

ORDINANCE NO. 2010-2

AMENDING SECTION 303.08 OF THE BLUE ASH CODE OF
ORDINANCES REGARDING IMPOUNDING OF VEHICLES;
AND DECLARING AN EMERGENCY

WHEREAS, the Police Department Administration and City Solicitor's Office have determined a need to amend Section 303.08 of the Blue Ash Code of Ordinances relating to the impounding of vehicles; and

WHEREAS, the proposed amendments will address concerns associated with the structure of fees associated with the impounding of vehicles.

Be it ordained by the Council of the City of Blue Ash, Ohio, not less than five (5) members thereof concurring,

SECTION I.

Section 303.08 of the Blue Ash Code of Ordinances is hereby amended to read as is shown in the attachment hereto.

SECTION II.

In accordance with 303.08(a) of the Blue Ash Code of Ordinances as revised above within Section I above, the following attached "Police Rotation Wrecker Regulations & Permissible Fees" / "Police Impound Facility Permissible Fees & Charges" is hereby approved.

SECTION III.

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 City of Blue Ash, Ohio; the reason for the emergency being the need to provide for clarified impound lot procedures; to charge fees and costs which reflect current Police Department operating procedures; and to be able to immediately impose the real costs associated with the impound of vehicles. Therefore, this ordinance shall take effect and be in force from and after its passage.

PASSED this 14th day of January, 2010.

Mark F. Weber, Mayor

Jamie K. Eifert, Clerk of Council

APPROVED AS TO FORM:

Bryan Pacheco, Deputy Solicitor

303.08 IMPOUNDING OF VEHICLES; REDEMPTION

- (a) Whenever any police officer finds a vehicle unattended upon any highway, bridge or causeway, or in any tunnel, where such vehicle constitutes an obstruction to traffic, such officer may provide for the removal of such vehicle to the nearest garage or other place of safety. In addition to the above, any police officer may impound any stolen, abandoned or unroadworthy vehicle, or any other vehicle parked at a place where parking is prohibited or which has been parked for more than one hour in excess of the time allowed for parking in any place, or which is involved in an accident, or which is driven by a person under the influence of alcohol, or which is in possession of any person under the influence of alcohol, or which is in possession of any person who has been physically arrested. If the vehicle is impounded at the Blue Ash Police Department Impound Facility, any person desiring to redeem such impounded vehicle shall first pay to this Municipality a basic impoundment charge; of twenty-five dollars (\$25.00) plus daily outdoor storage fees; fee of twelve dollars (\$12.00) per day and daily indoor storage fee of fifteen dollars (\$15.00) per day for the time such impounded vehicle is in storage, and in addition thereto, shall pay for any service services performed by this Municipality in order to properly maintain such impounded vehicle; and for Any any direct towing fees incurred by the City of Blue Ash shall be reimbursed to the City by the owner of said motor vehicle at a cost of ninety dollars (\$90.00) as authorized by Ohio R.C. 4513.60 and Ohio R.C. 4513.61. These charges and/or fees shall be in accordance with rates, terms, and/or conditions set forth in the Police Rotation Wrecker Regulations and Permissible Fees (PRW) established by City Council. The charges and/or fees may be amended from time to time as deemed necessary by City Council. The Chief of Police shall maintain the PRW. Furthermore, the ~~Safety Director~~ and Chief of Police may prescribe such other administrative rules as necessary to implement the provisions contained within Ohio R.C. Chapter 4513 and Part Three Traffic Code of the City of Blue Ash.

If the owner of an impounded vehicle files with the Mayor a statement under oath that the vehicle had been stolen and abandoned by the thief, or that the vehicle had been disabled, the Mayor shall have the power to remit all or any part of the storage or impounding charge.

(Ord. 82-110. Passed 11-11-82; Ord. 2002-80. Passed 8-8-02.)

- (b) (1) Delinquent motor vehicles. A motor vehicle is a delinquent motor vehicle if it is specified in a traffic or parking citation respecting which there has been a failure to pay the applicable fine to a traffic violations bureau or to appear in court and ten days have elapsed after giving notice thereof to the registered owner of such motor vehicle by regular U.S. mail to the last known address of such registered owner.
- (2) Impoundment of delinquent motor vehicle. Any police officer may impound and cause to be towed a delinquent motor vehicle.

Any motor vehicle impounded as delinquent shall be released to the person entitled to possession upon proof of payment or posting of bail for the traffic or parking citation(s); and payment of the accumulated impounding and storage fees.

- (3) Sale of delinquent motor vehicle. After towing or impoundment, a delinquent motor vehicle may be sold in accordance with Ohio R.C. 737.29 through 737.33 to satisfy the maximum possible fine and costs and other appropriate charges, including those set forth in subsection (a) hereof.

(Ord. 82.110. Passed 11-11-82.)

(c) The Blue Ash Police Department may establish a list of qualified wrecker services and may call upon these wrecker services in a rotation manner to provide towing for vehicles described in subsection (a) or for assisting disabled motorists at their request. In order for said qualified wrecker services to remain on the rotation wrecker list, the owner/operator must agree to the regulations as established by the Chief of Police for the Rotation Wrecker System (RWS). Failure to do so will result in the wrecker service being removed from this rotation wrecker list.

(e)(d) Whoever violates any provision of this section is guilty of a minor misdemeanor on a first offense; on a second offense within one year after the first offense, the person is guilty of a misdemeanor of the fourth degree; on each subsequent offense within one year after the first offense, the person is guilty of a misdemeanor of the third degree.

(Note: CODE CHANGES STOP AFTER (d) ABOVE. BELOW IS THE REGULATION & FEE SCHEDULE AS REFERRED TO IN SECTION 303.08(a) ABOVE & APPROVED VIA SECTION II OF ORDINANCE NO. 2010-2)

BLUE ASH POLICE DEPARTMENT

Police Rotation Wrecker Regulations & Permissible Fees

For the purpose of these regulations, the removal of any vehicle on the traveled portion or berm of a highway capable of being removed by a single crane tow shall be considered a straight-tow. These regulations only apply to wrecker services as defined in section 303.08(c) of the Blue Ash Codified Ordinances, and for vehicles weighing 10,000 GVWR or less.

The rates that a Blue Ash Police Rotation Wrecker may charge for services requested by or through the Blue Ash Police Department are hereby set as follows:

- The maximum charges for a straight-tow shall not exceed \$110.00 regardless of the day or time of day.
- When removing a vehicle not on the traveled portion or berm of the highway, such as over an embankment or in deep mud or snow, an additional charge may be made on a time basis. The charge shall not exceed \$60.00 per hour, in addition to the charge permitted for a straight tow. Increments within the hour shall be assessed in fifteen minute periods; therefore the charges shall not exceed the hourly rate divided by one-quarter, one-half, or three-quarters. This charge is also permissible for the righting of overturned vehicles.
- A charge not to exceed \$40.00 may be made when it is necessary to use dollies.
- When the owner or the operator of a vehicle requests that his vehicle be towed to a location other than to the Rotation Wrecker operator's place of business, a mileage charge may be made at the rate not to exceed \$2.00 or less per mile for the first ten (10) miles, and not to exceed \$1.00 per mile thereafter, in addition to the charges permitted for a straight-tow and any time based charges. The additional mileage charges permitted will only be allowed on any extra distance the tow must travel, as compared to the distance to the Rotation Wrecker operator's place of business. If it is no further from the place of the request to the Rotation Wrecker operator's place of business, no additional miles traveled in one direction shall determine the permissible additional mileage charge. All such tows must be made by the most direct and legal route.
- Outdoor storage of a vehicle at the Police Rotation Wrecker facility shall not exceed \$18.00 per day, or part thereof.

- Indoor storage of a vehicle at the Police Rotation Wrecker facility shall not exceed \$21.00 per day, or any part thereof.

Charges not permitted are as follows:

- For removing debris from the road which shall be the obligation of the wrecker operator as provided for in ORC 4511.74.
- For delays created by awaiting arrival or action of utility companies where retrieval and removal are delayed by lines down, etc.
- For the use of a rollback (flatbed) type wrecker.
- For preparing the vehicle to tow, including but not limited to: Securing steering wheel, loading or attaching parts, removing drive shaft, changing wheels or tires – under tow, separating vehicles, pulling vehicles from police or obstructions or any work required to safely tow the vehicle that is not specifically mentioned herein.
- For fuel surcharge unless the Blue Ash Police Chief or his designee agrees in writing.

The fees provided in these regulations shall not apply when the owner or the operator of a vehicle makes a request for a specific towing service that is not a qualified Blue Ash Police Rotation Wrecker. Requests for a specific towing service may be relayed to that wrecker service by Blue Ash Police personnel.

When a Blue Ash Police Officer requires that the vehicle be towed to the Blue Ash Police Impound Facility, the Blue Ash Police Station, or other designated facility or location, the towing operator shall invoice the Blue Ash Police Department for the towing services set forth above.

BLUE ASH POLICE DEPARTMENT

Police Impound Facility Permissible Fees & Charges

The fees and charges for impoundment of a vehicle at the Blue Ash Police Impound Facility shall be:

- Outdoor storage of a vehicle shall not exceed \$18.00 per day, or part thereof.
- Indoor storage of a vehicle shall not exceed \$21.00 per day, or any part thereof.
- Basic impoundment charge not exceeding \$25.00 which shall be in addition to per diem storage.

These regulations, fees, and charges shall be in effect from the date of issuance and until further notice. They may be amended from time to time as deemed necessary by City Council.

APPROVED BY CITY COUNCIL ON JANUARY 14, 2010 VIA PASSAGE OF EMERGENCY ORDINANCE NO. 2010-2.