



## Legislation Details (With Text)

**File #:** 1247-2009      **Version:** 1

**Type:** Ordinance      **Status:** Passed

**File created:** 9/16/2009      **In control:** Rules & Reference Committee

**On agenda:** 3/7/2011      **Final action:** 3/8/2011

**Title:** To repeal Chapter 549 and Section 2151.10 of the Columbus City Codes, 1959.

**Sponsors:** Andrew Ginther

**Indexes:**

**Code sections:**

**Attachments:**

Date	Ver.	Action By	Action	Result
3/8/2011	1	MAYOR	Signed	
3/8/2011	1	CITY CLERK	Attest	
3/7/2011	1	Columbus City Council	Approved	Pass
3/7/2011	1	Columbus City Council	Taken from the Table	Pass
3/7/2011	1	COUNCIL PRESIDENT	Signed	
11/23/2009	1	Columbus City Council	Tabled Indefinitely	Pass
11/16/2009	1	Columbus City Council	Read for the First Time	
10/19/2009	1	CITY ATTORNEY	Reviewed and Approved	
10/19/2009	1	Atty Drafter	Sent to Clerk's Office for Council	

### Background:

This legislation repeals Chapter 549 and Section 2151.10 of the Columbus City Codes, 1959. Chapter 549 gives the License Section of the Department of Public Safety the authority to regulate tow truck operators but the License Section relinquished this role after the passage of Section 4921.30 of the Ohio Revised Code which prohibits municipalities from engaging in such regulation. Currently, tow truck companies are regulated by the Ohio Public Utilities Commission. Consequently, this Chapter of the City Code is no longer valid law and should be removed from the ordinances of the City.

Section 2151.10 sets forth requirements for parking on private property which includes the maximum towing and storage charges that may be assessed by private towing companies that have removed vehicles improperly parked on such property. Likewise, this provision is in conflict with Section 4513.60 of the Ohio Revised Code because it allows for fees that exceed the maximum allowable charges for towing and storage under state law. Due to this conflict between the City Code and state law and the fact that the City purports to regulate something from which it receives no financial benefit, it is in the best interests of the City to repeal this Section as well.

**Fiscal Impact:** There is no fiscal impact associated with this legislation.

To repeal Chapter 549 and Section 2151.10 of the Columbus City Codes, 1959.

WHEREAS, the Public Utilities Commission of the State of Ohio regulates the operation of tow trucks under the authority of Chapter 4921 of the Ohio Revised Code; and

WHEREAS, the License Section of the Department of Public Safety no longer regulates tow truck operators due to the prohibition contained in Section 4921.30 of the Ohio Revised Code; and

WHEREAS, Chapter 549 of the Columbus City Codes, 1959, which addresses the licensing and regulation of tow trucks remains in effect; and

WHEREAS, it is in the best interests of the City to repeal this Chapter to reconcile the City Code with current state law; and

WHEREAS, Section 2151.10 of the Columbus City Codes, 1959, sets forth requirements relating to parking on private property, including the creation of tow away zone signs and the maximum towing and storage fees for vehicles that are so removed from private property; and

WHEREAS, this Section is inconsistent with Section 4513.60 which regulates the removal of vehicles from private property that have been left without the permission of the property owner in that the City Code allows towing companies to charge more for towing and storage fees than state law permits; and

WHEREAS, the City receives no financial benefit as a result of this Code provision since vehicles towed from private property are taken to private storage lots owned by the towing companies as opposed to being taken to the City impound lot; and

WHEREAS, it is in the best interests of the City of Columbus to repeal this Section because this issue is regulated by the State of Ohio as a matter of statewide concern; now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS, OHIO:

Section 1. That for good cause shown, Chapter 549 of the Columbus City Codes, 1959, is hereby repealed.

Section 2. That for good cause shown, Section 2151.10 of the Columbus City Codes, 1959, is hereby repealed.

Section 3. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.