

Staff Report
TOWING AND STORAGE OF ILLEGALLY PARKED VEHICLES
ON PRIVATE PROPERTY

January 25, 2011

On June 8, 2010, the City Council referred a letter to staff in which there was a recommendation to change the city ordinance regarding towing of vehicles from private property. Following that referral, information about comparable tow ordinances was gathered from other communities. In addition, comments were collected from those involved in private property tows and associated complaints, as well as from the private towing companies in Ames. Staff then assembled ordinance information and developed the following review of the alternatives.

Summary of Concerns

The concerns described in the February 26, 2010 letter from Mr. Bob Goodwin include the following:

- The “towing service companies (are) towing vehicle(s) from commercial properties without the property owner’s or the person in control’s request or knowledge.”
- The difficulty of locating vehicles that have been towed. Vehicle owners have no way of knowing which company towed the car.

Alternatives

Improvements to the existing ordinance recommended by Mr. Goodwin included the following actions:

1. Require a police officer to issue a citation for illegal parking before a towing service can tow away the vehicle and put it into storage.

Staff Analysis: While the rationale for this requirement is presumably to ensure that the existing private property signage is sufficient, it will be costly and potentially add frustration for all customers. During peak periods, non-emergency police calls can see response delays of 45 minutes or more. The solutions to this could be reprioritizing parking calls or adding staff to this function, both of which are costly remedies. There may be other steps that can address these concerns more efficiently.

2. Require that a copy of the citation be mailed to the vehicle owner by the Police Department.

Analysis: Iowa Code section 556B.1 requires that the Sheriff be notified when real property (such as a vehicle) is removed from private property and the owner is not

present. While it is possible to add this as a local ordinance, most people want to recover their vehicle much more quickly than registered mail notification would allow. There may be alternatives that address this concern more efficiently. Since there is already a state code requirement to notify the registered owner, this requirement adds little unless there are new timelines imposed.

Staff did not locate model ordinance language in a survey of other Iowa communities. Beyond the state, however, communities have addressed these types of concerns with additional regulations. Alternatives three and four may introduce the accountability Mr. Goodwin recommends while also limiting the expense to the city.

3. Require signed authority to tow from commercial parking lots, to include name, address, and telephone number of party authorizing the tow along with basis for that authorization (property owner, tenant, resident, manager, etc.)

Analysis: Requiring a record of the party authorizing the tow introduces some accountability into the decision to tow from private property. While this proposal does not prevent property owners from delegating the authority to tow, it will require that someone on-scene be listed as a decision-maker in the tow process. Citizens who feel they have had their vehicle towed unfairly will have recourse with the individual who authorized the tow.

4. Tow companies removing vehicles from private property without the owner or operator present must notify the Police Department by fax or telephone within two hours of the completion of the tow.

Analysis: Many people call the Police Department when they find their car missing. If tow companies were to notify the Police Department of these tows in a timely manner, it would allow vehicle owners to know immediately which company had towed their vehicle. Notification of the Police Department that such a tow has occurred would also eliminate a number of stolen vehicle reports.

Other options employed by cities include more detailed signs and additional criteria that must be met prior to a tow. While these options may have merit, they also create additional expenses for property owners and tow companies.

Recommendation

If the city is going to get more involved in private property tows, the two steps which would have the most cost effective impact are:

- the requirement for the property owner or agent to co-sign the tow and
- the requirement to notify the Police Department when a private property tow has been done.

The signature will identify the authorizing party and allow recourse for the vehicle owner if they feel the tow was not fair. The Police Department notification will assist vehicle owners in finding their vehicle more quickly and without the aggravation of having to call

all of the tow companies. An additional benefit to all parties will be to more quickly distinguish towed vehicles from stolen vehicles. Additional steps can be taken in the future if these two initial enhancements prove ineffective in addressing citizen concerns.