



Legislation Details (With Text)

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File created: 2/5/2021 **In control:** Police Operations Department
On agenda: 3/2/2021 **Final action:** 3/2/2021
Title: Repealing Toledo Municipal Code Sections 765.10 "Tow scene clean-up" and 765.11, "Fees for police ordered tows," enacting new Toledo Municipal Code Sections 765.10 "Tow scene clean-up" and 765.11, "Fees for police ordered tows;" and declaring an emergency.

Sponsors:

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
3/2/2021	1	City Council		
3/2/2021	1	City Council		
3/2/2021	1	City Council		

Police Tow Clean up
Toledo Police Department
Lt. James Brown (x3203)/Lt. Thomas Williams (x3104)
Revised

Repealing Toledo Municipal Code Sections 765.10 "Tow scene clean-up" and 765.11, "Fees for police ordered tows," enacting new Toledo Municipal Code Sections 765.10 "Tow scene clean-up" and 765.11, "Fees for police ordered tows;" and declaring an emergency.

SUMMARY & BACKGROUND:

TMC Chapter 765 titled "Towing Services" was originally adopted by Ord 77-98 and amended in 2005, 2007, 2008 and 2018. Fees associated with police ordered tows are set in part by TMC Section 765.11. In order to more efficiently clean up tow scenes, tow truck drivers will be required to have on board approved "floor dry" materials to absorb fluids.

The fiscal impact of this ordinance is as follows:

- The amount of funds requested: 0.
- The expenditure budget line item: N/A
- New revenue generated (operational revenue, grants, if any): 0.
- Revenue budget line item (if any): NA
- Are funds budgeted in the current fiscal year (yes/no)? N/A.
- Is this a capital project (yes/no)? N/A.
- If yes, is it new or existing (new/existing)? N/A.
- What section of the City's Strategic Plan does this support:
 - o Excellence in Basic Services (yes/no) Yes.
 - o Quality Community Investment (Livable City, Development) Yes.

- Workplace Culture & Customer Service (yes/no) Yes.
- Environment (yes/no) Yes.

NOW, THEREFORE, Be it ordained by the Council of the City of Toledo:

SECTION 1. That Toledo Municipal Code, Chapter 765.10, "Tow Scene clean-up", which currently reads as follows:

765.10. Tow scene clean-up.

(a) Whenever a licensee is responsible for towing a vehicle involved in a collision upon any street or highway or upon any other public property, the licensee or agent shall remove from the tow scene all vehicle debris caused by the collision such as glass, metal, plastic or vehicle parts.

is repealed.

SECTION 2. That Toledo Municipal Code, Chapter 765.11, "Fees for police ordered tows", which currently reads as follows:

765.11. Fees for police ordered tows.

Owners of towed vehicles shall pay the City a One Hundred forty-five Dollars (\$145.00) towing fee per vehicle pursuant to the current fee schedule prior to the release of said vehicle. This fee is exclusive of any storage fee, fee for extraordinary services or pursuant to the heavy duty vehicle schedule, if applicable, and is subject to periodic review by the Director of Public Safety.

The maximum fee paid by the City to any licensee hereunder for removing a vehicle in response to a police call shall be as follows:

(a) For the tow of any passenger car, motorcycle, stake, panel or dump truck, loaded or empty, up to and including one-half ton, the charge shall be eighty-five dollars (\$85.00), subject to periodic review by the Director of Public Safety.

(b) Additional related expenses to accommodate extraordinary circumstances including but not limited to weather, environmental or tactical emergencies which involve extra time and labor may be paid at the discretion of the Director of Public Safety to a licensee and chargeable to the owner of such vehicle. A schedule of fees may be utilized. Additional cost incurred by contracting for other equipment or services not required by this Chapter shall be passed on and billed to the owner of a vehicle.

(c) Heavy Duty Towing and Recovery. A fee may be charged by any licensee and may be paid by the City hereunder for towing and/or recovering a heavy duty vehicle in response to a police call may be paid at the discretion of the Director of Public Safety. A schedule of fees for towing/recovery of vehicles with Gross Vehicle Weight Rating from 7000 pounds may be adopted, maintained and subject to periodic review by the Director of Public Safety.

(d) For the purpose of this chapter, routine hooking up shall include using dollies, tying the steering wheel, disengaging linkage and any other operation that is normally done prior to towing a vehicle.

(e) For purposes of this chapter, all fees paid to licensees will be made at such times as determined by the City and after periodic reconciliation of invoices submitted by licensees.

is repealed.

SECTION 3. That a new Toledo Municipal Code, Chapter 765.10, "Tow scene clean-up" is enacted to read as follows:

765.10. Tow scene clean-up.

- (a) Whenever a licensee is responsible for towing a vehicle involved in a collision upon any street or highway or upon any other public property, the licensee or agent shall remove from the tow scene all vehicle debris caused by the collision such as glass, metal, plastic or vehicle parts.
- (b) Whenever a licensee is responsible for towing a vehicle involved in a collision upon any street or highway or upon other public property, the licensee or agent shall remove from the tow scene any spilled vehicle fluid caused by the collision, included but not limited to gasoline, oil, vehicle coolant. Further, the licensee shall utilize a city of Toledo approved floor-dry type product, rated for such fluids.

SECTION 4. That a new Toledo Municipal Code, Chapter 765.11, "Fees for police ordered tows" is enacted to read as follows:

765.11. Fees for police ordered tows.

Owners of towed vehicles shall pay the City a One Hundred forty-five Dollars (\$145.00) towing fee per vehicle pursuant to the current fee schedule prior to the release of said vehicle. This fee is exclusive of any storage fee, fee for extraordinary services or pursuant to the heavy duty vehicle schedule, if applicable, and is subject to periodic review by the Director of Public Safety.

The maximum fee paid by the City to any licensee hereunder for removing a vehicle in response to a police call shall be as follows:

- (a) For the tow of any passenger car, motorcycle, stake, panel or dump truck, loaded or empty, up to and including one-half ton, the charge shall be eighty-five dollars (\$85.00), subject to periodic review by the Director of Public Safety.
- (b) Additional related expenses to accommodate extraordinary circumstances including but not limited to weather, vehicle fluid spills, environmental or tactical emergencies which involve extra time and labor may be paid at the discretion of the Director of Public Safety to a licensee and chargeable to the owner of such vehicle. A schedule of fees may be utilized. Additional cost incurred by contracting for other equipment or services not required by this Chapter shall be passed on and billed to the owner of a vehicle.
- (c) Heavy Duty Towing and Recovery. A fee may be charged by any licensee and may be paid by the City hereunder for towing and/or recovering a heavy duty vehicle in response to a police call may be paid at the discretion of the Director of Public Safety. A schedule of fees for towing/recovery of vehicles with Gross Vehicle Weight Rating from 7000 pounds may be adopted, maintained and subject to periodic review by the Director of Public Safety.
- (d) For the purpose of this chapter, routine hooking up shall include using dollies, tying the steering wheel, disengaging linkage and any other operation that is normally done prior to towing a vehicle.
- (e) For purposes of this chapter, all fees paid to licensees will be made at such times as determined by the City and after periodic reconciliation of invoices submitted by licensees.

SECTION 5. That this Ordinance is declared to be an emergency measure and shall be in force and effect from and after its passage. The reason for the emergency lies in the fact that this Ordinance is necessary for the immediate preservation of the public peace, health, safety and property and to enable the City effectively implement the Vehicle Towing Services rules and regulations.

Vote on emergency clause: yeas _____, nays _____.

Passed: _____, as an emergency measure: yeas _____, nays _____.

Attest: _____
Clerk of Council

President of Council

Approved: _____

Mayor

I hereby certify that the above is a true and correct copy of an Ordinance passed by Council

_____.

Attest: _____
Clerk of Council