

ORDINANCE NO. 24-3444

AN ORDINANCE AMENDING CHAPTER 5 OF THE CITY CODE OF THE CITY OF ABILENE, KANSAS BY ADDING A NEW ARTICLE 9 PERTAINING TO TOWING OF VEHICLES FROM PRIVATE PROPERTY, AND ESTABLISHING THE MAXIMUM ALLOWABLE TOWING AND STORAGE FEES TO BE CHARGED BY TOW OPERATORS, IN THE CITY OF ABILENE, KANSAS.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF ABILENE, KANSAS:

SECTION 1. Chapter V of the City Code of the City of Abilene, Kansas is hereby amended by adding a new Article 9 to read as follows:

Article 9. Private Towing Regulations

5-901. Purpose and intent. The purpose and intent of this article is to protect the public and the rights of persons whose motor vehicles may be towed and stored by private towing services at the request of third parties.

5-902. Definitions.

For the purposes of this article, the following words and phrases shall mean:

- (a) *Towing* means the moving or removing of a motor vehicle from private property without the knowledge and actual consent of the owner or the person in legal possession of the vehicle.
- (b) *Storage* means the custody and control of a vehicle by a tow operator resulting from the towing of such vehicle from private property.
- (c) *Tow operator* means any person engaged in the business of offering or providing towing service, or storage of vehicles removed by towing, for commercial purposes.
- (d) *Private property* means all real property owned regardless of whether the property is open to public access.

5-903. Notification to police department of towing from private property.

- (a) Any property owner or person requesting the towing of a vehicle from private property shall, within one hour of completion of such towing, notify the police department of the following information concerning the tow:
 - 1. vehicle make, model, and year;
 - 2. license plate number;
 - 3. address from which the vehicle is towed;
 - 4. identification of the person ordering the tow; and

5. destination to which the vehicle is towed and stored.

- (b) Any tow operator towing a vehicle from private property shall, within two hours of completion of such towing, notify the police department by providing the same information as required subsection (a).

5-904. Access to personal property. The owner of a vehicle towed from private property shall have access to personal property in such vehicle for 48 hours after such vehicle has been towed and such personal property shall be released to the owner at no cost.

5-905. Maximum fees for towing and storage services.

For purposes of K.S.A. 8-1103(c)(1), as amended, a tow operator that tows a vehicle from private property in the city, at the request of the owner of the private property, shall not charge towing service and storage fees in excess of the following amounts:

- (a) There shall be a maximum charge of \$125.00 for towing a vehicle from private property in the city. Beginning on January 1, 2025, and effective as of the 1st day of January in each calendar year thereafter, through January 1, 2034, the maximum fee for towing shall increase annually by \$1.50, until the maximum fee reaches a total of \$140.00.
- (b) In addition to the towing fee established in subsection (a), the maximum charge for mileage for towing a vehicle from private property shall be \$5.00 for each mile that a vehicle is towed away from private property, commencing at the point of hookup. Towing shall be by way of the most reasonable direct route between the point of origination and destination.
- (c) There shall be a maximum charge of \$75.00 per day for each 24-hour period, or portion thereof, for storage of a towed vehicle at the towing operator's facility. Beginning on January 1, 2025, and effective as of the 1st day of January in each calendar year thereafter, through January 1, 2034, the maximum fee for storage shall increase by \$1.50, until the maximum fee reaches a total of \$90.00 per day.

5-906. Inapplicable to law enforcement. The provisions of this article shall not apply to any towing of a vehicle that is ordered or required by law enforcement.

SECTION 2. This ordinance shall be in full force and effect from and after its adoption and publication once in the official city newspaper by the following summary:

Ordinance No. 24-3444 Summary

On February 12, 2024, the City Commission passed Ordinance No. 24-3444. The ordinance amends Chapter 5 the City Code of the City of Abilene, Kansas by adding a new Article 9 pertaining to towing of vehicles from private property, and establishing the maximum allowable towing and storage fees to be charged by tow operators, in the

City of Abilene, Kansas. A complete copy of the ordinance is available online at www.abilenehall.com or in the office of the City Clerk, 419 N. Broadway Street in Abilene, Kansas, free of charge. This summary is certified by the City's legal counsel.

APPROVED AND PASSED by the Governing Body of the City of Abilene, Kansas, this 12th day of February 2024.



Brandon Rein, Mayor



Shayla L. Mohr, CMC, City Clerk

The publication summary set forth above is certified this 12th day of February 2024.



Aaron O. Martin, Legal Counsel