

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE AMENDING ARTICLE 25 OF CHAPTER 18 OF THE CITY CODE BY ENACTING NEW SECTIONS TO ADD REQUIREMENTS FOR TOW SERVICES.

WHEREAS, Article 25 of the Independence City Code regulates Abandoned Property and Tow Service; and,

WHEREAS, the City Council wishes to strengthen the operating standards for tow companies to protect the well-being of both Independence residents and that of the metropolitan region as a whole;

WHEREAS, it is necessary to enact regulations for tow service businesses in order to prevent such businesses from becoming detrimental to the safety and welfare of the inhabitants of the City and the persons patronizing such businesses; and

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF INDEPENDENCE, MISSOURI, AS FOLLOWS:

SECTION 1. That Article 25 of Chapter 18 of the “Code of the City of Independence, Missouri” is hereby amended as follows:

ARTICLE 25. ABANDONED PROPERTY AND TOW SERVICE

DIVISION 1. ABANDONED PROPERTY AND TOW SERVICE

Sec. 18.25.001. Abandoned property.

- A. For purposes of this article, "abandoned property" shall mean any unattended motor vehicle, trailer, all-terrain vehicle, outboard motor or vessel removed or subject to removal under the provisions of this article.
- B. It shall be unlawful for any person to leave or abandon any property upon the public street or highways, or upon any property owned, operated or leased by the Federal, State or local government or upon the private property of another without consent.

Sec. 18.25.002. Authority to impound abandoned property.

Members of the Police Department are hereby authorized to remove abandoned property to a place of safety or such lot as may be designated by the Chief of Police, at the cost of the owner, under the following circumstances:

- 1. Any abandoned property on the right-of-way of:
 - a. Any Interstate or State highway, left unattended for ten hours,
 - b. Any street or alley, left unattended for 48 hours.
- 2. Any unattended abandoned property illegally left standing on any highway, street, alley or bridge if the abandoned property is left in such a position or under such circumstances to obstruct the normal movement of traffic or constitute a safety hazard where there is no reasonable indication that the person in control of the property is arranging for its immediate control or removal.

3. Any abandoned property left unattended on private property for more than 48 hours in violation of signs posted advising of the parking limitation or left unattended on private property in such position or under such circumstances to constitute a safety hazard or unreasonably interfere with the use of the real property by the person in possession.
4. Any abandoned property which is reported as stolen or taken without the consent of the owner or for which there is probable cause to believe is evidence of a crime.
5. Any property in control of a person who is arrested for an offense for which the officer is required to take the person into custody and where such person is unable or unwilling to arrange for the property's timely removal.
6. Any abandoned property for which there is a lawful demand for towing and/or impoundment from another law enforcement or governmental agency.
7. Any abandoned property that is directly interfering with the maintenance, care or emergency use of the streets or highways of the City.
8. Any motor vehicle, trailer, hauling trailer, recreational vehicle/equipment, commercial vehicle/**equipment**, temporary storage container, rail car, semi-trailer or similar containers determined to be on real property in violations of City Code **Chapters 4 and 14, Section 4.01.002 (301.2 D), Section 4.01.002 (302.2 D.3.b.), Section 4.01.002 (302.2 D.3.e.), Section 4.01.002 (302.2 D.3.d) or Section 4.01.002 (302.2 D.3.e), after notice is given as required by that section. City Code.**

Sec. 18.25.003. Removal of debris at accident scenes.

Any person authorized to remove a vehicle involved in an accident, disabled or abandoned on the streets or highways of the City shall remove any glass or other material or substances resulting from the incident immediately upon removal of the vehicle.

Sec. 18.25.004. Unlawfully soliciting tow service.

- A. It shall be unlawful for any person to drive a wrecker or tow truck to, or stop at, any vehicle or person involved in an accident on the streets or highways of the City unless the person driving the wrecker or tow truck has been called to the scene by a law enforcement agency or the owner, operator or passenger (or person asked by them to call) of a vehicle involved in the accident.
- B. It shall be unlawful for any person to solicit, directly or indirectly, the business of towing, removing, repairing, trading or purchasing any vehicle involved in an accident or disabled on the streets or highways of the City. The presence of a person involved in the tow business as an owner, operator, employee or agent, at the scene of an accident or disabled vehicle within one hour after the accident or the vehicle becoming disabled, or was not a called to the scene by a law enforcement agency, or the owner, operator, passenger (or person asked by them to call) is prima facie evidence of soliciting in violation of this section.

Sec. 18.25.005. Tow rotation call list system.

- A. The **Community Development** Director **of Finance** is authorized and directed to establish and implement a tow rotation call list to equitably distribute the business of towing authorized under Section 18.25.002 and of vehicles involved in an accident or disabled when the persons in charge of the vehicle cannot or will not remove the vehicle themselves or select a wrecker or tow service of their own preference.
- B. The **Community Development** Director **of Finance** may impose reasonable regulations upon wrecker or tow service businesses desiring to be on the tow rotation call list, including requiring

applications, inspecting equipment, storage facilities, office areas, personnel, and financial responsibility and evaluating service and performance.

- C. The **Community Development** Director ~~of Finance~~ shall establish maximum charges that may be imposed for towing and storage services by those businesses on the tow rotation call list when response is made under the tow rotation system. In no event shall the City be responsible for any unpaid towing or storage charges when response is made under the tow rotation system.
- D. The **Community Development** Director ~~of Finance~~ may, after reasonable notice and hearing, remove a tow service provider from the tow rotation call list.
- E. The Chief of Police is directed to use the tow rotation call list to equitably distribute the business of towing authorized under Section 18.25.002 and of vehicles involved in an accident or disabled when the persons in charge or the vehicle cannot or will not remove the vehicle themselves or select a wrecker or tow service of their own preference and develop a system to document the calls for wrecker or tow service and record performance of the service providers.

Sec. 18.25.006. Penalties.

Any person who is found to have violated any provisions of this article, or who neglects or fails to comply with such provisions, shall be guilty of an ordinance violation, and upon conviction shall be fined not less than \$250.00 and not more than \$500.00, or punished by imprisonment of not more than 180 days, or punished by both such fine and imprisonment.

Secs. 18.25.007—18.25.~~999~~ **199**. Reserved.

DIVISION 2. GENERALLY

Sec. 18.25.200. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

City means the City of Independence, Missouri.

City tow means all tows ordered by the City.

Cruising means operating a tow vehicle on a public highway at a slow rate of speed or parked in a parking area near an accident scene for the purpose of soliciting business along said highway or accident scene.

Director means the Director of Community Development or the director's designee.

Department means the Community Development Department.

Emergent tow means a City directed tow as outlined in Division 1 of Chapter 18, Article 25.

Highway means any highway, road, street or alley open to the use of the public for the purpose of vehicular traffic.

Motor vehicle or vehicle means:

- (1) Any motor vehicle designed primarily for the transportation of no more than ten persons, including the operator, and having a registered gross weight of 7,500 pounds or less; and**
- (2) Any motor vehicle designed primarily for the transportation of property, such as pick-up trucks and panel trucks, and having a registered gross weight of 7,500 pounds or less.**

Operating, operation of or to operate a tow vehicle means all acts and functions incident to the movement of a tow vehicle from place to place; as well as all acts involved in the undertaking of a tow, whether for hire or for personal or business use by the owner or individuals under the control of the owner of the tow vehicle; and the conducting of a business engaged in the operation of a tow vehicle.

Owner means any person who holds legal title to a vehicle or one who has the legal right to the control and possession thereof.

Person means any individual, assumed name entity, partnership, joint venture, association, corporation or other legal entity.

Retrieval fee means the compensation payable for the retrieval of a towed motor vehicle from a facility owned, operated, leased or used by a tow vehicle service, whether that facility is located within or beyond the city.

Storage fee means the compensation payable for the storage of a towed motor vehicle that has been stored at or in a facility owned, operated, leased or used by a tow vehicle service, whether that facility is located within or beyond the city.

Tow, tows or towing means the act of removing, by tow vehicle, a motor vehicle from public or privately-owned property. The mere preparation of a motor vehicle for removal by a tow vehicle or the attachment of a motor vehicle to a tow vehicle, or both, does not, for purposes of this chapter, constitute a "tow" or "towing."

Tow service business means any person, firm, association, corporation, partnership or organization engaged in the operation of one or more tow vehicles for a fee or as part of an auto salvage, auto repair or junk business.

Tow vehicle means any motor vehicle which is designed or equipped to or which does in fact provide any towing service, including but not limited to towing, pushing or car starting, for which a fee is charged or as part of an auto salvage, auto repair or junk business; except that vehicle transports or multicar hauling vehicles shall not be construed to mean tow vehicles for the purpose of this article; provided, however, rollback tow vehicles capable of towing two vehicles are not excluded from the definition of tow vehicles.

Tow vehicle operator means any individual who, as an employee of or otherwise for a tow service business, tows motor vehicles.

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

Sec. 18.25.201. Exceptions to article.

The provisions and prohibitions of this article shall not apply to any person who necessarily must act immediately to prevent death or bodily injury or extract a person from automobile wreckage.

Sec. 18.25.202. Penalty for violation of article.

Any person who is found to have violated any provisions of this article, or who neglects or fails to comply with such provisions, shall be guilty of an ordinance violation, and upon conviction shall be fined not less than \$250.00 and not more than \$500.00, or punished by imprisonment of not more than 180 days, or punished by both such fine and imprisonment.

Sec. 18.25.203. Vehicle labeling.

The name and business telephone number of the tow service business shall be legibly printed in letters not less than 3 inches high on each side of all tow vehicles in accordance with RSMO Section 304.158.

Sec. 18.25.204. Prohibited acts.

It shall be unlawful for the owner or operator of a tow vehicle to:

- (1) Move a motor vehicle involved in an accident or collision being investigated by the police unless such vehicle has been released by an authorized member of the police department.**
- (2) Stop at or proceed to the scene of an accident unless called to the scene, requested to stop, or flagged down by the owner or operator of a vehicle involved in an accident or requested to perform the service by a law enforcement officer or regulatory agency pursuant to that agency's procedures.**
- (3) Move any vehicle from a highway, street or public property without the express authorization of the owner or operator of the vehicle or a law enforcement officer or public agency pursuant to that agency's procedures.**
- (4) Tow any vehicle from a highway, street or public property to a location not authorized by the owner of the towed vehicle or member of the police department or other public agency.**

Sec. 18.25.205. Site cleanup.

Tow vehicle operators shall pick up and properly dispose of all vehicle parts, glass, and other debris deposited on the roadway or right of way as a result of an accident or vehicle break down, but only after receiving authorization to by a police officer at the scene.

Sec. 18.25.206. Authorization for tow.

- (a) Prior to the undertaking of any tow, the tow vehicle operator shall present the schedule of prices to the customer for their examination.**

Sec. 18.25.207. Statement required.

- (a) Prior to the undertaking of a tow, the tow vehicle operator shall obtain the name and the business, home or cellular telephone number of the person authorizing the tow. Such tow vehicle operator shall supply this information, upon request, to any law enforcement officer or representative of the department.**
- (b) All persons operating a tow vehicle shall keep in their possession a pad of printed statements containing their name and the address of their place of business and immediately after towing a vehicle shall prepare one of said printed statements in duplicate and furnish the original to the owner of the vehicle or to their authorized representative. The statement shall contain the following information:**
 - (1) The full name and address of the tow vehicle operator and driver number if applicable;**
 - (2) The state license plate number and unit number of the tow vehicle;**
 - (3) The state license number and the state vehicle identification number of the vehicle towed;**
 - (4) The total amount charged for towing, including the number of miles towed and the storage rate per day or price thereof; and**

(5) Any other information required by the director.

(c) A duplicate of each statement shall be retained by the tow vehicle operator for a period of three years and shall be exhibited by him upon demand by the director or their authorized representative.

Sec. 18.25.208. Insurance required.

All tow service businesses operating in the City shall obtain a policy of insurance from a company authorized to do business in the state or a bond of indemnity, acceptable to the director, with limits for bodily injury liability of at least \$1,000,000.00 for each person, \$1,000,000.00 for each accident and property damage liability of \$1,000,000.00 for each accident, garage keepers legal liability insurance with limits of \$150,000.00, on-hook liability policy of \$150,000.00, and workers' compensation insurance as required by state law.

Sec. 18.25.209. Hours of operation of storage facilities.

Any tow service business that tows a motor vehicle from a location within the city shall take the vehicle to a storage facility from which towed vehicles may be retrieved 24 hours a day, seven days a week.

Sec. 18.25.210. Methods of payment.

A tow business service, tow vehicle operator and storage facility operator shall accept payment for any towing fee, storage fee, retrieval fee and the "in lieu of towing" fee in each of the following ways:

- (1) Cash in United States currency;
- (2) Travelers' checks or money orders payable in United States currency;
- (3) Debit or credit card. There shall be no additional charge for the use of a debit and credit card; and
- (4) Any electronic and mobile payment service. There shall be no additional charge for the use of these services.

Sec. 18.25.211. Receipt.

Upon payment of all towing, storage and, if applicable, retrieval fees, the tow service business or storage facility operator, as the case may be, shall immediately give the vehicle owner or custodian a written receipt that contains the following information:

- (1) The name and address of the tow service business;
- (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 or property owner who requested the tow; and
- (7) A statement on the receipt that reads as follows: Please refer to Sections 18.25.210 and 18.25.211 of the Code of Ordinances of the City of Independence, Missouri for more information on payment options and receipt requirements regarding vehicle tows.

The receipt must be signed by the vehicle owner or custodian on the date that payment is made and a copy of the signed receipt must be given to the vehicle owner or custodian on the day the receipt is signed.

Sec. 18.25.212. Tow service business requirements.

A tow service business operating a tow vehicle pursuant to the authority granted in this chapter shall:

- (1) Have and occupy a verifiable business address; and
- (2) Have a fenced, secure, and lighted storage lot or an enclosed, secure building for the storage of motor vehicles; and
- (3) Be available 24 hours a day, seven days a week. Availability shall mean that an employee of the towing company or an answering service answered by a person is able to respond to a tow request; and
- (4) Maintain a valid insurance policy issued by an insurer authorized to do business in this state, or a bond or other acceptable surety providing coverage as outlined in Section 18.25.208; and
- (5) Provide workers' compensation insurance for all employees of the towing company if required by RSMo Section 287; and
- (6) Maintain current motor vehicle registrations on all tow vehicles currently operated within the tow service business fleet.
- (7) Maintain the business name, address and phone number on all tow vehicles operated within the tow service business fleet.

Sec. 18.25.213. Towing log or similar record.

Every tow service business shall maintain a separate log or other document which shall show, for each motor vehicle that it has towed from a location within the city, the following information:

- (1) The date and time that the vehicle was towed;
- (2) The tow vehicle operator's first and last name;
- (3) The name and the business, cellular or home phone telephone number of the person who ordered the tow;
- (4) The date and time that the vehicle entered the facility at which it was placed for storage;
- (5) The make, model, year, vehicle identification number and license plate number of the vehicle;
- (6) The address of the property from which the vehicle was removed;
- (7) The total mileage of the tow; and
- (8) The towing, retrieval and storage fees actually charged.

Such log or record shall be maintained for a period of at least three years from the date of each tow and shall be made available, during normal business hours, for inspection by the city. In addition, the portion of such log or record pertaining to a particular motor vehicle shall be made available, during normal business hours, for inspection by the owner of the vehicle.

Sec. 18.25.214. Miscellaneous.

- (a) The tow service business, at all times, is responsible for the conduct of their business and the acts and conduct of their employees and operators which is in violation of the provisions of this chapter or the regulations of the director.**
- (b) The tow service business, at all times, is responsible for all tow vehicles and the tow vehicles are maintained in a clean and serviceable condition and in adequate repair.**
- (c) No tow vehicle operator shall engage in cruising.**
- (d) No tow vehicle operator shall invite or permit loitering within or near their tow vehicle.**
- (e) No tow vehicle operator shall seek employment by repeatedly driving their vehicle to and from in a short space on any highway or otherwise interfering with the proper and orderly progress of traffic along a public highway.**
- (f) No tow vehicle operator shall report for another operator's tow.**
- (g) No tow vehicle operator shall solicit or attempt to divert prospective patrons of an emergent tow.**
- (h) No tow vehicle operator shall solicit or divert prospective patrons at a given garage in the city to any other garage.**
- (i) No tow vehicle operator shall solicit, demand or receive from any person, any pay or commission or emolument whatsoever except the proper fare for transporting the city or emergent tow in accordance with the schedule of charges as determined by the director.**
- (j) All tow service businesses shall promptly report all changes of address and or contact information to the director.**
- (k) A tow vehicle operator shall not remove a vehicle involved in an accident in which a person has been killed or seriously injured unless such vehicle has been released by a law enforcement officer.**

Sec. 18.25.215. Exemptions.

The provision of this chapter shall not be applicable to any person operating a tow vehicle under the terms of a written contract for a specific period of time with any person, firm or corporation to tow, transport, convey or move vehicles owned, controlled or in the custody of such person, firm or corporation to a specific location so designated, for consideration set forth in such contract; provided that the said person has in their possession at all times while towing, transporting, conveying or moving any such vehicle, such contract or an affidavit which shall recite the existence of the said contract, the name, address and phone number of the contracting parties, the term of the contract and the scope of services to be performed. Any person seeking exemption under this provision shall display such contract or affidavit when required to do so by any law enforcement officer.

Sec. 18.25.216. Informal disposition.

Nothing contained in this chapter shall preclude the informal disposition between the director and any person by stipulation, consent order or default, or by agreed settlement.

Sec. 18.25.217. Authority to prescribe additional rules and regulations.

The director is authorized to make and promulgate reasonable and necessary safety rules and regulations to carry out the provisions of this article. A copy of all such rules and regulations shall be on file with the director.

Secs. 18.25.218—18.25.299. Reserved.

DIVISION 3. BUSINESS LICENSE REQUIRED

Sec. 18.25.300. Business license required.

It shall be unlawful for any person to report for or make a tow in the City unless the tow service business has a valid business license in accordance with Chapter 5 of the City Code. Application for a business license shall be made by the tow service business on a form furnished by the City.

Sec. 18.25.301. Application for business license.

- A. Any tow service business desiring to operate a tow vehicle within the city shall make written application for a business license or the renewal thereof to the director, which application shall set forth the following:**
- (1) A full identification of the applicant and all persons interested in the registration number, if granted, including the residence, business and email address of the applicant, and of all members of any firm, association or partnership, and of all principal shareholders, officers, directors and managers of any corporation applying;**
 - (2) Whether or not the applicant has been convicted of violating any provision of the code or has ever had a certificate or registration number issued under this article revoked or suspended;**
 - (3) Whether or not the applicant has unpaid claims or unsatisfied judgments against him or it for damages resulting from the negligent operation of a vehicle;**
 - (4) The past experience, if any, that the applicant has had in rendering such tow service in the city and the period of time that the applicant has rendered such service;**
 - (5) That an applicant has sworn to the truthfulness and accuracy of the information provided on all forms and will abide by the provisions of this chapter. The applicant must provide positive identification as the person applying for such license.**
 - (6) Such further information as the director may reasonably require.**
 - (7) The full amount of the fees chargeable for such license.**
- B. At the time the application is submitted, the City shall issue a receipt to the applicant for the money paid in advance. Such receipt shall not be construed as the approval of the City for the issuance of a license, nor shall it entitle or authorize the applicant to open or maintain any business contrary to the provisions of this chapter.**
- C. The applicant shall submit application for renewal of the license annually at the time specified in City Code Section 5.01.014 of this chapter. Such application for renewal shall include a written statement upon forms provided that the information submitted on the application form is true and correct.**

D. When the City upon considering and applying the general standards set out in this chapter in City Code Section 5.01.018 determines that an applicant for a license, or for a renewal of a license, is not qualified under such provisions, the application shall be denied.

Sec. 18.25.302. License year, when fees are paid, expiration, renewal of license.

A business license shall be valid as prescribed in chapter 5 of the City Code.

Sec. 18.25.303. Submitting false information.

Any false statement or misrepresentation of a material fact, made by an applicant for the purpose of securing a tow service business license, or any renewal thereof, shall be deemed good and sufficient cause for refusal to grant, or, if granted, for revocation of a business license.

Sec. 18.25.304. Compliance with applicable laws.

Every tow service business operating in the City shall comply with all city, state and federal laws. Failure to do so will justify suspension or revocation of the tow service business by the director.

Sec. 18.25.305. License denial, suspension or revocation; right to appeal.

A. No business license may be denied, suspended, revoked or the renewal thereof denied unless notice and an opportunity to be heard is given the holder of the business license in accordance with the notice provisions set forth in Chapter 5 of the City Code, as applicable.

B. The applicant has the right to appeal in accordance with the provisions set forth in Chapter 5 of the City Code, as applicable.

Secs. 18.25.306—18.25.399. Reserved.

DIVISION 4. OPERATORS' AND EQUIPMENT REQUIREMENTS AND QUALIFICATIONS

Sec. 18.25.400. Vehicles generally.

It shall be unlawful for any person to operate or allow or cause to be operated any tow vehicle, either for a fee or as part of any auto salvage, auto repair or junk business within the city, unless said vehicle has a current, approved department of transportation (DOT) inspection certificate.

Sec. 18.25.401. Vehicles listed on business license.

All tow service businesses with a valid business license shall list all tow service vehicles utilized by said business. It shall be unlawful for any person to operate or allow or cause to be operated any tow vehicle, either for a fee or as part of any auto salvage, auto repair or junk business within the city, unless said vehicle is listed on the City of Independence business license.

Sec. 18.25.402. Operators listed on business license.

It shall be unlawful for any person, other than a tow business owner, to report for and make a tow unless the operator is listed on the City of Independence business license.

Sec. 18.25.403. Requirements for tow vehicle operators.

(a) Any person who is listed as an operator for a licensed tow service business shall meet the following criteria:

(1) Be 18 years of age or older; and

- (2) Shall not have any active municipal warrants; and
- (3) Have a current commercial driver's license issued by the state pursuant to the licensing requirements of RSMO Chapter 302 or have a comparable commercial driver's license that is current and has been issued by another state.

Sec. 18.25.404. Background investigation.

After a tow service business has filed a complete list of all tow vehicle operators with the director, the director shall cause the tow vehicle operators to be investigated. The background investigation shall include a review of all records available. The background investigation shall also include an investigation of the applicant's background of everything listed under City Code Sections 18.25.403 and 18.25.214 of this division.

Secs. 18.25.405—18.25.499. Reserved.

DIVISION 5. NONCONSENT TOW

Sec. 18.25.500. Applicability.

This division applies:

- (1) To the towing, by a tow service business, of motor vehicles from privately-owned property within the city without the consent of the vehicle owner or duly authorized driver or a law enforcement officer being present;
 - (i) For purposes of this subsection, a duly authorized driver has permission or written authorization from the vehicle owner.
- (2) To the fees that are charged for such towing of vehicles; and
- (3) To the fees that are charged for the storage and retrieval of such towed vehicles.

The division does not apply to the towing of motor vehicles identified in Section 18.25.002. from public streets and other locations within the city that is performed pursuant to an ordinance or contract with the city, or to the storage of such vehicles.

Sec. 18.25.501. Towing regulations.

- (a) Except for the removal of motor vehicles authorized by the City, a towing company shall not remove or commence the removal of motor vehicles from private property without first obtaining written authorization from the property owner or lessee in lawful possession or the property manager or security manager of the real property, who must be present at the time of removal or commencement of the removal. A property manager or security manager must be a full-time employee of the business entity. All written authorizations shall be maintained for at least three years by the towing company. General authorization to remove or commence removal of motor vehicles at the towing company's discretion shall not be delegated to a towing company or its affiliates except in the case of motor vehicles unlawfully parked within 15 feet of a fire hydrant or in a fire lane designated by a fire department or the state fire marshal as required by RSMo Section 304.158.

Sec. 18.25.502. Notice of tow.

Prior to towing any motor vehicle, the tow service business or operator shall contact the city's police department and provide the following information:

- (1) The name of the tow service business and operator;

- (2) A description of the vehicle to be towed, including its year, make, model, vehicle identification number and license plate number;
- (3) The date and time of the tow;
- (4) The address of the location from which the vehicle is being towed; and
- (5) The name and address of the facility to which the vehicle is to be delivered and stored, and from which the vehicle may be retrieved.
- (6) If the vehicle to be towed is reported as stolen the tow company shall not remove the vehicle and provide the location and vehicle description to Police.

Sec. 18.25.503. Warning signs.

It shall be unlawful for any tow service business or tow vehicle operator to tow a motor vehicle unless the area in which the vehicle is parked has been posted by a sign, in plain view, at each entrance and exit that has been permanently installed for a minimum of 24 hours prior to any vehicle being removed. The legible sign shall be a minimum of 17 inches by 22 inches in size with lettering not less than one inch in height and posted so that the bottom of the sign is at least 36 inches, but no more than 72 inches off the ground and shall include:

- (1) A pictorial symbol of a tow vehicle;
- (2) A statement to the effect that any trespassing motor vehicle within the area is subject to towing and storage at the expense of the vehicle owner;
- (3) If applicable, the hours and days of the week when trespassing vehicles are subject to towing;
- (4) A telephone number, other than that of the police department, that may be called and answered 24 hours a day for information regarding the retrieval of a towed vehicle; and
- (5) The maximum fee that will be charged for a towing fee, storage fee, retrieval fee and in lieu of towing fee.

Provided, that the requirements of this section shall not apply to areas providing parking for single-family, two-family and townhouse dwellings, as such dwellings are defined in the city zoning ordinance.

Sec. 18.25.504. Penalties.

Any person who is found to have violated any provisions of this article, or who neglects or fails to comply with such provisions, shall be guilty of an ordinance violation, and upon conviction shall be fined not less than \$250.00 and not more than \$500.00, or punished by imprisonment of not more than 180 days, or punished by both such fine and imprisonment.

Secs. 18.25.505—18.25.599. Reserved.

SECTION 3. That all other parts and provisions of the City Code not in conflict herewith shall remain in full force and effect unless previously or subsequently amended or repealed.

PASSED THIS ____ DAY OF _____, 2024, BY THE CITY COUNCIL OF THE
CITY OF INDEPENDENCE, MISSOURI.

Presiding Officer of the City Council
Of the City of Independence, Missouri

ATTEST:

City Clerk

APPROVED – FORM AND LEGALITY:

City Counselor

REVIEWED BY:

City Manager

NOTE: Text ~~struck through~~ and **bolded** are being removed by this Ordinance and words underscored and **bolded** are being added by this Ordinance.