

ARLINGTON COUNTY CODE

Chapter 14.3

IMMOBILIZATION, REMOVAL, TOWING AND STORAGE OF VEHICLES FROM PRIVATE PROPERTY*

§ 14.3-1. Findings and Purpose.**§ 14.3-2. Definitions.****§ 14.3-3. Applicability.****§ 14.3-4. Requirements For Property From Which Vehicles Are Removed.****§ 14.3-5. Tow Truck Operator and Driver Requirements and Standards of Practice.****§ 14.3-6. Notice to the County of Trespass Tow.****§ 14.3-7. Storage Facilities.****§ 14.3-8. Receipt Required.****§ 14.3-9. Fees.****§ 14.3-10. Manner of Payment.****§ 14.3-11. Records.****§ 14.3-12. Violations.****§ 14.3-1. Findings and Purpose.**

The County Board has found that some members of the public and their property have been placed at risk in circumstances where their vehicles have been towed from private property without their consent and placed in storage because of a variety of factors. Those factors include, but are not limited to, unfair and predatory towing and pricing practices, inadequate notice of when vehicles are subject to towing, unreasonable prices for towing and storage, and lack of adequate recourse in the event of improper towing or storage. Based upon the foregoing, the County Board has concluded that the regulations provided for by this chapter are required to protect the public health, safety and welfare generally, and particularly the safety of those members of the public whose vehicles have been towed from private property without their consent and stored, as well as the public interest in ensuring that the prices charged for such non-consensual tows from private property are fair and reasonable. (Ord. No. 06-11, 7-8-06; Ord. No. 07-18, 12-15-07; Ord. No. 09-15, 5-16-09, Ord. No. 16-08, 12-13-17)

§ 14.3-2. Definitions.

Except as hereinafter set forth, the words used in this chapter shall have the same meaning as set forth in § 46.2-100 of the Code of Virginia, as such may be amended from time to time.

“Immobilization” means **the use of a device that immobilizes a trespassing vehicle in a manner that prevents its removal or lawful operation, provided that any device used to immobilize a trespassing vehicle does not damage the vehicle or any part of the vehicle.** ~~procedure that utilizes equipment, such as a boot, that prevents a vehicle from moving. Immobilization does not include attachment to a tow truck.~~

“Storage fee” means the compensation payable for the storage of a towed vehicle that has been stored at or in a facility owned, operated, leased or used by a tow truck service.

“Tow, tows, or towing” means the act of removing, by tow truck, a vehicle from privately-owned property within the County where it is parked. The preparation of a vehicle for removal by a tow truck or the attachment of a vehicle to a tow truck, or both, does not, for purposes of this chapter, constitute a tow or towing.

“Towing fee” means the compensation payable for the towing of a vehicle.

“Towing and recovery operator” or “Operator” means a business or entity engaged in the immobilization or towing of a vehicle from private property in Arlington County without the consent of the vehicle owner. The term does not, for purposes of this chapter, include an individual or entity that removes vehicles from public streets and

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other locations, pursuant to a contract with the County.

“Tow truck” means a vehicle for hire (i) designed to lift, pull, or carry another vehicle by means of a hoist or other mechanical apparatus and (ii) having a manufacturer’s gross vehicle weight rating of at least ten thousand

(10,000) pounds. *Tow truck* also includes vehicles designed with a ramp on wheels and a hydraulic lift with a capacity to haul or tow another vehicle, commonly referred to as “rollbacks.”

“Tow truck driver” means an individual operating a tow truck in the removal of a vehicle from private property.

“Trespass tow” means the act of removing by tow truck, a vehicle from privately-owned property in Arlington County without the consent of the vehicle owner pursuant to a request for towing services made by the owner, operator, manager, lessee, or authorized agent in charge of private property, or pursuant to a contract between such person and a towing and recovery operator. The preparation of a vehicle for removal by a tow truck or the attachment of a vehicle to a tow truck, or both, does not, for the purposes of this chapter, constitute a trespass tow.

“Vehicle” means every device in, on or by which any person or property is or may be transported or drawn on a highway.

(Ord. No. 06-11, 7-8-06; Ord. No. 07-18, enacted 12-15-07; Ord. No. 09-15, 5-16-09, Ord. No. 16-08, 12-13-17)

§ 14.3-3. Applicability.

- A. This chapter applies:
 - 1. trespass towing,
 - 2. to the fees that are charged for trespass towing, and
 - 3. to the fees that are charged for the storage and retrieval of such towed vehicles.
- B. This chapter does not apply to the towing of vehicles:
 - 1. from public streets and other locations that is performed pursuant to a contract with the County, or to the storage of such vehicles, or
 - 2. at the request of the vehicle owner, or
 - 3. at the request of a creditor for the repossession of the vehicle, or
 - 4. from a parcel used at the time of towing for one single-family residence or one two-family residence.
- C. **This chapter shall not apply to police, fire, or public health vehicles or where a vehicle, because of a wreck or other emergency, is parked or left temporarily on the property of another.**

(Ord. No. 06-11, 7-8-06; Ord. No. 07-18, enacted 12-15-07; Ord. No. 09-15, 5-16-09, Ord. No. 16-08, 12-13-17)

§ 14.3-4. Requirements for Property From Which Vehicles are Removed.

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 **removed**, towed, **or immobilized**.

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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;

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- a. each sign shall be not less than 12 X 18 inches;
- b. **each sign shall contain the following language:** ~~the lettering on each sign shall be as follows: “towing at owner’s expense” not less than three (3) inches in height; “24 hrs/7 days”, not less than one (1) inch in height and placed just above the tow truck symbol; the tow truck symbol, not less than two (2)~~

~~inches in height. Other lettering may vary in size but in no case, be less than one-half (1/2) inch in height;~~

- c. each sign shall contain a pictorial symbol of a tow truck, **not less than two (2) inches in height;**
 - 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 day week when trespassing vehicles are subject to towing **in lettering not less than one (1) inch in height and placed above the tow truck symbol;**
 - 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 (24) hours each day;
 - g. each sign shall provide the non-emergency telephone number of the County Police; ~~and~~
 - h. each sign shall include the name of the business or businesses on or adjoining the property, the street address of the property, or the name of the ~~property~~ **property; and**
 - i. **except as otherwise required in this chapter, lettering on each sign may vary in size but in no case, be less than one-half (1/2) inch in height;**
2. When a single surface parking lot or parking garage contains parking spaces reserved for a particular user, such spaces shall be identified as restricted for such user.
 3. 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 (1) of the signs required by this chapter within forty (40) feet of each such space. (Ord. No. 16-08, 12-13-17)

§ 14.3-5. Operator and Driver Requirements and Standards of Practice.

- A. All towing and recovery operators engaged in trespass towing in Arlington County shall meet the following requirements and standards of practice.
 1. 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.
 2. All towing and recovery operators conducting trespass tows from private property in Arlington County shall provide the County Manager, or his designated agent, at his request not more than annually, the following information and documents:
 - a. Address, telephone number and vehicle storage capacity for each storage site to which vehicles will be towed; and
 - b. Copies of all Driver Authorization Documents issued by the Virginia Department of Criminal Justice Services for all drivers employed by the Operator; and

- c. Proof of insurance coverage: All operators must have automobile liability, commercial general liability, garage-keeper's liability, on hook coverage and worker's compensation as required by state and federal law.
 3. Upon request by an Arlington County law enforcement officer, all towing and recovery operators conducting trespass tows from private property in Arlington County shall provide the information in subsection 2 as well as any other requested information.
 4. The tow truck driver and/or towing and recovery operator performing the tow shall obtain written 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 tow truck driver and/or towing and recovery operator performing the tow shall not require written authorization if a written contract between the towing and recovery operator and the owner of the property or his agent is in place. Any such written contract shall clearly state the terms on which towing and recovery operators may monitor private lots on behalf of property owners. For the purposes of this subsection, "agent" shall not include any person who either (a) is related by blood or marriage to the towing and recovery operator or (b) has a financial interest in the towing and recovery operator's business. The towing and recovery operator, and the owner, operator, or lessee of the property, shall maintain contracts 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.
 5. All tow truck drivers shall have their Driver Authorization Document in their possession at all times while performing towing operations.
 6. All tow trucks shall meet all applicable federal, state and local regulations and safety standards. Operators shall only use vehicles and equipment designed and rated for the type of vehicle being transported.
 8. The towing and recovery operator performing the tow shall obtain and retain photographic and/or video evidence clearly showing the location of the vehicle substantiating the reason for its removal, including but not limited to any signage. The towing and recovery operator performing the tow shall also obtain and retain, and provide to the vehicle owner at their request, photographs and/or video, taken at a distance not less than four feet from the vehicle, showing each of the four sides of the vehicle (at each of the four corners of the vehicle so that for each photograph, the viewer can see two sides of the car at once). If the location of the vehicle precludes the operator from obtaining some or all such photographs or video, failure to do so shall not constitute a violation of this provision.
 9. 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.
 10. Tow truck drivers shall properly secure all loads to meet all safety standards.
 11. Nothing in this section shall release tow truck drivers and/or towing and recovery operators from liability for failure to use reasonable care while towing a vehicle.
 12. The tow truck used to perform the tow must include on the rear window driver's side, a tow rate placard displaying a comprehensive list of fees for towing, recovery and services. This shall be affixed in such a manner that the consumer can see it without it being obscured.
- 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. In the

event that such a vehicle is parked in violation of parking restrictions for the property, the towing and recovery operator shall contact the Arlington County Police Department for assistance. (Ord. No. 06-11, 7-8-06; Ord. No. 07-18, enacted 12-15-07; Ord. No. 09-15, 5-16-09; Ord. No. 14-01, 2-25-14, Ord. No. 16-08, 12-13-17; Ord. No. 17-16, 7-15-17)

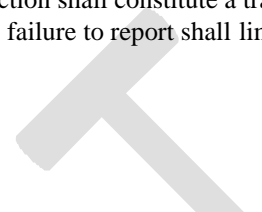
§ 14.3-6. Notice to the County of Trespass Tow.

A. Within 10 minutes of a trespassing vehicle being removed or towed as permitted by this chapter, notice of this action shall be given by the towing and recovery operator to the County Police. Such notice shall include the following information:



1. the name of the towing and recovery operator removing vehicle;
2. a description of the vehicle towed including make, model, VIN number and license plate;
3. the location of trespassing vehicle and the date and time of the tow;
4. the location of the storage facility to which the vehicle was towed; and
5. 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 one hundred dollars (\$100.00). 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. **If the vehicle is removed and stored, the vehicle owner may be charged and the vehicle may be held for a reasonable fee for the removal and storage.** (Ord. No. 06-11, 7-8-06; Ord. No. 07-18, enacted 12-15-07; Ord. No. 09-15, 5-16-09; Ord. No. 16-08, 12-13-17; Ord. No. 17-16, 7-15-17)

§ 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, **or the basis for such charges. This requirement to display a list of fees may also be satisfied by providing, when the towed vehicle is reclaimed, a written list of such fees, either as part of a receipt or separately, to the person who reclaims the vehicle.** Charges in excess of those posted shall not be collectable from any vehicle owner whose vehicle is towed, recovered, or stored without his consent;
 - b. that payment may be made by cash, traveler's check, money order, insurance company check, or debit, credit or charge card;
 - c. that a receipt shall be provided;
 - d. the vehicle owner's right to inspect, as outlined in Section 14.3-7D.
2. a notice to vehicle owners, provided by Arlington County, which includes information regarding the County's towing ordinance and the contact information for the Arlington County Police Department. Such notice shall be posted in both English and Spanish.

B. **A storage site shall be lighted during the hours of darkness to afford clear visibility to all portions of the storage site.**

C. **Storage facilities must include a structure where towing and storage fee payments are received.**

D. The vehicle owner shall have the opportunity to inspect the vehicle and any items contained therein prior to payment. No towing and recovery operator shall require a vehicle owner to sign any waiver of the owner's rights to receive compensation for damage to the owner's vehicle as a condition of the vehicle's release.

E. Storage facilities to which vehicles towed under the provisions of this chapter are towed shall be open twenty-four (24) hours a day and seven (7) days per week, **unless the operator has no vehicles towed from a location in Arlington County at the storage facility.**

F. 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 and one quarter (3.25) miles of the boundary line of the County.

G. 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. 06-11, 7-8-06; Ord. No. 07-18, enacted 12-15-07; Ord. No. 09-15, 5-16-09; 14-01, 2-25-14, Ord. No. 16-08, 12-13-17)

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§ 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:

1. the name and address of the towing and recovery operator;
2. the address from which the vehicle was towed;
3. the date and time that the vehicle was towed;
4. the date and time that the vehicle entered the facility at which it was placed for storage;
5. an itemized list of all the fees that are being charged;
6. a signature of an authorized representative of the towing and recovery operator;
7. a notice that a copy of the photographic or video evidence showing the location of the vehicle and substantiating the reason for its removal, as required under § 14.3-5, are available upon request; and
8. the telephone number, web site and e-mail address of the Arlington County office or department responsible for investigating non-consent towing complaints.
9. **Email address and postal address of the towing operator for purposes of requesting all information, including the contract authorizing the tow, subject to be provided under 14.3-11(C) of this Ordinance.**

(Ord. No. 06-11, 7-8-06; Ord. No. 07-18, 12-15-07; Ord. No. 09-15, 5-16-09; 14-01, 2-25-14, Ord. No. 16-08, 12-13-17)

§ 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. Pursuant to §46.2-1233 of the Code of Virginia, the maximum fees that may be charged for the towing of vehicles and for the storage of such towed vehicles are as follows:

1. for the towing of a vehicle with a gross vehicle weight rating of seven thousand five hundred (7,500) pounds or fewer, the maximum fee shall be **no less than one hundred thirty-five dollars (\$135.00) and no more than one hundred fifty dollars (\$150.00).** ~~be one hundred thirty-five dollars~~
2. for the towing of a vehicle with a gross vehicle weight rating of between seven thousand five hundred and one (7,501) pounds and ten thousand (10,000) pounds, the maximum fee shall be two hundred fifty dollars (\$250.00),
3. for the towing of a vehicle with a gross vehicle weight rating of ten thousand and one (10,001) pounds or greater, the maximum fee shall be five hundred dollars (\$500.00).

4. for towing a vehicle between the hours of 7:00 p.m. and 8:00 a.m. or any Saturday, Sunday or holiday, an additional fee of no more than ~~twenty-five dollars (\$25.00)~~ thirty dollars (\$30.00) per instance may be charged. In no event shall more than two (2) such fees be charged for the towing of any such vehicle.
5. for the storage of any 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.

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6. if any of the requirements of this Chapter are not met by the towing and recovery operator with respect to the towing or storage of a vehicle, there shall be no fee charged for that tow or the storage.

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 or towed 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 and not be towed, 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)~~, **ten dollars (\$10.00)** 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 § 14.3-10.

F. **If in lieu of having a trespassing vehicle removed by towing or otherwise, the owner, operator, lessee, or authorized agent of the premises on which the trespassing vehicle is parked may cause the vehicle to be immobilized. The fee for the removal of any device used to immobilize a trespassing vehicle shall not exceed twenty-five dollars (\$25.00).**

G. **In lieu of having the vehicle removed by towing or otherwise, or in lieu of causing the vehicle to be immobilized, the owner, operator, lessee or authorized agent of the premises on which the trespassing vehicle is parked may cause to have an authorized County law-enforcement officer or other authorized official issue, on the premises, a notice of violation of Arlington County Code § 14.2-38 to the registered owner of the vehicle.**

(Ord. No. 06-11, 7-8-06; Ord. No. 07-18, enacted 12-15-07; Ord. No. 09-15, 5-16-09; 14-01, 2-25-14, Ord. No. 16-08, 12-13-17)

§ 14.3-10. Manner of Payment.

A. 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:

1. cash in United States currency;
2. insurance company check
3. travelers' checks or money orders payable in United States currency; and
4. 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.

B. 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. (Ord. No. 06-11, 7-8-06; Ord. No. 07-18, 12-15-07; Ord. No. 09-15, 5-16-09, Ord. No. 16-08, 12-13-17)

§ 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:

1. the date and time that the vehicle was towed;
2. the date and time that the vehicle entered the facility at which it was placed for storage;
3. the make, model, year, VIN number, and license plate number of the vehicle;
4. the address of the property from which the vehicle was removed;
5. the name and address of the person and/or entity who authorized the tow;
6. the video or photographs taken at the time of the tow;

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7. the towing and storage fees actually charged;
8. the date and time the vehicle was reclaimed, and by whom; and
9. 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 (1) 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.

C. **Such records, including complete, unaltered copies of all photographs taken at the time of the tow, and the contract authorizing the tow, shall be mailed in print form to the owner of the vehicle or**

the owner's authorized representative within seven (7) business days of receipt of a request sent via certified mail or emailed within 48 hours of receipt of an email request. Certification of vehicle ownership or authorization

as a vehicle owner's representative shall be made by providing a copy of the vehicle's registration and the tow receipt, or a notarized statement. Costs of postage shall be paid by the requester before mail is sent.

(Ord. No. 06-11, 7-8-06; Ord. No. 07-18, enacted 12-15-07; Ord. No. 09-15, 5-16-09)

§ 14.3-12. Violations.

A. Except as otherwise specifically provided, **violations of this chapter are unlawful and shall constitute traffic infractions punishable by a fine of not more than that provided for a Class 4 misdemeanor.**

~~Any violation of this chapter is unlawful and punishable by a fine not to exceed one thousand dollars (\$1,000.00).~~
(Ord. No. 06-11, 7-8-06; Ord. No. 07-18, 12-15-07; Ord. No. 09-15, 5-16-09, Ord. No. 16-08, 12-13-17)