

ORDINANCE NO. 80-821

AN ORDINANCE TO AMEND CHAPTER 37 OF THE WARREN CODE OF ORDINANCES RELATING TO WRECKER LICENSES

THE CITY OF WARREN ORDAINS:

SECTION 1. That Chapter 37, Article III, Division 1, Section 37-552 of the Code of Ordinances of the City of Warren, Michigan, which currently reads as follows:

Sec. 37-552. - Duties of licensee.

All wrecker licenses under this article shall be issued subject to the following conditions:

- (1) *Markings.* Wrecker vehicles shall bear the name and address of the owner in letters painted on the vehicle not less than three (3) inches in height on each side of the vehicle and not lower than the bottom edge of the door. A licensed wrecker plate shall at all times be prominently displayed on the rear of each wrecker vehicle. Wrecker vehicles shall not display the words "police towing" or other similar language which indicates the vehicle is owned or operated by the police department.
- (2) *Equipment.* Wrecker owners shall keep and maintain towing equipment which is adequate to perform such towing service in a reasonably workmanlike manner. All vehicles shall be equipped with warning lights required under state law.
- (3) *Rate schedule.* No person performing towing or storage service on behalf of or at the direction of a Warren Police Officer on such wrecked, impounded, disabled or abandoned vehicles shall charge fees in excess of the following standard rates:
 - a. Towing rates:
 - i. Standard tow (including dolly or flatbed)\$145.00
 - ii. Vehicle in excess of 10,000 pounds175.00
 - iii. Vehicle in excess of 60,000 pounds325.00
 - iv. Tractor/trailer, empty325.00
 - v. Tractor/trailer, loaded375.00
 - vi. Hourly labor rate45.00
 - vii. Mileage charge—As determined by council resolution.
 - viii. Administrative fee50.00
 - ix. Removal of all debris, clean up, sweeping, and administering oil dry shall not exceed that which may be allowed by the carrier insurance policy or the actual retail cost whichever may be less.
 - b. Daily storage rates:
 - i. Motorcycles and cars\$20.00
 - ii. Tractor/trailer30.00
 - iii. Boats/motor homes 22 feet or less30.00
 - iv. Boats/motor homes over 22 feet45.00
 - v. Storage of vehicle over 10,000 pounds30.00

- vi. Mopeds10.00
- c. *[Additional rates.]* An additional fifteen (15) percent may be charged for services rendered on any Sunday or legal holiday.
- d. *Vehicles placed on hold.* Rates for vehicles placed on hold by the police or vehicles seized for drug or alcohol forfeiture are capped at six hundred dollars (\$600.00).
- e. *Crime Victim Rights Act.* Rates for vehicles towed from victims of crimes defined pursuant to the Crime Victim's Rights Act, Act 87 of 1985, MCL 780.751 et seq. as amended shall include:
 - i. Towing fee shall be fifty dollars (\$50.00) and may be waived/paid by the city, if approved by council. In the event the towing fee exceeds the standard fees normally assessed for a routine tow, the police commissioner is authorized to grant additional fees upon submission of proof by the wrecker owner and determination by the police commissioner that a deviation from the fifty dollars (\$50.00) fee is warranted.
 - ii. No fee shall be generated for storage of the vehicle during the period where there is a police hold in effect.
 - iii. If the owner or secured party fails to pick up the vehicle within seventy-two (72) hours after removal from the police hold, the storage rates listed in subsection (b) may start accruing after the seventy-two (72) hour period has elapsed. This subsection supersedes any other fees set forth in this section.
- (4) *Liability.* The wrecker owner shall assume all responsibility for all liability and shall indemnify and hold the city harmless from such liability for damages (or any loss to vehicles or contents while being towed or stored due to theft, vandalism or other damage), and for all personal injuries occurring to any of the wrecker owner's employees or other persons.
- (5) *Records.* The police department shall maintain an approved records and claim check system to assure release of vehicles to the rightful owner or authorized person.
- (6) *Storage of towed vehicles.* All vehicles towed at the request of the police department must be dropped and stored at a secured storage lot zoned in accordance with the provisions of section 17.02 of the zoning ordinance and which storage lot has been granted site plan approval pursuant to section 22.16 of the zoning ordinance.

Is hereby amended to read as follows:

Sec. 37-552. - Duties of licensee.

All wrecker licenses under this article shall be issued subject to the following conditions:

- (1) *Markings.* Wrecker vehicles shall bear the name and address of the owner in letters painted on the vehicle not less than three (3) inches in height on each side of the vehicle and not lower than the bottom edge of the door. A licensed wrecker

plate shall at all times be prominently displayed on the rear of each wrecker vehicle. Wrecker vehicles shall not display the words "police towing" or other similar language which indicates the vehicle is owned or operated by the police department.

- (2) *Equipment.* Wrecker owners shall keep and maintain towing equipment which is adequate to perform such towing service in a reasonably workmanlike manner. All vehicles shall be equipped with warning lights required under state law.
- (3) *Rate schedule.* No person performing towing or storage service on behalf of or at the direction of a Warren Police Officer on such wrecked, impounded, disabled, or abandoned vehicles shall charge fees in excess of the rates set by resolution of the City Council. After adoption of a resolution by the City Council, the fees shall be: (1) Published in a daily newspaper of general circulation; (2) Made available at the Police Department and at the Office of the City Clerk; (3) Published on the city website; and (4) Reviewed by the City Council at least once every two years for adjustment, if any, of the fees established under this section.
- (4) *Liability.* The wrecker owner shall assume all responsibility for all liability and shall indemnify and hold the city harmless from such liability for damages (or any loss to vehicles or contents while being towed or stored due to theft, vandalism or other damage), and for all personal injuries occurring to any of the wrecker owner's employees or other persons.
- (5) *Records.* The police department shall maintain an approved records and claim check system to assure release of vehicles to the rightful owner or authorized person.
- (6) *Storage of towed vehicles.* All vehicles towed at the request of the police department must be dropped and stored at a secured storage lot zoned in accordance with the provisions of section 17.02 of the zoning ordinance and which storage lot has been granted site plan approval pursuant to section 22.16 of the zoning ordinance.

SECTION 2. This Ordinance shall take effect on September 11, 2024.

I HEREBY CERTIFY that the foregoing Ordinance No. 80-821 was adopted by the Council of the City of Warren at its meeting held on July 9, 2024.

SONJA BUFFA
City Clerk

Published: September 11, 2024