

AN ORDINANCE AMENDING THE CARRBORO TOWN CODE PROVISIONS DEALING
WITH THE TOWING OF VEHICLES FROM PRIVATE PROPERTY

THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO ORDAINS:

Section 1. Article IX of Chapter 8 of the Carrboro Town Code (“Towing of Motor Vehicles from Private Property”) is rewritten as follows:

Article IX

TOWING OF MOTOR VEHICLES FROM PRIVATE PROPERTY

Section 8-78 Applicability

(a) The provisions of this article shall apply only to:

- (1) Persons who are engaged in the business of towing motor vehicles, but only when such persons tow a motor vehicle from private property at the request of a person who is not the owner or operator of the motor vehicle that is towed; and
- (2) Persons who are the owners of property from which a motor vehicle is removed by or at the request of a such property owners or their agents; and
- (3) Persons who are the agents of property owners that have authorized such agents to have vehicles removed from the owners’ property if such vehicles are parked on that property without the owners’ permission.

(d) The provisions of this article shall not apply to the towing of motor vehicles from (i) a driveway or parking area that is manifestly designed to serve up to four dwelling units on a single lot, or (ii) any other area on private property that is manifestly not designed or intended for the parking of motor vehicles.

Section 8-78.1 No Towing In the Absence of Proper Signage

(a) No person to which the provisions of this article are applicable may tow or cause to be towed from a privately owned parking lot any motor vehicle unless the lot from which the vehicle is towed contains signage reasonably designed to inform any motorist entering the lot that:

- (1) Parking within such lot is restricted in a manner indicated in such signage. If only some spaces are restricted, the signage shall indicate which spaces are affected and

what the restrictions are. If parking is not restricted on a twenty-four hour continuous basis, the signage shall indicate the days of the week and hours of the day during which parking is restricted. If the parking lot is monitored by video surveillance, the signage shall so indicate.

- (2) Vehicles parked in the lot in violation of the restrictions are subject to being towed at the owner's expense. If vehicles are subject to being towed on a twenty-four hour basis, the signage shall so indicate (e.g., "Towing enforced 24 hours").
- (3) Information as to the location of the towed vehicle may be obtained by calling a specified telephone number.
- (4) The towing operator is required by ordinance to accept payment by major credit and debit cards as well as cash;

(b) No person to which the provisions of this article are applicable may tow or cause to be towed from a privately owned parking lot any motor vehicle that has been parked for less than fifteen minutes on such lot in violation of the restrictions specified in the signage required under subsection (a) unless such signage also contains the phrase "if you walk off this property, you are subject to being towed."

(c) Signage erected to comply with the provisions of this article shall consist of one or more signs, each of which may contain not more than sixteen square feet in surface area, located at each entrance to the parking lot or at such other locations that the information communicated therein is plainly visible to any reasonable observer using such parking lot.

- (1) The lettering on such signs shall be placed on a contrasting background. Lettering informing users of the parking lot what the basic restrictions are (e.g., "parking for customers only," "parking for residents only" etc.) and that violators are subject to towing shall be at least two inches in height. Lettering providing other information shall be at least one and one-half inches in height.
- (2) If vehicles are subject to being towed after sunset and before sunrise, the signage must be located in a lighted area or otherwise illuminated in such a manner that it remains plainly visible to users of the parking lot.
- (3) A property owner may submit a signage plan to the administrative official designated by the manager to review such plans. Approval by such administrative official of such plan shall conclusively establish that the signage erected in conformity with such plan satisfies the requirements of this article. In approving such a plan, the administrative official may allow minor deviations from the specifications of this subsection if the administrative official concludes that the sign plan achieves the objectives of this article.

Section 8-78.2 Limitation on Fees for Towing from Private Property

(a) No person who tows or removes a motor vehicle from private property may charge the owner or operator of the vehicle removed an amount in excess of one hundred dollars (\$100.00) for the towing or removal. No person who stores a motor vehicle so removed may charge the owner or operator of the vehicle a storage fee in excess of twenty dollars (\$20.00) per day. No storage fees shall be charged for the first twenty-four (24) hour time period from the time the vehicle is initially removed from the private property. The fees referred to herein shall be all inclusive; no additional fees may be charged for the use of particular equipment or services.

(b) The towing or storage firm must accept payment by major credit and debit cards in addition to cash for all fees charged in connection with the towing and storage of a vehicle under circumstances regulated by this article (including fees charged under Section 8-78.3). A refusal by a towing operator to accept payment by a major credit or debit card shall constitute a violation of the provisions of this article.

(c) The towing or storage firm must provide a receipt for each payment at the time the payment is made.

Section 8-78.3 Report to Police Department

Within thirty (30) minutes after a vehicle has been placed at a storage site pursuant to this article, the tow truck operator who removed the vehicle shall report by telephone to the Carrboro Police Department that the vehicle has been removed and shall provide a license tag number and a description of the vehicle and its present location.

Section 8-78.4 Release Prior to Tow

If the owner or operator or other person able to move a vehicle that was parked in violation of the restrictions specified in Section 8-78.1 returns to that vehicle before the vehicle has been attached to a tow truck, the towing operator shall release the vehicle to that person without charging any fee. If the vehicle has been attached to the tow truck prior to the arrival of the person, a fee not in excess of fifty dollars (\$50) may be charged.

Section 2. Subsection 6-19(b)(4) of the Carrboro Town Code (parking for not more than two hours between 7:00 p.m. and 5:30 a.m.) is amended by adding a new subdivision (f) as follows:

(f) Within the municipal parking lot located on Laurel Avenue.

Section 3. Subsection 6-19(b) of the Carrboro Town Code (parking prohibited in certain locations at certain times) is amended by adding a new subsection (10) as follows:

(10) No Parking from 3:00 a.m. to 5:00 a.m.

All town parking lots

Section 4. Subsection 6-41(c) of the Carrboro Town Code is amended by raising the \$25.00 civil penalty for the indicated sections to \$35.00.

Section 5. All provisions of any town ordinance in conflict with this ordinance are repealed.

Section 6. This ordinance shall become effective upon adoption.