



Memorandum

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TO: Council Member Denise Adams, Chairperson, Community Development/Housing/General Government Committee and Committee Members
Council Member James Taylor, Jr., Chairperson, Public Safety Committee and Committee Members

FROM: Alan A. Andrews, Deputy City Attorney

DATE: March 5, 2019

SUBJECT: Questions Regarding the Abandoned Vehicles Ordinance Amendment

CC: Lee D. Garrity, City Manager

At the February 11 and February 12, 2019 meetings of the Public Safety Committee and the Community Development/Housing/General Government (“General Government”) Committee, Council members posed various questions to City staff regarding the process for private towing companies to participate in City-requested tows. There were concerns that the process be open and accessible to all eligible towing businesses but that any private tower involved would be capable to handle towing requests, safely store towed vehicles and be able accommodate vehicle owners’ needs to reclaim their vehicles at reasonable hours.

Currently, the City has an agreement with the Winston-Salem Wrecker Association (“Association”) whereby the Association maintains a list of all eligible wrecker companies from which it dispatches wreckers on a rotation basis in response to calls for wrecker assistance. To be on the list a wrecker company must meet minimum standards, including towing equipment, insurance and storage lot requirements. There are also driver requirements that must be met. All companies on the list are subject to random inspections for compliance with the Agreement’s standards and requirements. Any eligible wrecker company can be added to the list and remain there as long as the company maintains the required standards and complies with the Agreement’s terms and conditions. As a result of the proposed amendment, this Agreement will change. However, an arrangement or policy will be created to address minimum standards and requirements and to ensure open access to any eligible wrecker company or private tower to provide towing and storage services requested by the City.

Under the proposed amendment, the City would no longer set fees for vehicle towing and storage charges. The fees to be charged to vehicle owners would be addressed in arrangements between the City and private towers or a policy established regarding to those arrangements. This is primarily because G.S. 160A-303, which addresses the removal and disposal of junked and abandoned motor vehicles, provides that where a city operates in such a way that the person who tows a vehicle is responsible for collecting towing fees, that person must follow post-towing procedures as mandated by State law. While the City

will not be setting the fess schedule, the City can, if it chooses, develop parameters for costs to vehicle owners, monitor fees being charged and take necessary action if any participating towing company is not following established requirements.

Owners whose vehicles are towed under the abandoned, junked and safety hazard vehicle code have the right to request a probable cause hearing before a Forsyth County magistrate before the sale and final disposition of their vehicles. Owners of vehicles declared to be junked motor vehicles for aesthetic purposes under city code section 42-344, may also request a pre-towing hearing before City staff, during the seven-day notice period.

While several peer cities have individual approaches to managing the towing and storage of abandoned, junked and safety hazard vehicles, the proposed amendment brings Winston-Salem in line with its peers by no longer maintaining a storage lot and managing the storage and selling of these vehicles. The proposed amendment keeps the City in compliance with State laws that impact the towing and storage of vehicles and represents beneficial process and procedure improvements.