

AN ORDINANCE AMENDING SECTION 86-598 OF THE BRANSON MUNICIPAL CODE PERTAINING TO MAXIMUM TOWING CHARGES.

WHEREAS, the Board of Aldermen is authorized by Section 79.110 of the Revised Statutes of Missouri to enact ordinances expedient for the good government of the City of Branson and to benefit the trade, commerce, and health of the Branson residents; and

WHEREAS, City emergency responders use a “tow rotation” to fairly select towing companies when the City requires abandoned, wrecked, or otherwise incapacitated vehicles to be towed; and

WHEREAS, the Board finds that setting maximum charges for towing services rendered on the behalf of the City by towing companies on the tow rotation is expedient to protect the trade and commerce interests of City residents and for good government of the City; and

WHEREAS, the Board finds the current maximum tow charges difficult to calculate and desires to update these regulations as well as provide penalties for violations of the City’s towing ordinances.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF BRANSON, MISSOURI, AS FOLLOWS:

Section 1: It is the intention of the Board of Aldermen, and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Branson Municipal Code, and the sections of this ordinance may be renumbered to accomplish such intention.

Section 2: That Chapter 86 – *Traffic and Vehicles*; Article IX. – *Towing*; Sec. 86-598 – *Maximum storage charges* of the Branson Municipal Code is hereby amended to read as follows:

**CHAPTER 86 – TRAFFIC AND VEHICLES
ARTICLE IX. – TOWING**

Sec. 86-598. – Maximum [storage] charges.

For the purposes of this section, the “tow rotation” shall mean the list of tow companies or operators kept by the city police department used for towing motor vehicles that are broken down, wrecked, abandoned, or are towed at the request of the police department, fire department, or other emergency responders.

A towing company **or operator who wishes to be on the tow rotation** may only assess reasonable storage, **tow, hookup, and vehicle retrieval or release** charges for ~~abandoned property vehicles~~ towed ~~[without the consent of the owner]~~ **at the request of police, fire, or other emergency responders. Such reasonable** [storage] charges shall not exceed the **\$75 for a hook up fee, \$50 for towing of less than ten miles, \$4 per mile over ten miles, \$30 per day for storage or impound fees, and \$100 for vehicle retrieval or release fees. These amounts will be**

reviewed by the police chief or their designee every three years from the enactment of this Ordinance. The police chief or their designee should take into account the Consumer Price Index and any economic changes in the City when reviewing these maximum charges. If the police chief or their designee finds that the maximum charges listed herein should be increased, he/she shall submit a report to the Board of Aldermen recommending what charges should be increased, the recommended amount the charges should be set at, and a statement giving the reasons for the recommended changes. The Board, at its next regular meeting, shall consider the recommendations and vote on any increases to the maximum towing charges. [charges for vehicles which have been towed with the consent of the owner on a negotiated basis. Storage] **Reasonable** charges may be assessed only for the time in which the towing company complies with the procedural requirements of this article.

NOTE: LANGUAGE WHICH IS **BOLD, UNDERLINED** HAS BEEN ADDED; LANGUAGE WHICH IS [BRACKETED, STRICKEN] HAS BEEN REMOVED.

- Section 3: This ordinance shall be in full force and effect from and after its passage by the Board of Aldermen and approval by the Mayor.
- Section 4: That should any section, sentence or clause of this Ordinance be declared invalid or unconstitutional, such declaration shall not affect the validity of the remaining sections, sentences or clauses.
- Section 5: That the City Clerk is authorized by this Ordinance to correct any scrivener's errors identified within this Ordinance.

Read, this first time on this 9th day of January, 2024.

Read, this second time, passed, and truly agreed to by the Board of Aldermen of City of Branson, Missouri this 23rd day of January, 2024.

Larry D. Milton
Mayor

ATTEST:

APPROVED AS TO FORM:

Hillary Briand
City Clerk



City Attorney