

# **Towing Vehicles From Your Property**

by Dave Schilling

Have you ever had a tenant complain about someone parked in their parking space? Or, a vehicle parked in a driveway, blocking a dumpster, or on a walkway? Maybe a vehicle parked for weeks or months without moving? Most of you have encountered these difficult situations on your property and understand the effect careless parkers have on the smooth operation of your property. Unauthorized and improperly parked vehicles can cost you money and tenants. In some situations you may have no other remedy other than to tow vehicles from your property.

## **Parking Issues**

Residential properties of all types can encounter parking problems. Whether yours is a suburban property with ample parking spaces serving tenants throughout open lots, or an urban property with a garage serving multiple users, I'm sure you experience the frustrating occurrences of unauthorized or illegal parking. The vast majority of parkers follow the rules and instructions. It's the small percentage of parkers who choose to ignore the parking system of the property who make it difficult and sometimes dangerous for the other users.

For example if you offer reserved parking spaces to your tenants, what do you do when someone else parks in a tenant's reserved parking space? Directing the person who is assigned the parking space to another space will solve the immediate problem, but the message it sends to the unauthorized violator parked in the reserved/assigned parking space is that there are no consequences for taking someone else's parking space. This can lead to widespread abuse of your property's parking system. It may be a good time to tow.

## **Be Prepared**

Every property owner should be properly prepared to legally tow vehicles from their property. You must understand your rights and responsibilities as the property owner, and the rights of the vehicle owner you are about to tow. The best way ensure you are in compliance with the law is to consult and contract with a reputable state licensed professional towing company. Most towing companies will provide the proper warning signs to be posted on your property at no charge, and the forms to authorize the towing company to tow the vehicle from your property.

## **Vehicle Owner's Rights**

The owner of the vehicle you are towing has the right to a hearing before a judge on the validity of the tow. The vehicle owner must request the hearing within 10 days of the tow. The towing company provides the vehicle owner with the information regarding hearing requirements at the time the vehicle owner retrieves their vehicle at the tow yard.

In most cases your contracted towing company will represent you and themselves at the hearing. It is advisable you attend the hearing to ensure the details of your reason to tow are heard. A good practice to put in place for each vehicle you have towed is to photograph the vehicle just prior to towing. Nothing tells the story better than a photo and it is difficult for the vehicle owner to defend their reason for unauthorized parking. Be aware; if the law is not followed, you or the towing company could be liable for the towing and any associated fees should the vehicle owner prevail in the hearing.

## **Professional Help**

You may consider consulting or contracting with a professional parking management company to assist you in developing a comprehensive parking management plan and system for your property. A parking management company can help to ensure you have the parking policies and procedures in place that can help avoid the need to tow vehicles. Procedures and guidelines can be established for your staff to follow when the possibility of towing arises. This can save you headache, money, and improve the efficiency of the parking on your property.

When the need to tow a vehicle arises, following the law and documentation will help to ensure you are successful in controlling the parking on your property.

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