

Zone Change 934
Comments

Comment from Hanser's Towing and Recovery – February 10, 2015

From: Ralph Hanser [mailto:ralph@hansers.com]

Sent: Tuesday, February 10, 2015 2:17 PM

To: Volek, Christina

Cc: Scott Hanser; Spencer Hanser; Shawn Hanser; Joanne; MRTSTOWING

Subject: Code Change for Section 24-406

Dear Tina:

We would like to express our view point on the ordinance change. In order to stay within the scope of the Montana Tow Truck Act in dealing with quick clearance, traffic incident management, and officer safety, we think by allowing A and B wreckers to be parked overnight by drivers that are on call would be a positive. We feel that Class D needs to be eliminated because car carriers are not allowed to respond to accidents by Montana Law. They can only respond as a secondary unit to an accident.

We do feel that the ordinance should be strong in stating that only one wrecker with a driver on call to respond at night would be allowed. Not multiple wreckers at someone's home. We are very much against anything that could be misinterpreted to allow any home based business.

If you wish to discuss this with myself or any of my sons, it would be our honor to meet with you. Please feel free to forward this e-mail as you see fit.

Ralph E. Hanser

President

Hanser's Towing and Recovery Network

Hanser's Environmental and Remediation

Billings, MT 59101

406-248-7795 ext. 2030

406-208-9210 cell

Comment from Montana Tow Truck Association – February 11, 2015

Re: Code Change for Section 24-406 (Parking, Stopping and Standing on Public Streets)

Dear Tina,

The Montana Tow Truck Association would like to commend you and the commission for the work on the writing of this ordinance to allow the parking of commercial tow trucks in residential zoned locations in your community. This will facilitate faster response times for all types of emergencies, not just law enforcement or rotation calls that necessitate the need for commercial towers to respond in a timely manner.

The MTTA participated in the initial work session of the commission earlier in January and has monitored correspondence of the various concerned parties involved in the effort to solidify a workable solution to this issue.

First and foremost the MTTA does not encourage or promote commercial tow truck operations being located and operated in areas not zoned for that use. We do however encourage allowances in the law that will facilitate quicker response times for off duty drivers in the interest of public safety as relates to many types of emergencies that require a timely response.

The adoption of the use of the window sticker issued by the Montana Highway Patrol is very effective and seamless means for your code enforcement officers to recognize the size and type of tow truck being parked in the residential area. The parking of only one truck by a driver in front of his residence is a valuable tool to discourage a non-conforming business in a residential zone.

I would like to address some of the concerns and offer some solutions brought to my attention by the interested parties involved.

In an Email addressed to councilmen Denis Pitman dated Feb. 8th 2015. A citizen identifying himself as Roy brought up that the class D tow truck could be larger than what the council had envisioned, being more than just a flat bed or carrier type tow truck. That is true. This could be remedied by restricting the size of the class D truck to **“Class 5 truck or less”**. This designation is listed on TRAA VEHICLE IDENTIFICATION GUIDE. And is a size designation adopted by the National Transportation and Safety Administration and the DOT. Or you can just look it up on Wikipedia. The carrier or flatbed tow truck is becoming to be the most commonly used piece of equipment in the towing industry because of increased number of all-wheel drive cars and light duty pickups that necessitate the use of a carrier. The Montana Professional Tow Truck Act. 61-8-901 through 61-8-920. Specifically 61-8-920 (2) (h) requires a company to have a Class A, B or C truck in there fleet to be on rotation. Arm 23.6.101 (3) allows for a Class D tow truck to respond to an emergency or rotation call.

"Class 'D' towing" means, for purposes for the state law enforcement rotation system, that a class "A" or "B" tow truck has been called from the rotation system, **but the operator finds that the call involves only retrieving an inoperable vehicle from a roadway or its immediate vicinity, so that the use of a rollback or car carrier would be more appropriate.**

Referencing the concerns of a local tower whose fleet includes a number of class B tow trucks. The Ford F-450's and F550's and the Dodge 4500's and 5500's. And this tower is not alone in that concern. The solution would be to include the Class B trucks in the ordinance and apply the same class 5 or less restriction to the B trucks as the Class D trucks.

There for in conclusion the ordinance could possibly be amended to read like...

DRAFT

*“No person shall stand or park any truck, truck-tractor, trailer, semitrailer or bus on any street in a residential district for any purpose or period of time other than for the expeditious loading or unloading of such vehicles, except that the provisions of this section shall not apply to the driver of a truck, truck-tractor, trailer or semitrailer while such vehicle is being used in connection with the construction or repair of buildings, service calls or the moving of household goods and shall not be applicable to the driver of a bus while such vehicle is parked in a designated bus stop. This section shall also not apply to commercial tow trucks classified as either **Class A, B and D (class 5 trucks or less)** by the State of Montana if the tow truck is parked along the frontage of the tow truck driver's property in the parking lane directly in front of the driver's house. The parking of the tow truck must comply with all other state and local parking restrictions, including but not limited to, distance from curb, direction of traffic, distance from driveways, and width of street.”*

Thank you for taking the time to review the input from the Montana Tow Truck Association.

The results of this endeavor will be looked at copied and administered in other communities around the state. This has the potential to be a model ordinance around the state.

Sincerely,

Terry Morrison, President
Montana Tow Truck Association

From: keith kolstad

To: .Mayor & Council

Subject: Tow Truck issue

Date: Wednesday, October 22, 2014 7:56:14 PM

I read that the city council is considering allowing tow trucks to be parked in residential neighborhoods. Although one council person was quoted in the paper as "this is a no brainer", I would respectfully ask that you take time to consider all the impacts of your proposed variance.

As the Code Enforcement Officer for the City of Laurel I have found that parking any diesel vehicle, whether a tow truck or semi in a residential neighborhood has the potential to create problems, especially in the winter. These trucks have been observed to be run at all times of the night, emitting diesel fumes into the air and neighborhood much less to say noise disturbance. The dispatch of these tow vehicles at any hour have a tendency to increase the traffic and noise volume, in whatever season. This presents a fine line between having a business based in a zone where it is permitted and one that may indeed be a home based business in a residential zone, which is entirely a different entity.

I would ask that all the council consider the ramifications of this proposal, and I would dare to say it is not "a no brainer".

Thank you for your time and efforts to be fair to both businesses and those residents affected by this decision.

Keith Kolstad

Sent from Windows Mail

February 16, 2015

Dave Green and Billings Zoning Commission:

The Yellowstone Valley Tow Truck Association held an emergency meeting to discuss the ordinance change regarding tow truck parking on residential streets.

The Association members want to thank you, the City Attorney, City Council, City Administrator, and the folks at Code Enforcement for their time spent on understanding this issue of public safety and welfare.

The Association is also in receipt of the communication from Ralph Hanser regarding the addition of the "B" classification and information shared by the Montana Tow Truck Association President Terry Morrison.

We, as the local Association accept the changes as written. We do not support nor promote "home" based towing businesses or heavy wreckers being parked in residential areas. We also agree that the changes offered by the Montana Tow Truck Association President, Terry Morrison are workable (adding class "A", "B", and "D" (class 5 trucks or less)).

We are grateful for the efforts of all involved. Thanking you in advance for your consideration.

Joanne G. Blyton
President Yellowstone Valley Tow Truck Association

Cromwell, Nicole

From: Jennifer Hamlet <jenniferhamlet@hotmail.com>
Sent: Wednesday, March 04, 2015 1:37 PM
To: Cromwell, Nicole
Subject: Two trucks

I am not sure if you the one to e_mail, but I will give it a try. Last evening, I found out that the zoning committee held a meeting with the tow truck owners and drivers, and to the public. I was not there, because the public was supposed to be next week. 6 people were there who were against the proposal that was sounding like the city and the towing companies. From what I heard that's no longer the case. I want to share my view points. I am for the trucks being parked at a residence. People need to remember that the towing companies are part of the team, at the sight of an accident, or to tow a vehicle away from an area that is blocking something. The cops have their job to do, so does the fire department, and the medical response team. The wrecker companies do the clean_up. If there is a really bad accident, where someone is pinned under something, they are the ones that have the proper equipment to that. Their ETA is very important. It could mean the difference between life and death. I would choose life any time. The trucks do not make the residential areas look ugly. I see worse in these areas. The trucks are not that noisy- I have heard them. Pick_up trucks are noisier. I could go on, but I think I have made my point. Please do not vote this down. They are an important part of the team. Thank_you. Jennifer Hamlet.

Cromwell, Nicole

From: keith kolstad <kkkolstad@hotmail.com>
Sent: Friday, February 27, 2015 8:38 AM
To: Cromwell, Nicole
Subject: Tow Truck ordinance

Follow Up Flag: Follow up
Flag Status: Flagged

Nicole:

I will be unable to attend the zoning meeting on March 3 concerning the recommendation about the change for tow truck operators on private streets or property as I will be attending the classes offered by the LEPC that week. I have, as a private citizen and not as representative of the City of Laurel, commented on that proposal in view of my experiences.

My previous comments were about the possibility of tow trucks, especially diesel ones, being left running during cold nights and the accompanying noise, fumes and disturbance. Since my initial comments I have also seen concerns arise over whether a tow truck might return to the residential neighborhood where it is being based with a car or truck in tow to await morning or better road conditions before placing the towed vehicles in an impound lot. Such parking has the high probability of leaving oil, glass, anti-freeze or other items on the street or driveway and even thief from the wrecked vehicle. Antifreeze of course could be toxic to pets being walked or loose in the area. Another factor that has come to my attention for which local government is not directly involved is what were the covenants that were created when the subdivision was platted. Although they are not part of the city's responsibility the approval of such an ordinance change may lead to neighborhood conflicts and even lawsuits to enforce such covenants against the tow company basing a commercial interest in the neighborhood. Will the city need to establish a permit system to track this usage in a neighborhood? I've noticed that tow truck drivers seem to be on a rotating basis, thus the tow truck may be moved to several neighborhoods over the course of a week. Once again, I personally feel that as a citizen of Billings I would prefer that tow trucks be based at the business location and not at residential locations.

Thank you for the opportunity to comment further on this suggested ordinance change.

Keith Kolstad

SOUTH SIDE NEIGHBORHOOD TASK FORCE

901 South 30th Street
Billings, Montana 59101
(406) 652-3337



March 2, 2015

The Zoning Commission
City of Billings
Planning Department
2825 Third Avenue North
Billings, MT 59101

Members of the City Council
and City Administrator Tina Volek
City of Billings
210 North 27th Street
Billings, MT 59101

Re: Proposed Changes Allowing Tow Trucks
to Park in Residential Neighborhoods

Dear Ladies and Gentlemen:

At its February 19, 2015, meeting, the South Side Neighborhood Task Force voted unanimously to oppose the zoning changes you are considering that would allow tow trucks to be parked in residential neighborhoods for the convenience of tow truck operators and their drivers. Our group would urge you to reject this change in zoning policy.

As our community grows, residential neighborhoods are becoming more dense, and citizens are not able to have as much peace and quiet as they had in the past. But there is no logical reason to impose the noise and pollution of diesel-powered tow trucks starting up at any hour of the day or night on these residents when there is no public need for the proposed change in zoning ordinances. And the size of a tow truck and car carrier is most often longer than the recreational vehicles which the City has chosen to bar from parking in the streets of our community. Rules should be the same for everyone, absent some urgent need for an exception.

To preserve the integrity of our residential neighborhoods, the South Side Neighborhood Task Force would urge you to deny this change in zoning policy.

Sincerely,

Michele Zahn

Chair of the South Side Neighborhood Task Force