

ORDINANCE-3837

AN ORDINANCE TO AMEND SECTIONS 21-405 AND 21-407 OF THE CITY CODE AND ADD SECTION 21-407.1 PERTAINING TO CHARGES FOR TOWING AND STORAGE OF VEHICLES

SECTIONS AMENDED: 21-405, 21-407
SECTION ADDED: 21-407.1

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VIRGINIA BEACH, VIRGINIA:

That Sections 21-405 and 21-407 of the Code of the City of Virginia Beach, Virginia, is hereby amended and reordained and Section 21-407.1 added to read as follows:

Sec. 21-405. Release of vehicle to owner or custodian prior to towing.

(a) If the owner or custodian of any vehicle not authorized to be parked in a private parking area returns after a tow truck service has arrived but before the vehicle has been towed from the private parking area, he may reclaim the vehicle whether or not it is fully hooked up to the tow truck, and it shall be unlawful for the tow truck service or operator to refuse to release the vehicle. However, if the vehicle has been hooked up, or is in the process of being hooked up, the tow truck operator may charge a drop fee not to exceed twenty-five dollars (\$25.00), unless the drop fee listed in 21-407.1(a) applies, before releasing the vehicle or discontinuing the towing process. The process of hooking up shall be defined as (i) the removal and/or unreeling of any towing equipment from the tow truck after the truck is positioned to effect the tow, whether or not the equipment has been attached to the vehicle, or (ii) the lowering of a hydraulically-operated lift in preparation for loading the vehicle.

(b) If the owner or custodian is unable or refuses to pay the fee set forth in subsection (a) above, the vehicle may be towed and the tow truck service may charge its basic fee for the tow. Whenever a vehicle is towed under these circumstances, the tow truck operator shall permit the owner or custodian to remove personal items from the vehicle prior to the tow.

(c) No tow truck operator shall request payment of the fee set forth in subsection (a) above or tow any vehicle thereafter if the charge is not paid unless he shall first provide to the owner or custodian of the vehicle a copy of this section. The tow truck operator, upon receiving such payment, shall provide to the owner or custodian a legible receipt containing the name of the towing service, the date, time and place of vehicle release, and the name of the tow truck operator. A copy of the receipt shall be retained by the tow truck service for a period of one (1) year and shall be made available for inspection by

City police or the Commissioner of the Revenue during the normal business hours of the tow truck service.

(d) Notwithstanding any provision of this Section to the contrary, if a police officer determines that a vehicle is needed as evidence in a criminal matter, or concludes that, based upon surrounding circumstances, the failure to release a vehicle is likely to result in a disturbance of the public peace and good order, such officer may order release of the vehicle without immediate payment by the owner or custodian thereof of the fee set forth in subsection (a) above; provided, however, that nothing herein shall preclude a tow truck service or operator from civilly pursuing payment of such fee at a later date from the owner or custodian of the vehicle, or from the owner, lessee or agent of the parking area.

Sec. 21-407. Charges for towing and storage of vehicle; receipt required.

(a) No tow truck service or operator operating within the city shall, at any time, charge a basic towing fee greater than the fees set forth below:

Gross vehicle weight rating (GVWR)	Maximum fee
10,000 pounds or less	\$200.00 <u>211.00</u>
10,001 to 17,999 pounds	\$350.00 <u>369.00</u>
18,000 pounds or more	\$575.00 <u>606.00</u>

The basic fee shall be inclusive of any additional towing services such as the use of a dolly. This subsection shall apply only when a vehicle is moved or towed without the prior consent and agreement of the owner or custodian of the vehicle.

(b) No tow truck service or operator shall assess any charges for storage for the initial twenty-four (24) hours, nor charge more than ~~sixty dollars (\$60.00)~~ sixty-three dollars (\$63.00) per twenty-four-hour period thereafter, for any vehicle with a gross vehicle weight rating of ten thousand (10,000) pounds or less removed from private property without the consent of the owner or custodian of the vehicle, whether such tow originates in this city or any other jurisdiction. For vehicles with a gross vehicle weight rating between ten thousand one (10,001) and seventeen thousand nine hundred ninety-nine (17,999) pounds, a storage fee not to exceed ~~seventy-five dollars (\$75.00)~~ seventy-nine dollars (\$79.00) per twenty-four-hour period may be assessed after the first twenty-four (24) hours. For vehicles with a gross vehicle weight rating of eighteen thousand (18,000) pounds or more, a storage fee not to exceed ~~one hundred dollars (\$100.00)~~ one hundred five dollars (\$105) per twenty-four-hour period may be assessed after the first twenty-four (24) hours. Delays caused by storage yard personnel shall not be included when computing storage charges.

(c) If any vehicle is not redeemed within seventy-two (72) hours after it is towed, the tow truck service shall be entitled to recover an additional fee, not to exceed ~~one hundred dollars (\$100.00)~~ one hundred five dollars (\$105), as payment for the cost of any search

conducted to determine the registered owner and lien holder, if any, of the vehicle.

(d) The Department of Budget and Management Services shall create a report to reflect changes in the U.S. City Consumer Price Index published by the United States Department of Labor every two years related to towing and storage fees using the CPI category "Transportation Services - Motor Vehicle Fees" as a proxy in such calculation. Such report shall be presented to the Towing Advisory Board with a copy sent to the City Council. The Towing Advisory Board shall periodically review and recommend timely adjustments to fee limitations. The City Council shall review fees related to towing every two years, taking into consideration the abovementioned report and the Towing Advisory Board's recommendation.

(e) No tow truck service or operator shall charge any fee for mileage, or any other fee in addition to the basic towing fee set forth in subsection (a) above, ~~except a fee authorized by Code of Virginia § 46.2-1233.1(c).~~ In order to ensure that no tow truck service or operator collects more than the fees authorized by this section, tow truck services and operators shall provide change for cash payments made by any person whose vehicle has been towed or released after hook up.

(f) A monetary receipt for each and every fee collected must be given to those persons whose vehicles have been towed by a tow truck service, or released after hook up, upon release of the vehicle. The information on the receipt must be clearly legible and include the time, date and place of the tow, the name of the tow truck operator who made the tow, and the name of the tow truck service for which said operator works. The receipt must also list the amount of money paid for the release of the vehicle, any additional charges incurred in the tow, and the reason for said additional charges. The following shall be printed conspicuously on every receipt: "NOTICE: Virginia Beach City Code § 21-407(f) requires the tow company to offer you a Survey and Comment Form with this receipt." A copy of the receipt must be retained by the tow truck service for a period of one (1) year and shall be made available for inspection by city police or the Commissioner of the Revenue during normal business hours of the tow truck service owner.

(g) A survey and comment form, developed by the towing advisory board, shall be offered to those persons whose vehicles have been towed by a tow truck service, or released after hookup, upon release of the vehicle.

Sec. 21-407.1. Charges for towing and storage of vehicles pursuant to a police towing request.

(a) No tow truck service or operator operating within the city shall, at any time, charge towing fees greater than the fees set forth below when conducting a police towing request. Police towing request shall have the same meaning as provided in Virginia Code § 46.2-1217.

For vehicles with GVWR of 10,000 pounds or less:

<u>Non-Accident</u>	<u>\$250.00</u>
<u>Accident</u>	<u>\$300.00</u>
<u>7pm-8am daily, weekends, and holidays</u>	<u>Additional \$25.00</u>

<u>Recovery/winching required</u>	<u>Additional \$100.00</u>
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For vehicles with GVWR between 10,001 and 17,999:

<u>Non-Accident</u>	<u>\$400.00</u>
<u>Accident</u>	<u>\$475.00</u>
<u>7pm-8am daily, weekends, and holidays</u>	<u>Additional \$25.00</u>
<u>Recovery/winching required</u>	<u>Additional \$200.00</u>

For vehicles with GVWR greater than 18,000:

<u>Non-Accident</u>	<u>\$600.00</u>
<u>Accident</u>	<u>\$800.00</u>
<u>7pm-8am daily, weekends, and holidays</u>	<u>Additional \$25.00</u>
<u>Additional recovery truck required (non-rotator)</u>	<u>\$400.00</u>
<u>Additional recovery truck required (rotator)</u>	<u>\$750.00</u>
<u>Recovery/winching required</u>	<u>Additional \$300.00 per hour (1 hour minimum)</u>
<u>Excessive cleanup</u>	<u>Additional \$250.00 per hour (1 hour minimum)</u>

Notwithstanding the drop fee provided for in City Code 21-405(a), the following fees shall apply for police directed private property impound tows and police directed resort permit parking tows:

<u>GVWR</u>	<u>Tow fee</u>	<u>Drop fee</u>
<u>10,000 pounds or less</u>	<u>\$250.00</u>	<u>\$50.00</u>
<u>10,001 – 17,999 pounds</u>	<u>\$400.00</u>	<u>\$100.00</u>
<u>18,000 pounds or more</u>	<u>\$600.00</u>	<u>\$150.00</u>

(b) The fees provided for in City Code 21-407(b) and 21-407(c) shall apply to tows requested by the police department.

(c) The Department of Budget and Management Services shall create a report to reflect changes in the U.S. City Consumer Price Index published by the United States Department of Labor related to towing and storage fees using the CPI category "Transportation Services - Motor Vehicle Fees" as a proxy in such calculation. Creation of this report shall line up with the timing of the report described in City Code 21-407(d). Such report shall be presented to the Towing Advisory Board with a copy sent to the City Council. The Towing Advisory Board shall periodically review and recommend timely adjustments to fee limitations. The City Council shall review fees related to towing when such report is created, taking into consideration the information in the report and the Towing Advisory Board's recommendation.

(d) No tow truck service or operator shall charge any fee for mileage, or any other fee in addition to the fees set forth in subsection (a) above.

144 (e) A monetary receipt for each and every fee collected must be given to those
145 persons whose vehicles have been towed by a tow truck service, or released after hook
146 up, upon release of the vehicle. The information on the receipt must be clearly legible and
147 include the time, date and place of the tow, the name of the tow truck operator who made
148 the tow, and the name of the tow truck service for which said operator works. The receipt
149 must also list the amount of money paid for the release of the vehicle, any additional
150 charges incurred in the tow, and the reason for said additional charges. The following
151 shall be printed conspicuously on every receipt: "NOTICE: Virginia Beach City Code
152 requires the tow company to offer you a Survey and Comment Form with this receipt." A
153 copy of the receipt must be retained by the tow truck service for a period of one (1) year
154 and shall be made available for inspection by city police or the Commissioner of the
155 Revenue during normal business hours of the tow truck service owner.

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157 (f) A survey and comment form, developed by the towing advisory board, shall be
158 offered to those persons whose vehicles have been towed by a tow truck service or
159 released after hookup.

Adopted by the City Council of the City of Virginia Beach, Virginia, on this 20th day
of January, 2026.