

Ordinance No. 698-2026

By Council Members Polensek and Griffin
(by departmental request)

AN EMERGENCY ORDINANCE

To amend Sections 405.01, 405.03, 405.06, 405.08, 405.10 and 405.11 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by various ordinances; to supplement the codified ordinances by enacting new Section 405.14; and to repeal Sections 405.05, 405.09, and 405.12, all relating to vehicle impoundment and towing operations administered by the Department of Public Safety.

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

WHEREAS, the City through its Department of Public Safety, desires to amend Sections 405.01, 405.03, 405.06, 405.08, 405.10 and 405.11, repeal Sections 405.05, 405.09 and 405.12 and to enact new Sections 405.13 of the Codified Ordinance of Cleveland, Ohio, 1976, as amended by various ordinances, relating to impounding, storage and towing to conform with the Ohio Administrative Code Rule 4901:2-24-03, effective January 1, 2026 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:

Sections 405.01, as amended by Ordinance No. 1687-76, passed June 29, 1976,

Section 405.03, as amended by Ordinance No. 1684-76, passed June 29, 1976,

Section 405.06, as amended by Ordinance No. 857-14, passed August 20, 2014,

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

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

Section 405.11, as amended by Ordinance No. 533-91, passed March 4, 1991,

are amended to read as follows:

Section 405.01 Vehicle Pounds Authorized

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 non-commercial 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 non-commercial pound ~~from 7:00 a.m. to 10:00 p.m. each day except Sunday~~ while the facility is open to the general public, for the purpose of receiving, safeguarding and discharging vehicles as hereinafter provided.

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Section 405.03 Report of Condition of Vehicle Towed by Private Agency

(a) The police officer who orders a motor vehicle to be taken into custody and towed by private towing agencies from the scene where found, shall make a report of the general condition of the vehicle and a list of its contents found in and about the interior. Such report shall be made ~~in quadruplicate~~ at the time the order or request to tow is made, upon forms prescribed by the Division of Police. ~~The original and one (1) copy of the report shall be kept in the files of the Division, one (1) copy shall be delivered to the person who is to tow the vehicle and one (1) copy shall be delivered to the owner of the vehicle at the time of release.~~ The person who tows the vehicle shall sign all copies of the report prior to removing the vehicle from the scene. However, in the case of junk, abandoned or stripped vehicles, or in the case of vehicles towed away under the emergency snow ban Section 451.17, or in the case of vehicles towed to City lots, it shall not be necessary that the police officer remain at the scene until the arrival of the towing agency. In any case of urgent police necessity, the officer may leave the scene, but shall return immediately after disposition of the emergency, or if the vehicle has been towed away, he or she shall go immediately to the towing agency, reinspect the vehicle and obtain the signature of the tow truck operator or the agency representative.

(b) No person shall remove tires, parts, equipment or anything of value from a motor vehicle taken into tow.

(c) The tow truck operator and the agency which he or she represents shall then be held responsible for the safe keeping of such vehicle until such time as it is ~~reclaimed by the owner~~ in their possession. If the vehicle is not maintained in the same condition as when received or has had anything detached or removed from it the towing agency shall be liable and shall compensate the owner accordingly.

(d) A conviction under this section or failure to fulfill this responsibility to properly safe keep such vehicle or to compensate for damage or loss shall result in the forfeiture of any agency's right and authority to conduct any further towing transaction for the Division of Police.

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 ~~twenty-five~~ ninety dollars (~~\$125.00~~190.00), except that the towing fee shall be reduced to fifty seventy-five dollars (~~\$50.00~~75.00) for a person reclaiming a recovered stolen vehicle, ~~and shall be increased to one hundred and 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~~ fifty dollars (~~\$35.00~~50.00) if a dolly or flatbed is used or if a tire or tires are changed.

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

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 (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.

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-five dollars (\$35.00) 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; or

D. Excessive clean up of an accident scene is required; or

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E. Any combination of the above.

(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.~~

~~(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 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). ~~Two hundred dollars (\$200.00) for each rescue kit (air bags)~~

Section 405.11 Fee for Incompleted Tow

(a) If the owner or other person claiming a right to lawful possession of a vehicle to be impounded for a violation of any of the parking infraction offenses listed in division (l) of Section 405.02 arrives at the scene prior to the actual conveyance of the vehicle and identifies himself or herself and establishes to the satisfaction of the police officer that he or she is entitled to possession of the vehicle, the police officer providing for the removal of the vehicle shall direct that the activity to remove the vehicle be ceased. The police officer shall then direct that the possession of the vehicle be retained by or returned to the owner or other person claiming lawful possession of the vehicle, provided that all of the following are true, in the opinion of the police officer:

(1) The owner or other person claiming lawful possession of the vehicle is capable of safely taking possession of the vehicle; and

(2) The flow of traffic will not be unreasonably impeded; and

(3) The health, safety or welfare of the public will not be adversely affected.

(b) If the circumstances described in division (a) of this section occur after a tow truck has arrived at the vehicle and activity to remove the vehicle has commenced, then the owner or other person claiming lawful possession of the vehicle shall be issued a separate parking infraction for the dropped tow fee and charged a fee of ~~twenty-five dollars (\$25.00)~~ forty-five dollars (\$45.00), ~~twenty dollars (\$20.00)~~ forty dollars (\$40.00) of which shall be for the cost of the activity to remove the vehicle and five dollars (\$5.00) of which shall be attributed to the cost of releasing the vehicle.

(c) A police officer shall not direct that a vehicle be retained by or returned to the owner or other person pursuant to division (a) of this section in cases in which there are four (4) or more parking infraction judgments or previously issued outstanding criminal citations or notices of violation of any of the provisions of this Traffic Code associated with the vehicle.

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

Section 405.01, as amended by Ordinance No. 1687-76, passed June 29, 1976,

Section 405.03, as amended by Ordinance No. 1684-76, passed June 29, 1976,

Section 405.06, as amended by Ordinance No. 857-14, passed August 20, 2014,

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

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

Section 405.11, as amended by Ordinance No. 533-91, passed March 4, 1991,

are repealed.

Section 3. That the Codified Ordinances of Cleveland, Ohio, 1976, are supplemented by enacting new Section 405.14 to read as follows:

Section 405.14 Review of Fees

Prior to initiating the competitive bidding process for towing, storage, or disposal contracts under this chapter, the Director of Public Safety shall review and, if necessary, recommend adjustments to the fees.

Section 3. That the following existing sections of the Codified Ordinances of Cleveland, Ohio, 1976:

Section 405.05, as amended by Ordinance No. 1054-A-80, passed January 12, 1981,

Section 405.09, as amended by Ordinance No. 1684-76, passed June 29, 1976,

Section 405.12, as amended by Ordinance No. 1119-91, passed June 17, 1991,

are 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.

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06-01-26

FOR: Director Drummond

