

ORDINANCE NO. **BG2022 - 37**
As Amended

ORDINANCE AMENDING CODE OF ORDINANCES

ORDINANCE AMENDING CHAPTER 15
(BUSINESS AND GENERAL REGULATIONS) OF
THE CITY OF BOWLING GREEN CODE OF
ORDINANCES RELATED TO TOWING FEE
LIMITS IN PRIVATE PARKING LOTS

WHEREAS, the City of Bowling Green desires to amend Chapter 15 (Business and General Regulations) of the City of Bowling Green Code of Ordinances to amend towing fee limits in private parking lots; and,

WHEREAS, it is in the best interest of the City to approve these amendments.

NOW, THEREFORE, BE IT ORDAINED by the City of Bowling Green, Kentucky as follows:

1. Chapter 15 (Business and General Regulations) of the Code of Ordinances is hereby amended as follows:

...

15-7 TOWING OR IMMOBILIZATION OF VEHICLES FROM AND IN PRIVATE
PARKING LOTS.

...

15-7.05 Fee Limits and Payment.

a. The maximum charge which may be collected by a private impound tow truck service or operator or storage yard for towing or removing a vehicle from a private parking lot meeting the requirements of this Subchapter is one hundred [~~twenty-five (\$125.00)~~] seventy-five (\$175.00) dollars which shall include the first twenty-four (24) hours of storage. If the owner of the vehicle arrives while the private impound tow truck service or operator has initiated the tow by attaching any towing related device to the vehicle, the tow truck operator shall release the vehicle upon payment of one hundred (\$100.00) dollars and the tow truck operator must be able to settle the tow charges at that

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time, including the acceptance of bank credit or debit cards.

b. The maximum storage charges which may be collected by a private impound tow truck service or operator or storage yard is [~~twenty five (\$25.00)~~] an amount not to exceed [fifty (\$50.00)] thirty-five (\$35.00) dollars per day after the first twenty-four (24) hours.

c. An after-hours gate fee of twenty five (\$25.00) dollars may be collected for any vehicle being released before or after normal business hours of 8:00 a.m. – 5:00 p.m. Monday through Sunday.

[e]d. The maximum charge which may be collected by a private immobilization company for booting a vehicle in a private parking lot meeting the requirements of this Subchapter is one-hundred dollars (\$100.00). An immobilization device or boot cannot be affixed to a vehicle and a fee cannot be charged if the driver of the vehicle returns before the installation of the immobilization device or boot is complete.

[e]e. When an owner or operator of a private parking lot, his agent or an immobilization company, private impound tow truck service or operator causes a vehicle to be booted, towed or removed in violation of this Subchapter, there shall be no charge to the owner or other person in charge of the vehicle for the cost of the immobilization, tow or storage. Any owner, his agent or a boot or tow operator who violates this Subchapter shall, in addition to the penalties set forth below, be liable to the owner of the vehicle for any amounts actually paid for the immobilization, tow and storage of the vehicle, as well as any damage to the vehicle resulting from the immobilization, tow or storage.

[e]f. The immobilization company, towing company or storage yard shall release a booted or towed vehicle to the owner, the lessee or a person designated in writing by one of the above persons upon presentation of a valid driver's license and upon receipt of the appropriate payment to cover the costs of immobilization, towing and storage authorized by this Subchapter. The immobilization company, towing company or storage yard may accept checks for payment, but shall

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accept other commercially reasonable methods of payment including, without limitation, cash or bank credit or debit cards. The immobilization company, towing company or storage yard may charge a reasonable service fee for the use of bank credit or debit cards not to exceed ten (\$10.00) dollars. All immobilization companies, towing companies or storage yards must utilize secure and encrypted processing systems for debit card and credit card payments such that said payments may be made and immediately processed in the driver's presence without need to photograph or manually record credit card or debit card information for processing.

[f]g. It shall be unlawful for a private immobilization company or operator to fail to provide a receipt for payment of the booting fee to the owner, driver or person responsible for a vehicle. The receipt shall have the following information: the name, address and phone number of the private immobilization company, and the name and signature of the person who applied/removed the boot or vehicle immobilization device. Such receipts may be provided to the owner or operator of the vehicle electronically.

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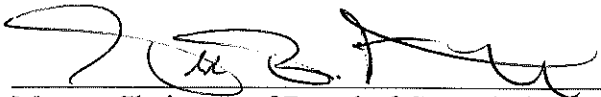
2. The provisions of this Ordinance are hereby declared to be severable, and if any section, phrase or provision shall for any reason be declared invalid, such declaration of invalidity shall not affect the validity of the remainder of this Ordinance.

3. All prior Municipal Orders or Ordinances or parts of any Municipal Order or Ordinance in conflict herewith are hereby repealed.

4. This Ordinance is adopted pursuant to KRS 83A.060 in that it was introduced on July 19, 2022, and given final reading on August 2, 2022, and said Ordinance shall be in full force and effect upon signature, recordation and publication in summary pursuant to KRS Chapter 424.

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ADOPTED: August 2, 2022

APPROVED: 
Mayor, Chairman of Board of Commissioners

ATTEST: 
City Clerk

SPONSORED BY: Jeffery B. Meisel, City Manager
Ordinance No. BG2022-37 was amended on the floor at the July 19, 2022 Board of Commissioners meeting.