

Information Item

Date: February 11, 2019

To: The City Manager

From: Marla Y. Newman, Community Development Director
Chief Catrina Thompson, Winston-Salem Police Department
Alan Andrews, Deputy City Attorney
Tasha Logan Ford, Assistant City Manager

Subject: Amendments to the abandoned, junked, safety and health hazard vehicles and vehicle impoundment codes.

Strategic Focus Area: Livable Neighborhoods

Strategic Objective: No

Strategic Plan Action Item: No

Key Work Item: No



The Community Development and Police Department seeks City Council approval to implement policy and procedure changes to more efficiently address junked and abandoned vehicles within the City. Over the past two years, it has become apparent the current storage facility on 4011 Old Milwaukee Lane no longer adequately meets both the Community Development and Police Departments need for vehicle storage. In addition, policy modifications as presented would afford the City the opportunity to better serve the community by creating a more efficient process.

These amendments seek to improve the city's practices regarding vehicles impounded for obstructing traffic, blocking alleys and driveways and thereby impeding fire services or that are otherwise parked improperly or in violation of the parking meter. These amendments will also update and streamline the city's practices and procedures regarding its handling of abandoned, junked, health and safety hazard vehicles. These amendments introduce and define a new term, private tower, for the towing companies that will play a larger role in the storage, selling and disposition of vehicles within these categories.

Private towers will now not only tow these vehicles but will store them, allow owners to retrieve their vehicles with proper payment of costs, sell the vehicles when necessary to recover expenses, while taking care of sales notification and other administrative functions that were formerly the city's responsibility.

In summary, these amendments to the city's abandoned, junked, safety and health hazard vehicle codes and the vehicle impoundment code will serve to:

- Remove the city's responsibility for storing and selling vehicles that have been towed under the city code.
- Reduce the city's fiscal and administrative burdens from managing the storage and sale of these vehicles and maintaining the storage lots to house these vehicles, the current lot.
- Reduce the city's administrative burden from holding hearings before the sale and disposition of these vehicles. The statutory hearing procedure will be available to vehicle owners.
- Allow private towing contractors to store and, when necessary, sell these vehicles.
- Remove the fee schedule and caps for towing and storage by private towers thus avoiding concerns raised by the King v. Town of Chapel Hill N.C. Supreme Court opinion.
- Allow the city to continue collecting a fee to partially defray its expenses in administering the abandoned, junked, safety and health hazard vehicle program.
- Places Winston-Salem in line with peer cities by no longer storing vehicles on city-owned lots.

While the city will still notify an owner that their vehicle has been towed, as state law requires, the city will no longer bear the fiscal and administrative burdens associated with high-volume storage and sales and storage lot maintenance. Vehicle owners will not suffer a loss of their right to reacquire their vehicle or have probable cause hearings regarding their vehicle's towing. The city will no longer be an intermediary when a private property owner wishes to have an abandoned vehicle towed from its property. The property owner will be able to contact a private tower to make those arrangements. As a part of these changes, the city-imposed fee schedule and cap will be removed. Fees and other operational terms will be addressed in the city's rules and regulations governing rotation wrecker services.