

AGENDA

COMMITTEE ON BILLS ON SECOND READING

May 07, 2013
Aldermen Craig, O'Neil,
Arnold, Corriveau, Osborne

6:30 p.m.
Aldermanic Chambers
City Hall (3rd Floor)

1. Chairman Craig calls the meeting to order.

2. The Clerk calls the roll.

3. Ordinance Amendment:

“Amending Section 70.40 Towing of the Code of Ordinances of the City of Manchester by increasing the fees associated with vehicles towed without the consent or authorization of the owner/operator of the vehicle.”

If the Committee so desires, a motion would be in order that the Ordinance Amendment ought to pass and be referred to the Committee on Accounts, Enrollment and Revenue Administration.

4. If there is no further business, a motion is order to adjourn.

To the Board of Mayor and Aldermen of the City of Manchester:

The Committee on Administration/Information Systems respectfully recommends, after due and careful consideration, that Ordinance Amendment submitted by the Police Department:

“Amending Section 70.40 Towing of the Code of Ordinances of the City of Manchester by increasing the fees associated with vehicles towed without the consent or authorization of the owner/operator of the vehicle.”

be approved and referred to the Committee on Bills on Second Reading for technical review.

(Unanimous vote)

Respectfully submitted,



Clerk of Committee

At a meeting of the Board of Mayor and Aldermen held April 2, 2013, on a motion of Alderman O’Neil, duly seconded by Alderman Shea, the report of the Committee was accepted and its recommendations adopted.



Assistant City Clerk

Chief of Police
David J. Mara
Assistant Chief
Gary T. Simmons



Commission
Richard M. Bunker
Woullard H. Lett
William M. Clifford
Eva Castillo-Turgeon
Mark E. Roy

CITY OF MANCHESTER

Police Department

Matthew Normand
City Clerk
One City Hall Plaza
Manchester, NH 03103

January 31, 2013

Matt-

Below you will find a revised version of the Towing Ordinance. The changes, indicated in red, reflect those increases approved by the Committee on Administration/Information Systems. In stating their approval the committee authorized increases in fees, as "recommended by the Police Department," with the approval of the City Solicitor. The Police Department had recommended to the committee that the regular tow fee be increased to \$110 per tow and that additional fees, stipulated in the current contract, be similarly adjusted to be more competitive with surrounding communities. The amended fees below reflect those changes to the ordinance, which in effect represent the "more competitive" fees mentioned in the Police Department's original recommendation(s). At this time I am requesting that the revised ordinance be brought before the Mayor and Board of Alderman for final approval.

§ 70.40 TOWING.

(A) (1) Any company or person which tows a motor vehicle without the consent or authorization of the owner or operator of the motor vehicle shall not charge a towing fee in excess of ~~\$70~~ **\$110** during regular business hours. The fee for a tow conducted at a time other than regular business hours shall be ~~\$85~~ **\$125**. For purposes of this section, **REGULAR BUSINESS HOURS** shall mean, at a minimum, the hours from 8:00 a.m. to 5:00 p.m., Monday through Friday, holidays excepted, as well as any other posted business hours. The company or person shall post the business hours of its storage lot and shall disclose such information upon request of the owner or operator of a motor vehicle.

(2) Any company or person which tows a motor vehicle without the consent or authorization of the owner or operator of the motor vehicle shall not charge a fee in excess of ~~\$25~~ **\$30** per day for storing the towed motor vehicle. There shall be no storage fee for the first 24 hours after a motor vehicle is towed.

(B) No company or person shall charge any fee other than a towing fee or storage fee, as

Michael L. Briggs Public Safety Building
405 Valley Street • Manchester, New Hampshire 03103 • (603) 668-8711 • FAX: (603) 668-8941
E-mail: ManchesterPD@manchesternh.gov • Website: www.manchesterpd.com

A NATIONALLY ACCREDITED LAW ENFORCEMENT AGENCY



provided for in § 70.40 (A), for a motor vehicle which has been towed without the consent or authorization of the owner or operator; except a company or person may charge a service fee of up to ~~\$25~~ **\$40** to release a motor vehicle from a storage lot to its owner or operator at a time other than regular business hours. In the event a service fee is charged, the company or person shall have the owner or operator sign an acknowledgment upon the release of the motor vehicle. The acknowledgment shall specify the date and time the vehicle was released, the location of the storage lot, and the amount of the service fee charged. No "hoisting", "let-down", "standby" or "gate" fee shall be charged.

(C) Any company or person which has towed a motor vehicle without the consent of the owner or operator shall release to the owner or operator any and all property contained within or on such vehicle, but not attached to the vehicle, upon request by the owner or operator of the vehicle without requiring the payment of any fee therefore including the towing fee and the storage fee provided for in § 70.40 (A).

(Ord. passed 11-19-96; Am. Ord. passed 4-6-99; Am. Ord. passed 9-4-02; Am. Ord. passed 10-4-05)

Respectfully,

Lt. James Flanagan
Manchester Police Department
Traffic Unit

City of Manchester New Hampshire

In the year Two Thousand and^{Thirteen}

AN ORDINANCE

“Amending Section 70.40 Towing of the Code of Ordinances of the City of Manchester by increasing the fees associated with vehicles towed without the consent or authorization of the owner/operator of the vehicle.”

BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester, as follows:

I. Deletions to existing ordinance language are ~~struck through~~. New language appears in **bold**. Sections of the following chapter that remain unchanged appear in regular type.

§ 70.40 TOWING.

(A) (1) Any company or person which tows a motor vehicle without the consent or authorization of the owner or operator of the motor vehicle shall not charge a towing fee in excess of ~~\$70~~ **\$110** during regular business hours. The fee for a tow conducted at a time other than regular business hours shall be ~~\$85~~ **\$125**. For purposes of this section, **REGULAR BUSINESS HOURS** shall mean, at a minimum, the hours from 8:00 a.m. to 5:00 p.m., Monday through Friday, holidays excepted, as well as any other posted business hours. The company or person shall post the business hours of its storage lot and shall disclose such information upon request of the owner or operator of a motor vehicle.

(2) Any company or person which tows a motor vehicle without the consent or authorization of the owner or operator of the motor vehicle shall not charge a fee in excess of ~~\$25~~ **\$30** per day for storing the towed motor vehicle. There shall be no storage fee for the first 24 hours after a motor vehicle is towed.

(B) No company or person shall charge any fee other than a towing fee or storage fee, as provided for in § 70.40 (A), for a motor vehicle which has been towed without the consent or authorization of the owner or operator; except a company or person may charge a service fee of up to ~~\$25~~ **\$40** to release a motor vehicle from a storage lot to its owner or operator at a time other than regular business hours. In the event a service fee is charged, the company or person shall have the owner or operator sign an acknowledgment upon the release of the motor vehicle. The acknowledgment shall specify the date and time the vehicle was released, the location of the storage lot, and the amount of the service fee charged. No "hoisting", "let-down", "standby" or "gate" fee shall be charged.

(C) Any company or person which has towed a motor vehicle without the consent of the owner or operator shall release to the owner or operator any and all property contained within or on such vehicle, but not attached to the vehicle, upon request by the owner or operator of the vehicle without requiring the payment of any fee therefore including the towing fee and the storage fee provided for in § 70.40 (A).

II. This ordinance shall take effect upon its passage.