

**CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA**



Agenda Date:	November 6, 2023
Action Required:	Adoption of the Ordinance
Presenter:	Jacob Stroman, City Attorney
Staff Contacts:	Ryan Franklin, Assistant City Attorney
Title:	Amendment of Charlottesville City Code Sec. 15-435 to Permit a Towing Operator Fuel Surcharge Fee to Conform to Changes in State Law (2nd reading)

Background

In its most recent session, the General Assembly amended Code of Virginia, § 46.2-1233.1(C) to prohibit localities from banning a fuel surcharge fee. Accordingly, Council must amend Charlottesville City Code § 15-435 to expressly permit this fee in order to conform to state law.

Discussion

Charlottesville City Code § 15-435(a) currently prohibits towing and recovery operators from charging a fuel surcharge fee authorized by the recent amendment of Code of Virginia, § 46.2-1233.1(C). City Council must amend its ordinance to expressly permit towing operators, as defined in Charlottesville City Code § 15-400, to charge a fuel surcharge fee of no more than twenty dollars (\$20.00). The proposed Ordinance seeks to conform City Code § 15-435 with new amendments to Code of Virginia, § 46.2-1233.1(C) by adding a new Subsection (j).

Alignment with City Council's Vision and Strategic Plan

To ensure that the City's ordinances are consistent with, and do not violate, State law.

Community Engagement

The community was not engaged because the City is obliged to conform its City Code with the Code of Virginia.

Budgetary Impact

None.

Recommendation

Adopt the attached amendment to Charlottesville City Code Sec. 15-435.

Alternatives

None. Council must allow a fee expressly permitted by state law.

Attachments

1. 46.2-1233.1 Acts of the Assembly
2. 46.2-1233.1 Towing Fees Ordinance Amendment.10.10.23