

## ACTION FORM BRYAN CITY COUNCIL

<b>DATE OF COUNCIL MEETING:</b> January 28, 2014		<b>DATE SUBMITTED:</b> January 10, 2014	
<b>DEPARTMENT OF ORIGIN:</b> Police		<b>SUBMITTED BY:</b> Chief Eric Buske	
<b>MEETING TYPE:</b>	<b>CLASSIFICATION:</b>	<b>ORDINANCE:</b>	<b>STRATEGIC INITIATIVE:</b>
<input type="checkbox"/> BCD	<input type="checkbox"/> PUBLIC HEARING	<input type="checkbox"/> 1ST READING	<input type="checkbox"/> DIVERSITY
<input type="checkbox"/> SPECIAL	<input checked="" type="checkbox"/> CONSENT	<input type="checkbox"/> 2ND READING	<input type="checkbox"/> EDUCATION
<input checked="" type="checkbox"/> REGULAR	<input type="checkbox"/> STATUTORY		<input type="checkbox"/> GROWTH
<input type="checkbox"/> WORKSHOP	<input type="checkbox"/> REGULAR		<input type="checkbox"/> IMAGE
			<input type="checkbox"/> INFRASTRUCTURE
			<input checked="" type="checkbox"/> PUBLIC SAFETY
<b>AGENDA ITEM DESCRIPTION:</b> Resolution setting maximum fees for nonconsent tows in the City of Bryan; and providing an effective date.			
<b>SUMMARY STATEMENT:</b> Resolution No. 2881 established maximum tow away fees for nonconsent tows utilizing a rotation list to summons a tow truck to a scene.			
<p>Staff has proposed a change to Chapter 126, Article IV. of the Code of Ordinances, which governs Tow Truck and Vehicle Storage Businesses. The proposed changes request an increase in the amount that may be charged for Incident Management tows and nonconsent tows from private property in the City of Bryan. A resolution approved by the City Council is required to establish maximum fees for nonconsent tows.</p> <p>The proposed resolution includes the following:</p> <ol style="list-style-type: none"> <li>1. The maximum fee that may be charged for an Incident Management Tow is: <ol style="list-style-type: none"> <li>a. \$150.00 for a Light-Duty Tow (Gross Vehicle Weight (“GVW”) up to 10,000 lbs).</li> <li>b. \$225.00 for a Medium-Duty Tow (GVW between 10,000 and 24,999 lbs).</li> <li>c. \$350.00 for a Heavy-Duty Tow (GVW of 25,000 lbs or more).</li> </ol> </li> <li>2. The maximum fee that may be charged for a non-consent tow originating on private property is \$125.00.</li> <li>3. The maximum drop fee that may be charged for a non-consent tow is \$50.00.</li> <li>4. In addition to the maximum fees stated above, in the case where a tow company is entitled by the ordinance to charge a winch fee, the maximum winch fee that may be charged is \$35.</li> </ol> <p>If approved, this proposed resolution becomes effective immediately upon its adoption.</p>			
<b>STAFF ANALYSIS AND RECOMMENDATION:</b> Staff recommends approving the resolution. Should the City Council approve the recommended ordinance change (also on this agenda as a second reading), there will be a need to set the maximum tow away fees for nonconsent tows in the City of Bryan to ensure a smooth transition upon enactment of the ordinance changes. This resolution will set the maximum tow away fees for nonconsent tows in the City of Bryan and coincide with a recommended ordinance change for a smooth transition of un-interrupted service to the citizens of Bryan.			
Note: If recommended ordinance changes are not approved it will not be necessary to approve this resolution.			

**OPTIONS (In Suggested Order of Staff Preference):**

1. Approve the proposed resolution.
2. Do not approve the proposed resolution. If the City Council does not approve recommended ordinance changes (also on this agenda), then there is no cause to repeal the current resolution No. 2881.

**ATTACHMENTS:**

1. Proposed resolution.

**FUNDING SOURCE:** na

**APPROVALS:** Hugh R. Walker, 01/10/2014

**APPROVED FOR SUBMITTAL: CITY ATTORNEY** Janis K. Hampton, 01/16/2014

**APPROVED FOR SUBMITTAL: CITY MANAGER** Kean Register, 01/10/2014

Revised 11/08

**RESOLUTION NO. 3526**

**A RESOLUTION REPEALING RESOLUTION NO. 2881; SETTING MAXIMUM FEES FOR NONCONSENT TOWS FOR WRECKER SERVICE ON PUBLIC AND PRIVATE PROPERTY IN THE CITY OF BRYAN; AND PROVIDING AN EFFECTIVE DATE**

**WHEREAS**, the City Council of the City of Bryan has determined that there is a need to update the resolution setting the maximum fees that may be charged for non-consent tows to reflect the changes made by the amendments to chapter 126; and

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BRYAN, TEXAS**

1. Resolution No. 2881 is hereby repealed.
2. The terms used herein shall have the meaning assigned by Chapter 126 of the City of Bryan Code of Ordinances and Chapter 2308 of the Texas Occupations Code.
3. The maximum fee that may be charged for an Incident Management Tow is:
  - a. \$150.00 for a Light-Duty Tow (Gross Vehicle Weight (“GVW”) up to 10,000 lbs).
  - b. \$225.00 for a Medium-Duty Tow (GVW between 10,000 and 24,999 lbs).
  - c. \$350.00 for a Heavy-Duty Tow (GVW of 25,000 lbs or more).
4. The maximum fee that may be charged for a non-consent tow originating on private property is \$125.00.
5. The maximum drop fee that may be charged for a non-consent tow is \$50.00.
6. In addition to the maximum fees stated above, in the case where a tow company is entitled by the ordinance to charge a winch fee, the maximum winch fee that may be charged is \$35.00.
7. This resolution shall become effective immediately upon its adoption.

APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF BRYAN ON THIS 3<sup>rd</sup> DAY OF FEBRUARY, 2014.

ATTEST

CITY OF BRYAN

\_\_\_\_\_  
Mary Lynne Stratta, City Secretary

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Jason P. Bienski, Mayor

APPROVED AS TO FORM

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Janis K. Hampton, City Attorney