

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING VARIOUS SECTIONS OF ARTICLE VII, WRECKER AND TOW SERVICE, OF CHAPTER 24, STREETS AND SIDEWALKS, AND AMENDING SECTION 16-319, RESERVED, OF CHAPTER 16, MOTOR VEHICLES AND TRAFFIC, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA**

BE IT ORDAINED, by the City Council of the City of Fayetteville, North Carolina, that:

Section 1. Section 24-249, Improper Towing, of Chapter 24, Streets and Sidewalks, is amended by deleting the same in its entirety.

Section 2. The first sentence in Paragraph b of Section 24-250, Enforcement, of Chapter 24, Streets and Sidewalks, is amended by deleting the words and figures “sections 24-239 or 24-249” and substituting with the word and figure “section 24-239”.

Section 3. Section 16-319, Reserved, of Chapter 16, Motor Vehicles and Traffic, is amended by deleting the same in its entirety and substituting with the following:

**Sec. 16-319. Improper Towing**

- a. The City of Fayetteville adopts the language of N.C.G.S § 20-219.2(a) and states that it shall be unlawful for any person other than the owner or lessee of a privately owned or leased parking space to park a motor or other vehicle in such private parking space without the express permission of the owner or lessee of such space if the private parking lot is clearly designated as such by legible signs no smaller than 24 inches by 24 inches prominently displayed at all entrances thereto, displaying the current name and current phone number of the towing and storage company, and, if individually owned or leased, the parking lot or spaces within the lot are clearly marked by signs setting forth the name of each individual lessee or owner. A vehicle parked in a privately owned parking space in violation of this section may be removed from such space upon the written request of the parking space owner or lessee to a place of storage and the registered owner of such motor vehicle shall become liable for removal and storage charges.
- b. A towing operator must allow any fees associated with non-consensual towing to be paid by cash, debit card, and at least two (2) major credit cards.
- c. Any towing operator removing a private vehicle at the request of any person, other than a police officer on duty, shall report to the Fayetteville Police

Department the fact that the vehicle was towed and its present storage location in accordance with section 24-236 of Chapter 24.

- d. If prior to the vehicle being towed from the property, the owner or operator of the vehicle being towed returns to the vehicle, the tow truck operator shall release the vehicle to that person upon payment of any fees associated with the tow before the vehicle was removed.
- e. The towing operator shall permit the owner of a vehicle towed non-consensually to remove personal property from the vehicle in the custody of the towing operator without any charge or fees. If the towing operator has removed personal property from the vehicle, it shall be returned to the owner of the property at no charge upon request made to the towing operator.
- f. *Penalty.* Any person who violates any of the provisions of this section shall be guilty of a misdemeanor as provided in G.S. § 14-4.
- g. *Severability.* If any provision of this section is declared invalid or unconstitutional for any reason, the remaining provisions shall be severable and shall continue in full force and effect.

Section 4. It is the intention of the City Council, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code or Ordinances, City of Fayetteville, North Carolina, and the sections of this ordinance may be renumbered to accomplish such intention.

ADOPTED this the \_\_\_\_\_ day of \_\_\_\_\_, 2024.

CITY OF FAYETTEVILLE

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MITCH COLVIN, Mayor

ATTEST:

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PAMELA J. MEGILL, City Clerk