

ORDINANCE NO. 2019-8

AN ORDINANCE AMENDING SECTION 137.11 TITLED "MOTOR VEHICLE TOWING," AND DECLARING AN EMERGENCY.

WHEREAS, the City of Kent wishes to amend Section 137.11 titled "Motor Vehicle Towing" to amend the towing fees therein.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Kent, Portage County, Ohio, at least three-fourths (3/4) of all members elected thereto:

SECTION 1. The Council hereby accepts the amendments to Section 137.11 titled "Motor Vehicle Towing" of the Kent Codified Ordinances as outlined in Exhibit "A", attached hereto and made a part hereof.

SECTION 2. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council and that all deliberations of this Council, and of any of its committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements of Section 121.22 of the Ohio Revised Code.

SECTION 3. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, and welfare of the residents of this City, for which reason and other reasons manifest to this Council this Ordinance is hereby declared to be an emergency measure and shall take effect and be in force immediately after passage.

PASSED: January 16, 2019  
Date

Fiala  
Jerry T. Fiala  
Mayor and President of Council

EFFECTIVE: January 16, 2019  
Date

ATTEST: Tara Grimm  
Tara Grimm, MMC  
Clerk of Council

I, TARA GRIMM, CLERK OF COUNCIL FOR THE CITY OF KENT, COUNTY OF PORTAGE, AND STATE OF OHIO, AND IN WHOSE CUSTODY THE ORIGINAL FILES AND RECORDS OF SAID COUNCIL ARE REQUIRED TO BE KEPT BY THE LAWS OF THE STATE OF OHIO, HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND EXACT COPY OF ORDINANCE No. \_\_\_\_\_, ADOPTED BY THE COUNCIL OF THE CITY OF KENT ON \_\_\_\_\_, 20\_\_\_\_.

(SEAL)

\_\_\_\_\_  
TARA GRIMM, MMC  
CLERK OF COUNCIL

## Exhibit A

### 137.11 MOTOR VEHICLE TOWING.

The following charges, requirements and procedures shall apply for commercial motor vehicle towing within the City at the request of the City:

(a) All commercial tow services used by the Police Department for removal or storage of motor vehicles parked in violation of City ordinance, impounded as a result of proper law enforcement actions, removed from streets due to in operability as a result of an accident or removed from private property due to statutory or ordinance mandated requirements shall perform each service consistent with standards of performance established by the Police Department. In addition, cleanup of accident scenes shall be performed as a part of basic services.

(b) **The Police Department shall promulgate rules and regulations for the use and dispatching of commercial motor vehicle towing companies on behalf of the department. The rules shall list each commercial motor vehicle towing company willing to respond to Police Department calls, and shall mandate that those companies who** ~~Each commercial tow service shall~~ **maintain an adequate and secure impound area located within the corporate limits of the City- be notified first for response. In the event that no company located with the City limits is able to respond adequately, out of town companies will be utilized.**

(c) Each commercial tow service shall charge a rate not to exceed rates as set below:

(1)	For all standard towing by sling or wheel lift truck performed within the corporate limits of the City including the release of a vehicle after it has been connected to the tow vehicle:	<del>\$90.00</del> <b>\$100.00</b>
(2)	For the storage of motor vehicles, motorcycles or mopeds at a commercial tow service or at a City of Kent facility:	
	A. For less than six hours	\$10.00
	B. For each period of twenty-four hours or fraction thereof	<del>\$12.00</del> <b>\$20.00</b>
	C. For each period of twenty-four hours or fraction thereof stored inside a building	\$25.00
(3)	For the release of any vehicle during non-business hours when the business is closed. (Normal business hours shall be 9 a.m. to 5:00 p.m. M-F: Sat 9 a.m. to Noon)	\$40.00
(4)	For show-up at the scene of tow when no tow is required: (For show-up at scene when a different piece of equipment is necessary requiring a second response, a fuel surcharge of \$4.00 per mile may be billed for that unused equipment)	\$40.00
(5)	For any unusual situations as would justify the use of additional equipment or operations which may be needed to remove a vehicle from City streets, an additional fee may be charged as follows:	

	Flatbed truck	\$30.00
	Use of dollies	\$30.00
	Double hook-up	\$30.00
	Winching of a vehicle	\$30.00 Plus \$2.00 per foot in excess of 30 feet
	Motorcycle tow	\$30.00
	Linkage disconnection	\$30.00
(6)	If, due to requirements at an accident scene, a tow operator is called out and stand-by time exceeds one-half hour the additional rate for each one-half hour or fraction thereof is:	\$35.00
(7)	Major recovery or salvage operations, or the tow of vehicles in excess of a three-quarter ton chassis shall be at the authorized towing company's established hourly rate of the equipment required.	
(8)	For extensive clean-up of an accident in excess of fifteen minutes duration, or for clean-up that requires compliance with special waste standards: (All such special waste clean-up will require disposal of the waste material in compliance with the current State guidelines for handling of special waste materials).	\$35.00.
(9)	<p>Retrieval of property from an impounded vehicle: During the period that a vehicle is impounded, no items of vehicle equipment, vehicle accessories, or other items typically associated with the operation of, or attached to the vehicle, may be removed by the owner, operator or other person claiming to have custody of the vehicle.</p> <p>If the owner or operator of an impounded vehicle reports to the impound location, and requests the release of personal items from the vehicle during normal business hours of 9:00 a.m. to 5:00 p.m. daily, said request shall be granted without charge.</p> <p>If the request is for retrieval of personal items during a period that is outside the posted business hours, a fee of up to \$40.00 may be charged for providing access to the vehicle.</p>	
(10)	If a vehicle that is impounded, or damaged in a motor vehicle accident is requested to be towed to a destination outside the City limits, a fuel surcharge of \$4.00 per mile or fraction of a mile may be charged by the towing company. A fuel surcharge of \$4.00 per mile may be charged for any in-City tows.	