

St. Louis City Ordinance 63115

FLOOR SUBSTITUTE

BOARD BILL NO. [93] 237

INTRODUCED BY ALDERMAN DANIEL J. MCGUIRE

An ordinance, to be codified as Section 8.110.235, of the Revised Code of the City of St. Louis (1980, Annotated) as amended (the "Code"), requiring towing operators, towing companies or agents thereof to report to the Police Department the removal of motor vehicles from private property pursuant to a request by the owner or person in control or possession of the private property; providing that no owner or person in control or possession of private property, on which four (4) or more parking spaces are located, can tow, remove or impound unauthorized motor vehicles parked, stalled or left thereon unless notification of the intent to remove and information to assist in the prompt recovery of the removed motor vehicle are properly posted; excepting from the reporting and posting requirements herein certain motor vehicles that are removed pursuant to Sections 8.110.180 or 8.110.210 of the Code, or Chapters 17.54 or 17.56 of the Code or Section 304.157 R.S.Mo. 1986, as amended; providing that violations of posting requirements herein shall not be considered as evidence of liability in civil actions arising out of the removal of such vehicles from private property; containing a severability clause; and containing an emergency clause.

BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:

SECTION ONE. 8.110.235 Towing from certain private property.

A. Any tow truck operator, towing company or agent thereof removing a motor vehicle from private property within the City at the request of the owner or person having possession or control of the private property shall report the following information to the Police Department, which shall maintain a log of such reports: the fact of the removal, including the date and time of the removal and the location of the private property; the name and business address and telephone number of the private property owner; the name and business address and telephone number of the tow truck operator; the name and business address and telephone number of the towing company; the make, model, year, license number and vehicle identification number of the towed motor vehicle; the storage location of the towed motor vehicle; and any other information required by the Police Department. The reporting of information required in this section shall include an immediate report by the towing operator, towing company or

agent thereof of the aforesaid information by telephone call to the Police Department before the removal and written notification to the Police Department within twenty-four (24) hours after the removal.

B. No owner or person having possession or control of private property on which four (4) or more parking spaces are located shall have the right to tow, remove, or impound any unauthorized motor vehicle which may be parked, stalled or otherwise left on the private property unless there is posted on the property at least twenty-four (24) hours prior to the towing, removal, or impounding notification by the owner or person having possession or control of the private property of the intent to have such unauthorized motor vehicles removed and sufficient information to assist in the prompt recovery of any motor vehicle removed, which said notification shall meet the following minimum requirements:

- (1) Such notification shall be posted on at least two (2) signs which are placed in a clearly conspicuous location on the private property;
- (2) Each sign shall be clearly legible with a minimum dimension of 12" by 18";
- (3) Each sign shall clearly state that unauthorized vehicles will be removed; and
- (4) Each sign shall clearly state the name, storage location and telephone number of the towing firm authorized to remove unauthorized motor vehicles from the private property.

The failure to properly post notification of the intent to tow, remove or impound unauthorized motor vehicles from private property, in violation of this Section B herein, shall not be considered as evidence of liability in any civil action arising out of the removal of unauthorized motor vehicles from private property.

C. The requirements set forth in Sections A and B herein shall not be applicable if: the motor vehicle is a disabled vehicle which is removed pursuant to Sections 8.110.180 or 8.110.210 of the Revised Code of the City of St. Louis (1980, Annotated), as amended (the "Code"); the motor vehicle is removed pursuant to Chapters 17.54 or 17.56 of the Code; or the motor vehicle is removed pursuant to Section 304.157 R.S.Mo. 1986, as amended.

SECTION TWO. The sections of this Ordinance shall be severable. In the event that any section of this Ordinance is found by a court of competent jurisdiction to be unconstitutional, the remaining sections of this Ordinance are

valid unless the court finds that the valid sections of this Ordinance are so essentially and inseparably connected with, and so dependent upon, the void section that it cannot be presumed that the Aldermen would have enacted the valid sections without the void ones, or unless the Court finds that the valid sections, standing alone, are incomplete and incapable of being executed in accordance with the legislative intent.

SECTION THREE. This ordinance being necessary for the immediate preservation of public health, morals, safety and general welfare, shall be and is hereby declared to be an emergency measure within the meaning of Article IV, Section 20 of the Charter of the City of St. Louis, and such shall take effect immediately upon its approval by the Mayor.

Legislative History				
1ST READING	REF TO COMM	COMMITTEE	COMM SUB	COMM AMEND
11/19/93	11/19/93	LEG	02/02/94	
2ND READING	FLOOR AMEND	FLOOR SUB	PERFECTN	PASSAGE
02/04/94		03/04/94	03/04/94	03/11/94
ORDINANCE	VETOED		VETO OVR	
63115				