

FINAL

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2018, Legislative Day No. 33

Bill No. 71-18

Introduced by Mr. Fink

By the County Council, July 2, 2018

Introduced and first read on July 2, 2018
Public Hearing set for and held on September 4, 2018
Bill Expires October 5, 2018

By Order: JoAnne Gray, Administrative Officer

A BILL ENTITLED

1 AN ORDINANCE concerning: Licenses – Towing Companies – Nonconsensual Towing
2 – Private Roads

3
4 FOR the purpose of defining “private road” and “public road”; allowing nonconsensual
5 tows from private roads under certain circumstances; amending the procedures for
6 nonconsensual towing to include private roads; requiring traffic control devices in
7 communities where parking on private roads is prohibited; and generally relating to
8 towing companies.

9
10 BY renumbering: § 11-16-101(5) through (8) to be § 11-16-101(7) through (10)
11 Anne Arundel County Code (2005, as amended)

12
13 BY adding: § 11-16-101(5) and (6)
14 Anne Arundel County Code (2005, as amended)

15
16 BY repealing and reenacting, with amendments: §§ 11-16-401(a); 11-16-402; and 11-16-
17 404(c), (d), (e), and (g)
18 Anne Arundel County Code (2005, as amended)

19
20 SECTION 1. *Be it enacted by the County Council of Anne Arundel County, Maryland,*
21 That § 11-16-101(5) through (8) of the Anne Arundel County Code (2005, as amended) is
22 hereby renumbered to be § 11-16-101(7) through (10), respectively.

23
24 SECTION 2. *And be it further enacted,* That Sections of the Anne Arundel County
25 Code (2005, as amended) read as follows:

EXPLANATION: CAPITALS indicate new matter added to existing law.
[Brackets] indicate matter stricken from existing law.
Captions and taglines in **bold** in this bill are catchwords and are not law.

ARTICLE 11. LICENSES

TITLE 16. TOWING COMPANIES

SUBTITLE 4. NONCONSENSUAL TOWING FROM PARKING LOTS AND PRIVATE ROADS

11-16-101. Definitions.

In this title, the following words have the meanings indicated.

(5) "PRIVATE ROAD" MEANS ANY ROAD NOT OTHERWISE DESIGNATED AS A PUBLIC ROAD AS DEFINED IN THIS SECTION.

(6) "PUBLIC ROAD" MEANS ANY STREET, HIGHWAY, SHOULDER, MEDIAN, RIGHT-OF-WAY, ALLEY, SIDEWALK, ROAD, PARKING LOT OR AREA, LANE, PATH, PUBLIC WAY, OR ANY OTHER LAND THAT IS OWNED OR LEASED BY THE COUNTY OR STATE AND USED, INTENDED, OR OBTAINED FOR USE FOR PUBLIC CONVEYANCE OF VEHICLES OR PERSONS.

11-16-401. Scope and enforcement.

(a) **Scope.** This subtitle applies only to towing companies and storage facilities, and parking lot AND PRIVATE ROAD owners, operators and agents engaging in nonconsensual towing.

11-16-402. Parking lot and private road owner and operator requirements.

(a) **Requirements.** An owner or operator of a parking lot, [or] the agent of an owner or operator, OR A DULY DESIGNATED AGENT OF A COMMUNITY IN WHICH THERE ARE PRIVATE ROADS may not have a vehicle towed or otherwise removed from the parking lot OR THE PRIVATE ROAD without the vehicle owner's permission, unless the owner, operator, or agent has placed in conspicuous locations signs that:

(1) are at least 24 inches high and 30 inches wide;

(2) are clearly visible to the driver of a vehicle entering or parking in the parking lot OR ON THE PRIVATE ROAD;

(3) states the address to which the vehicle will be towed or removed, the name of the towing company and the telephone number for the towing company or towing storage facility where the car will be towed;

(4) states that State and County law requires that a motor vehicle towed from the parking lot OR THE PRIVATE ROAD is available for reclamation 24 hours a day, 7 days a week; and

(5) states the maximum amount that the owner may be charged for the towing or removal of the vehicle.

1 **(b) Number of signs.** An owner or operator of a parking lot, [or] the agent of an owner
2 or operator, OR A DULY DESIGNATED AGENT OF A COMMUNITY IN WHICH THERE ARE
3 PRIVATE ROADS shall place one sign, conforming to the requirements of subsection (a), for
4 every 7,500 square feet of parking space in the parking lot OR OF THE PRIVATE ROAD. In
5 addition to meeting the requirements of this section, if the parking lot OR PRIVATE ROAD
6 has more than one entrance, a sign conforming to the requirements of subsection (a) shall
7 be placed at each point of entry into the parking lot OR PRIVATE ROAD.

8
9 **(c) Traffic Control Devices on Private Roads.** THE DULY DESIGNATED AGENT OF A
10 COMMUNITY IN WHICH THERE ARE PRIVATE ROADS SHALL CLEARLY DESIGNATE WITH A
11 TRAFFIC CONTROL DEVICE FOR PUBLIC VIEW, ANY AREA IN WHICH PARKING IS NOT
12 PERMITTED, AND THE COMMUNITY SHALL BE RESPONSIBLE FOR THE COSTS OF THE
13 TRAFFIC CONTROL DEVICE.

14
15 **11-16-404. Required nonconsensual towing procedures for towing companies and**
16 **parking lot and private road owners and operators.**

17
18 **(c) Parking lot and private road owner authorization.** Before towing or removing a
19 vehicle from a parking lot OR PRIVATE ROAD, the towing company shall have authorization
20 from the parking lot owner or operator, [or] the agent of the owner or operator, OR THE
21 DULY DESIGNATED AGENT OF A COMMUNITY IN WHICH THERE ARE PRIVATE ROADS,
22 which shall include the name of the person authorizing the tow or removal and a statement
23 that the vehicle is being towed or removed at the request of the parking lot OR PRIVATE
24 ROAD owner or operator or the agent of the owner or operator.

25
26 **(d) Photographic evidence required.** Before towing or removing a vehicle from a
27 parking lot OR PRIVATE ROAD, the towing company must have photographic evidence of
28 the violation or event that gave rise to the vehicle being towed or removed.

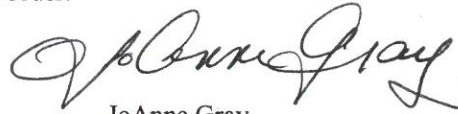
29
30 **(e) Payment to spotters and parking lot or private road owners.** A towing company
31 may not employ or compensate any individuals, commonly referred to as “spotters”, whose
32 primary task is to report the presence of unauthorized parked vehicles for the purposes of
33 towing or removal and impounding. A towing company may not compensate or pay
34 remuneration to the owner, agent, or employee of a parking lot OR PRIVATE ROAD. A
35 towing company may not deploy, cause the deployment of, or utilize any form of electronic
36 surveillance to take the place of or function as a “spotter”.

37
38 **(g) Drop fees and release of vehicle.** Before a vehicle is removed from a parking lot
39 OR PRIVATE ROAD, the tower who possesses the vehicle shall release the vehicle to the
40 owner, or an agent of the owner, upon request upon request and upon payment of a drop
41 fee to the tower not to exceed 50% of the cost of a full tow.

42
43 SECTION 3. *And be it further enacted,* That this Ordinance shall take effect 45 days
44 from the date it becomes law.

READ AND PASSED this 4th day of September, 2018

By Order:



JoAnne Gray
Administrative Officer

PRESENTED to the County Executive for his approval this 5th day of September, 2018



JoAnne Gray
Administrative Officer

APPROVED AND ENACTED this 7th day of September, 2018



Steven R. Schuh
County Executive

EFFECTIVE DATE:

OCT 2 2 2018

I HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF BILL NO.
71-18. THE ORIGINAL OF WHICH IS RETAINED IN THE FILES
OF THE COUNTY COUNCIL.



JoAnne Gray
Administrative Officer