

## AGENDA



Thursday, April 27, 2006

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RECOMMENDATION FOR COUNCIL  
ACTION**

ITEM NO: 8

**Subject:** Approve an ordinance amending Chapter 13-6 of the City Code relating to towing of vehicles; amending ordinance no. 010308-59 relating to non-consent towing fees; and amending ordinance no. 20050912-004 relating to wrecker permit fees.

**Amount and Source of Funding:** No additional funding is required.

**Fiscal Note:****Additional Backup Material**

(click to open)

- ☒ Ordinance
- ☒ Narrative

**For More Information:**

**Prior Council Action:** February 15, 2001. Council action to amend Chapter 8-14 of the City Code affecting the towing of vehicles.

**Boards and Commission Action:**

The City staff, members of the Austin Towing Association, and other towing companies have met both in larger groups and subcommittees to work through proposed changes to Chapter 13-6 of the City Code relating to Towing of Vehicles and the proposed amendment to the wrecker permit fees. The Chief of Police is responsible for enforcing the laws that pertain to vehicle towing services in the City of Austin. The current ordinance will be changed so that the critical operations of the program, including Traffic Incident Management, can be handled through the rule making process.

**Traffic Incident Management**

The ordinance will be amended to require towing companies that choose to participate in the regular rotation program to also participate in the Traffic Incident Management Program. The Traffic Incident Management Program is designed to expeditiously move disabled vehicles from the City's major roadways. The current ordinance includes a "rush hour rotation" program that specifies a 20 minute response time for Interstate 35, Mo Pac, and Highway 183 during morning and afternoon commute times. The proposed ordinance retains the 20 minute response time but will allow the zones and hours of operation to be changed in the future as part of the rule making process. This provision is necessary so the program can adjust to meet the ever-increasing demands on the City's roadways.

**General Ordinance Revisions**

The other provision added to Chapter 13-6 is the creation of a Category B (Medium Duty) category of Tow Truck. This change is required to accurately describe the three types of

tow trucks currently being used in the industry. The specific descriptions of the three categories will be contained in formal rules to be adopted by the Chief of Police. Any future changes to the program related to tow truck technology and specifications will be handled through the rule making process.

The ordinance requires towing companies to accept a major credit card. It also requires towing companies that perform non-consent tows from private property to immediately tow the vehicle to a vehicle storage facility and not unload the vehicle elsewhere. It provides exceptions for unloading a vehicle because of mechanical breakdown of the tow truck, or because the original tow truck is needed immediately at the private property and other tow trucks are not capable of entering or removing vehicles.

The grounds for removal from the non-consent tow rotation list include failure to comply with the state law, Chapter 13-6, or the towing ordinance rules. A tow truck operator license can be denied, revoked or suspended if the driver is convicted of a serious or violent crime. The ordinance will allow the Chief of Police to adopt rules that specifically list the convictions that apply. These crimes include, but are not limited to, kidnapping, sexual assault, robbery and theft involved in a vehicle tow service, and will be described in the rules under this Chapter.

#### **Regulating the Towing Fee Rate**

City staff has prepared a towing fee study, by comparing the non-consent fees set by other large Texas cities. Based on that study, and input from the Austin towing industry, staff recommends adjustment of the non-consent towing fees as follows:

#### **Maximum non-consent towing fees:**

- (1) Vehicles 10,000 pounds or less: \$ 130.00  
(This fee applies whether a conventional tow truck or flatbed tow truck is used. The current ordinance contains a fee of \$95.00 for conventional tow trucks, and an additional \$35.00 fee if the tow is made with a flatbed truck.)
- (2) Vehicles in excess of 10,000 pounds, but less than 26,000 pounds: \$ 400.00  
(The current fee is \$393 for all vehicles over 10,000 pounds.)
- (3) Vehicles in excess of 26,000 pounds: \$ 600.00  
(This is a new fee for towing heavy vehicles that require using the heavy duty category of tow trucks.)

A provision is included in the ordinance that sets out the procedure for a towing company to request a towing fee study in the future as required by state law. The ordinance change describes the process and specifies that a requested towing fee study requires a deposit of \$5,000. Based on the result of a towing fee study, the City Council may change the non-consent towing fees. The City is not required to conduct more than one towing fee study within a two-year time period.

City staff will present to the City Council every two years its recommendations for adjustments to non-consent towing fee rates, regardless of whether a towing company has requested a fee study.

#### **Wrecker Permit Fees**

The Austin Police Department also recommends increasing the fee for inspecting tow trucks, from the current \$39 per year, to \$100. That fee is paid to the City, and if approved, would become part of this year's fee schedule. The fee would be used to support a new administrative position that handle inspections of those tow trucks desiring a city license. This position would allow officers and detectives to focus on enforcement, citizen

complaints, and criminal investigations related to the towing program.

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