703) 560-8164
Fax (703) 560-1400

3-30-09

The Office of the Arlington County Manager
Mr. Ron Carlee, County Manager
2100 Clarendon Blvd, Suite 302
Arlington VA 22201

Mr. Carlee,

I would like to offer my support for a fee increase for non- consent towing within the county. As a owner of several apartment properties in Arlington County, I daily have to deal with illegal parkers, mostly commuters. They are not typically deterred by notices on their cars threatening to tow their illegally parked cars. Towing the vehicles is the only way to stop those parkers as well as others that are thinking of "sneaking in" to park for free in private lots. As such, towing has become a very needed resource in the county to deter this illegal activity and keep Arlington County residents happy in their living situations. In order for towing proprietors to offer this needed service in the county they need to be compensated accordingly. As business costs increase so should revenue. I do not think $125.00 is to much to charge to remove a illegally parked vehicle and support a $25.00 tow increase. The company I use(Advanced Towing) and have used for years is a reputable company and the owners are fair minded businessmen. I have always had a good relationship with them and hope to continue that in the future. If you have any questions please do not hesitate to contact me at the above number.

Sincerely,

Michael B. Smith
S&S Properties
S&S Property Management LLC

April 8, 2009

The Office of the Arlington County Manager
Mr. Ron Carlee, County Manager
2100 Clarendon Boulevard, Suite 302
Arlington, Virginia 22201

RE: Increase the non-consent towing fee limit

Dear Mr. Ron Carlee,

Westmont Shopping Center is in support of increasing the non-consent towing fee limit from $100.00 to $125.00. We believe this is a reasonable increase of the fee due to the fact that the cost of towing has increased. The increase in towing fee will aid towing companies in keeping up with the cost of service. This increase in towing fee will also assist in the decrease in parking violators on properties. I ask for you to consider increasing the towing fee limit for these simple reasons.

Sincerely,

Polinger Shannon and Luchs

Marianne Pukal

Marianne Pukal
Property Manager
Westmont Shopping Center

Columbus Club of Arlington, Inc.
Edward Douglas White Council No. 2473
5115 Little Falls Road, Arlington, VA 22207
Phone: 703-536-9656
Fax: 703-533-8370

Sunday, March 29, 2009

The Office of the Arlington County Manager
Mr. Ron Carlee, County Manager
2100 Clarendon Boulevard, Suite 302
Arlington, Virginia 22201

Re: A recommendation to increase the initial non-consent towing fee limit

Dear Mr. Ron Carlee,

As a long time member of Arlington County, The Columbus Club of Arlington, Inc. / Knights of Columbus supports a recommendation to increase the initial non-consent towing fee limit to a price ceiling equal to the maximum fee limits established by Virginia in 2006. Below are some reasons we favor the increase.

Increasing the initial fee limit to $125 is reasonable considering other jurisdictions throughout the State where a business is less costly to operate adopted the State's fee limits. The KOC parking t is a fairly large and a seemingly attractive place to leave or store a car. On occasion, we have had tow an illegally parked or abandoned car. A fee of $125 seems to be a fair amount for the tow operator and at the same time establishes a reasonable deterrent to car owners who may consider parking illegally.

I also know that Advanced Towing Company, LLC does a great job in working with people who are towed and who have extenuating circumstances that causes their situation to be done at no charge. I recently know of a circumstance where a mother of three came in to plead her case. After hearing her situation, the owner did not charge her. They always try to promote good will for the County as ambassadors, which I am sure, is not the case in a lot of County's in the USA! Also, John O'Neill is the third family generation to help this community and a part of the Knights of Columbus for well over 52 years. I feel that his Company, and as Owner, have the County's interest at heart.

Sincerely Yours,

Owen J. Beirne, Jr.
President
Office: 202-659-6029
Cell: 202-746-2404

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April 6, 2009

2009 APR 14 P 2:35

The Office of the Arlington County Manager
Mr. Ron Carlee, County Manager
2100 Clarendon Boulevard, Suite 302
Arlington, VA 22201

Re: Proposed Increase for Vehicle Towing Fees

Dear County Manager:

We are writing to you to express our support for the proposed initial non-consent increase to the towing fee limit to $125 in Arlington County. We believe that the increase is justified because the towing companies provide a valuable service to the property management industry and have no ability to offset operating cost increases unless regulated fee limits are periodically increased by Arlington County.

We appreciate your time and consideration on this issue.

Sincerely,

Michael Bushkoff
President

m/Michael/management/increasetowingfeeltr