

ORDINANCE 20-10

**TO AMEND TITLE 15 OF THE BLOOMINGTON MUNICIPAL CODE (BMC)
ENTITLED "VEHICLES AND TRAFFIC"
- Re: Amending BMC Chapters 15.48 (Removal and Impoundment of Vehicles) and 15.52
(Abandoned Vehicles) to Align Rules for City-Initiated Tow with Non-Consensual Tows**

WHEREAS, on February 19, 2020 the Bloomington City Council passed Ordinance 20-03, which is commonly referred to as Bloomington's "Nonconsensual Towing Ordinance;" and

WHEREAS, on February 21, 2020, the Mayor signed Ordinance 20-03 with an effective date of July 1, 2020; and

WHEREAS, Ordinance 20-03, among other items, sets limits on the amounts that may be charged for nonconsensual private tows and establishes rules for the release of vehicles in the aftermath of said nonconsensual private tows; and

WHEREAS, for ease of administration and for ease of understanding among the public, the City now wishes to bring the rules for public tows into line with those of nonconsensual private tows;

NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, MONROE COUNTY, INDIANA, THAT:

SECTION 1. Section 15.48.020 of the Bloomington Municipal Code is deleted and replaced with the following language:

15.48.020 – Removal and impoundment procedure.

(a) Any officer of the Bloomington Police Department or parking enforcement officer discovering a public nuisance as described in Section 15.48.010 shall cause the vehicle to be removed by an authorized towing service. When the owner or operator of a motor vehicle appears personally at the site of the tow before the vehicle is in the process of being towed, the vehicle shall not be towed nor shall any fee be charged. However, when the owner or operator of a motor vehicle arrives at the site of the tow when the vehicle is already in the process of being towed, the authorized towing service shall give the owner or operator either oral or written notification that the owner or operator may pay a fee in the amount that is not greater than half of the amount of the fee the authorized towing service would normally charge for the immediate release of a motor vehicle. For purposes of this section, a motor vehicle is in the process of being towed when it is attached to the tow truck and at least two tires of the vehicle are off the ground.

(b) A vehicle towed under this chapter shall be available to be claimed within sixty (60) minutes of its arrival at a vehicle storage facility, and the vehicle shall be released promptly upon demonstration of proof of ownership, such as title or registration of vehicle and either

- (i) payment of fees; or
- (ii) payment of 20% of the fees and execution of a payment agreement for the fee balance.

SECTION 2. Section 15.48.030 of the Bloomington Municipal Code is deleted and replaced with the following language:

15.48.030 – Towing and storage charges.

The maximum amount that an authorized towing service may charge for hooking up, towing or removing a vehicle under this chapter may not exceed \$135.00, except where special treatment may be required. Special treatment, including dollying, may not exceed an additional \$25.00. The maximum amount that may be charged for storage of vehicles shall not exceed \$25.00 per day. The storage fee may not begin to accrue until twenty-four (24) hours have passed since the vehicle arrived at the storage facility.

SECTION 3. Section 15.52.060 of the Bloomington Municipal Code is deleted and replaced with the following language:

15.52.060 – Maximum towing and storage charges.

The maximum amount that an authorized towing service may charge for hooking up, towing or removing a vehicle under this chapter may not exceed \$135.00, except where special treatment may be required. Special treatment, including dollying, may not exceed an additional \$25.00. The maximum amount that may be charged for storage of vehicles shall not exceed \$25.00 per day. The storage fee may not begin to accrue until twenty-four (24) hours have passed since the vehicle arrived at the storage facility.

SECTION 4. New Section 15.52.065 of the Bloomington Municipal Code is added with the heading appearing in the index to that chapter, and shall read as follows:

15.52.065 – Release of vehicle.

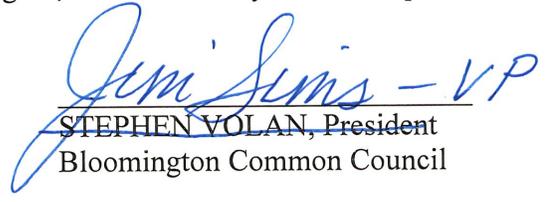
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- (i) payment of fees; or
- (ii) payment of 20% of the fees and execution of a payment agreement for the fee balance.

SECTION 5. If any section, sentence or provision of this ordinance, or the application thereof to any person or circumstances shall be declared invalid, such invalidity shall not affect any of the other sections, sentences, provisions, or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

SECTION 6. This ordinance shall be in full force and effect beginning on July 1, 2020.

PASSED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this 3rd day of June, 2020.



 STEPHEN VOLAN, President
 Bloomington Common Council

ATTEST:



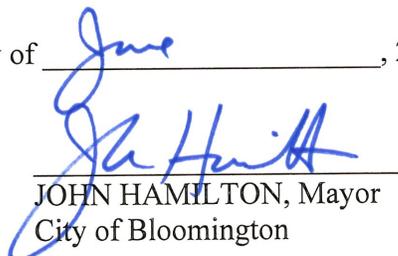
 NICOLE BOLDEN, Clerk
 City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this 5th day of June, 2020.



 NICOLE BOLDEN, Clerk
 City of Bloomington

SIGNED and APPROVED by me upon this 11th day of June, 2020.



 JOHN HAMILTON, Mayor
 City of Bloomington

SYNOPSIS

This ordinance brings rules governing publicly-initiated tows under Title 15 into line with recently adopted rules for nonconsensual tows codified in Title 4. By making the rules for maximum charges and for release of towed vehicles uniform in both Title 4 and Title 15, this ordinance will result in more clarity for the public and easier administration of towing rules for both public and private actors.

Distributed to: Mayor, Council Attorney, Clerk, Controller, Legal, Police Department, ITS