

TOWING – REPOSSESSION / PRIVATE PROPERTY

POLICY:

It is the policy of the Omaha Police Department (OPD) to determine the status of all vehicles that have been repossessed or towed from private property and to strictly enforce all City Ordinances and State Laws regarding the repossession and towing of such vehicles. Whenever possible, private property owners shall arrange for the towing of vehicles from their property without the assistance of OPD officers.

DEFINITIONS:

Abandoned Vehicles: A vehicle is deemed abandoned if it is left for more than seven days on private property if left initially without permission of the owner of the property or after the permission of the owner has been terminated (NRS §[60-1901](#)).

Trespassing Vehicles: A vehicle is deemed trespassing if it is parked without permission on private property that is not typically made available for public parking (NRS §[60-1903.02](#)).

PROCEDURE:

I. Towing of Repossessed Vehicles or Vehicles on a Restricted Parking Lot

- A. Municipal Code §[20-163](#) makes it unlawful to tow, or to cause to tow, any motor vehicle from private property without the authorization of the vehicle owner, lessee, or other authorized operator, unless such towing complies with Nebraska Statutes §[60-2401](#) through [60-2411](#).
- B. Anyone towing away a vehicle from a restricted parking lot or repossessing a vehicle will notify OPD within 24 hours of the tow and of the license number of the vehicle (NRS §[60-2403](#)).
 1. The Vehicle Tow Away or Repossession form ([OPD Form 43](#)) will be used to document repossessions and towing from properly posted restricted parking lots.
 - a. Towing companies will complete the above form and fax or email (See [Appendix A](#) for the fax number and email address) it to Data Review within twenty-four (24) hours of towing any vehicle that has been repossessed or towed from private property.
 - b. Data Review will identify vehicles that have been towed and are stolen and provide a record for disposition of all vehicles towed under these circumstances.
 2. Persons who fail to notify the OPD of the repossession/tow from a restricted parking lot within 24 hours may be charged with unauthorized towing under Municipal Code §[20-163](#).
- C. Vehicles parked in a “properly posted restricted parking lot,” without the consent of the lot’s owner or authorized tenant, are subject to being towed away at the request of such lot owner or tenant (NRS §[60-2401](#) and §[60-2401.01](#)).
- D. A “properly posted restricted parking lot” shall have readily visible signs designating it as a restricted parking lot. The signs will state the purpose for parking on the restricted lot, the hours for restricted parking, and who to contact for information regarding a towed vehicle (NRS §[60-2402](#)).
- E. Per Municipal Code §[20-163](#), anyone towing away a motor vehicle shall not charge more than the following for a non-consensual tow and storage:

1. \$150.00 per vehicle towing charge, a \$25.00 per vehicle administrative fee, and a maximum of \$15 per day storage fee.
- F. No person may obtain or demand any rate, charge or other compensation or assert any lien against any motor vehicle that was towed in violation of Municipal Code [§20-163](#). Further, any person who has caused an unauthorized towing will release said vehicle to its lawful owner, lessee, or other person entitled to possession.
- G. Municipal Code [§20-163](#) does not apply to the towing of any motor vehicle as follows:
1. Towed as the result of an order from a court of competent jurisdiction.
 2. Towed by any government agency where the parking or storage of such vehicle constituted a nuisance and where a lawful procedure respecting the towing of such vehicle as a nuisance has been followed.
 3. Towed in response to the order of any law enforcement officer because:
 - a. The vehicle came to a resting place on private property following a traffic crash.
 - b. The vehicle is being seized as evidence or incident to the arrest of its operator or an occupant.

II. Violations of Municipal Code [§20-163](#)

- A. The Burglary Squad / Fraud Investigations Squad will investigate violations of Municipal Code [§20-163](#).
- B. Any person actually towing a vehicle and any private land owner, tenant or agent requesting or authorizing a nonconsensual tow in violation of the state law may be charged with unauthorized towing under Municipal Code [§20-163](#).
1. Violations of Municipal Code [§20-163](#) will be punished by a fine not exceeding \$500.00 or by imprisonment not to exceed six months or by both such fine and imprisonment in the discretion of the court.
- C. For each unauthorized tow, officers will complete an Incident Report (PortalOne/[OPD Form 189](#)). Officers will be certain to include the following information:
1. List the name of the vehicle owner, lessee, or other authorized operator of the towed vehicle as the victim on the Incident Report.
 2. List the offense as “Unauthorized Towing” and refer to Municipal Code [§20-163](#).
 3. Attempt to identify the tow driver/company who is responsible for the tow.
 - a. If the tow driver is present, officers will cite or book the driver as appropriate.
 - b. If the tow truck company/driver is identified but not present, the vehicle has been recovered, and probable cause exists, Criminal Investigations Bureau (CIB) or Traffic Unit Investigators may complete a Citation Request per the OPD “[Locate Persons and Citations Requests](#)” policy.
 4. Officers shall describe in detail how the tow driver/company violated the ordinance (i.e., by failing to disengage the vehicle, failing to post signs properly, charging in excess of

the maximum fees, failing to notify OPD of the tow, and/or lacking authorization from the property owner to tow vehicles).

III. Abandoned and Trespassing Vehicles

- A. Per NRS [§60-1903.02](#), private property owners are authorized to remove or cause the removal of Abandoned Vehicles or Trespassing Vehicles from their private property and may contact a private towing service for the removal of such vehicles.
 - 1. The private towing service must notify OPD within twenty-four (24) hours of the following:
 - a. The towed vehicle's plate number, Vehicle Identification Number, and if available, the make, model, and color of the vehicle.
 - AND -
 - b. The name of the tow service/company and the location where the towed vehicle is stored.
- 2. OPD officers are not required to assist with Trespassing Vehicle tows, as private property owners are authorized by NRS [§60-1903.02](#) to handle the towing without law enforcement.
 - a. If a request is made to OPD for an Abandoned Vehicle tow, employees should direct the requesting private citizen to arrange a tow per NRS [§60-1903.02](#).

REFERENCES:

I. Laws

- A. City of Omaha Municipal Code [§20-163](#).
- B. Nebraska Revised Statutes §NRS [§60-1901](#), [60-1903.02](#), 60-2401 through 60-2411.

II. Previous OPD Orders

- A. Previous General Orders: #4-96, 28-02 and Supplement #1, 20-04, 30-04, 34-17, 83-18, and 6-22.

III. Other

- A. PPM Monthly Updates: #04-2021 and 03-2024.