

**ORDINANCE NO. 5322**

AN ORDINANCE TO AMEND CHAPTER 72 **PARKING REGULATIONS** OF THE FAYETTEVILLE CODE TO ENACT REGULATIONS FOR NONCONSENSUAL TOWING OF VEHICLES WITHIN THE ENTERTAINMENT DISTRICT PARKING ZONE

**WHEREAS**, nonconsensual towing of vehicles from private property has been a problem for years in the Entertainment District around Dickson Street in Fayetteville; and

**WHEREAS**, the Fayetteville City Council passed a Resolution requesting that the Arkansas Legislature provide additional powers to the cities of Arkansas to regulate nonconsensual towing practices; and

**WHEREAS**, the City Attorney traveled to Little Rock at the request of Representative Lindsley Smith to inform her Legislative Committee about the problems of nonconsensual towing; and

**WHEREAS**, Representative Lindsley Smith and Senator Sue Madison were finally successful in obtaining passage of Act 681 of the 2009 Legislative Session which gives the cities more rights to regulate nonconsensual towing.

**NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:**

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby enacts **Article IV Nonconsensual Towing Regulations** of Chapter 72 Parking **Regulations** as shown below:

**ARTICLE IV  
NONCONSENSUAL TOWING REGULATIONS**

**72.70 Application.**

“These nonconsensual towing regulations shall apply within the Entertainment District Parking Zone shown on Exhibit A for the nonconsensual towing of a vehicle subject to registration under the laws of Arkansas if it is found abandoned, parked without the consent of the property owner or the owners’ agent, parked in violation of the time period or location agreed to by the owner or owner’s agent, or for whatever reason the owner or

owner's agent believes a vehicle, which is not the property of the owner or owner's agent, should be towed. These regulations do not apply to removal of vehicles from publicly owned or leased property, nor to police initiated tows. The sign requirements do not apply to residential driveways or parking lots designed for four or fewer vehicles. These regulations shall apply city-wide where indicated in §72.72.

**“72.71 Requirements for proper signage before nonconsensual towing from private parking lots is permitted within the Entertainment District Parking Zone.**

(A) *Exemption from the Sign Ordinance.* All signs required by this section shall be exempt from further regulation of the Sign Ordinance pursuant to §174.03(F).

(B) *Location and Size of Nonconsensual Towing Warning Sign.* Every private parking lot with five or more spaces must have an easily readable Nonconsensual Towing Warning Sign that is not more than 16 square feet, devoid of any advertising and prominently placed at each entrance to the parking lot.

(C) *Contents of Sign for 'Paid Parking Lot'.* The Nonconsensual Towing Warning Sign shall contain only the following information in clearly legible letters at least one inch in height in the following order from the top of the sign for a private parking lot that allows paid parking.

- (1) The symbol for towing vehicles.
- (2) 'Private Parking Lot.'
- (3) Either 'Pay to park at all hours' or 'Pay to park during (posted) hours.'
- (4) At the owner's option, the sign may show the hourly rate and any maximum day or evening rate for parking in the lot.
- (5) 'Parking in violation of posted restrictions will result in towing of vehicle at owner's expense, up to \$60.00, plus storage of up to \$10.00 per day.'
- (6) Name, address (including physical address of storage lot), and telephone number of towing and storage firm authorized to tow vehicles from this private lot.

(D) *Contents of sign for 'Customers Only' or 'Residents Only' Parking Lot.* The Nonconsensual Towing Warning Sign shall contain only the following information in clearly legible letters at least one inch in height in the following order from the top of the sign for a private parking lot that prohibits public parking and allows only residents or customers to park.

- (1) The symbol for towing vehicles.
- (2) 'Private Parking Lot.'
- (3) 'Customers Only' or 'Residents Only.' The owner may denote the business or residential complex.
- (4) 'Parking of unauthorized vehicle will result in towing of vehicle at owner's expense, up to \$80.00, plus storage of up to \$10.00 per day.'
- (5) Name, address (including physical address of storage lot), and telephone number of towing and storage firm authorized to tow vehicles from this private lot.

#### **72.72 Regulations of Towing and Storage Companies.**

(A) *Valid licenses required.* Any towing and storage company operating anywhere in the City of Fayetteville must be in full compliance with all state and local license requirements, A.C.A. §27-50-1101, the Fayetteville Code, and be in good standing with the Arkansas Towing and Recovery Board.

(B) *Allowed charges for nonconsensual towing and storage.* Within the Entertainment District Parking Zone, no Towing and Storage Company may charge a nonconsensually towed vehicle's owner/driver more than \$60.00 if the vehicle is towed from a 'Paid Parking Lot', \$80.00 if the vehicle is towed from a 'Customers Only' or 'Residents Only' Parking Lot, and \$100.00 if the vehicle is towed from private property not classified as a 'Paid Parking Lot' or 'Customers Only' or 'Residents Only' Parking Lot. In addition, the towing and storage company may charge up to \$10.00 per day for storage beginning twelve hours after the nonconsensually towed vehicle is placed in the storage lot and available to be reclaimed by its owner or driver. The maximum \$100.00 towing fee and \$10.00 per day storage fee for a nonconsensual tow from private property that is not police initiated is applicable everywhere within the entire city limits. The above fees are the total amount that can be charged to the owner/operator. No administrative, special equipment or other fee can be charged to the owner/operator of the vehicle.

(C) *Payments by owner/operator for towing and storage charges.* The towing and storage company must accept valid credit and debit cards for payment of towing and storage fees and may accept any other form of payment.

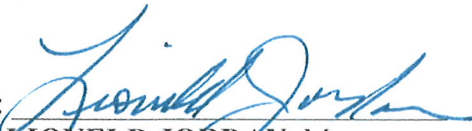
(D) *Location of storage yard.* The towing and storage company may not charge mileage or transportation fees for towing the vehicle to its storage lot which must either be located within Fayetteville or not more than eight miles from the place from which the vehicle was towed.

(E) *Company must answer telephone.* The towing and storage company shall answer every telephone call for the number displayed upon the Nonconsensual Towing Warning Sign during every 12 hour period immediately after a vehicle has been towed if such vehicle remains in the towing and storage company's possession.

**PASSED** and **APPROVED** this 1<sup>st</sup> day of June, 2010.

APPROVED:

ATTEST:

By:   
LIONELD JORDAN, Mayor

By:   
SONDRA E. SMITH, City Clerk/Treasurer

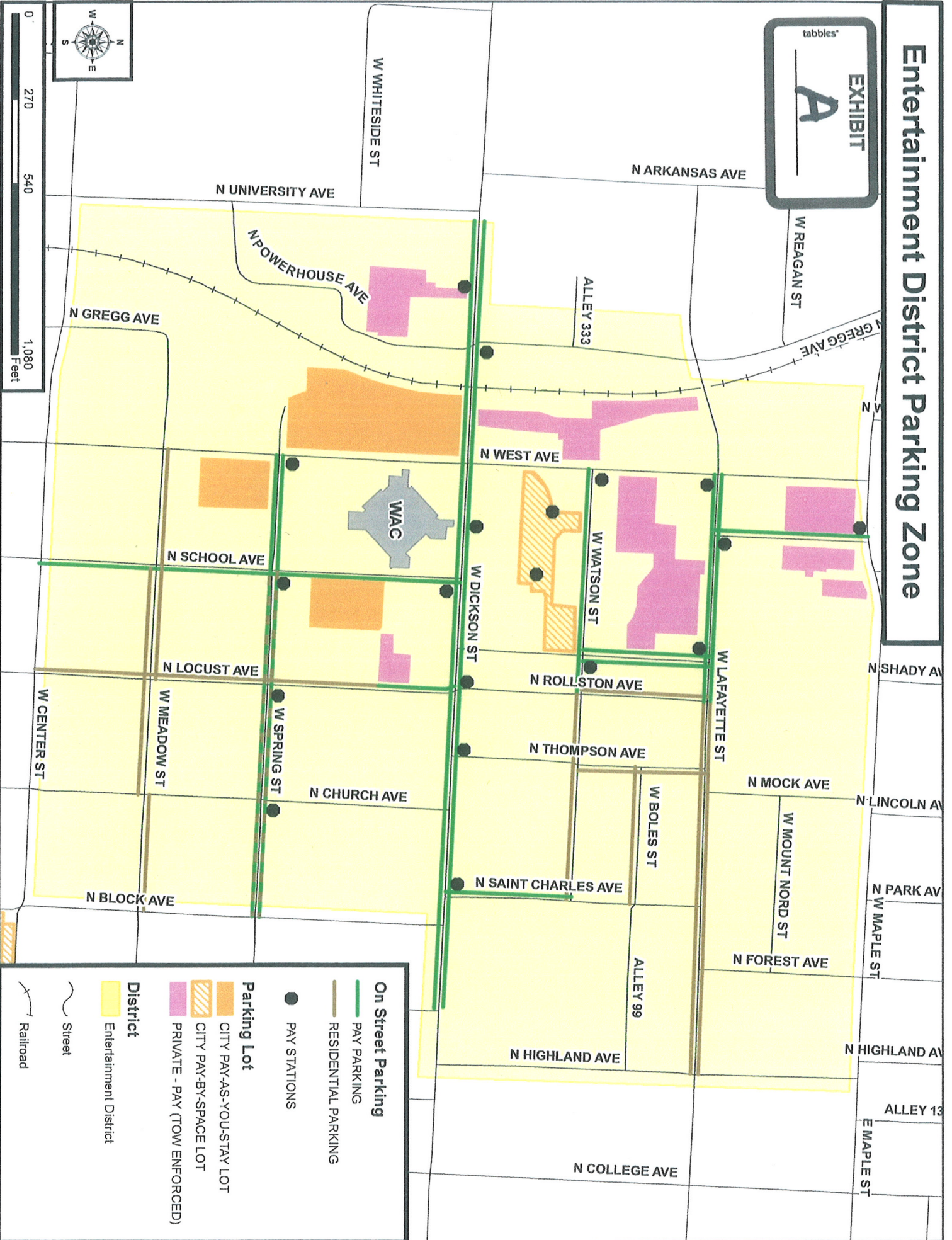


# Entertainment District Parking Zone

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**EXHIBIT**

**A**



**On Street Parking**

- PAY PARKING
- RESIDENTIAL PARKING
- PAY STATIONS

**Parking Lot**

- CITY PAY-AS-YOU-STAY LOT
- CITY PAY-BY-SPACE LOT
- PRIVATE - PAY (TOW ENFORCED)

**District**

- Entertainment District

Street

Railroad