

STATE OF GEORGIA
COFFEE COUNTY
CITY OF DOUGLAS

ORDINANCE # 12142015

“AN ORDINANCE OF THE CITY OF DOUGLAS CODE OF
ORDINANCES, WRECKER AND TOWING SERVICES; TO PROVIDE
FOR AN EFFECTIVE DATE AND FOR OTHER PURPOSES”

BE IT ORDAINED by the Mayor and Board of Commissioners of Douglas in regular meeting assembled and pursuant to lawful authority thereof, the Wrecker and Towing Services Ordinance of the City of Douglas, Georgia is as follows:

ARTICLE 1 –WRECKER AND TOWING SERVICES

FOOTNOTE(S):

State Law reference— Removal of junked motor vehicles, O.C.G.A. § 36-60-4; flashing or revolving lights on vehicles, O.C.G.A. § 40-8-92; local ordinances, etc., relating to wrecker services, O.C.G.A. § 48-13-10.1.

Sec. 1. - 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:

Tow means towing, hauling and removing vehicles by the use of a wrecker.

Vehicle means, unless otherwise indicated, a vehicle to be towed shall be:

- (1) A vehicle damaged to such an extent that it is unable to be moved safely under its own power;
- (2) A vehicle abandoned by its owner, driver, or other person;
- (3) A vehicle impounded or under the control of a city police officer or other lawfully empowered officer of the city or state;

- (4) A vehicle, the owner or operator or person in possession of which is under arrest or in the custody of the city police or other lawfully empowered officer of the city or state;
- (5) A vehicle, the owner or operator or person in possession of which is not in physical or mental condition to operate a vehicle.

Wrecker means an automotive vehicle with hoisting apparatus and equipment for towing wrecked, disabled or abandoned automobiles or other vehicles. The term "wrecker" also includes any vehicle otherwise equipped and used for the purpose of towing wrecked, disabled or abandoned automobiles or other vehicles. This definition includes "rollback" or "slide back" wreckers. Passenger cars, light truck and similar vehicles means any vehicle weight up to 10,000 pounds of gross vehicle weight ("GVW"). Passenger cars, light truck and similar vehicles means any vehicle weight up to 10,000 pounds of gross vehicle weight ("GVW").

Wrecker service means any entity, corporation, partnership or individual person, either as principal, agent or employee, in the business of removing, towing and/or storing wrecked, disabled or abandoned automobiles or other vehicles by the use of a wrecker or other towing device within the city.

Wrecker service company means any person furnishing wrecker service within the city.

Sec. 2 - Conditions prerequisite to furnishing towing service at request of city.

Unless the person needing wrecker services specifically requests that a wrecker service unauthorized under this article be called, all persons engaged in the wrecker service business within the city shall not be called upon by police officers or other authorized employees of the city to furnish the service of towing any vehicle upon the streets of the city, unless the person engaged in furnishing the wrecker service shall have complied with the following conditions:

- (1) The wrecker service shall be available 24 hours a day, seven days a week, to provide the service.
- (2) The wrecker service shall have qualified licensed employees, skilled and knowledgeable in performing their duties, and available at all times to avoid delay.
- (3) The wrecker service shall operate at least a 8,000 pound dual cable winch or "rollback" wrecker with wheel lifts. The wrecker shall:
 - a. Be in good operating condition, meeting all requirements of state law, and be equipped with a flashing light mounted on top of the tow car, or on top of the crane or hoist, which light will be visible for a distance of 1,000 feet, and mounted in such a manner that it can be seen both by approaching and rear traffic. To have flashing lights the wrecker company must have a permit from the state and have the sticker placed on the windshield of the wrecker.

- b. Be equipped with sufficient red flares, lanterns or warning lights and reflectors to be able to mark the scene of a wreck on both sides of the same, so as to warn all traffic on the highway of the emergency existing while the wreckers are in operation.
 - c. Carry brooms, shovels, oil dry, sand, and fire extinguishers suitable for extinguishing fires in wrecked vehicles, and for cleaning up the debris, fluids and glass from the area where the wreck has occurred. The fire extinguisher shall be of a type capable of extinguishing a fire of flammable liquid.
- (4) Wrecker services placed on call list to receive large wrecker calls shall have available heavy duty wrecker(s)) having a 26,001 pound minimum gross weight rating with a 20-ton winch, or an equivalent vehicle having the same minimum capabilities for moving vehicles, including large trucks, buses and loaded and unloaded tractor trailers.
- (5) The wrecker service shall have attached and displayed in a conspicuous place, on both the right and left sides of the wrecker, the name of the towing service or company, business address and business phone number. Magnetic or removable decals or signs do not satisfy the requirements of this paragraph.
- (6) The wrecker service shall maintain in the wrecker service's name, at a minimum, the following insurance policies:
 - a. An automobile liability insurance policy having a combined single limit of not less than \$300,000.00;
 - b. A comprehensive general liability policy providing bodily injury coverage limits of \$100,000.00 per occurrence and property damage coverage limits of \$100,000.00 per person and \$100,000.00 annual aggregate;
 - c. Cargo and garage keepers' liability insurance with a limit of \$100,000.00; and
 - d. Workers' compensation insurance meeting the minimum coverage mandated by current Georgia law. If required by current Georgia law, said insurance policies shall name the City of Douglas as an additional insured under the policy, and shall provide for written notification at least 15 days prior to any modification, expiration, or cancellation of the policy. The wrecker service shall provide to the Chief of Police a full copy of the insurance policy no later than five days from execution of agreement or extension thereof or any modification or renewal of the policy. If Wrecker Company is exempt from the requirement of having Workers' compensation insurance based on Georgia law then the wrecker company must provide a notarized affidavit which states they are exempt and which outlines the reason for being exempt.

- (7) The wrecker service shall provide a storage area located within the city limits or within Coffee County for the storage and safekeeping of vehicles towed under this article but must maintain a 20 minute response time. The area shall be enclosed with a solid wall made up of brick, cinder blocks, concrete, or a substantial chain link fence. No wood fencing, mess fencing or any other type fencing will be acceptable. Such fence shall not be less than six feet in height which will be measured from the top of the fence to the ground and measured 6 feet at all points. This does not include barbed wire. All fences must enclose entire area vehicles will be stored, and have a capacity for a minimum of 10 cars. The fencing will have a gate which can be locked for entry of towed vehicles and the storage area should have sufficient lighting to light up the entire area vehicles are stored. Wrecker storage lots will be inspected annually by an official from the City of Douglas Police Department.
- (8) The wrecker service shall employee operating personnel of wrecker units that shall be technically qualified and physically capable of responding immediately to all calls received.
- (9) The wrecker service must maintain registration with the Georgia Public Service Commission and possess all state-required permits which include a nonconsensual towing permit. Also must meet the state requirements through the Georgia Department of Public Safety and maintain Georgia Intrastate Motor Carrier Registration (GIMC). Failure to have proper registration and meeting State of Georgia requirements will result in dismissal from wrecker list or denial of application during enrollment period.
- (10) Each year wrecker companies will be required to provide a copy of current safety inspection by Georgia Motor Carrier Compliance Division with copy attached to application and shows wrecker being in compliance for the wrecker rotation period being applied for.

Sec. 3 - Responsibility of Wrecker Service Companies.

- (1) Wrecker service companies shall maintain a daily list of vehicles towed and/or stored for police-initiated towing and storage services. The list shall contain details as to the make, year, model, color, vehicle I.D. number, license plate number, name of owner, and the purpose of removing and/or storing vehicle. The records shall be retained for a period of 12 months and shall be made available to the police department upon request during normal business hours, Monday through Friday (8:00 a.m. to 5:00 p.m.).
- (2) Wrecker service companies shall be responsible to the vehicle owner for all damages done during towing and storage of any vehicles entrusted to them under this article.

- (3) It shall be the duty of every driver of a wrecker service vehicle to tow vehicles in a professional manner and to deal with the public in a professional and courteous manner.
- (4) Reasonable care shall be taken by wrecker service personnel to ensure no further damage will occur to the vehicle towed, either through carelessness or from natural elements, and the wrecker service shall use the proper equipment necessary (e.g. dollies, wheel lifts) to prevent further damage to the vehicles towed.
- (5) Wrecker service companies shall cooperate with all duly authorized law enforcement officers in the protection of any evidence or in any investigation arising out of a wreck or seizure of a vehicle by any officials.
- (6) Wrecker service companies shall have a response time of 20 minutes. Response time is the time elapsed from the time the 911 Center dispatches the wrecker service until the time that the wrecker actually arrives at the location of the vehicle that is to be towed.
- (7) Pursuant to O.C.G.A. § 40-6-276, it shall be the responsibility of the wrecker service company, prior to leaving the scene of any collision, to clean the pavement and right of way of all debris of the collision, including the removal of all glass from paved roadways. In the event that engine fluids have spilled on the roadway, the wrecker service shall provide and spread only that amount of oil dry material on the affected area in order to render the roadway safe for vehicular traffic.
- (8) A wrecker service company may release any vehicle to the registered owner, unless a hold has been placed on the vehicle by the arresting officer, or a court order prohibits the release.
- (9) Wrecker service companies shall not go to any accident scene unless:
 - (a) Called by the police department;
 - (b) Called by the vehicle owner/operator; or
 - (c) There exists an extreme emergency immediately endangering life or property.
- (10) Wrecker service companies shall provide information to the police department under the following circumstances:
 - (a) Whenever any wrecked or abandoned vehicle is removed without the request, direction or participation of the police department, the wrecker service performing the removal shall, if the owner is unknown and within 72 hours of

such removal, furnish to the police department the following information with respect to such vehicle: tag number and description, including year, model, make, color and vehicle identification number.

- (b) Upon receipt of such information, the police department shall immediately take steps to ascertain the identity of the vehicle owner and notify them of the time and place of removal and of the present whereabouts of the vehicle.
- (c) Nothing in this article shall relieve any wrecker service of any of the requirements imposed by virtue of O.C.G.A. § 40-11-1 et seq., or by virtue of any other law with respect to the duties, among others, to make diligent inquiries as to the ownership of vehicles and notification to owners.

Sec. 4 - Regulation of Fees for Services Rendered.

- (1) Fees for on-call services rendered under this article shall not exceed the schedule of fees for services rendered and as agreed upon by all parties. The agreed upon fees allowed will be spelled out in a contract. The wrecker company owner will sign said agreement and have it notarized. Any violation of the agreement will be cause for taking the wrecker company off the wrecker rotation.
- (2) The wrecker service shall post all towing fees, reflecting the prices to be charged to the public. Fees shall be posted in open view to the public in the wrecker service's lobby. In addition, the wrecker service shall deliver to each owner or representative of every towed vehicle present at the scene of the tow a pre-printed disclosure form approved by the City of Douglas Police Department that clearly provides:
 - (a) The fees to be charged by the wrecker service;
 - (b) Location of storage lots;
 - (c) Times of vehicle release; and
 - (d) Phone number(s) of the wrecker service.
- (3) The wrecker service shall furnish the person who pays for wrecker services a written receipt on a pre-printed form approved by the City of Douglas Police Department which contains the following information:
 - (a) An itemization of all charges;
 - (b) The name of the person on the scene who recovered the vehicle; and

- (c) The schedule of fees for on-call services rendered may only be modified by approval the Douglas Police Department and would cause for a new agreement to be put in place with appropriate signatures and notarization.
- (d) The maximum wrecker companies allowed on the wrecker rotation list will be 15. First consideration will be given to those wrecker businesses which have their business within the city limits of Douglas. Next consideration will be given based on first come first serve and those who are on the present wrecker rotation listing. Once the 15 wrecker companies are chosen the rotation list will be final. If there are less than 15 wrecker companies who qualify for placement on the wrecker rotation list the list will be final until the next enrollment period and rotation consideration. No wrecker companies will be added after list is determined and new wrecker rotation list begins. The wrecker rotation will be good from midnight January 1st to 11:59 pm on December 31 each year.

Sec. 5 - Procedures for City Police Officers and Employees.

- (1) A schedule shall be set up by the chief of police on a rotating basis for all qualified wrecker service companies which have qualified under this article, which wreckers service companies shall be used as herein after provided, except in extreme emergency, where persons are trapped or pinned in or under vehicles, or in burning vehicles, or in danger of drowning by submersion, or where traffic is blocked to prevent normal flow of vehicles, in which event, and only in which event, a police officer or other lawfully authorized officer shall be authorized to call the nearest, most qualified company to prevent serious injury or death.
- (2) The police officer or other lawfully authorized officer shall first determine whether or not a wrecker is needed, and if a wrecker is needed, shall ascertain whether the owner or operator is in condition to make a preference known, what wrecker service company the owner or operator desires to be called, and shall then call the preferred company desired by the owner or operator of the vehicle if the wrecker service can respond within a reasonable time. Officers can advise the owner or operator that they may request an estimated cost of the towing service.
- (3) In the event the owner or operator is unable, due to injury or due to a physical or mental impairment, to make a choice, or does not have any preference, then said police officer or other authorized officer shall request through dispatch the next list wrecker by rotation.
- (4) If the wrecker service company on the schedule is reached, but is unable to furnish the service, then the next listed wrecker company on the rotation will be called. Other substitutions are not allowed.

- (5) Except in extreme emergencies, the police officer or other authorized officer shall await the arrival of the wrecker and shall in the meantime try to make the scene safe for other vehicles, using the road in the vicinity thereof, giving warnings and directing traffic.
- (6) The police officer or other authorized officer shall make a tow-in report, which shall contain the information and details prescribed by the city (especially the name of the operator and owner), on a form made up for that purpose. The officer shall have the wrecker operator sign the wrecker inventory form and provide a copy of it to the wrecker operator before leaving the scene. The officer shall retain the original for department records.
- (7) A thorough inventory shall be made by the officer on the scene of personal articles and equipment in the vehicle to be towed, such inventory to be written upon a form provided by the police department. If the officer requests that a vehicle be towed to the police department for law enforcement purposes, the wrecker company shall send a bill to the police department with the charge being the agreed to amount in the agreement signed by the wrecker company.
- (8) Officers will give the 911 dispatch center as much information as possible about the size of the vehicle and the circumstances. This information will be passed on to the wrecker service, which will make the determination as to which equipment is necessary for the situation.

Sec. 6 – Wrecker While In Use Designated Authorized Emergency Vehicles.

All wreckers used by wrecker's service companies, when used in an emergency while carrying on the business of the wrecker service companies, are hereby declared to authorize emergency vehicles, under the purview of the applicable laws of the state.

State law reference— "Authorized Emergency Vehicle" defined, O.C.G.A. § 40-1-1(5); regulations pertaining to authorized emergency vehicles, O.C.G.A. §§ 40-6-6, 40-6-74.

Sec. 7 - Responsibility for Payment.

All charges and fees for towing and storage of the vehicle towed shall be at the expense of the owner of the vehicle, and against the vehicle itself, as provided by state law.

Sec. 8 - Qualification of Wrecker Service Companies.

- (1) Any wrecker service company desiring to be qualified to be placed on the rotating schedule for use by the city, under the conditions set out herein, shall file an

application starting September 1 and before October 31 of the calendar year with the Chief of Police. The wrecker company must have a City of Douglas business license to be approved on the City of Douglas Wrecker Rotation List. If a wrecker company has been found in violation of this ordinance and is taken off the wrecker rotation they will not be refunded any portion of this required fee. This administrative fee is to be paid annually and irrespective to any other license fees, permits, etc. that may be required.

- (2) After the creation of the official on-call schedule, all wrecker services seeking to be placed on the rotating schedule shall, if qualified, be placed on the next calendar year, following receipt of an acceptable application before the October 31 deadline. If October 31 falls on a weekend then the deadline will be 5:00 pm on the Friday before.
- (3) A continuing responsibility for eligibility shall include an adequate and reasonable response time to calls made to the scheduled wrecker service company to assure efficient service on a 24-hour basis. Companies failing to remain qualified will be notified of the problem, in writing and shall be given a 15-day period to correct the condition. The wrecker service may be temporarily suspended from service and removed from the approved list during this period. If the company fails to correct the condition within the 15-day period, the company shall be removed from the wrecker service schedule. Appeals to decisions of the police department may be filed in writing with the city manager.
- (4) Wrecker service companies desiring to be qualified on the rotating schedule shall agree that the fee schedule published by the city shall apply to all calls initiated by a police officer or other authorized official to which the wrecker service responds while on call.
- (5) Any wrecker service that has an owner or operator that has been convicted of a felony within five years will not be on the City of Douglas's rotating schedule for police-initiated tows. All wrecker services desiring to be placed on or to remain on said rotating schedule agree to provide the Douglas Police Department, at the time of seeking qualification under this article and thereafter, annually, with a release executed by all owners of each wrecker service and all operators for each wrecker service, which authorizes the Douglas Police Department to conduct a criminal records search of said individuals. All wrecker services desiring to qualify or to remain qualified shall also provide a release to the Douglas Police Department with respect to all new owners or operators of the wrecker service.
- (6) The authorized fee schedule shall be posted in a conspicuous place at the qualified wrecker service company's place of business, and each wrecker vehicle of the company shall carry a copy of the schedule, for the purpose of furnishing the same for vehicle owners or operators.

Sec. 9 - Penalties for Violations.

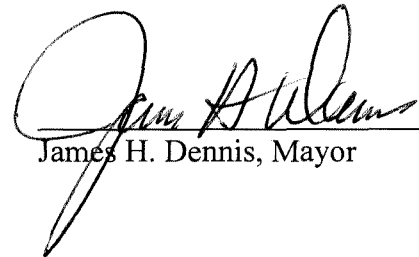
- (1) Violations of provisions of this article by any wrecker service list. If removed from the wrecker rotation list wrecker company may file, in writing, an appeal request to the Mayor and City Commission within five (5) business days of being removed from the wrecker rotation.

Sec. 10 - Fee Schedule and Operating Fees Procedures.


- (1) As per the agreement signed and notarized by wrecker companies authorized to be on wrecker rotation. Fee schedule may change with an agreement between wrecker companies and the Douglas Police Department and upon approval of the City Commission with the agreed upon fee scheduled signed and notarized by the wrecker companies.

OFFERED AND READ FOR THE FIRST Time at a regular meeting of the Mayor and Board of Commissioners of the City of Douglas, Georgia, on December 14th, 2015, and read for the second time and passed and ordained at a regular meeting of the Mayor and Board of Commissioners, after properly advertising the Caption as required under the Charter of the City of Douglas, Georgia, on December 14th, 2015.

CITY OF DOUGLAS, GEORGIA


James H. Dennis, Mayor

ATTEST:


Wynetta J. Bolder, City Clerk

(NOTE: THIS ORDINANCE WAS APPROVED ON Dec. 14th BUT WILL NOT GO INTO EFFECT UNTIL 90 DAYS FROM _____).