

**Tentative Agenda
Municipal Committee
October 15, 2019
6:00 p.m.
City Hall Council Chambers**

Roll Call

Approval of the September 17, 2019 Minutes

DISCUSSION ITEMS

- 1) Consideration of proposed changes to City's Code Chapter 42-Traffic and Motor Vehicles
 - a. Contract towing services
 - b. Towing of illegally parked vehicles

- 2) Next Tentative Meeting Date and Time – November 19, 2019

Adjournment

**Tentative Agenda
Municipal Committee
September 17, 2019
6:00 p.m.
City Hall Council Chambers**

Alderman Bill Van Buskirk, Chair, called the September 17, 2019 Municipal Committee to order at 6:03 p.m.

Roll

Roll was called by Missy Wilson, Assistant City Administrator, and the attendance was as follows:

Present: Alderman Bill Van Buskirk, Alderman Janet Emerson, Alderman Jim Aziere, Alderman Derek Ward

Absent: Alderman Greg Walters

Approval of the May 21, 2019 Minutes

Alderman Emerson, seconded by Alderman Aziere, made a motion to adopt. The motion was approved by a vote of 4-0-1.

Ayes: Aldermen Emerson, Aziere, Van Buskirk, Ward

Nays: None

Absent: Alderman Walters

DISCUSSION ITEMS

- 1) Consideration of proposed changes to City's Code Division 2-Controlled Substances and Alcohol

Randy Hudspeth, Interim Police Chief, and Julian Hartner, of Lauber Municipal Law, presented the item and remained for any discussion.

The item was discussed.

Alderman Ward suggested rewording section (13), p of the definition of *Drug paraphernalia*.

Discussion continued.

Alderman Walters joined the meeting at 6:48 p.m.

Discussion continued.

Alderman Ward, seconded by Alderman Aziere, made a motion to send this item to the Board of Aldermen as amended to clarify (13), p under *Drug paraphernalia*. The motion was approved by a vote of 4-0-0-1.

Ayes: Aldermen Ward, Aziere, Van Buskirk, Emerson

Nays: None

Absent: None

Abstain: Alderman Walters

Additional Business

Alderman Aziere introduced an FY2019-2020 budget discussion item and stated that he will bring up this topic during the Board of Aldermen meeting discussion of the 2019-2020 fiscal year budget.

Adjournment

Alderman Aziere, seconded by Alderman Emerson, made a motion to adjourn. The motion was approved by a vote of 5-0.

Ayes: Aldermen Aziere, Emerson, Van Buskirk, Walters, Ward

Nays: None

Sec. 42-486. - Authority of police.

(a) The police department is hereby granted authority, in the exercise of its discretion, to ~~tow or remove~~ **order removal of** any vehicle or other personal property found upon any public street, roadway or thoroughfare or upon other public property of the city, under the following conditions and/or circumstances: Any motor vehicle or other personal property deemed by said department to be illegally parked, abandoned, and/or left so as to impede the flow of traffic or to cause a traffic hazard, unidentified, stolen, disabled, wrecked, or impounded due to intoxication or other incapacity of the driver, including improperly or unlicensed operator, or one in which the operator thereof is apprehended on suspicion of a crime, or one at the written request of the owner thereof, may be removed or towed.

(b) An unidentified motor vehicle or other personal property as referred to in this section is hereby defined to be such motor vehicle or other personal property where ownership thereof cannot be ascertained.

(c) An abandoned motor vehicle or other personal property as referred to in this section, is hereby defined to be such motor vehicle or personal property which remains upon the streets, roadways, thoroughfares or other public property of the city for a period longer than 72 hours, the owner of which cannot be located or who refuses to remove same.

Sec. 42-487. - Notice of removal of vehicle from street.

(a) Whenever an officer ~~removes~~ **orders removal of** a vehicle from a street as authorized in this article and the officer knows or is able to ascertain from the registration records ~~in the vehicle~~ the ~~name and address~~ **identity** of the owner thereof, such officer shall immediately give or cause to be given notice in writing to ~~such~~ **the** owner, **at the last address of record**, of the fact of such removal and the reasons therefor and of the place to which such vehicle has been removed.

(b) if the City utilizes a Towing Management Service, as authorized by this article, the responsibility for the notice to the owner required by this section will be fulfilled by the Towing Management Services provider and such a requirement shall be part of the contract with the service provider.

Sec. 42-488. - Contracts with private towing services.

The city is hereby authorized to contract **for towing services either** with ~~one or more~~ private towing ~~in~~ services **or by contracting with a Towing Management Services provider, with a place of business within the city,** to carry out the provisions of this article.

Sec. 42-489. - Authority of police to retain vehicle or property in its custody.

The city shall be authorized to retain in its custody and control, or direct the retention of, a motor vehicle or personal property, as referred to and defined in this article, until such time as properly redeemed by the owner thereof as hereinafter provided.

Sec. 42-490. - Towing and storage charges for vehicles and other property.

~~Any motor vehicle or other personal property impounded with motor vehicles which now is or may hereafter come into the possession of the police department shall be subject to a charge in the sum of \$15.00 for each removal or towing in from the public place in addition to a reasonable storage charge of \$2.00 per day, or fraction thereof, for such time as same remains in possession and custody of the police department. The fees for hook up, towing, wait time, and/or storage or other charges associated with towing or removal of property under this article shall be as set out in the City's schedule of fees, as amended from time to time.~~

Sec. 42-491. - Proof of ownership and redemption of impounded property.

(a) It shall be the express duty of any person claiming to be the owner of any impounded property ~~other than a motor vehicle referred to in this article, to present a certificate of title or certificate of registration therefor to the chief of police of the police department, and to furnish said department any and all additional proof of ownership as may be required to establish such ownership by the police department.~~

(b) If any person shall present to ~~the office of~~ the chief of police or his designee valid proof of ~~his~~ ownership of such impounded property prior to the date of actual sale thereof, then the property itself shall be delivered to the owner under the conditions herein provided.

Sec. 42-492. - Tow vehicles and accident scene.

(a) No owner of a tow vehicle or tow vehicle operator shall:

(1) Stop, stand or park a tow vehicle at a location where an accident has occurred ~~to solicit business~~ unless:

a. The owner of a tow vehicle or tow vehicle operator has been requested by or under the authority of the police officer in charge at the location where an accident has occurred or the department dispatcher; or

b. The owner of a tow vehicle or tow operator has been requested by one of the operators, owner, or agent of the vehicles involved in the accident; or

~~c. The owner of a tow vehicle or tow operator has been requested by the dispatcher of the police officer in charge at the location where an accident has occurred.~~

(2) Remain at a location where an accident has occurred after being directed to leave by a police officer.

(3) Fail to provide any police officer, upon request, at the location where an accident has occurred with the name and telephone number of the person requesting the tow truck operator, or the police officer's name and serial number requesting the tow truck operator or the dispatcher's name and serial number requesting the tow truck operator.

(b) Failure by the owner of a tow vehicle or tow vehicle operator to provide the police officer's name and serial number or the police officer's dispatcher's name and serial number or the name and telephone number of the operator of the vehicle involved in the traffic accident requesting the tow truck operator to be present at the scene of the accident to any police officer shall be prima facie evidence that the owner of a tow vehicle or tow vehicle operator had not been requested to stop, stand or park a tow vehicle at a location where an accident occurred.

(c) Any person operating a tow vehicle in violation of any part of this section shall be punished by a fine of not less than \$250.00 and not more than \$500.00, or by imprisonment of not more than 180 days, or by both such fine and imprisonment.

Sec. 42-493. - Solicitation of tow business.

No person shall, while at the scene of a fire or traffic accident, solicit any person for the purpose of procuring towing business or authorization or for an agreement for hire or for a fee to tow, lift, extract, or push any vehicle, nor any engine starting, nor any roll back pick up on recovery, nor transportation of any vehicle.