

## NON-CONSENSUAL TOWING ORDINANCE

### AN ORDINANCE CREATING NEW SECTIONS 94-111 THROUGH 94-116 OF CHAPTER 94 OF THE CODE OF ORDINANCES FOR THE CITY OF WOODSTOCK, GEORGIA REGARDING NON-CONSENSUAL TOWING.

**Whereas**, the City of Woodstock, Georgia (hereinafter sometimes referred to as the “City”) is a municipality duly formed and existing pursuant to Georgia law; and

**Whereas**, the 1983 Constitution of the State of Georgia provides for the self government of municipalities without the necessity of action by the General Assembly<sup>1</sup>; and

**Whereas**, the City of Woodstock, Georgia, has the legislative power to adopt clearly reasonable ordinances, resolutions or regulations relating to its property, affairs and local government for which no provision has been made by general laws, and which are not inconsistent with the Constitution or any charter provision applicable thereto<sup>2</sup>; and

**Whereas**, the governing body of the City has determined that it is in the best interest of the City and its citizens to adopt the following; and

### **NOW THEREFORE BE IT RESOLVED, THE MAYOR AND COUNCIL OF THE CITY OF WOODSTOCK, GEORGIA HEREBY ORDAINS:**

That the Code of Ordinances, City of Woodstock, Georgia (the “Code”) is hereby amended by adding the following new code sections to the Code:

#### **Sec. 94-111. Non-Consensual Towing.**

The City of Woodstock expressly adopts all rules and regulations promulgated in Chapter 570-6-1 of the Georgia Administrative Code, except as modified herein.

#### **Sec. 94-112. Fees Charged for Nonconsensual Towing**

(a) Any wrecker service engaged in the business of providing nonconsensual towing services shall not charge the owner or operator of any towed vehicle in excess of:

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<sup>1</sup> Ga Const, 1983, Article IX, Section II, Paragraph II provides in pertinent part as follows

“The General Assembly may provide by law for the self government of municipalities and to that end is expressly given the authority to delegate its power so that matters pertaining to the municipalities may be dealt with without the necessity of action by the General Assembly “

<sup>2</sup>O C G A § 36-35-3 (a) provides as follows

“(a) The governing authority of each municipal corporation shall have legislative power to adopt clearly reasonable ordinances, resolutions, or regulations relating to its property, affairs, and local government for which no provision has been made by general law and which are not inconsistent with the Constitution or any charter provision applicable thereto Any such charter provision shall remain in force and effect until amended or repealed as provided in subsection (b) of this Code section This Code section, however, shall not restrict the authority of the General Assembly, by general law, to define this home rule power further or to broaden, limit, or otherwise regulate the exercise thereof The General Assembly shall not pass any local law to repeal, modify or supersede any action taken by a municipal governing authority under this Code section, except as authorized under Code Section 36-35-6 ”

(i) Towing Rates and Charges:

- 1) Removal fee for vehicles with a Gross Vehicle Weight Rating (“GVWR”) of 10,000 pounds or less: Not to exceed \$150.00
- 2) Removal fee for vehicles with a GVWR of 10,001 pounds to 20,000 pounds: Not to exceed \$250.00
- 3) Removal fee for vehicles with a GVWR of 20,001 pounds or greater – per unit charge: Not to exceed \$400.00
- 4) Removal fee for vehicles with a GVWR of 20,001 pounds or greater – combination unit: Not to exceed \$750.00

(ii) Storage Rates and Charges:

- 1) Storage for the first 24 hours, beginning at the time the vehicle is removed from the property: No charge
- 2) Storage for any day or days the impoundment facility is closed and the vehicle’s owner is unable to claim the vehicle: No charge
- 3) Daily storage fee for vehicles with a GVWR of 10,000 pounds or less: Not to exceed \$15.00
- 4) Daily storage fee for vehicles with a GVWR of 10,001 pounds to 20,000 pounds: Not to exceed \$20.00
- 5) Daily storage fee for vehicles with a GVWR of 20,001 pounds or greater – per unit charge: Not to exceed \$25.00
- 6) Daily storage fee for vehicles with a GVWR of 20,001 pounds or greater – combination unit: Not to exceed \$50.00

In the event the maximum fees listed above exceed the maximum fees allowed in the schedule of fees published in the Georgia Department of Public Safety Statewide Maximum Rate Tariff Intrastate Rates and Charges, the Georgia Department of Public Safety Statewide Maximum Rate Tariff Intrastate Rates and Charges shall control.

No storage fees shall be charged for the first 24-hour period from the time the motor vehicle is removed from the property. The fees stated in the maximum rate tariff shall be all inclusive. No additional fees may be charged for the use of dollies, trailers, lifts, slim jims, or any other equipment or service. Only approved charges for the storage and removal shall be billed or collected by the wrecker service for towing or storage services; it is a violation of this ordinance for any wrecker service to bill or collect fees or charges which are not expressly permitted.

(b) Non-consensual towing and storage fees shall be established annually by the City Council after receiving recommendations from the city manager based on financial information submitted by the non-consensual towing firms as to their costs for removal and storage of vehicles and on other information. Such financial information shall be submitted by December 31 of each year.

(c) Any wrecker service engaged in the business of providing nonconsensual towing services shall accept payment of fees in each of the following ways: by cash, commonly-recognized travelers checks, money orders, certified checks, cashier's checks, personal checks if proper identification is provided, and at least two major credit cards. An additional fee may not be charged for the use of debit or credit cards. Major credit cards shall include Master Card, Visa, American Express and Discover Card. A proper identification shall consist of a valid driver's license, government issued photo ID or a college photo ID.

(d) No fee of any kind shall be charged if the operator of the vehicle returns prior to the wrecker having been hooked with hoisting apparatus or loaded by the wrecker service and the vehicle has not left the premises and the owner or operator produced the ignition key and removes the vehicle immediately. If the vehicle has been hooked with hoisting apparatus or loaded by the wrecker service and the vehicle has not left the premises and the owner or operator produces the ignition key and removes the vehicle immediately an operator fee may be charged not to exceed \$75.00 for vehicles with a GVWR of 19,999 pounds or less or with a GVWR of 20,000 pounds or more.

No additional charges shall be assessed for storage of the vehicle once the vehicle has been claimed and payment is tendered to the towing company in the amount specified on the receipt and the vehicle has been removed from the impoundment facility. The receipt issued by the wrecker or towing service to the customer, and such service's office copy of such receipt, must reflect all fees collected for the redemption of the vehicle.

(e) No storage fees may be charged or collected by any wrecker service or tow truck operator for days on which the impound lot where a towed vehicle is stored is closed or otherwise unavailable to the vehicle owner for redemption.

#### **Sec. 94-113. Use of mechanical locking device or boot for automobiles.**

It shall be unlawful for any person, except law enforcement personnel, to affix mechanical locking devices, including those commonly referred to as "boots," to any automobile parked on private property.

#### **Sec. 94-114. No Towing if Operator Appears and Removes Vehicle.**

The operator of any wrecker service vehicle summoned to tow any vehicle, whether on public or private property, shall not tow the vehicle away and shall not charge any fee, unless such charge is allowed by this ordinance, if the operator of the vehicle returns prior to the wrecker vehicle having left the location to which it was summoned.

#### **94.115. Sign Specifications.**

(a) Owners of private property shall be required to place signs at each designated entrance to a parking lot or parking area where parking prohibitions apply. Where there is no designated entrance, such signs shall be posted so as to be clearly visible from each and

every parking space. Such signs shall be a minimum of 12 inches by 18 inches with a minimum of ¾ inch lettering. The words “Private Parking” shall be printed in Bold with a minimum of 1 ½ inch lettering.

(b) Such signs located at a designated entrance to a parking lot shall be at least four feet above the site grade. Where there is no designated entrance, such signs shall be six feet above the site grade. Posted signs must be free of any natural or man-made interference and be clearly visible.

(c) Such signs shall also include the following:

- (i) A warning that unauthorized vehicles will be towed;
- (ii) Towing company name, address, and telephone number and the impound lot location where towed vehicles may be retrieved;
- (iii) Towing fees and daily storage fees;
- (iv) Hours of Operation; and
- (v) Method of Payment

(d) No vehicle shall be relocated from private property which does not, at the time of the tow and for at least 24 hours prior thereto, have signs posted which are in substantial compliance with the provisions of paragraphs (a) through (c) above. The provisions of this section shall not apply to owner(s) of private residential property containing four or fewer residential units.

(e) All signs must be removed from private property within 15 days after the termination of the contract or authorization from the property owner or agent is withdrawn.

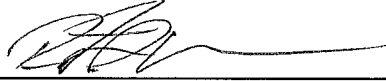
**Sec. 94.116. Location of Secure Impoundment Facility.**

A wrecker service with a contract to conduct nonconsensual towing from private parking areas within the City of Woodstock must maintain a Secure Impoundment Facility as defined in Georgia Administrative Code Chapter 570-6-1 within 5 miles of the city limits.

Effective Date. This Ordinance shall take effect immediately upon its adoption.

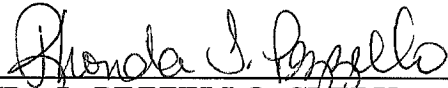
**NON CONSENSUAL TOWING ORDINANCE AS PASSED AND ADOPTED BY  
THE MAYOR AND COUNCIL OF THE CITY OF WOODSTOCK, GEORGIA,  
THIS 10<sup>th</sup> DAY OF JULY, 2017.**

**1<sup>st</sup> Reading: 6/12/2017    2<sup>nd</sup> Reading: 7/10/2017**



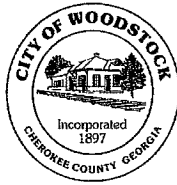
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**ROBERT G. USHER, JR. MAYOR PRO TEM**



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**RHONDA L. PEZZELLO, CLERK**



City of Woodstock  
12453 Highway 92  
Woodstock, GA 30188  
Website: [www.woodstockga.gov](http://www.woodstockga.gov)

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*Sent Via Certified Mail and Regular Mail*

## MEMORANDUM

TO: Neese Towing Inc.  
Pee Wees Wrecker Service  
Frank Ingram Wrecker Service

FROM: Rhonda Pezzello, City Clerk

DATE: July 13, 2017

RE: Newly Adopted Non-Consensual Towing Ordinance

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This memorandum is being sent to inform you of an ordinance adopted by the Mayor and Council on July 10, 2017 that is now in effect and pertains to Non-Consensual Towing in the City Limits of Woodstock.

Please take time to read this ordinance and feel free to contact me if you have any questions or concerns.

We appreciate your cooperation.

Rhonda Pezzello  
City Clerk  
12453 Highway 92  
Woodstock, GA 30188  
770 592-6002  
[rpezzello@woodstockga.gov](mailto:rpezzello@woodstockga.gov)