

Ordinance No. 1250-2025

By Council Members Polensek and Griffin
(by departmental request)

AN EMERGENCY ORDINANCE

To amend Sections 405.01, 405.04, 405.06, 405.08, and 405.10 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by various ordinances relating to impounding, storage and towing; and to repeal Section 405.09, as amended by Ordinance No. 1684-76, passed June 29, 1976, relating to impounding bicycles.

WHEREAS, the City of Cleveland, through its Department of Public Safety, desires to amend Sections 405.01, 405.04, 405.06, 405.08, and 405.10 and to repeal Section 405.09 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by various ordinances, relating to impounding, storage and towing to conform with House Bill 33, effective October 3, 2023, which exempts crime victims from paying fees to retrieve their property; and

WHEREAS, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CLEVELAND:

Section 1. That the following sections of the Codified Ordinances of Cleveland, Ohio, 1976:

Section 405.01, as amended by Ordinance No. 1684-76, passed June 29, 1976,

Section 405.04, as amended by Ordinance No. 2208-2000, passed June 19, 2001,

Section 405.06, as amended by Ordinance No. 857-2014, passed August 20, 2014,

Section 405.08, as amended by Ordinance No. 292-07, passed June 11, 2007, and

Section 405.10, as amended by Ordinance No. 578-89, passed June 19, 1989,

are amended to read as follows:

Section 405.01 Vehicle Pounds Authorized

(a) The Director of Public Safety is hereby authorized to create vehicle pounds, to which vehicles may be removed by police officers in the manner hereinafter provided. Such pounds shall be located at such places as may be designated by the Director. Each pound shall be in the charge of a police officer. The Chief of Police shall designate a police officer to remain in attendance at each ~~pound~~ non-commercial pound ~~from 7:00 a.m. to 10:00 p.m. each day except Sunday~~ during its hours of operation, for the purpose of receiving, safeguarding and discharging vehicles as hereinafter provided.

(b) For purposes of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

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- (1) “Taken in the course of the investigation” means impounding the vehicle for any evidentiary purpose; and
- (2) “Victim” has the same meaning as defined at Section 10a (D) of Article I of the Ohio Constitution.

Section 405.04 Storage Fee at Vehicle Pound

Whenever any vehicle, except a bicycle, is stored in a vehicle pound for any reason, the person reclaiming the vehicle shall be charged a storage fee of ~~nine dollars (\$9.00)~~ twelve dollars (\$12.00) for the first five (5) days or fraction thereof, and thereafter shall be charged ~~six dollars (\$6.00)~~ ten dollars (\$10.00) for each day or fraction of a day. No fee for storage shall be charged when the vehicle is the property of ~~the a~~ a victim of a crime and said vehicle is ~~being held by the Division of Police for processing.~~ was taken in the course of the investigation.

Section 405.06 Impounding and Towing Fees

(a) In addition to the storage fee provided for in Section 405.04, the following fees shall be assessed against the owner or other person claiming an impounded vehicle:

- (1) An impound fee of thirty dollars (\$30.00), except that the impound fee shall be reduced to ten dollars (\$10.00) for a person reclaiming a recovered stolen vehicle.
- (2) A towing fee of one hundred ~~and~~ twenty-five dollars (\$125.00), except that the towing fee shall be reduced to fifty dollars (\$50.00) for a person reclaiming a recovered stolen vehicle, and shall be increased to one hundred seventy-five dollars (\$175.00) for a person reclaiming a vehicle impounded incident to an arrest.

The towing charge shall be increased by thirty-five dollars (\$35.00) if a dolly or flatbed is used or if a tire or tires are changed.

(b) No towing or impounding fees shall be charged when the vehicle is the property of ~~the a~~ a victim of a crime and ~~such vehicle is being held by the Division of Police for processing.~~ said vehicle was taken in the course of the investigation.

Section 405.08 Impounding Commercial Vehicles; Fees

(a) *Storage Fee.* Notwithstanding the provisions of Section 405.04, whenever any commercial vehicle is impounded and stored, either in a vehicle pound operated by the City or other area designated by the Director of Public Safety, a charge of ~~ten dollars (\$10.00)~~ twenty dollars (\$20.00) per day or fraction thereof in excess of twenty-four (24) hours, shall be charged for the storage of all commercial vehicles not exceeding five

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(5) tons net weight, and a charge of ~~twenty dollars (\$20.00)~~ twenty-five dollars (\$25.00) per day or fraction in excess of twenty-four (24) hours, shall be charged for the storage of all commercial vehicles in excess of five (5) tons net weight.

(b) *Towing Fees.* Notwithstanding the provisions of Section 405.06, the fees for towing a commercial vehicle will be assessed in accordance with this division. Each firm that is under contract with the City for the towing of commercial vehicles under the authority of Section 135.42 shall be paid in accordance with the schedule of its commercial rates on file with the Director of Public Safety as required by division (d) of Section 135.42.

(c) *Impounding Fee.* An impounding fee of thirty dollars (\$30.00) shall be charged.

(d) *Fees Assessed.* The storage and impounding fees provided for in this section shall be assessed against the owner or other person claiming such impounded vehicles.

(e) *Exemption.* No storage or impounding fees for commercial vehicles shall be charged when the vehicle is the property of a victim of a crime and said vehicle was taken in the course of the investigation.

Section 405.10 Towing Preparation Fees

(a) The owner or other person claiming an impounded vehicle other than a commercial vehicle shall be assessed the following towing preparation fees in addition to the other fees and costs provided for in these Codified Ordinances:

~~(1) — Three dollars (\$3.00) for each fuse needed.~~

~~(2)(1) Two dollars (\$2.00)~~ Thirty-five dollars (\$35.00) for removal of the transmission pin.

~~(3)(2) A rate of seven dollars (\$7.00)~~ thirty-one dollars and twenty-five cents (\$31.25) per quarter hour or fraction thereof in excess of one-half (1/2) hour for the preparation of the vehicle for towing, commencing at the arrival of the tow truck at the vehicle to be impounded, provided that any of the following circumstances exist:

A. When the vehicle is not on the traveled portion or berm of the roadway, such as over an embankment or in deep snow or mud; or

B. When it is necessary to separate vehicles or pull the vehicle from an obstruction; or

C. When it is necessary to right the vehicle on its wheels.

(b) The owner or other person claiming an impounded commercial vehicle shall be assessed the following towing preparation fees in addition to the other fees and costs provided for in these Codified Ordinances:

~~(1) — Three dollars (\$3.00) for each fuse needed.~~

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~~(2)~~(1) Seventy-five dollars (\$75.00) per dolly required.

~~(3)~~(2) A rate of ~~thirty-six dollars (\$36.00)~~ forty dollars (\$40.00) per hour or fraction thereof, and thereafter a rate of ~~eighteen dollars (\$18.00)~~ twenty dollars (\$20.00) per half hour or fraction thereof, per additional helper.

~~(4)~~(3) ~~Two hundred dollars (\$200.00) for each rescue kit (air bags)~~ Two hundred fifty dollars (\$250.00) per hour for use of equipment per hour or fraction thereof to a maximum of one thousand two hundred dollars (\$1,200.00).

(c) No towing preparation fee shall be charged when the vehicle is the property of a victim of a crime and said vehicle was taken in the course of the investigation.

Section 2. That the following existing sections of the Codified Ordinances of Cleveland, Ohio, 1976:

Section 405.01, as amended by Ordinance No. 1684-76, passed June 29, 1976,

Section 405.04, as amended by Ordinance No. 2208-2000, passed June 19, 2001,

Section 405.06, as amended by Ordinance No. 857-2014, passed August 20, 2014,

Section 405.08, as amended by Ordinance No. 292-07, passed June 11, 2007, and

Section 405.10, as amended by Ordinance No. 578-89, passed June 19, 1989,

are repealed.

Section 3. That Section 405.09, Impounding Bicycles, as amended by Ordinance No. 1684-76, passed June 29, 1976, is repealed.

Section 4. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected 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 from and after the earliest period allowed by law.

SL:nl
10-6-25

FOR: Director Drummond

Ord. No. 1250-2025

By Council Members Polensek and Griffin (by departmental request)

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To amend Sections 405.01, 405.04, 405.06, 405.08, and 405.10 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by various ordinances relating to impounding, storage and towing; and to repeal Section 405.09, as amended by Ordinance No. 1684-76, passed June 29,1976, relating to impounding bicycles.

READ FIRST TIME on October 6, 2025
and referred to DIRECTORS of Public Safety, Finance, Law;
COMMITTEES on Safety and Finance Diversity Equity and Inclusion

REPORTS

CITY CLERK

READ SECOND TIME

CITY CLERK

READ THIRD TIME

PRESIDENT

CITY CLERK

APPROVED

MAYOR

REPORT
after second Reading

PASSAGE RECOMMENDED BY
COMMITTEE ON
SAFETY

FILED WITH COMMITTEE

PASSAGE RECOMMENDED BY
COMMITTEE ON
FINANCE, DIVERSITY, EQUITY
and INCLUSION

FILED WITH COMMITTEE