CHARLOTTE

Charlotte City Council

Community Safety Committee

Meeting Summary for May 24, 2010

COMMITTEE AGENDA TOPICS

I. **Subject:** **Tethering (Chaining/Tying) of Canines**
Action: Directed staff to bring back a draft ordinance

II. **Subject:** **Towing Ordinance**
Action: Directed staff to bring back an updated draft ordinance based on Committee discussion

COMMITTEE INFORMATION

Present: Patrick Cannon, Patsy Kinsey, Andy Dulin
Time: 12:09 pm – 1:35 pm

ATTACHMENTS

1. Agenda Package
2. Towing Ordiance.ppt
3. Neya Warren's Handout

DISCUSSION HIGHLIGHTS

Chairman Patrick Cannon called the meeting to order and asked everyone in the room to introduce themselves. He thanked all the members in the audience for attending the meeting. He also recognized Vice Chair Patsy Kinsey for covering for him in his absence at the last two meetings. He stated that today they would continue reviewing the tethering of canines and the Towing Ordinance. He said the Committee is not asked to take any action today; however, they could if they were ready. He then turned it over to Assistant City Manager Eric Campbell to introduce the first agenda item.

I. Tethering (Chaining/Tying) of Canines

Mr. Campbell said this is a follow-up from last month's meeting. He said he has asked Mark Balestra to come back in and give an overview of what the Committee has seen so far. He then turned it over to Mr. Balestra. Mr. Balestra said the presentation is the same as last months' since this is a review of what the Committee has seen to-date. He then began reviewing the "Tethering Phase II" presentation (copy attached).

He described Animal Care & Control's objectives as ensuring adequate confinement of domestic dogs to provide community safety to our citizens. The second objective is to develop minimum standards for the restraint of dogs that increases their quality of life. Mr. Balestra then read through each regulation that could be considered and/or could make improvements on. He continued to read through each slide, describing in more detail what the different regulations that could be considered (see presentation for detail).

Cannon: Can you define the weight of a chain?

Balestra: There are some very small and lighter weight chains that provide 250 lbs of pull and density to them. Some people are using chains where the links themselves are 6 oz. per link and if you have 10 feet of chain, that weight adds up. I've seen dogs pulling 50 lbs of chain weight.

Cannon: Wouldn't you also define the weight of a chain by the size of the animal?

Balestra: Yes and we are covering that.

Dulin: That's the first time I'd heard a specific weight to a chain. That's interesting.

Balestra: They are described in the hardware stores. If we are tasked to go that direction for looking at weight, we would be looking at gauges. The chains will say, for example, they are approved for 1,200 lbs for pulling weight and there is no sense of having a dog on that. That is one way we could step in.

Dulin: How many dogs do we have that die of dehydration in the summer?

Balestra: I would have to speculate because we don't have that data, but based on my experience, it's probably 12 cases or so a year. We have far more that we see come in from injuries for improper fitted collars or where dogs are being tethered by the collar and the collars grow inside their necks. That's far more common and we see 30 – 50 cases a year.

Dulin: And those are the only ones you are seeing?

Balestra: We do see about 6 cases a year of hangings. When we see animals that are staked out very close to property lines or a step, then they have the ability to jump over the fence and they end up hanging themselves.

Dulin: It's not often that I get barking complaints, maybe twice a year. I'm trying to work through that. Say we pass this; does it tighten down the ability for families who have a dog that happens to bark? Dogs do bark. How does that fit into what we are trying to do here?

Balestra: We are saying a chained dog will become more bored and are more likely to bark than dogs in yards with free run. The other thing is if they do bark because of boredom then we will be more likely to receive complaints generated when they are closer to the abutting property lines. If there are guidelines to keep them more centrally located, it would muffle the sound and we would see fewer complaints. I can honestly say that if there was anti-tethering all together, then there would be a decrease of barking complaints.

Cannon: I know a lot of case-by-case situations can occur. There is a neighbor to the back of my mother that has 3 dogs that run free, in a fenced environment, and they bark all the time. Sometimes you just get homeowners that become accustomed to that kind of living. Those are the calls that you don't get.

Mr. Balestra continued and said that in summary, they are trying to decrease neck injuries, incidents of hanging and boredom and increase quality of life. He said that dogs are less likely to become victims of attacks from loose animals and cruelty from humans if there are tethering restrictions. Dogs are also less likely to bite or have territorial aggression. He then asked the Committee if they had any more questions and where they would like staff to go with this.

Cannon: The information from the Center for Disease Control on dogs being less likely to bite is about 16 years old. Is there any updated information from them?

Balestra: I don't have it, but I could ask a behaviorist to comment on something like that.

Neya Warren: No, not as far as a nationwide study that has been done. That's part of the handout (copy attached) that I gave you, but it deals with it just in North Carolina. The other one is just to show you something that happened in Warren, Ohio. I think we should have a task force in Charlotte and study it here and figure out if it's a safety issue.

Cannon: Any information that you could collect, as it relates to other things that might cause aggression, would be helpful. Kids will be kids, and they will pick and poke and sometimes a dog might be fine, but now I have a level of concern about taking the dog off the chain to run around if the dog could be vicious. The other piece is affordability. I'm thankful to the Coalition for their work in fence building. I'm concerned, if we move this forward, about the ability for some folks to afford this. Also, how do we enforce this? Animal Care & Control is not getting out of the patrol van and walking behind someone's house to check up on it. You can't see everything from the street. I'll yield there for others to ask any questions they may have.

Kinsey: It's difficult for me to understand why people chain animals. Is there any way we can take one step and not the whole step? I'm not sure we are ready to go all the way.

Dulin: I have a suggestion. What if we said if you tether, you have to use a harness? You can't have anything around the neck.

Campbell: Just to jump back, the Committee gave us direction to go back and look at possible restrictions. Mr. Balestra has brought forward possible restrictions that could be considered.

Balestra: Most of what we have covered is regulating type restrictions, which still puts us in the right direction and makes it healthier and better for the animal. It's not 100%. As long as we still allow dogs on chains, there will be some downside; however, I think it's a big leap to go from where we are currently to no tethering at all.

Dulin: I'm all for tightening up on using oversized chains. We need to get the large chains off the dog. I also think the swivel hardware makes sense. I'd also like to get the collars off the dog and get them in a harness. To Ms. Warren, I've been working really hard to try to get to where you want me, but I'm just not able to get there yet. I think if we get the collars off the dog, then that's a big step.

Warren: If you don't mind me saying, I think you will run into the same problem with the harnesses. Those harnesses will grow into their skin and they fit up under the legs and it chafes the dog to the point that they bleed.

Dulin: Okay, well that doesn't help then.

Cannon: If the Committee is okay, I think a motion should be entertained to move forward with the restrictions that have been laid out for Council consideration in the way of adoption.

Dulin: Do we need to name the restrictions that we would like to see?

Balestra: I can put them in some ordinance terms and present them back to the Committee.

Cannon: Yes, if it pleases the Committee, go ahead and draft that and bring it back to the Committee for us to review.

Dulin: I would like to see it before I vote on it.

Cannon: Do we need a motion for this?

Campbell: No, we'll bring in a draft ordinance, taken as direction from the Committee.
Dulin: Can that be distributed to the Committee in a Friday packet, so we don't have to wait until the actual Committee meeting?

Campbell: Yes, we can do that.

Kinsey: If we get it ahead of time and read it, we can vote on it at the next meeting.

Warren: Once you vote on it, will it be presented to City Council, as a whole? Would we have an opportunity to speak about the ordinance?

Cannon: Yes and you don't have to wait until that agenda item comes to Council. We have Citizen Forums on the 1st and 4th Monday of every month and you can speak there. Thank you for coming. Let's move on to the next agenda item.

II. Towing Ordinance

Chairman Cannon said the next item on the agenda is the Towing Ordinance. He said the Committee received information in their packets that will be reviewed. He then turned it over to Mr. Campbell. Mr. Campbell said the Committee will hear from Major Eddie Levins today. The packet consists of a summary of the changes to the Towing Ordinance, the cities that staff researched to see what their practices were and a Non-Consensual Towing Fee Chart to see what other cities are charging (all copies attached). He then turned it over to Major Levins.

Major Levins began reviewing the "Towing Ordinance – Private Trespass Tows" presentation (copy attached). He said the current ordinance issues, and the reason they are here today, is because of the community concerns brought forth about predatory practices, excessive charges, poor signage and recovering a vehicle after the tow. There were also concerns from property owners about their lost revenue.

["Proposed Changes" slide]

Major Levins began discussing the proposed changes. He said they are proposing a better definition of the motor vehicle to follow state law. Senator Rucho has a bill out that has to do with defining the distance requirement of a tow. You can't tow out of the county in a 15 mile limit, but it also helps define the signage issues. The draft ordinance (copy attached) goes into more detail about the shape and locations of signs.

Major Levins stated that another change is the fee schedule and the ability to pay with credit cards. A lot of people don't have cash on them, so they can't immediately pay. Another issue is dealing with the practice of a tow and what constitutes a tow. They worked to define a tow and used other cities as examples. He said, as of now, they have it written up as if the tow truck has positioned itself ready to tow the vehicle off, then it constitutes a tow.

Major Levins said another change in the ordinance deals with the protection of the tow companies. They had concerns about people interfering with lawful tows, and so the draft tries to make it a violation to interfere with a lawful tow. Lastly, there were issues with double charging. The current ordinance allows the company to boot and tow and charge two fees. This draft ordinance says you cannot do that and further defines what a boot is.

["Towing Signs" slide]

Major Levins showed two different towing signs placed in the City. He said the signage is a

major concern, so they tried to standardize the lettering and size of each sign. They also propose posting the fee so there is no discrepancy about the charge. It also addresses the placement of the signs and how many should be in a particular area, as well as where they should be placed, so people are aware as soon as they enter the property.

Cannon: For standard size signs, is that 24 x 24?

Levins: Yes, that is the state law.

Cannon: As for the lettering on the sign, what will that entail?

Levins: The verbiage on the sign needs to say it is a tow zone, where you are authorized to do it, the placement of the vehicle, the name of the tow company and how to get it back. A lot of these are in the current ordinance, but we would like a standardization of it. You'll notice on the slide that the one sign is green, so the color of it will also be mandated.

Cannon: The current signs have too much information. It needs to be clearer and it has to be something that captures people's attention. I'd like the Committee to work toward simple language.

Dulin: The signs at the Starbucks have been changed and they are good, visible signs. They are better now.

Tim from United Towing: There are only supposed to be 5 signs in the Starbucks parking lot and there are 28 signs there. All the ones the City requires are at the entrances.

Levins: That parking lot has too many signs and too many differences in property lines. The draft ordinance also lies out that you can mandate each space.

Cannon: Sometimes there is a "reserved" sign in the space and people are quicker to pass by a parking space that has "reserved" on it versus one that has a number on it. Maybe that is something to think about also. However, I don't want overreact to this stuff.

Major Levins continued and said that one of the key differences in the draft ordinance compared to the current ordinance is it lays out the requirements of the tow company and owner of the property. They have to take certain steps before they are allowed to tow a vehicle. It basically says no towing service can remove a vehicle from the property line unless the owner/agent of the property line signs a contemporaneous agreement, explaining in writing, why the vehicle should be towed. Then the wrecker has the responsibility to contact CMPD before the tow. He said that was a big step for CMPD, because it gives them the opportunity to intervene before the tow. It also gives the person the opportunity to get their vehicle back before the tow.

Cannon: Is that for any place or is this for certain areas?

Levins: This is for private parking lots. The owner of the property has to be there and point

out the violation.

Cannon: So, this would apply to apartment complexes?

Levins: Yes. That's some of the complaints we get from the University area. Cars may park there and their tags are out of date or the cars are parked on the line. The owner allows the tow, so they should help play a part in this.

Cannon: I imagine that would also help the CMPD if there is a potential the car had been stolen.

Levins: Yes, because when the wrecker calls in the plate number before they tow, we also check to make sure the car hasn't already been stolen.

Dulin: I'm for that and I'm against it. It adds a lot of weight on the backs of the towing companies. What if the owner isn't in the office at the apartment complex or can't get anyone at the Key Man lot? In some cases there is no one to call.

Levins: So, in other words, the wrecker should just have the ability to tow without the owners knowing about it?

Dulin: That's what they do now, isn't it?

Levins: Well, they can.

Dulin: So, a wrecker pulls up to the car they need to tow and then they have to get on the phone and start calling around before they can tow?

Levins: Well, I guess what we need to figure out is if the purpose of the tow is to protect the owner's property or protect the tow company's business. I thought we were trying to protect the owner's property because they are the ones needing the cars towed to continue their business and not interfere with their business. The owner is the person making the call for it to happen. If they aren't there, then they aren't calling and it's not bothering them.
Dulin: Okay, I see. That helps. So, an illegally parked car, not called in, will not be towed anymore?

Levins: It's not illegal until the owner says it's illegal. It's private property and they say what can and can't come on the property. Until they make that decision, a sign or a wrecker company, probably shouldn't be making that decision for them.

Cannon: Typically, at these apartment complexes, they will have another means of contacting someone like a property manager.

Dulin: What about late night when people aren't around?

Campbell: It can be the property owner or an agent/representative.

Levins: A lot of apartment complexes allow the manager to walk around and point out who should be towed.

Cannon: My hope is to stop the tow trucks that circle around or sit in adjacent lots and wait for someone to come.

Levins: I received a call one day from a wrecker company who was upset because the officers were present telling people not to park there, because they would get towed. CMPD was trying to be proactive because it was causing us to get more calls for service in that area. The tow company said we were interfering with their towing business; however, CMPD was trying to stop people from violating the property owner's rights by going on the property in the first place. That's an example of how predatory it gets.

Major Levins continued and discussed the drop fees in other cities. A drop fee could be paid if a vehicle owner walks up while the vehicle is about to be towed. The owner could pay half the tow fee and the wrecker would release the car before it's towed. So, if the fee is $120 they could charge $60 and they would drop the vehicle. It would also require the wrecker company to accept credit cards and debit cards as payment on site, which they don't have to do in the current ordinance. Major Levins said they would clear up the wording in the draft ordinance about also accepting debit cards. The draft ordinance would also allow 30 minutes for the vehicle owner to go and get their money if they couldn't pay right then. The wrecker also has to allow the vehicle owner to get their personal belongings and valuable out of the car before it's towed, without a fee charged.

Major Levins also said that they have updated the ordinance to say that a wrecker company has to respond 24/7 to allow someone to get their car. The wrecker company must also get to the lot in 45 minutes to give the owner back their car.

Cannon: How did you come up with 30 minutes in regard to time allotted for vehicle owner to get their money?
Levins: From looking at other cities and the average of what they have done, as well as the ability to get to an ATM quickly.

Cannon: That concerns me about the location of where a tow might occur and the ability for them to get back, especially if it's during rush hour.

Levins: We are saying that the wrecker must accept your credit card or if you don't have that form of payment, then 30 minutes should allow enough time for someone to bring you cash or pick you up and take you and come right back.

Cannon: What does the Committee think about the 30 minutes?

Dulin: It's fine.

Kinsey: I'm okay with it.

Levins: Also, the draft ordinance deals with the distance that the vehicle can be towed away. Senator Rucho's recommendation is 15 miles in the bill that he's trying to get passed. That's up to the Committee to direct us on how to address that. Should it be 15 miles? Should it be just within the City?

Dulin: Fifteen miles is roughly all the way across Charlotte. It's 22 miles to Cornelius. So, at least they wouldn't be able to take it to Cornelius or Davidson. If you put a 15 mile diameter around University City, that takes you into Harrisburg and Concord.

Levins: State law says 15 miles from the point of the tow, but other cities have said it must be within the City limits.

Cannon: I think the tow should be kept within City limits.

Dulin: I have a question for Tim at United Towing - Are your lots, that you take these cars to, within the City limits?

Tim: Yes.

Dulin: Okay, I'm okay with towing only in City limits.

Campbell: As Major Levins said there is a pending bill under consideration, so we don't know where that will go, but that may dictate this. However, we will draft it as the Committee requested.

Kinsey: Do you think it will be passed in the short session or long session?

Campbell: It's been introduced in the short session, but we don't know what's going to happen yet.

Cannon: So, it's a wait and see situation. My hope is we can get Dana Fenton to work with our legislators to let them know where we are. I commend what they are doing, but it can run very counter to what we are trying to do.

Levins: Mark Newbold has made some suggestions to the bill writer to allow us to enforce the law we have and have the bill only affect cities that don't have a law.

Cannon: I have one question regarding tractor trailers. I don't know that we have any real research on that right now, but I'd like for you to go and do some research on it and see how it's being handled. I'd like to know how we can deal with that issue.

Levins: The chart attached is to let you know what other cities are doing.

Cannon: Has the staging of where the tow trucks can be been addressed? We don't want them obstructing traffic.

Levins: We have, in our contract for on-street parking violations, the wrecker stages behind the vehicle.

Cannon: Are they properly staged when they are behind the vehicles?

Levins: They are now.

Cannon: How much space is that?

Levins: They line up directly behind the first one they come to on 4th Street.

Cannon: We just need to make sure traffic is flowing. It may not even be something we need to address here.

Levins: I can speak with Park It and see how they set it up and control it.

Cannon: Okay, so what are the next steps for this?

Campbell: We will look through the draft ordinance and clean it up and bring it back based on the discussion today.

Tim from United Towing asked when he could have some input in the process. He stated that he has some ideas that could be addressed it they could work together. Chairman Cannon said it would be best if he could submit suggestions to the Committee via email or directly to Mr. Campbell. He said he could also come before Mayor and Council at a Council meeting and discuss the matter. Chairman Cannon said that he understands that Tim wants his message heard and someone will touch base with him after the meeting, after the Committee has some conversations with each other.

Chairman Cannon stated that the next meeting conflicts with the Chamber trip to Boston. The Committee asked Angela Maynard to poll the other Committee members and find a time on either Monday, June 14 or Tuesday, June 15 for the next meeting.

Mr. Campbell said that unless the Committee directs staff otherwise, the towing issue wouldn't be back until July because they have been alternating between the Towing Ordinance and the Noise Ordinance. After some Committee discussion it was decided to have the Noise Ordinance, Towing Ordinance and the tethering issues come back at the June meeting.

Chairman Cannon adjourned the meeting at 1:35 pm.

Community Safety Committee

Monday, May 24, 2010; 12:00 – 1:30 pm

Room 280

Committee Members:	Patrick Cannon, Chair Patsy Kinsey, Vice Chair Susan Burgess Andy Dulin Edwin Peacock
Staff Resource:	Eric D. Campbell

AGENDA

I. <u>Tethering (Chaining/Tying) of Canines</u>

Staff Resource: Mark Balestra

The City's Animal Care and Control staff will continue discussions related to the tethering (chaining/tying) of canines within the City of Charlotte. No decisions or recommendations are requested at this meeting.

II. <u>Towing Ordinance</u>

Staff Resources: Mark Newbold & Eddie Levins

The Committee will continue its review of the City's towing ordinance and CMPD's towing enforcement strategies. No decision is requested at this meeting

<u>Attachment</u>: Civil Service Board Report – Information Only

<u>Next Scheduled Meeting</u>: Thursday, June 17 at noon in Room 280 *(reschedule – conflicts with the Chamber Intercity Trip)*

Distribution:	Mayor/City Council	Curt Walton, City Manager	Leadership Team	Mac McCarley
	Stephanie Kelly	Rodney Monroe	Jon Hannan	Mark Newbold
	Mark Balestra	Jeanne Peek		

“Tethering Phase II”

Community Safety Committee

May 24, 2010

Tethering Defined

Chaining or *tethering* refers to the practice of securing a dog to a stationary object as a means of keeping the animal confined. This does not refer to periods when animals are being walked on a leash.

Where We Left Off

- Review our current ordinance and provide recommendations that include new tethering restrictions

Objectives

- Ensure adequate confinement of domestic dogs to provide community safety to our citizens.
- Develop minimum standards for the restraint of dogs that increases their quality of life through tethering regulations.

Tethering Regulation Considerations

- Maximum weight of chain or tether device
- Minimum length of chain or tether device
- Tethering dogs in a tangle free environment
- Utilizing collars and harnesses approved for dog containment
- Tethering no closer than 5 feet to property boundaries or fence lines
- Swivels and hardware used in tethering dogs
- Creating minimum confinement areas for dogs maintained outdoors

Weight of Chains

- Prohibit the use of excessive logging chains
- Establish a maximum gauge chain, cable or other similar device approved to withstand pulling or breakage
- Ensure adequate durability to contain dogs based on their size and strength

Length of Chains or Tether

- Establish a minimum length of 10 feet for a chain or similar tether device
- Cable Runners, Zip Lines or T Runners are an acceptable tethering containment device, and shall also extend a minimum of 10 feet in length
- Allow sufficient length and access to food, water and shelter

Tethering in a Tangle Free Area

- Dogs should be tethered in a manner to avoid any encumbrances that may cause entanglement or injury, including that of another tethered dogs

- The objective would be to create a tether diameter, free from other trees, shrubs, poles, tables, grills or any other permanent or movable objects that may cause entanglement or depravation to shelter from the elements or food/water

- Note: Available land , lot size or obstructions could create challenges to property owners where consideration should be given

Collars and Harnesses

- Prohibit the usage of chain material as a collar
- Dogs shall be attached to a tether by means of a collar or harness specifically designed for control and containment, and that will prevent escape
- Collars and Harnesses shall be properly fitted to eliminate risk of injury to the dog
- Rope, pinch collars, belts, choke chains or other non-collar or harness devices should be prohibited

Tethering Near Property Lines

- Keeping tethered dogs away from existing fences and property lines are essential in avoiding accidental hanging and nuisance issues
- Dogs shall be tethered no closer than 5 feet to any property line or physical fencing
- Keeping tethered dogs away from property lines allows the free movement and enjoyment of families living on adjoining property and minimizes disputes

Swivels and Hardware

- The hardware that attaches a tether to the permanent object to the dogs collar or harness, should be sufficient and durable to withstand breakage from the pulling and normal wear from the dog being contained

- The selection of hardware should be based on the size and breed of the dog being contained

- It is important that swivels are used on each end of the tether to prevent twisting and shortening of the tether being used. This will prevent accidental choking incidents

Minimum Outdoor Confinement Areas

- To prevent dogs from being kept outdoors in airline crates, boxes or other small enclosures, we should consider minimum outdoor confinement areas. This provides sufficient room for free movement, and access to food and water.
- This prevents the overcrowding of housing multiple large dogs inside of standard 10X10 kennel

Minimum Outdoor Confinement Areas

- Suggested confinement areas per dog:
- > 50 pounds of estimated body weight, provide 50 sq ft of space
- 51-100 pounds of estimated body weight, provide 100 sq ft of space
- > 101 pounds of estimated body weight, provide 150 sq ft of space
- Note: Indoor crate training is not prohibited

Building Partners to Build Fences

- The ACC will continue to build partnerships with organizations that assist our citizens in home improvement and fence building projects for the confinement and enhanced quality of life of their dogs.

- Organizations may include:

- Coalition to Unchain Dogs
- http://www.youtube.com/watch?v=gi3gwiWFvoA
- http://www.unchaindogs.net/

- Hands on Charlotte
- http://handsoncharlotte.org/HomePage/index.php/aboutus/aboutus.htm

- Boy Scouts/Girl Scouts

Summary

Noted advantages to tethering restrictions:

- Decreased neck injuries / incidents of hanging
- Dogs less likely to become victims of attack from loose animals and cruelty from humans
- *Less likely to bite[1] or territorial aggression
- Stronger attachment to people, friendlier, happier
- Increased quality of life
- Decreased boredom

*1 Center for Disease Control 1994

Questions?

Summary of Changes

- Definitions
  - Definition of motor vehicle to follow state law
- Sec 6- 563 Specific Notice requirement
  - Size, locations and placement of the sign
  - Lettering requirements
  - Content requirements
  - Problem: Costs will be an issue
- Sec 6- 564 Fees
  - 120.00 for completed trespass tow
  - Up to 60.00 for release tow
  - Booting fee 50.00
- Sec 6 – 565 Practices
  - Initiation of tow
    - Positioning to secure by hook etc
  - Release requirement
    - Upon request
    - 30 minutes to obtain payment
    - Owner or operator will be allowed to retrieve personal items from vehicle without a charge.
    - Must accept at least two major credit cards
    - Must contact us prior to making tow and provide make model etc
    - Someone on call 24/7 who can respond to owner's request in 15 minutes and to the yard within 45 minutes
    - Restrict location of yard to x miles from outside of city
    - Before tow occurs, parking lot owner or agent must in writing obtain vehicle information and provide it to the towing service who must contact CMPD for complaint number
- Sec. 6-566 Interference with a towing service
  - Applies to any non-consensual tow from private lot or public right of way
    - Can request vehicle be drop and to retrieve personal items
    - Cannot physically interfere with lawful tow from private lot or public right away except to ask that vehicle be dropped upon payment of drop fee and to ask for personal items.

Approaches by other Cities/States

Fort Worth / San Antonio (Significant state law regulation)

- All Wreckers used for non-consent tows that operate within City Limits must be registered and inspected on a yearly basis
    - One of the requirements for registration is that each wrecker must be able to accept cash, credit or debit cards.
- Non Consent towed vehicles cannot be taken more than twenty miles from the parking facility from which the vehicle was removed.
    - State law provided for the establishment of a maximum rates not to exceed an amount equal to 150% of what is permitted by for a non-consent tow by a police officer.
    - Vehicle in excess of 26,000. Limits non-consent tow to 125% of the fee charged for a non-consent tow at the request of a police officer

- Release Requirements If it the lot accepts vehicles 24/7 then it must release vehicles 24/7
- Complaint procedure
    - Each storage facility must advise vehicle owner of procedure to appeal complaints over fees / storage issues

Louisville

- Prior to towing – the tow operator must contact City and provide information about the vehicle to police to presumably determine if the vehicle is evidence in a crime.
- Lot owner's authorization for towing required
    - No tow unless owner or agent of lot signs a contemporaneous specific written authorization to remove vehicle which states the specific reason why the vehicle is being removed.
- Storage Lot requirements
    - Must post number where attendant can be reached and vehicle must be released within one hour. Cash or credit

Asheville

- Signage Requirements very specific
    - Sign placed on each access curb within 5 feet of the street right of way sign.
    - If no there are no curb or access barriers then signs must be posted every 50 feet of frontage.

    - Must be permanently installed with bottom of sign not less that one foot above ground level and no more than 8 feet above ground level.
- Drop requirements
    - If truck has at least positioned itself in preparation for securing the trespass tow but has not removed the vehicle from the lot then upon the request of the vehicle operator the driver must release the vehicle upon payment of a release fee.
        - Release fee is ½ of cap. Cap is 100 so release is 50.00
    - A driver who interferes with the tow other than to request that it be dropped is a violation.
- Storage lot must have a person on call 24/7
    - Owner can retrieve personal property at anytime even if not paying fee
    - Cash or credit
- Storage Lot must be located within a ten mile radius of the Central Business District
- Civil Penalty

Raleigh

- Capped Fee – 100.00
    - All inclusive
    - Does not apply to vehicles weighing over 2 tons
    - Fees established bi-annually by Council
- Attendant on call 24/7
    - Must respond to the call within 15 minutes and release within 45 minutes of receiving the call.
- Drop requirement
    - If owner returns and requests then must return but can charge 50% of fee.
    - Vehicle owner can retrieve personal property at no charge
- Criminal Penalty

Denver

- All Towing must be licensed
- It is illegal to tow from private property except (apartment complex)
    - When requested by property owner upon
        - Written request from property owner to towing service and includes statement that every reasonable step has been taken to contact the owner of vehicle (does not apply to commercial parking lots)
    - Must notify police w/I 30 minutes
- If it is a commercial parking lot
    - Significant regulation
        - Signs, lighting, protection against theft,

- It is illegal for the lot owner to boot the vehicle unless they obtain a license. (can’t find anything that allows a tow)
- Does not appear that you can tow – if you want to secure the vehicle you must obtain consent.

Sec. 6-561. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

~~*Boot* means any device that is attached to a vehicle that prevents the vehicle from being driven.~~

~~*Booting service* means any person or entity who engages in or who owns or operates a business which engages in whole or in part in the booting of vehicles.~~

Motor Vehicle means a Class C Motor Vehicle as defined in N.C.G.S. § 20-4.01

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Private parking lot means any parking lot or area owned by a private entity that provides parking spaces for a fee or requires the permission of the owner, lessee or agent before a person may park at that location. A private parking lot includes vehicle parking spaces in an apartment complex.

Tow means to haul, carry, pull along, or otherwise transport or remove a motor vehicle by means of another vehicle.

Towing service includes any person or other entity, whether licensed or not, that engages in or who owns or operates a business which engages, in whole or in part, in the towing or removal of motor vehicles for compensation.

Trespass towing means the towing or removal of a vehicle, without the consent of the vehicle's owner or operator, that is parked on a private parking lot without the property owner or agent's consent.

Wheel Lock means a boot, wheel lock or any other device that is attached to a vehicle that is designed to immobilize the vehicle.

Sec. 6-562. - Towing of vehicles for compensation.

No towing service shall conduct a trespass tow of a Class C Motor Vehicle from a private parking lot for compensation when the point of origin of the tow is within the jurisdictional limits of the city without complying with the provisions of this article.

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Sec. 6-563. - Trespass towing of vehicles from private parking lots; signs required.

(a) It shall be unlawful to tow or remove or immobilize by use of any wheel lock or other method, a vehicle that is parked on private property without the permission of the owner or lessee of the motor vehicle unless notice is posted in accordance with the provisions of this section on the private property from which the towing, removal, or immobilization occurs. The notice shall meet the following requirements:

(1) The notice must be in the form of a sign structure and not less than 24 inches by 24 inches and not larger than 6 square feet and constructed of metal, plastic or other type of material that is enduring in nature. The notice shall be prominently posted on the private property at each access or curb cut allowing vehicle access to the property and within five feet of the street right of way line. If there are no curb or access barriers, notices shall be posted not less than every 50 feet of the frontage of the public street. In the alternative, a sign not less than 12 inches by 18 inches in size may be posted at each parking space from which an unauthorized vehicle could be towed, removed, or immobilized.

(2) The notice shall clearly display the following:

a. In not less than one-and-one-half inch high letters on a contrasting background, the words “tow-away-zone” or “towing enforced.”

b. In not less than one inch high letters on a contrasting background, a statement that parking is never authorized by stating “private property - no parking” or where parking is permitted under limited circumstances, by stating “leased parking”, “parking for ---- customers only”, “parking for residents only”, or a similar phrase that specifically identifies the conditions under which someone may park on the property.

c. If parking is not prohibited on a 24 hour continuous basis, then the notice shall state the days of the week and the hours of the day during which unauthorized parking is prohibited. The notice shall also state the costs for the tow or booting of the vehicle.

(3) The sign displaying the required notices shall be permanently installed with the bottom of the sign not less than 1 foot above ground level and not more than 8 feet above ground level.

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Sec. 6-564. - Trespass towing of vehicles from private parking lots; fees

(a) It shall be unlawful to engage in trespass towing except in accordance with the following provisions:

(1) Fees

(a) The fee for a completed trespass tow (removal of a motor vehicle from a private lot) may not exceed $120.00, and shall be all inclusive. There shall not be an additional fee assessed by the towing service for booting or for a private parking violation.

(b) The fee for releasing the vehicle before completing a trespass tow shall not exceed 50% for a completed trespass tow.

(c) The fee for storing a towed motor vehicle shall be $15.00 a day and shall not begin for 24 hours from the time the motor vehicle enters the lot.

(d) The fee for booting a vehicle shall not exceed $50.00. A fee for booting shall not be charged if a completed trespass tow has occurred or the vehicle was released prior to completing a trespass tow.

(e) A towing service and or booting service must accept cash and all major credit and debit cards.

Sec. 6-565. - Trespass towing of vehicles from private parking lots; Practices

(1) Practices

(a) Any tow service that has initiated a tow by, at a minimum, positioning a tow truck or wrecker for purposes of securing the trespass vehicle to the tow truck by a hook, chain, cable or similar device, but has not completely removed the trespass vehicle from the private lot shall upon the request of the vehicle owner or operator, release said vehicle upon payment of the release fee. A owner or operator of a vehicle will be allowed 30 minutes to obtain a means to pay the release fee before the towing service removes the vehicle from the lot.

(b) Any tow service that is engaged in a trespass tow shall, upon request of the owner or operator, permit the owner or operator access to the trespass vehicle for the purpose of retrieving personal property from the vehicle without paying a fee. If personal items are removed from the motor vehicle by the towing service, then upon

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request those items will be returned to the owner or operator at no cost.

(c) Any tow service that engages in a trespass tow shall accept at least two nationally recognized credit cards in payment for any fee established by this ordinance.

(d) Any tow service that engages in a trespass tow shall have a person on call 24 hours every day who acknowledges requests to retrieve a towed vehicle within 15 minutes of receiving an inquiry from the owner or operator. If the owner or operator wishes to retrieve the motor vehicle, then the tow service or storage facility must make the vehicle available within 45 minutes.

(e) The lot or facility to which a trespass towed vehicle is removed shall be located within ----- miles of the City.

(f) No towing service shall remove a vehicle from a private lot unless the owner or agent of the private lot signs a contemporaneous specific written authorization for such removal which is presented to the driver of the towing service. The written authorization shall contain the reason for the tow, the make, model, year, color, vehicle identification (VIN) and license plate number. The wrecker driver shall contact the non-emergency number for the Charlotte-Mecklenburg Police Department and provide the above information. The vehicle will not be removed from the private lot until the driver has been advised of a complaint number.

Sec. 6-566. – Interference with a towing service

(a) Interference with a Towing Service

(1) It shall be unlawful for anyone to physically obstruct a towing service from carrying out a trespass tow or a tow conducted pursuant to a contract with the City of Charlotte except to request release of the vehicle upon payment of a release fee established by this ordinance or by contract with the City of Charlotte or a upon request to retrieve personal property.

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NON-CONSENSUAL TOWING FEES CHART

MUNICIPALITY	MAXIMUM NON-CONSENDSUAL TOWING FEE	WEIGHT CLASSES	ORDINANCE
Atlanta	Flat rate of $125.00	None	Sec. 162-227
Orlando	From $100.00 to $400.00, depending on weight class	Class A Vehicles (up to and including 10,000 gross lbs.): $100.00 Class B Vehicles (10,001 gross lbs. up to and including 19,500 lbs.): $200.00 Class C Vehicles (19,500 gross lbs. up to and including 50,000 lbs.): $300.00 Class D. Vehicles (50,000+ gross lbs.): $400.00	Sec. 39-89
Richmond	$65.00	Applicable only to vehicles less than 10,000 gross lbs.	Sec. 102-326.
New Orleans	From $102.00 per hour to $288.00 per hour, depending on weight class	Light Duty Vehicles (gross vehicle weight of 10,000 lbs. or less): $102.00 per hour with a 1 ½ hour minimum Medium Duty Vehicles (gross vehicle weight of 10,001 lbs. to 26,000 lbs.): $224.00 per hour with a 1 hour minimum Heavy Duty Vehicles (gross vehicle weight of 26,001 lbs. and greater): $288.00 per hour with a 1 hour minimum. **NOTE: After the minimum, charges are computed on half hour increments.**	Sec. 162-1003

MUNICIPALITY	MAXIMUM NON-CONSENDSUAL TOWING FEE	WEIGHT CLASSES	ORDINANCE
El Paso	$70.00 & $325.00 depending on weight	Vehicles with a gross weight of no more then 10,000 lbs: $70.00 Vehicles with a gross weight of more then 10,000 lbs: $325.00. **NOTE**: **If a dolly or a go-jack is used during the tow, an additional fee of no more then $25.00 may be charged.**	Sec.12.54.020

CHARLOTTE.

M E M O R A N D U M
FROM THE
OFFICE OF THE CITY CLERK

DATE: May 21, 2010
TO: Community Safety Committee Members
FROM: Stephanie C. Kelly, CMC, City Clerk
SUBJECT: **Attached Annual Report: Civil Service Board**

The attached report of the Civil Service Board is being sent to you pursuant to the Resolution related to Boards and Commissions adopted by City Council at the November 23, 2009 meeting. This resolution requires annual reports from City Council Boards and Commissions to be distributed by the City Clerk to both City Council and to the appropriate Committee for review.

If you have questions or comments for the board, please convey those to staff support for a response and/or follow-up.

Section 6. **REPORTS OF BOARDS, COMMITTEES, AND COMMISSIONS**

The City Council finds it appropriate to periodically review each standing board, committee, and commission to which they make appointments for the purpose of assessing whether said board, committee, or commission should be renewed, dismantled, expanded or its charge redefined. To this end, each board, committee, and commission that is part of the City, or that was established by the City Council, whether acting alone or in conjunction with one or more other local governments, is required to submit annual written reports that must contain in depth reviews of the body's activities, including goals, objectives, successes, problems, and/or the need for City Council assistance. These reports shall be submitted to the City Clerk and will be staggered through the year according to a schedule established by the City Clerk. The City Clerk shall then provide the Mayor and City Council with copies of the reports and refer the reports to the appropriate Council Committee for the Committee's information.

Boards, committees, and commissions that are not part of the City shall submit reports in accordance with the reporting requirements set forth in their contract, if any, with the City.

In addition to required written reports, the City Council may request on a case-by-case basis that an oral report be made to the Council.

MEMORANDUM

OFFICE OF THE CITY CLERK

DATE: May 4, 2010

TO: Mayor and City Council

FROM:

C. Rion Choate, Chair
Civil Service Board

SUBJECT: Report of the Civil Service Board

As required by the Charlotte City Charter and City Council's current policy for Boards and Commissions, the Civil Service Board is hereby submitting a report of its activities for the calendar year 2009.

1. The Civil Service Board was established by the North Carolina Public Local and Private Session Laws of 1929, Chapter 124.

2. At present, its principal functions are to approve new applicants for employment as submitted to the board by the Fire and Police Chiefs; to approve all promotions recommended by the Chiefs of both departments; to hold hearings for employees of these departments who have been cited for termination by the Chief; to hold hearings for employees of these departments, upon their request, against whom charges have been assigned by the Chiefs of the respective department; and to require that the departments investigate matters involving Police Officers or Firefighters in the public interest.

3. Members of the CSB are:

   C. Rion Choate, Chair
   T. Michael Todd, Vice-Chair
   Norris Anderson
   Mary Hopper
   Brenda Johnson
   Mark Joyce
   Faison Kuester

   Members have met attendance requirements and serve without compensation.

The Board meets the first Tuesday of each month at 4:00 pm in Charlotte Mecklenburg Government Center and holds hearings as needed.

The City Clerk serves as Clerk to the Board. The Board also receives assistance from the City's Legal Department.

4. The Board met in excess of 62 hours which included twelve (12) regular meetings and four (4) hearings. In addition, Board members prepare for meetings/hearings by reviewing applications, promotion recommendations, and hearings documents. Board members attend graduation exercises for the Fire and Police Academies.

   The Board certified 173 applicants for the Police Department, 99 applicants for the Fire Department and approved 7 promotions for the Police Department and 177 promotions for the Fire Department.

5. The Board restates its mission: By working with the Police, Fire and Human Resources Departments, the Civil Service Board endeavors to set standards and procedures to provide the citizens of Charlotte with the best Fire and Police protection available.

cc: Curt Walton
Police Chief Rodney Moore
Fire Chief Jon Hannan

Towing Ordinance -

Private Trespass Tows

05/24/2010

POLICE

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CITY OF CHARLOTTE

Current Ordinance

- Community Concerns
  - Predatory practices of towing companies
  - Excessive charges
  - Poor signage
  - Recovering vehicle after tow/distance
- Property owners concerns
  - Protection of property
  - Lost revenues

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CITY OF CHARLOTTE

Proposed Changes

- Better definition-follow state law
- Fee schedule and accept credit cards
- Practices for tow and release and police notification
- Protection for tow companies
- No more double charge boot and tow

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CITY OF CHARLOTTE

Towing Signs

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CHARLOTTE

CITY OF CHARLOTTE

Signs

- Standard size and lettering
- Fees posted
- Placement of signs

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CITY OF CHARLOTTE

Best Practices / Other Cities

- Fort Worth, Texas/ San Antonio, Texas
- Louisville, Kentucky
- Asheville, N.C.
- Raleigh, NC
- Denver

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Next Steps

Questions and Discussion

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Owner says girl was too close to dog

Animal being held in Bazetta under quarantine

By RAYMOND L. SMITH Tribune Chronicle

POSTED: May 21, 2010

GIRARD - The owner of the dog whose bite left a 12-year-old with more than 100 stitches is sorry the girl was injured but says she was not bitten while walking past the 15-month chocolate Labrador as she claims, rather because she was too close to it.

"Destiny (Turner) walked over to Schnook and put her face next to the dog's face," Christina Morris said Thursday. "That's when he bit her face."

The girl claims she was walking toward her house, 211 Broadview, about 7 p.m. Sunday when the chained dog leaped on top of her and began biting her face.

Morris says she has told Destiny and other kids in the neighborhood on numerous occasions not to go too near to the dog, which she said was chained to a tree in the rear of the house Sunday.

"I don't know why she did it on Sunday," Morris said. "I wish she had not."

Destiny had been at Morris' Dearborn house most of Sunday afternoon.

"She's here all of the time," Morris said. "She comes over to be with me. There are a lot of boys in the neighborhood, and she likes being over here."

They spent Sunday afternoon taking pictures and sunning themselves in the yard, Morris said. Earlier in the day, Morris described playing tug of war with the dog.

"(Destiny) wanted to come closer to me while we were doing it, but I told her not to," Morris said.

Destiny's mother, Susan Turner, said she does not believe Morris' version of the story.

"I believe what my daughter told me," she said. "She has no reason to lie."

Morris said she has owned Schnook for five to six months and that he listens to commands.

"He is basically a good dog," she said. "Yes, he can be aggressive at times. Kids in the neighborhood throw rocks at him at times. I think something may have happened at the prior owner's home."

After Destiny was bitten, Morris said she took the girl to her mother's house.

"I was trying to comfort her," she said. "I understand that she was scared. I would have been, too."

From there, Destiny was taken to St. Elizabeth Health Center in Youngstown, treated and released.

Schnook, meanwhile, has been kept at the home of Nick Spelich, 622 Johnson Plank Road, Bazetta. Spelich is Morris' sister's boyfriend.

"The neighborhood is not so crowded, as it is in the city," Spelich said. "He has been inside and outside of the house."

Sandy Swann, Trumbull County Health Department epidemiologist, said Wednesday that the dog is required to be quarantined for at least 10 days in case it has rabies.

Spelich said he will take the dog to the Trumbull County Sheriff's Office after the 10 days are completed.

Sheriff's Detective Harold Firster said the department knows where the dog is and has made contact with the people living there.

"We informed them (on Wednesday) what they are required to do as far as contacting us at the end of the 10-day period," Firster said. "If I don't hear from them, they will be arrested."

Firster said the sheriff's office has the situation under control.

Morris hopes after this is over, Spelich will be able to keep Schnook.

"This house is too small for him," she said. "He needs room to run. It would be better for the dog."

Bazetta Trustee Paul W. Hovis was not aware of the situation with the girl or that the dog is in the township.

"I can't tell someone whether they can or cannot keep a dog," Hovis said Thursday. "I own two dogs. I would guess most people do not know what happened."

rsmith@tribtoday.com

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