

June 23, 2023

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AKRON CITY COUNCIL

16
11-0
Kammer absent
motion abstain

Offered by: COUNCILMAN KAMMER

ORDINANCE NO. 193 -2023 amending Title 7, Chapter 70 "Traffic Code," Section 70.51 "Return of Towed Vehicles" of the Akron Codified Ordinances to eliminate the mandatory fee for the return of towed vehicles; and declaring an emergency.

WHEREAS, the City currently requires persons to pay a fifteen dollar fee as a condition of receiving a towed vehicle release; and

WHEREAS, this legislation removes the mandatory fee.

NOW, THEREFORE, BE IT ENACTED by the Council of the City of Akron:

Section 1. That Title 7, Chapter 70 "Traffic Code," Section 70.51 "Return of Towed Vehicles" of the Akron Codified Ordinances is hereby amended to read as follows:

70.51 Return of towed vehicles.

- A. The Information Desk of the Police Division shall provide a towed vehicle release for a towed vehicle to an owner or their representative upon presentation of the following:
1. Evidence of identity, such as a driver's license; and
 2. Proof of ownership through a title and/or registration for the towed vehicle; and
 3. A receipt from the Akron Municipal Court Clerk's Office, showing payment of all fees for parking violation(s), if applicable; and
 4. A power of attorney from the owner if the person claiming the vehicle is not the owner of the vehicle. The power of attorney must specifically authorize the owner's representative to procure the towed vehicle release. This provision shall not mandate the release of a vehicle to a representative of an owner who presently is a fugitive; and
 - ~~5. Payment of a non-refundable fee in the amount of fifteen dollars made payable to the City of Akron.~~

No vehicle will be released where there exists a valid hold, including, but not limited to, an outstanding seizure, forfeiture or other court order, on the vehicle or is otherwise being held as evidence in a pending prosecution.

- B. A tow company shall release a vehicle to its owner or their representative upon being provided with identification, the towed vehicle release and full payment for the towing and storage charges.
- C. If the owner intends to plead not guilty to the parking violation or protests the payment of the storage charge, the Information Desk of the Police Division shall issue a towed vehicle release if the following conditions are met:
1. The owner or their representative furnishes evidence of identification and ownership required by subsection (A) of this section; and

2. The owner or their representative furnishes a bond as set by Municipal Court's rules to ensure that the person cited will appear before the Municipal Court to answer to the criminal and/or traffic charges which resulted in the vehicle being towed.

Section 2. That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of public peace, health, safety and welfare for the reason that it is necessary to remove the mandatory fee, and provided this ordinance receives the affirmative vote of two-thirds of the members elected or appointed to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force at the earliest time allowed by law.

Passed July 17, 2023

Wanda R. Biviano
Clerk of Council

[Signature]
Vice President of Council

Approved 7/18, 2023

[Signature]
MAYOR

Akron City Council - Uniform Council Report (UCR)

PART I – General Information

Subject of Requested Legislation:

Amend Title 7, Chapter 70. 70.51 "Return of Towed Vehicles"

Department/Division: Council/Elected

Requestor: Councilman Donnie Kammer Phone/Ext: 2256

If applicable, previous legislation on this subject (reference by ordinance/resolution number):
786-1996; 80-2021

Purpose/Objective of Legislation:

To remove the \$15 fee in 70.51 (5)

PART II – Financial Information

Does this Legislation directly involve the expenditure of funds?

☐ YES

☒ NO

Was this expenditure budgeted for in the current operating budget?

☐ YES

☒ NO

If "YES," describe how the budgeted amount for the project compares to the actual or estimated costs:

City Expenditures

Budgeted Costs	
Amount:	
Fund:	
Org:	
Acct:	

Estimate of Costs	
Amount:	
Fund:	
Org:	
Acct:	

Amount:	
Fund:	
Org:	
Acct:	

Amount:	
Fund:	
Org:	
Acct:	

City Receipts

City Receipt of Funds	
Amount:	
Fund:	
Org:	
Acct:	

Other Consideration	

Total expenditure (if applicable): \$_____

Total receipts (if applicable): \$_____

PART III – DETAILED INFORMATION:

Attach detailed information/documentation, as described in UCR Instruction Sheet.

From: [Advent, Rebecca](#)
To: [Biviano, Sara](#); [Rhodes, Michelle](#)
Cc: [Ward 3 \(Margo Sommerville\)](#); [Ward 7 \(Donnie Kammer\)](#)
Subject: Police Towing Review Board Recommendation Regarding Codified Ordinance Section 70.51(A)(5)
Date: Wednesday, June 14, 2023 12:17:00 PM
Attachments: [image001.png](#)

Good Afternoon,

I ask that this message please be distributed to all members of Council.

I am writing to you on behalf of the City of Akron Police Towing Review Board in my capacity as the Chairperson. When Ordinance 80-2021 was passed in 2021, a \$15.00 fee was added to 70.51(A)(5) of the Codified Ordinances. This \$15.00 fee has been a cause for concern that has been repeatedly raised during Tow Review Board meetings by the representatives of APD and the Akron Municipal Clerk of Courts. The Police Towing Review Board has discussed the issues associated with this fee, and during its March 14, 2023 meeting, the Board unanimously agreed to issue this recommendation that Council remove the \$15.00 fee from section 70.51(A) of the Codified Ordinances. It is my understanding that Councilman Kammer intends to introduce legislation to this effect in the near future. The Tow Review Board would be in support of such legislation.

Thank you for your consideration of this issue.

Rebecca M. Trudeau (formerly Advent)
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Summary of Ordinance No. 193-2023 passed by Akron City Council July 17, 2023 amending Title 7, Chapter 70 “Traffic Code,” Section 70.51 “Return of Towed Vehicles” of the Akron Codified Ordinances to eliminate the mandatory fee for the return of towed vehicles; and declaring an emergency.

By: Sara Biviano, Clerk of Council

This summary is being published pursuant to Section 38 of the City Charter. The complete text of this legislation is available in the office of the Clerk of Council.

**posted on Akron City Council website 7/18/23 through 8/2/23*