



**AN ORDINANCE
BY COUNCILMEMBERS LAMAR WILLIS AND IVORY YOUNG, JR.
AS SUBSTITUTED BY PUBLIC SAFETY
AND LEGAL ADMINISTRATION COMMITTEE**

AN ORDINANCE AMENDING SECTION 162-227 ENTITLED “FEES CHARGED FOR NON-CONSENSUAL MOTOR VEHICLE TOWING;” SECTION 162-229 ENTITLED “SERVICE CALLS;” SECTION 162-232 ENTITLED “NOTIFICATION UPON REMOVAL OF VEHICLE AT REQUEST OF OTHER THAN POLICE OFFICER;” AND SECTION 162-233 ENTITLED “IMPOUND LOT; ATTENDANT” SO AS TO PROVIDE FOR AN INCREASE IN THE MAXIMUM AMOUNT ALLOWED FOR NONCONSENSUAL TOWING; TO PROVIDE FOR ELECTRONIC NOTIFICATION FROM WRECKER SERVICE TO CITY OF ATLANTA POLICE DEPARTMENT CONTAINING NOTICE THAT VEHICLE HAS BEEN TOWED, LOCATION THAT VEHICLE WAS TOWED, DESCRIPTION OF VEHICLE, VEHICLE IDENTIFICATION NUMBER AND TAG NUMBER, FEES; AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta Code of Laws provides regulations for the operation of wreckers and wrecker services when conducting non-consensual towing services; and

WHEREAS, the City of Atlanta has continuously engaged in review of its Code to refine and make improvements to same; and

WHEREAS, the City of Atlanta believes that this area of regulation can and should be improved by among other things, providing for impound lot regulations to make available to the City of Atlanta electronic notification that a vehicle within the municipal boundaries of the City of Atlanta has been towed, together with information specifying the location that the vehicle was towed, the vehicle identification number, tag number and description of the vehicle which was towed.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, as follows:

Section 1: Section 162-227 entitled “Fees charged for non-consensual motor vehicle towing;” Section 162-229 entitled “Service calls;” Section 162-232 entitled “Notification upon removal of vehicle at request of other than police officer;” and Section 162-233 entitled “Impound lot; attendant” are hereby repealed in their entirety with the following being substituted in lieu thereof:



Sec. 162-227. Fees charged for non-consensual motor vehicle towing.

- (a) Any towing or storage firm engaged in the business of providing nonconsensual motor vehicle towing services shall not charge the owner or operator of any towed motor vehicle a towing and/or storage fee in excess of **the maximum amount allowed by the State of Georgia, pursuant to O.C.G.A. Section 44-1-13, Georgia Public Service Commission Transportation Rule 11-1 of \$125.00, and as it may be changed from time to time**; however, no storage fees shall be charged for the first 24-hour period from the time the motor vehicle is removed from the property. The fee for towing and/or storage shall be all inclusive; no additional fees may be charged for using dollies, trailers, lifts, slim jims or any other equipment or service.
- (b) The fees referred to in paragraph (a) above shall be payable by cash, personal check, debit card, or major credit card, including but not limited to Visa, Mastercard, and American Express, at no additional charge.
- (c) Nonconsensual motor vehicle towing fees and storage fees shall be established annually by the city council, after receiving recommendations from the department of finance based on financial information submitted by the nonconsensual motor vehicle towing firms, as to their current costs for the removal and storage of vehicles and personal property, and on other information. That information, as well as supporting and quantitative information, shall be submitted by nonconsensual motor vehicle towing firms by October 31 of each year to the chief financial officer.

Sec. 162-229. Service calls.

- (a) It shall be unlawful for the owner of any wrecker or the owner's agent, representative or employee to go to any place where an accident has occurred unless called by the **City of Atlanta Police Department**, the driver or the owner of the disabled vehicle or by the owner's authorized representative or employee. **It shall further be unlawful for the owner of any wrecker or the owner's agent, representative or employee** to go to the place of a wreck because of information received by police radio.
- (b) Prior to towing a vehicle from any site where an accident has occurred, the employee of a wrecker service, both public and private, shall clear the road surface of any broken glass and debris resulting from the accident.

Sec. 162-232. Notification upon removal of vehicle at request of other than police officer.

The operator of any wrecker removing a private motor vehicle at the request of any person other than a police officer on duty for the department of police shall report **by electronic notification** to the department the fact that the vehicle was removed and its present storage place, together with a description of the vehicle, **the vehicle identification number** and the tag number. The report shall be made by the wrecker operator by electronic communication within one hour of the deposit of the vehicle at its storage point.

Sec. 162-233. Impound lot; attendant.

- (a) Every person operating a wrecker service within the city shall maintain an impound lot within the city limits, and all vehicles impounded within the city limits shall be delivered to this lot.



- (b) Any person operating a wrecker upon the streets of the city and maintaining an impound lot within the city as set forth in subsection (a) of this section shall maintain an attendant at the impound lot 24 hours of every day, and this attendant shall be clothed with the authority to release any impounded vehicle upon the owner meeting the legal requirements for release.
- (c) There shall be posted at the entrance to the impound lot nearest the impound lot office a sign, the minimum size of which shall be 24 inches by 24 inches, painted white with red lettering, stating the towing charge, the storage rate per day, that checks and credit cards shall be accepted in lieu of cash and for no additional fee, that no storage fee may be charged if the vehicle has been held less than 24 hours, that these conditions are required by state law and city ordinance, and that complaints may be made to the police permits section. The location of such sign must be approved by the police permits section as provided by state law.
- (d) Lighting shall be provided at a minimum average maintained footcandle value of two on a horizontal plane at the finished surface or grade level.
- (e) Upon impoundment of any vehicle by a wrecker service, the wrecker service shall maintain records which shall include the following information:
- (1) The date and time the call was received by the wrecker service;
 - (2) The name of the caller;
 - (3) The date and time of initial towing;
 - (4) The place of initial towing;
 - (5) The date and time of arrival at the impound lot;
 - (6) The date and time of release to the owner; and
 - (7) The name of the wrecker driver and helper.
- (f) The records required by subsection (e) of this section shall be maintained at a location where affected members of the public may obtain such information by telephone or in person, during regular business hours. Further, all wrecker services, public and private, which impound vehicles shall register with the department of police the current telephone number of the person responsible for releasing the vehicles.
- (g) It shall be unlawful for any wrecker service to operate within the city without employing the services of a check approval agency and the major credit card services; and it shall be unlawful to refuse to accept, in lieu of cash, any check which can be insured by a check approval agency, any draft drawn on a credit union which can be insured by a check approval agency or any major credit card for the payment of any and all fees and costs resulting from the towing and storage of the impounded vehicle. For purposes of this subsection, the term "major credit card" means a Visa, Mastercard, American Express, Discovery and Diner's Club card. The municipal clerk shall transmit a copy of this subsection to each wrecker service provider.
- (h) The records required by subsection (e) of this section shall be maintained at the impound lot required by subsection (a) of this section and shall be made available for inspection 24 hours a day at the request of the department of police.

A true copy,

Rhonda Daughin Johnson
Municipal Clerk

ADOPTED by the Atlanta City Council
RETURNED WITHOUT SIGNATURE OF THE MAYOR
APPROVED as per City Charter Section 2-403

FEB 02, 2009

FEB 11, 2009

08-2033

(Do Not Write Above This Line)

AN ORDINANCE
 BY: COUNCILMAN H. LAMAR
 WILLIS

Amending Section 162.221 to be entitled "Private Residential Property Trespass and Private Residential Property Trespass Towing" and modifying; license requirements and fees, permits and impound lot requirements; and for other purposes.

ADOPTED BY
 FEB 02 2009

SUBSTITUTE COUNCIL

- CONSENT REFER
 - REGULAR REPORT REFER
 - ADVERTISE & REFER
 - 1st ADOPT 2nd READ & REFER
 - PERSONAL PAPER REFER
- Date Referred: 10/6/08
 Referred To: Public Safety
 Date Referred:
 Referred To:
 Date Referred:
 Referred To:

First Reading
 Committee _____
 Date _____
 Chair _____
 Referred To _____

PSLA Committee
 Date 10/14/08
 Chair
 Action Fav, Adv, Hold (see rev. side)
 Other
 Members

Refer To

PSLA Committee
 Date 12/9/08
 Chair
 Action Fav, Adv, Hold (see rev. side)
 Other
 Members

Refer To

PSLA Committee
 Date 1/25/09
 Chair
 Action Fav, Adv, Hold (see rev. side)
 Other
 Members

Refer To

PSLA Committee
 Date 1/27/09
 Chair
 Action Fav, Adv, Hold (see rev. side)
 Other
 Members

Refer To

FINAL COUNCIL ACTION
 2nd 1st & 2nd 3rd
 Readings
 Consent V Voice RC Vote

CERTIFIED
 FEB 02 2009
 ATUNGA CITY COUNCIL PRESIDENT

CERTIFIED
 FEB 02 2009
 ROBERT D. BUCKNER JR.
 MUNICIPAL CLERK

MAYOR'S ACTION
 APPROVED
 FEB 11 2009

WITHOUT SIGNATURE
 BY OPERATION OF LAW