

City of Detroit
CITY COUNCIL
COUNCIL PRESIDENT BRENDA JONES

July 19, 2021

Honorable Colleagues,

During the Public Health and Safety Standing Committee, amendments to the City of Detroit Tow Ordinance that protect residents from predatory towing practices were not forwarded to Council formal session. They were brought back with a date to be determined. While I respect the committee's decision, I must urge my colleagues to move this legislation forward for the following reasons:

- 1. Residents are currently restricted to cash only payments which severely impact many residents from retrieving their vehicles in a timely fashion.*
- 2. Vehicles are currently being impounded and towed without an authorized request from a private business or land owner, leaving many residents victim to predatory practices.*
- 3. Residents are not able to retrieve their vehicles if they arrive at the scene of the tow prior to the tow being completed.*

The proposed legislation amends the law to address those issues. As we all know one of the main barriers to employment for Detroiters is access to transportation. Not only are predatory towing policies unfair and cruel, they can prevent residents from gaining access to jobs and opportunities. While I advocate and recognize the need for amendments to the legislation to include concrete policies relative to towing fees, the discussions related to the establishment of the fees still warrants additional research and further review beyond the scope of the proposed amendments.

The proposed amendments and fee issues, while related, do not need simultaneous action. The requirements being set forth are "preventative" whereas fees occur after the tow has been completed. In the meantime, tows will continue to occur and residents will continue to suffer if the proposed amendments are not enacted now. Approval of the proposed amendments do not hinder or prevent the fee issues from being addressed in the near future. However, postponement of the proposed amendments on the basis of additional research on "fees" leaves residents open to predatory tow practices daily.

We have all seen the impact of a poorly-regulated towing industry and the dire consequences to our residents. Legislatively, if additional requirements to fees are established, those requirements have to be researched, developed and submitted to City Council by the Detroit Police Department. This will provide our honorable body with an additional opportunity to evaluate what fees are charged, when they are charged and how much they will cost. Despite the action taken now or in the future, there will still have to be additional time for the development and submission of a new rate structure and consideration by the City Council. The Law Department has committed to addressing these issues over City Council recess and, if legally feasible, amendments can be considered in September. I am committed to continuing to work with you, the Detroit Police Department, the Law Department, the Detroit Tow Association and our

constituents to legislatively address the outstanding issues with fees. I support and will continue to work on the following amendments:

1. Tow fees submitted to the City Council will include:
 - a. An income-based Hardship Policy
 - b. Exemptions for stolen or evidence-related vehicles
 - c. Exemptions for residents who remit possession of their vehicle

As we continue to see the impact of historic flooding, an unpredictable economic condition and a 10.2% unemployment rate, I strongly urge my colleagues to move forward with the proposed law changes to protect Detroit residents.

Sincerely yours,



Brenda Jones,
City Council President, At-Large

S U M M A R Y

This ordinance amends Chapter 46 of the 2019 Detroit City Code, *Traffic and Vehicles*, Article I, *Generally*, Division 2, *Violations and Penalties*, by amending Section 46-1-33, *Sections deemed to be misdemeanors; penalties*; and Article II, *Enforcement*, Division 4, *Impoundment of vehicles* by amending Section 46-2-61, *Authority to create vehicle pounds; hours of operation of same*, and by amending and renaming Division 5, *Towing*, to divide the division into Subdivision A, *Generally*, to include Section 46-2-81, *Purpose, scope, and enforcement*, Section 46-2-82, *Definitions*, and Section 46-2-83, *Misdemeanor violation; aiding and abetting violation; continuing violation; penalties for conviction thereof*; Subdivision B, *Police Authorized Towing* to include Section 46-2-91, *Tow rates for police authorized towing*, Section 46-2-92, *Standards for authorized towers*, Section 46-2-93, *Establishment, approval, and publication of towing, storage, and administrative fees*, Section 46-2-94, *One hook-up for successive tows*, Section 46-2-95, *When authorized*, Section 46-2-96, *Requirements*, Section 46-2-97, *Payment*, and 46-2-98, *Release of stored vehicle*, and to repeal the current Section 46-2-88, *Storage of vehicles generally*, and to add Subdivision C, *Non-Consensual Towing*, to include Section 46-2-111, *Towing vehicles from private property*, Section 46-2-112, *Inspection of storage lot by Department and other authorized City agents; requirements of tow company and storage lot*, Section 46-2-113, *Recovery of abandoned, stolen, or suspected stolen vehicles*, Section 46-2-114, *Administrative fees*, and, Section 46-2-115, *Methods of payment accepted; receipt required*; to provide for a safe and well-managed vehicle towing system for non-consensual vehicle tows that requires Department involvement and authorization for tows from private property, allows for the collection of administrative fees for tows from private property, allows for inspection of impound yards, requires certain methods of payment be accepted, authorizes that the police authorized tow rates be set by City Council, provides for an administrative fee for police authorized tows, and requires disconnection of vehicle from tow truck prior to removal upon payment of a service fee.

1 **BY COUNCIL MEMBER _____:**

2 **AN ORDINANCE** to amend Chapter 46 of the 2019 Detroit City Code, *Traffic and*
3 *Vehicles*, Article I, *Generally*, Division 2, *Violations and Penalties*, by amending Section 46-1-33,
4 *Sections deemed to be misdemeanors; penalties*; and Article II, *Enforcement*, Division 4,
5 *Impoundment of vehicles* by amending Section 46-2-61, *Authority to create vehicle pounds; hours*
6 *of operation of same*, and by amending and renaming Division 5, *Towing*, to divide the division
7 into Subdivision A, *Generally*, to include Section 46-2-81, *Purpose, scope, and enforcement*,
8 Section 46-2-82, *Definitions*, and Section 46-2-83, *Misdemeanor violation; aiding and abetting*
9 *violation; continuing violation; penalties for conviction thereof*; Subdivision B, *Police Authorized*
10 *Towing* to include Section 46-2-91, *Tow rates for police authorized towing*, Section 46-2-92,
11 *Standards for authorized towers*, Section 46-2-93, *Establishment, approval, and publication of*
12 *towing, storage, and administrative fees*, Section 46-2-94, *One hook-up for successive tows*,
13 Section 46-2-95, *When authorized*, Section 46-2-96, *Requirements*, Section 46-2-97, *Payment*, and
14 46-2-98, *Release of stored vehicle*, and to repeal the current Section 46-2-88, *Storage of vehicles*
15 *generally*; and to add Subdivision C, *Non-Consensual Towing*, to include Section 46-2-111,
16 *Towing vehicles from private property*, Section 46-2-112, *Inspection of storage lot by Department*
17 *and other authorized City agents; requirements of tow company and storage lot*, Section 46-2-113,
18 *Recovery of abandoned, stolen, or suspected stolen vehicles*, Section 46-2-114, *Administrative*
19 *fees*, and, Section 46-2-115, *Methods of payment accepted; receipt required*; to provide for a safe
20 and well-managed vehicle towing system for non-consensual vehicle tows that requires
21 Department involvement and authorization for tows from private property, allows for the
22 collection of administrative fees for tows from private property, allows for inspection of impound

1 yards, requires certain methods of payment be accepted, authorizes that the police authorized tow
2 rates be set by City Council, provides for an administrative fee for police authorized tows, and
3 requires disconnection of vehicle from tow truck prior to removal upon payment of a service fee.

4 **IT IS HEREBY ORDAINED BY THE PEOPLE OF THE CITY OF DETROIT**
5 **THAT:**

6 **Section 1.** Chapter 46 of the 2019 Detroit City Code, *Traffic and Vehicles*, Article II, *Enforcement*,
7 be amended by Renaming Division 5 to *Towing*, to consist of Sections 46-2-81 through 46-2-115,
8 and to read as follows:

9 **CHAPTER 46. TRAFFIC AND VEHICLES**

10 **ARTICLE I. GENERALLY**

11 **DIVISION 2. VIOLATIONS AND PENALTIES**

12 **Sec. 46-1-33. Sections deemed to be misdemeanors; penalties.**

13 (a) Violation of any of the following sections of this chapter is deemed to be a
14 misdemeanor.

15 (1) Section 46-1-47. Unlawful disposition of parking violation notices or citations.

16 (2) Section 46-1-72. Penalty for removal of restraint or movement of a vehicle after
17 immobilization.

18 (3) Section 46-1-83. Failure to answer a citation or notice to appear.

19 (4) Sections 46-2-91 to 46-2-99. Police authorized towing.

20 (5) Section 46-4-48. Deposit of slug, device, or substitute in parking meters prohibited.

21 (6) Section 46-4-50. Damage to, or tampering with, parking meters prohibited.

1 (7) Section 46-4-91. City license or other permit required; exceptions; violation;
2 penalty.

3 (8) Section 46-4-109. Operation of snowmobiles prohibited in public places.

4 (9) Section 46-4-110. Vendors' vehicles to be removed at request of police.

5 (10) Section 46-4-113. Solicitation of towing services prohibited at the scene of
6 accidents and emergencies.

7 (b) Unless another penalty is provided for in this chapter or in the Michigan Vehicle
8 Code, being MCL 257.1 *et seq.*, which is incorporated by reference into this chapter through
9 Section 46-3-1 of this Code, a person convicted of a misdemeanor for a violation of this chapter
10 shall be punished by a fine of not more than \$100.00, or by imprisonment for not more than 90
11 days, or both in the discretion of the court.

12 **ARTICLE II. ENFORCEMENT**

13 **DIVISION 4. IMPOUNDMENT OF VEHICLES**

14 **Sec. 46-2-61. Authority to create vehicle pounds; hours of operation of same.**

15 The Chief of Police is hereby authorized to create vehicle pounds, where automobiles and
16 other vehicles may be moved by sworn or civilian police officers personnel for any lawful reason
17 in the manner provided by this division. Such pounds shall be located and operated at such places
18 as may be designated by the Chief of Police and a ~~police officer~~ sworn or civilian member of the
19 Detroit Police Department, shall be in charge of each pound. The Chief of Police shall designate
20 ~~an officer~~ a sworn or civilian member of the Department to remain in attendance at each pound
21 ~~from 7:00 a.m. to 10:00 p.m.~~ during reasonable hours as designated by the Chief of Police each

1 ~~day, except Sunday~~, for the purpose of receiving, safeguarding and discharging vehicles, and for
2 collecting the fees provided by this division.

3

4 **DIVISION 5. POLICE AUTHORIZED TOWING**

5 **Subdivision A. Generally**

6 **Sec. 46-2-81. Purpose, scope, and enforcement.**

7 (a) The City is responsible for maintaining clean, safe and functional streets. Residents
8 and visitors are entitled to a safe and well-managed vehicle towing system for non-consensual
9 vehicle tows that affords them a high level of customer service, convenience, courtesy, and
10 professionalism.

11 (b) A tow company is deemed to conduct tow operations in the City if it has a place of
12 business in the City which performs non-consensual tows, or if it hooks up vehicles for non-
13 consensual tows within the City.

14 (c) The Detroit Police Department shall be responsible for enforcing the provisions of
15 this division.

16 **Sec. 46-2-82. Definitions.**

17 For purposes of this division, the following words and phrases shall have the meanings
18 respectively ascribed to them by this section:

19 *Department* means the Detroit Police Department.

20 *Hook-up* means attaching a motor vehicle to another vehicle fashioned with implements
21 that can be used to tow a vehicle to a storage lot or other location.

1 Non-consensual tow means the owner, or other person having lawful custody of the vehicle,
2 has not provided affirmative consent to the tow prior to hook-up.

3 Tow company means any entity or individual who performs wrecker or recovery services
4 for financial gain.

5 **Sec. 46-2-83. Misdemeanor violation; aiding and abetting violation; continuing violation;**
6 **penalties for conviction thereof.**

7 (a) It shall be unlawful for any manager, operator, or owner of a tow company, or his
8 or her employee, to violate any provision of this division, or to aid and abet another to violate such
9 provision.

10 (b) Any person who violates this division, or aids and abets another to violate such
11 provision, may be issued a misdemeanor violation for each day that the violation continues.

12 (c) Any person who is found guilty of violating any provision of this division, or aids
13 and abets another to violate such provision, shall be convicted of a misdemeanor for each violation
14 that is issued and, in the discretion of the court, may be fined up to \$500.00 and sentenced up to
15 90 days in jail, or both, for each misdemeanor violation that is issued.

16 ~~Sec. 46-2-88. Storage of vehicles generally.~~

17 ~~(a) All wrecked or disabled vehicles removed from any freeway or from the scene of~~
18 ~~any accident in the City and which are being stored for the driver or owner must be reported by~~
19 ~~the tower to the Police Department within 24 hours. The Police Department shall maintain for a~~
20 ~~period of six months a record of all such vehicles. The list shall include a description of the vehicle,~~
21 ~~the registration plate number, and the place of storage. This information shall be given to the Police~~
22 ~~Department at the time the storage is reported.~~

1 ~~(b) Any place where wrecked or disabled vehicles are stored shall post the name,~~
2 ~~address, and telephone number of the operator of the business and the hours that the business is~~
3 ~~open. REPEALED.~~

4 **Secs. 46-2-84—46-2-90. Reserved.**

5 **Subdivision B. Police Authorized Towing**

6 **Sec. 46-2-91. Tow rates for police authorized towing.**

7 (a) A towing rate commission shall be created, composed of the Auditor General as
8 Chairperson, the Director of Buildings, Safety, Engineering, and Environmental Department or
9 designated representative, the Chief of Police or designated representative, a representative of the
10 public appointed by the Mayor, and a representative of the towing industry appointed by City
11 Council.

12 (b) Such commission shall be charged with the duty of reviewing the ~~towing rates~~
13 administrative, towing, service, and storage fees for police authorized towing at least once every
14 two years and submitting its recommendation to City Council by October 1st of the year of review,
15 if the towing rate commission fails to forward such recommendation within the time provided,
16 City Council may adopt a resolution to set the of administrative, towing, service, and storage fees
17 without such recommendation.

18 ~~(c) Any tow contract initiated after 2021 shall be evaluated to determine whether an~~
19 income based rate structure or tow hardship policy is feasible, such findings shall be submitted to
20 the City Council via resolution for consideration.

21 **Sec. 46-2-92. Standards for authorized towers.**

1 (a) The Board of Police Commissioners shall establish standards, including insurance
2 and bonding requirements, that must be met in order for a tower to qualify for police authorized
3 tows under this chapter, and the Police Department shall maintain a current list of such qualified
4 towers. A separate list may be maintained for towers who tow abandoned vehicles in accordance
5 with Sections 252a through 252m of the Michigan Vehicle Code, being MCL 257.252a through
6 257.252m, which is incorporated by reference into this chapter through Section 46-3-1 of this
7 Code. The required insurance shall indemnify and hold harmless the City for any injury, damage,
8 or loss that may result from a police authorized tow or storage under this chapter. The City shall
9 not be liable for any such injury, damage, or loss. In accordance with Section 2-111 of the Charter,
10 the Board of Police Commissioners shall promulgate administrative rules for the Body's
11 determination as to which towers shall be called for tows under this chapter. Such rules shall
12 provide, as nearly as practicable, for equitable distribution of police authorized towing to all towers
13 on the list of qualified towers.

14 (b) All towers qualifying as police authorized towers shall be Detroit-based towers. For
15 the purposes of this section, the term "Detroit-based" shall indicate the physical and economic
16 relationship to Detroit determined by the payment of: 1) City income taxes on the tower's profits;
17 and 2) City property taxes on the tower's vehicle storage lot, yard, or garage.

18 (c) All towing services performed by police authorized towers under this chapter shall
19 be rendered with tow trucks clearly marked with the tow company's name, address, and telephone
20 number. No private tow truck shall bear words which may be reasonably construed as indicating
21 or suggesting that it is a City vehicle, Police Department vehicle, other police agency vehicle, or
22 police authorized tow vehicle.

1 **Sec. 46-2-93. Establishment, approval, and publication of towing, and storage, and**
2 **administrative fees.**

3 (a) No person performing police authorized towing or storage service on such wrecked
4 or disabled vehicle shall charge fees in excess of the rates set by resolution of City Council. Such
5 towing fee may consist of a flat rate hook-up fee plus an additional charge for each mile a vehicle
6 is towed beyond one mile. Storage fees may be set on a per diem basis. The City Council may
7 establish, by resolution, maximum fees for dolly tows, standard rates for police authorized towing
8 to the City auto pound in lieu of the normal rates, excess time spent at the scene of a tow, separate
9 fees for accident and non-accident tows to the curb or nearest side street, "dry runs" when the tower
10 appears at the request of the Police Department, but does not perform an otherwise compensable
11 towing task through no fault of the tower, and other necessary services.

12 (b) An administrative fee, as determined by City Council, shall be charged to the owner
13 of each vehicle towed by a police authorized tower and shall be due when the vehicle is either
14 redeemed or sold for a price that exceeds the towing and storage fees owed to the City.

15 (c) In accordance with Section 9-507 of the Charter and based on the reasonable cost
16 of towing and storing a vehicle, such towing and storage fees shall be established by the City
17 Council through adoption of a resolution.

18 (d) After adoption of a resolution by the City Council and approval of the resolution
19 by the Mayor, the fees that are provided for in Subsection (a) of this section shall be: (1)Published
20 in a daily newspaper of general circulation and in the Journal of the City Council; (2)Made
21 available at the Police Department and at the Office of the City Clerk; and(3)Reviewed by the City

1 Council at least once every two years for adjustment, if any, of the fees established under this
2 section.

3 (e) Towing and storage fees that are authorized by City Council resolution shall
4 become effective at the beginning of the next fiscal year or as close to the next fiscal year as the
5 City Council finds practicable.

6 **Sec. 46-2-94. One hook-up fee for successive tows.**

7 The towing rates resolution may provide that, when a vehicle is transported by a tower or
8 towers summoned by the police, only one hook-up fee may be charged, notwithstanding that the
9 vehicle may have been successively transported by the tower from the traveled portion of a street,
10 highway, or freeway to a position at or on the curb or onto the nearest side street, and then to a
11 destination requested by the owner or permitted by the police officer in charge.

12 **Sec. 46-2-95. When authorized.**

13 (a) No person shall perform any police authorized towing of any wrecked or disabled
14 vehicle or any vehicle ordered impounded by a member of the ~~Detroit Police~~ Department without
15 first having obtained written permission on forms approved by the ~~Police~~ Department, from the
16 driver or owner of the vehicle or until the Detroit police officer investigating the wrecked or
17 disabled vehicle, or vehicle subject to removal, shall have completed such officer's investigation,
18 and has given written permission for the towing service. A copy of the completed permission form
19 shall be given to the authorizing person. Any person performing police authorized towing shall
20 maintain a record of completed permission forms of all such towing for a period of six months.
21 Completed forms must show total fees charged for services rendered.

1 (b) The tower shall provide the vehicle owner or driver with a copy of the towing rate
2 schedule approved by City Council.

3 (c) In accordance with Section 252d(2) of the Michigan Vehicle Code, being MCL
4 257.252d (2), if the owner or other person who is legally entitled to the possession of a vehicle to
5 be towed or removed arrives at the location where the vehicle is located, before the actual towing
6 or removal of the vehicle, the vehicle shall be disconnected from the tow truck, and the owner or
7 other person who is legally entitled to possess the vehicle may take possession of the vehicle and
8 remove it without interference upon the payment of a service fee, for which a receipt shall be
9 provided.

10 **Sec. 46-2-96. Requirements.**

11 (a) During a police authorized tow, as defined in Section 46-1-5 of this Code, the tower
12 shall remove the vehicle from the traveled portion of the street, highway, or freeway:

- 13 (1) To a position at or on the curb or onto the nearest side street in order to remove the
14 vehicle for the safety, health, and welfare of the persons using the traveled portion
15 of the City's streets, highways, or freeways; or
- 16 (2) To a destination requested by the owner or driver; or
- 17 (3) To the City auto pound or precinct station at the direction of the police officer in
18 charge in accordance with Article II, Division 4, of this chapter, or police
19 impoundment pursuant to Section 252d of the Michigan Vehicle Code, being MCL
20 257.252d, which is incorporated by reference into this chapter through Section 46-
21 3-1 of this Code; or

1 (4) To the private storage lot, yard or garage of the police authorized tower at the
2 direction of the police officer in charge in the case of a wrecked or disabled vehicle,
3 or any vehicle for the safekeeping pursuant to MCL 257.252d, provided, that the
4 private storage lot, yard, or garage shall be located within the boundaries of the City
5 and, provided further, that the driver or other person in charge of the vehicle is by
6 reason of physical injury incapacitated to such an extent as to be unable to provide
7 for its custody or removal or determine where the vehicle should be taken or is not
8 otherwise immediately available to make such a decision. The towing and storage
9 rates for such tow shall not exceed the rate established by resolution of the City
10 Council after notice and hearing.

11 (b) A police authorized tow:

12 (1) Shall include the removal of all debris from the street, highway, or freeway; and

13 (2) Shall be made by the shortest and best legal route.

14 (c) In the case of a vehicle to be towed to a tower's private storage lot, yard, or garage
15 under Subsection (a)(4) of this section, the tower shall prepare and sign an inventory of the contents
16 and equipment of the vehicle on a multi-copy form approved by the Police Department. The police
17 officer in charge shall sign the completed form as witness to the inventory and the Police
18 Department shall retain the signed original. The form shall indicate the location where the vehicle
19 owner may reclaim the vehicle. The tower shall retain one copy of the signed form and mail one
20 copy to the vehicle owner or driver within 48 hours of the date the tow is performed.

21 **Sec. 46-2-97. Payment.**

22 (a) Responsibility for payment of tow fee:

1 (1) In the case of a vehicle towed to an owner- or a driver-requested destination or to a
2 tower's private storage lot, yard, or garage under Section 46-2-96(a)(2) or (4) of this
3 Code, the tower shall pursue payment for services rendered from the owner or
4 driver of the vehicle and the City shall assume no responsibility for payment or
5 collection of the tow bill.

6 (2) The Police Department shall make arrangements to pay a police authorized tower
7 for each tow of a vehicle to the City auto pound or precinct station under Section
8 46-2-96(a)(3) of this Code, for tows of illegally parked vehicles and for services for
9 which payment by the vehicle owner is exempted by this Code. The Board of Police
10 Commissioners may specify, with City Council approval and subject to Subsection
11 (a) of this section, other circumstances under which the Police Department may
12 arrange to pay the tow bill. Payment of a tow bill by the Police Department shall
13 not relieve the vehicle owner of the owner's responsibility for payment and the
14 owner shall reimburse the City for the amount of such bill except as a payment by
15 the owner is exempted under Section 46-2-69 of this Code. In accordance with
16 Section 2-111 of the Charter, the Board of Police Commissioners shall establish a
17 procedure by which this subsection shall be implemented and administered.

18 (b) Methods of payment accepted; receipt required.

19 (1) Tow companies shall accept cash, cashier's checks, debit cards and at least three
20 major credit cards such as Visa, Mastercard, Discover, or American Express.

21 (2) Tow companies shall provide an itemized receipt to the customer for each
22 transaction.

1 **Sec. 46-2-98. Release of stored vehicle.**

2 Upon the presentation of proof of ownership and payment of permissible charges for
3 towing, ~~and storage, and the administrative fee,~~ no person shall refuse to release promptly and
4 willingly any vehicle which is claimed by any owner or any owner's representative.

5 **Secs. 46-2-99—46-2-110. Reserved.**

6 **Subdivision C. Non-Consensual Towing**

7 **Sec. 46-2-111. Towing vehicles from private property.**

8 (a) The following provisions apply to private property impounds accomplished by non-
9 consensual tows:

10 (1) Tow companies shall not tow any vehicle from private property except by request
11 of the property owner or other individual authorized to request such tow.

12 (2) Tow companies must notify the Department, and obtain Department approval, prior
13 to the hook-up of a vehicle in conjunction with any private property impound.

14 (3) Tow companies shall maintain a written log of approvals required under Subsection
15 (a)(1) of this section, and shall further maintain copies of documents, and
16 photographs as follows:

17 a. The date and time of the approval;

18 b. The make and model and vehicle identification number of the vehicle, if
19 ascertainable;

20 c. The condition of the vehicle and any existing damage;

21 d. The location from which the vehicle is being towed;

1 e. Name, address, and telephone number of the owner or authorized agent of
2 the private property who has authorized the tow of the vehicle from the
3 private property;

4 f. The name of the tow company employee reporting the impound;

5 g. The name and badge number of the Department employee who approved
6 the tow; and

7 h. Photographs of the entire exterior of the vehicle taken immediately prior to
8 hook-up.

9 (4) Both the vehicle, and documentary evidence required under Subsection (a)(2) of
10 this section, must be brought to an authorized Department location within two hours
11 of hook-up, and prior to moving the vehicle to a storage facility.

12 (5) Copies of any documentation or photographs required under Subsection (a)(2) of
13 this section shall be made available to the vehicle owner upon request.

14 (b) If the owner or other person who is legally entitled to the possession of a vehicle to be
15 towed or removed arrives at the location where the vehicle is located, before the actual towing or
16 removal of the vehicle, the vehicle shall be disconnected from the tow truck, and the owner or
17 other person who is legally entitled to possess the vehicle may take possession of the vehicle and
18 remove it without interference upon the payment of a reasonable service fee, for which a receipt
19 shall be provided.

1 **Sec. 46-2-112. Inspection of storage lot by Department and other authorized City agents;**
2 **requirements of tow company and storage lot.**

3 (a) For the purpose of ensuring compliance with this division the owner, operator, or
4 person in charge of the tow company's storage lot shall permit any employee, agent, sworn or
5 civilian member of the Department, as authorized by this Code, to inspect any portion of the
6 premises during regular business hours, subject to constitutional restrictions on unreasonable
7 searches and seizures.

8 (b) All hard copy records pertaining to the towing, storage, redemption, scrap, salvage,
9 or sale of a vehicle shall be retained for not less than six months unless a longer retention period
10 is required by law.

11 (c) Data on each vehicle shall be stored electronically and is subject to inspection and
12 audit by the Department, subject to constitutional restrictions on unreasonable searches and
13 seizures.

14 (d) Each storage facility shall contain a digital camera recording system with DVR
15 backup that shall:

16 (1) Be focused on the customer service areas, and ingress and egress points of the
17 storage lot;

18 (2) Retain footage for no less than 21 days; and

19 (3) Be open to inspection subject to constitutional restrictions on unreasonable searches
20 and seizures.

21 (e) The tow company shall be responsible for securing the facility, including all
22 vehicles located therein, for the safety of all towed vehicles.

1 (f) Towers shall post signage which must be conspicuously displayed and easily
2 visible at each storage lot, yard, or garage which expressly states the following for non-consensual
3 tows:

4 (1) The schedule of all towing fees, storage fees, and additional charges;

5 (2) The procedure for contesting towing and storage charges at the district court;

6 (3) The procedures for filing a claim for damages incurred to the vehicle or contents
7 thereof as a result of the tow or while in storage;

8 (4) The list of documents required by the tow company in order for an owner to retrieve
9 a towed vehicle; and,

10 (5) A statement that the registered owner shall not be charged for the initial viewing of
11 a recovered vehicle to retrieve title, registration, insurance documents, or personal
12 property from the owner's vehicle.

13 (g) The Department may, at the department's discretion, seek an administrative warrant
14 for entry on the property, and the reviewing Magistrate or Judge shall issue the warrant if the
15 request comports with applicable law and procedure.

16 **Sec. 46-2-113. Recovery of abandoned, stolen, or suspected stolen vehicles.**

17 Except as provided in Section 46-2-101 of this Code, towers shall not engage in non-
18 consensual tows of abandoned, stolen, or suspected stolen vehicles without having a law
19 enforcement official inspect the vehicle at the scene and having run the vehicle in the LEIN system
20 prior to hook-up.

1 **Sec. 46-2-114. Administrative Fees.**

2 (a) An administrative fee shall be charged to and paid by the owner of each vehicle
3 towed by a private tow company in a non-consensual tow, other than a Department authorized
4 tower, from a location inside the City.

5 (b) The Detroit Police Department shall establish the administrative fee for non-
6 consensual tows in accordance with Section 9-507 of the Charter, subject to approval by the City
7 Council through adoption of a resolution.

8 (c) After adoption of a resolution by the City Council and approval of the resolution
9 by the Mayor, the fees that are provided for in Subsection (a) of this section shall be:

10 (1) Published in a daily newspaper of general circulation and in the Journal of the City
11 Council;

12 (2) Made available at the Department and at the Office of the City Clerk; and

13 (3) Reviewed by the Chief at least once every two years.

14 **Sec. 46-2-115. Methods of payment accepted; receipt required.**

15 (a) Tow companies shall accept cash, cashier's checks, debit cards and at least three
16 major credit cards such as Visa, Mastercard, Discover, or American Express.


17 (b) Tow companies shall provide an itemized receipt to the customer for each
18 transaction.

19 **Section 2.** This ordinance is hereby declared necessary to preserve the public peace, health,
20 safety, and welfare of the People of the City of Detroit.

21 **Section 3.** All ordinances, or parts of ordinances, that conflict with this ordinance are
22 repealed.

1 **Section 4.** In the event this ordinance is passed by two-thirds (2/3) majority of City Council
2 Members serving, it shall be given immediate effect and become effective upon publication in
3 accordance with Section 4-118 of the 2012 Detroit City Charter. Where this ordinance is passed
4 by less than a two-thirds (2/3) majority of City Council Members serving, it shall become effective
5 on the thirtieth (30) day after enactment, or on the first business day thereafter, in accordance with
6 Section 4-118 of the 2012 Detroit City Charter.

Approved as to form:



Lawrence T. Garcia
Corporation Counsel


CN Rainic
Deputy Corporation Counsel