

STATE OF GEORGIA
COUNTY OF FULTON

**AN ORDINANCE TO AMEND CHAPTER 58, ARTICLE I OF THE CITY
OF SANDY SPRINGS CODE OF ORDINANCES TO ADD A NEW SEC.
58-7 TO IMPLEMENT A PUBLIC ELECTRONIC NOTIFICATION
SYSTEM TO ENHANCE THE ABILITY OF THE CITY AND ITS
CITIZENS TO LOCATE VEHICLES TOWED WITHIN THE CITY.**

WHEREAS, O.C.G.A. § 44-1-13 provides that towing and storage firms operating within a municipality's corporate limits shall obtain a nonconsensual towing permit from the Commission and shall file its registered agent's name and address with the Commission; and

WHEREAS, the City of Sandy Springs, Georgia (the "City") currently has no provision for the licensing or permitting of providers of private trespass towing ("Nonconsensual Towing Carriers") within its corporate limits; and

WHEREAS, the City to date has not imposed other qualifications on Nonconsensual Towing Carriers within its corporate limits; and

WHEREAS, the City has further determined that it should make available to its agents and personnel a public electronic notification system which will enhance its citizens' ability to locate vehicles which have been towed by Nonconsensual Towing Carriers;

WHEREAS, the City has determined to adopt an ordinance for the purpose of authorizing the implementation of a public electronic notification system;

NOW, THEREFORE, in order to accomplish the foregoing, the Mayor and City Council, pursuant to their authority, do hereby amend Chapter 58, Article I, of the City of Sandy Springs Code of Ordinances to add a new Sec. 58-7, as follows:

Sec. 58-7. Nonconsensual Towing Carriers; Public Electronic Notification System; Other Purposes.

(a) *Definitions.* The following words, terms, and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Commission means the Georgia Public Service Commission.

Nonconsensual Towing means without the prior consent or authorization of the owner or operator of the motor vehicle being towed.

Nonconsensual Towing Carrier means a Wrecker service engaged in the towing of trespassing vehicles on private property without prior consent or authorization of the owner or operator of the vehicle and having a Secure Impoundment Facility.

Normal Business Hours means operating hours of a Nonconsensual Towing Carrier as approved by the Commission.

Secure Impoundment Facility means a facility owned or leased by a towing company for the purpose of providing secure storage of towed vehicles.

Wrecker means an automotive vehicle with hoisting apparatus and equipment for towing vehicles. The term "Wrecker" also includes any vehicle otherwise equipped and used for the purpose of towing vehicles.

(b) *Compliance required.* The requirements of this section shall be in addition to any and all requirements of the Commission in its authority to regulate and control the towing of trespassing vehicles on private property as provided in O.C.G.A. § 44-1-13. It shall be unlawful for any Nonconsensual Towing Carrier to use or operate upon any of the streets of the city without complying with this section.

(c) *Lettering on Wreckers.* It shall be unlawful for any person, either as principal, agent or employee, to use or operate upon any street of the city any Wrecker unless the vehicle shall have lettered on each side in plain view the name of the person owning and causing the Wrecker to operate on the streets of the city, the address from which the Wrecker is operating and the telephone number. This lettering shall be in a contrasting color to the color of the Wrecker and shall be at least 2 ½ inches in height, and shall be permanently affixed to the Wrecker. Magnetic signs are prohibited.

(d) *Notification upon removal of vehicle at request of other than police officer.*

(1) The operator of any Wrecker removing a vehicle at the request of any person other than a police officer on duty for the police department shall report by electronic means to the police department the fact that the vehicle was removed, released and its present storage place, together with a description of the vehicle, vehicle identification number and the tag number. The electronic report shall be made by the Wrecker driver by electronic communication within one (1) hour of the deposit of the vehicle at its storage point and within twenty-four (24) hours of its release to the vehicle owner or agent of the vehicle owner.

(2) The police department shall be authorized to engage the services of a person or entity authorized by the State of Georgia to provide notice to owners of towed or impounded vehicles.

(e) *Impound lot; attendant.*

(1) Upon impoundment of any vehicle by a Wrecker service, the Wrecker service shall maintain all records required by the Commission, including the following information:

- (i) Date and time the call was received by the Wrecker service;
- (ii) Name of the caller;
- (iii) Date and time of initial towing;
- (iv) Place of initial towing;
- (v) Date and time of arrival at the impound lot;
- (vi) Date and time of release to the owner of the impounded vehicle; and
- (vii) Name of the Wrecker driver and helper.

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(2) The records required in subsection (1) above shall be maintained at a location where affected members of the public may obtain such information electronically, by telephone or in person, during Normal Business Hours. Further, all Wrecker services, public and private, which impound vehicles pursuant to this section shall register with the police department the current telephone number of the person responsible for releasing the vehicles.

(3) It shall be unlawful for any Wrecker service to operate in the city without employing the services of a check approval agency and the major credit card services; and it shall be unlawful to refuse to accept, in lieu of cash, any check which can be insured by a check approval agency, any draft drawn on a credit union which can be insured by a check approval agency or any major credit card for the payment of any and all fees and costs resulting from the towing and storage of the impounded vehicle. For purposes of this subsection, the term "major credit card" means a Visa, MasterCard, American Express and Discovery card.

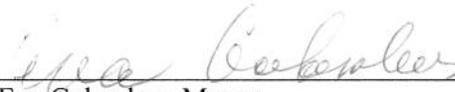
(f) *Penalties for violation of this section.*

A violation of any provision of this section shall result in the following penalties:

First Offense:	\$250.00
Second and Subsequent Offenses:	\$500.00

SO ORDAINED, this the 17th day of February, 2009.

Approved:


Eva Galambos, Mayor

Attest:


Michael D. Casey, Interim City Clerk

(Seal)

