

**Chapter 12.21**  
**PRIVATE TOWING REGULATIONS**

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**12.21.010 Purpose and Intent.**

It is hereby declared that the purpose and intent of this chapter is to protect the public and the rights of persons whose motor vehicles may be towed and stored by private towing services at the request of third parties.

(History: PTR-1658 §1, 91)

**12.21.020 Definitions.**

As used in this chapter, the words and phrases defined in this section shall have the following meanings, unless the context otherwise requires:

- A. "Towing" means the moving or removing or the preparation therefor of a motor vehicle for which a service charge is made, either directly or indirectly of a motor vehicle from private property without the knowledge and actual consent of the owner or the person in legal possession of the vehicle.
- B. "Tow truck" means any truck or other vehicle adapted or used for the purpose of towing, winching, carrying or otherwise removing another vehicle from a given location for commercial purposes.
- C. "Storage" means the custody and control of a vehicle by a tow truck operator as a result of a third-party ordered tow.
- D. "Tow operator" means any person engaged in the business of offering or providing a towing service for commercial purposes.
- E. "Private property" means all property privately owned regardless of whether the property is open to public access.

(History: PTR-1658 §1, 91)

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### **12.21.030 Unlawful Acts.**

It shall be unlawful and a violation of this chapter for any person to fail to comply with the following regulations when involved in the towing or request of towing of motor vehicles from private property; provided that the provisions of this chapter are not applicable when the private motor vehicle has been left upon the private owner's premises for more than 24 hours:

- A. Notification. The property owner or person requesting the towing of or the removal of a vehicle from private or public property shall, within one hour of completion of such towing or removal, notify the Overland Park, Kansas, Police Department of the following information concerning the tow or removal:
- (1) Vehicle make
  - (2) Vehicle model
  - (3) Vehicle year
  - (4) Vehicle VIN
  - (5) License plate number
  - (6) Ultimate destination where vehicle is towed to and stored.
  - (7) Person ordering the tow.
- B. Notice and Sign Requirements. Except for property appurtenant to and obviously a part of a single-family residence, and except for instances when notice is personally given to the owner or other legally authorized person in control of the vehicle that the area in which that vehicle is parked is reserved or otherwise unavailable for unauthorized vehicles and thus are subject to being removed at the owner's or operator's expense, any property owner or person in legal possession of the property, prior to towing or removing any vehicle from private or public property without the consent of the owner or other legally authorized person in control of that vehicle, must post a notice meeting the following requirements:
- (1) The notice must be prominently placed at each driveway access or curb cut allowing vehicular access to the property, within five feet from the public right-of-way line. If there are no curbs or access barriers, the signs must be posted not less than one sign for each 25 feet of lot frontage.
  - (2) The notice must clearly indicate, in not less than two inch high, light reflective letters on a contrasting background, that unauthorized vehicles will be towed away at the owner's expense. The words "tow away zone" must be included on the sign in not less than four inch high letters.
  - (3) The notice must also contain the following language:  
  
"If you believe your vehicle may have been towed from this property, please contact the Overland Park Police Department."

- (4) The sign structure containing the required notices must be permanently installed, with the bottom of the sign not less than four feet above ground level and must be continuously maintained on the property for not less than 24 hours prior to the towing or removal of vehicles.
- (5) A business with 20 or fewer parking spaces satisfies the notice requirements of this section by prominently displaying a sign stating "Reserved parking for customers only. Unauthorized vehicles will be towed away at the owner's expense." in light reflective letters on a contrasting background. In addition, the sign must include the information required in subparagraph (3) herein.

(History: Ord. PTR-2222 §1, 2000; PTR-1908 §1, 94; PTR-1658,A §1, 91; PTR-1658 §1, 91)

**12.21.040 Mandatory Tow and Storage Fees.**

Repealed.

(History: Ord. PTR-1908 §3, 94; PTR-1658 §1, 91)

**12.21.050 Nonapplicability to Governmental Vehicles and Tows.**

The provisions of this chapter shall not apply to law enforcement, firefighting, rescue squad, ambulance or other emergency vehicles, not to include tow trucks, which are marked as such or to property owned by any governmental entity or to any vehicle towed pursuant to Section 12.20.001 et seq.

(History: Ord. PTR-1658 §1, 91)

**12.21.060 Penalty.**

Any person that violates the provisions of this chapter shall be fined not less than \$500 nor more than \$1,000. In addition to such fine the Court may sentence any person convicted hereunder to no more than 30 days in jail.

(History: Ord. PTR-1908 §2, 94; PTR-1658 §1, 91)

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