

ORDINANCE NO. 094, SERIES 2023

AN ORDINANCE AMENDING CHAPTER 72 OF THE LOUISVILLE METRO CODE OF ORDINANCES RELATING TO METRO GOVERNMENT TOW LOT AUTHORITY AND FEES.

SPONSORED BY: COUNCIL MEMBER BRENT ACKERSON

WHEREAS, the management of the Louisville Metro Government tow lots has shifted from the Director of Public Works to the Louisville Metro Police Department; and

WHEREAS, Louisville Metro Code of Ordinances ("LMCO") should be updated to reflect the current management and offer maximum flexibility for the Metro Government-controlled lots; and

WHEREAS, fees at the Louisville Metro Government tow lots should be updated to reflect current rates; and

WHEREAS, fees must be updated to reflect the market for contract wreckers, staffing, storage, and facility maintenance.

NOW, THEREFORE, BE IT ORDAINED BY THE LEGISLATIVE COUNCIL OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT AS FOLLOWS:

SECTION I: LMCO 72.060 is hereby amended as follows:

The Metro Government tow lots, known as the Vehicle Impoundment Division, shall be under the direction of ~~the Director of Public Works~~ Louisville Metro Government. The Metro Government tow lots shall be maintained and operated on a 24-hour basis and shall have storage facilities to take care of all vehicles towed by Metro Government wreckers and contract wreckers employed ~~by the Director of Public Works or PARC~~ on behalf of Metro Government. The tow lots shall be secured as to preclude tampering with vehicles stored at the tow lot. Tow lot personnel shall exercise reasonable care to prevent damage accruing to any vehicle in their custody.

SECTION II: LMCO 72.062 is hereby amended as follows:

(A) A towing charge of ~~\$85~~150 for each hour or fraction of an hour required for towing shall be made for each motor vehicle. Where it is necessary to use more than one wrecker in moving or recovering a vehicle, an additional charge of ~~\$85~~150 per hour or fraction of an hour shall be assessed for each additional wrecker used. Where it is necessary to use additional equipment in moving or recovering a vehicle, such as a dolly, an additional charge of \$25 shall be assessed for each additional piece of equipment used. However, if the additional wrecker or equipment is furnished by contract wrecker employed by Metro Government for Metro Government or for a private person the charge made shall be the actual cost of the equipment to Metro Government but not less than ~~\$85~~150 per hour or fraction thereof for a wrecker and not less than \$25 per hour or fraction thereof for additional equipment.

(B) The Metro Government tow lot shall charge \$10 as a handling charge on all passenger cars, pick-up trucks, vans and motorcycles plus a storage charge of ~~\$40~~30 for each of the first seven days or fraction thereof the vehicle is retained in storage and a charge of ~~\$5.00~~ per day for each additional day the vehicle remains in storage.

(C) For all other vehicles, the Metro Government tow lot shall charge \$20 as a handling charge, plus a storage charge of ~~\$45~~30 for each of the first seven days the vehicle is retained in storage and a charge of ~~\$7.50~~ per day for each additional day the vehicle remains in storage.

(D) ~~The Cabinet Secretary for Public Works and Services~~ Louisville Metro Government shall set all towing charges in writing. The fees set forth in this section are

the initial fees and hereinafter ~~the Cabinet Secretary for Public Works and Services~~ Metro Government may raise the fees no more than 10% each year.

(E) Except during an amnesty period as provided by § 72.066, during a challenge of the impoundment of a vehicle under § 72.129, or ~~except~~ as provided in subsection (G), the owner of the vehicle shall pay all charges, including any parking citations that have become final, before the vehicle is released. ~~The Cabinet Secretary,~~ Vehicle Impoundment Division or a named designee, shall collect all towing and storage charges, and citation fees from the owner of any such vehicle. Upon payment of all charges and presentation of proper identification and proof of ownership, the Cabinet Secretary, or a named designee, shall authorize release to the owner, or the owner's authorized designee, of any such vehicle.

(F) The Vehicle Impoundment Division shall account for and remit all charges so collected to the Metro Government Finance Cabinet at least every 72 hours.

(G) The owner of any vehicle that has been stolen and subsequently impounded at the Metro Government ~~Tow Lot~~ shall not be required to pay towing fees before their vehicle is released provided that the owner presents a copy of a valid police report identifying the vehicle as stolen. Storage fees will also be waived for any vehicle which is stolen and subsequently impounded at the Metro Government ~~Tow Lot~~ for the first 21 days after the owner receives notice that the vehicle is stored at the lot. After 21 days, applicable daily storage fees pursuant to this section shall accrue and must be paid by the owner before the vehicle is released.

SECTION III: LMCO 72.063 is hereby amended as follows:

~~(A) The Director of Public Works and PARC Metro Government~~ may contract with independent wreckers and award contracts for independent wreckers to furnish supplementary emergency wrecker services to Metro Government. These services shall be performed on a 24-hour basis in addition to Metro Government wreckers. ~~The Director of Public Works Metro Government~~ shall determine the necessary qualifications for any independent contract wrecker. The wreckers shall be equipped to perform the services with efficiency and to conform with the towing charges set forth in writing by ~~the Director of Public Works Metro Government~~. The wrecker is to protect Metro Government by furnishing ~~to the Director of Public Works~~ evidence of insurance fully covered as to public liability, property damage, cargo, workman's compensation, and any other insurance necessary in the performance of its duties, in a form and with limits of liability satisfactory to the Director of Works.

~~(B) Metro Government owned wreckers shall in all respects be given priority over contract wreckers in responding to PARC enforcement requirements. The Director of Public Works and PARC may utilize contract wreckers only if, at the time wreckers are required by PARC, Metro Government owned wreckers are in use or otherwise not available to PARC.~~

SECTION IV: LMCO 72.064 is hereby amended as follows:

No motor vehicle shall be released by the Vehicle Impoundment Division except on written order from the ~~Cabinet Secretary for Public Works and Services~~ Vehicle Impoundment Division, or a named designee.

SECTION V: LMCO 72.128 is hereby amended as follows:

(A) Metro Government may impound a motor vehicle parked, stopped or standing upon a street or public way within its jurisdiction in violation of an ordinance or statute prohibiting parking, stopping or standing in the location, manner or at the time the vehicle is cited or for any other lawful reason.

(B) No vehicle shall be parked on any public way within Jefferson County which vehicle has accumulated three unpaid parking citations which are not under appeal and as to which notice has been issued pursuant to KRS 82.615(2).

(C) Metro Government, in addition to the fines levied for the parking or traffic offense, may by ordinance impose reasonable towing, handling and storage charges upon an impounded vehicle.

(D) Metro Government may condition the release of an impounded vehicle upon the payment of the any outstanding unpaid citations that have become final, towing, handling, and storage charges imposed thereon, unless the owner or other person entitled to possession challenges the validity of the impoundment pursuant to § 72.129 or unless the vehicle has been stolen under LMCO § 72.062(G). A vehicle may be released to the owner or other person entitled to possession only upon proof of ownership or right to possession. Metro Government may require reasonable security, bond, or other assurances of indemnification from a person who is not the registered owner of the vehicle prior to releasing the vehicle to such person.

SECTION VI: LMCO 72.129 is hereby amended as follows:

(A) The owner of a motor vehicle that has been impounded pursuant to this section, or other person entitled to possession, may challenge the validity of such impoundment

and request in writing a hearing before the Parking Citation Enforcement Hearing Board. The hearing shall be conducted within ten business days of the date of the request, unless the owner or other person entitled to possession waives the limitation or Metro Government shows good cause for such delay. Metro Government shall retain possession of the vehicle pending the hearing, unless the owner or other person claiming right of possession posts a bond in an amount equal to the fines and fees accrued as of the date of the hearing request, or ~~\$150~~75, whichever is less. If the owner or person claiming possession of the vehicle is unable to pay the amount of the bond, the hearing shall be held within 72 hours of the date the request for hearing is received, unless such person requests or agrees to a continuance.

(B) No less than five days prior to the date set for the hearing, Metro Government shall notify the person requesting the hearing of the date, time, and place of the hearing. In the case of a hearing required to be held within 72 hours of the date of the request as provided in § 72.129, the person requesting the hearing shall be informed at the time of his or her request, or as soon thereafter as a practicable, of the date and time of the hearing.

(C) Any person who refuses or, except for good cause, fails to appear at the time and place set for the hearing shall be deemed to have conceded on his or her and the owner's behalf the validity of the impoundment.

(D) At the hearing, after consideration of the evidence, the Parking Citation Enforcement Hearing Board shall determine whether the impoundment was valid and reasonable. Where it has not been established that the impoundment was justified, an order releasing the vehicle shall be entered. All fines and fees paid or amounts posted,

with the exception of final outstanding citations paid, as bond because of the impoundment of the vehicle shall be returned. Where it has been established that the impoundment was justified, the Board shall uphold the impoundment and condition the release of the vehicle upon payment of all fines and fees accruing thereto. If bond has been posted as security for release of the vehicle, said bond shall be forfeited to Metro Government. Any fines or fees in excess of the amount of the bond posted shall be ordered to be paid by the owner of the vehicle to Metro Government. The Parking Citation Enforcement Hearing Board shall furnish the owner or person appearing on the owner's behalf with a copy of its order.

(E) The Parking Citation Enforcement Hearing Board may consider a parking citation and any other written report made under oath by the issuing officer in lieu of the officer's personal appearance at the hearing.

SECTION VII: LMCO 72.066 is hereby amended as follows:

(A) ~~After a written request from the Chief of Police, or their designee, The Director of Public Works~~ Metro Government may declare an amnesty period as described in this section. An amnesty period shall not exceed 30 days and may not be declared to begin less than 365 days following the conclusion of a prior amnesty period. ~~The Director of Public Works~~ Metro Government may waive all towing and storage fees for vehicle owners who pick up their vehicle from the Metro Government Tow Lot during the amnesty period.

(B) The amnesty period shall not apply to a vehicle impounded through the use of an immobilizing device under § 72.065.

(C) The amnesty period shall not apply to vehicles impounded under §§ 51.510, 131.15, 123.37, or 156.052.

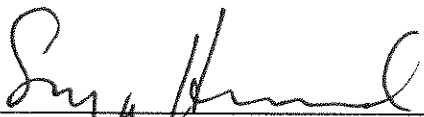
(D) The amnesty period shall not waive towing and storage fees imposed by court order.

(E) The amnesty period shall not waive fees from parking citations.

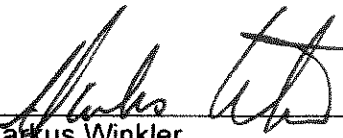
(F) The amnesty period shall not apply to any vehicles which are impounded at a lot pursuant to a contract with Metro Government for the purpose of providing supplemental towing services.

(G) At the expiration of an amnesty period, all fees payable under this chapter shall resume in full effect.


SECTION VIII: This Ordinance shall take effect upon its passage and approval or otherwise becoming law.



Sonya Hayward
Metro Council Clerk



Markus Winkler
President of the Council



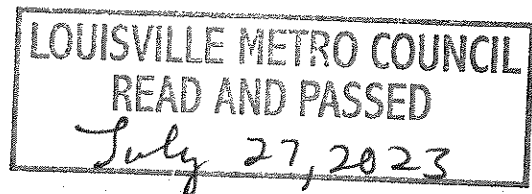
Craig Greenberg
Mayor

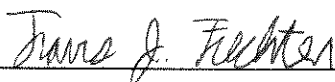
August 3, 2023

Approval Date

APPROVED AS TO FORM AND LEGALITY:

Michael J. O'Connell
Jefferson County Attorney



BY: 

O-153-23 Tow Lot Update KDM 6-16-23