

ORDINANCE NO. 20-009

AN ORDINANCE AMENDING CHAPTER 28, TRAFFIC, OF THE CODE OF ORDINANCES OF THE CITY OF KILLEEN, TEXAS, REGARDING VEHICLE TOWING; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, by ordinance the City of Killeen, through its Police Department, has established a rotation list of tow services authorized to tow vehicles in the city at the request of a police officer; and

WHEREAS, in the interest of protecting the public, the city establishes criteria for tow vehicles, drivers and storage facilities; **NOW, THEREFORE,**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KILLEEN, TEXAS:

SECTION I. That Chapter 28, Administration, Article III, is amended to read as follows:

DIVISION 1. - GENERALLY

Sec. 28-56. - Definitions.

For the purposes of this article, the following terms, phrases, words and their derivations shall have the meanings given herein:

Heavy Duty Wrecker means a wrecker with a GVWR greater than 26,000 lbs., equipped with rear tandem axles, air brakes, a retractable boom, at least two 30,000 lbs. winches, and capable of towing a loaded C.M.V. weighing 80,000 lbs.

Hook-up shall mean the completed connection of chain hooks or the tie-down of wheels to a wheel lift, completing the connection of the tow truck to the vehicle to be towed, not to include the actual lifting of the vehicle to be towed.

Light Duty Wrecker means a wrecker not less than one ton gross vehicle weight in size with GVWR no greater than 10,000 lbs., equipped with a winch and winch-line and boom with a lifting capacity of not less than 8,000 lbs. single line.

Medium Duty Wrecker means a wrecker with not less than 18,000 lbs. GVWR, equipped with air brakes and a wheel lift with minimum 8,000 lifting capacity as reflected on manufacturer's certificate.

Tow sService shall mean a person engaged in the business of a wrecker or towing service, whereby motor vehicles are towed or otherwise removed at the direction of officers of the city police department by the use of a wrecker or motor vehicle designed for that purpose.

Towing Company means any individual, partnership, corporation, or other entity or association that is engaged in the business of towing motor vehicles on a public road for compensation, or with the expectation of compensation, or who owns or operates a tow truck. This term includes an owner, employee or agent of the towing company.

Tow Truck Operator means a person operating a Tow Truck.

Vehicle sStorage fFacility (VSF) means a garage, parking lot, or any type of facility other than a governmental entity for storing or parking ten (10) or more vehicles.

Wrecked mMotor vVehicle shall mean a motor vehicle not capable of, or safe for, self-propulsion.

* * *

Sec. 28-58. - Police rRotation lList.

The chief of police is hereby authorized to establish a rotation lists of tow services companies desiring to provide towing and storage services upon request of police officers. The ~~tow and storage services~~ companies which desire to be placed upon and remain on a rotation list shall comply with the requirements of all applicable state laws and administrative rules regulating tow trucks and vehicle storage facilities, this article and all rules and regulations which may be issued by the chief of police regarding towing services requested by personnel of the police department.

* * *

Sec. 28-60. - Towing and impounding vehicles.

(a) The police department or any officer thereof may, at his discretion, order any vehicle parked in violation of any provision of this code or any state or federal law to be removed by a wrecker. The fees for the towing and impoundment of any vehicle ordered moved by the police department shall be paid by the owner of the vehicle.

(b) If a vehicle has been moved and placed in a storage facility without consent of the owner, the owner is entitled to a hearing to determine whether or not probable cause existed for removal and placement of the vehicle. A hearing under this article must be requested in writing

within six (6) days of date of impoundment and shall be before a justice of the peace or magistrate in whose jurisdiction the storage facility is located.

(c) In the event an officer on scene directs a tow company to tow a vehicle to the Killeen Police Department or Killeen Police impound lot, the company shall be returned to the first place on the rotation list.

Sec. 28-61. - Required equipment.

Tow trucks operating under this article must conform to the following specifications:

- (1) ~~Not be over twelve (12) years old, including wrecker bed, winch and booms.~~
- (2) Be a factory wrecker with a minimum one-ton-rated capacity and dual rear wheels.
- ~~(23)~~ Be equipped with hydraulics, an hydraulic wheel lift with a minimum three thousand pound capacity, have all safety articles required by law, and proper equipment to recover and safely tow any vehicle they are called upon by the police department to tow.
- (3) Be equipped with a winch that has a winch line and boom with a lifting capacity of not less than 8,000 pounds single line capacity.

Sec. 28-62. - Duties of police rotation list tow services.

(a) Tow services shall maintain towing equipment which is adequate to perform such towing service in a reasonably workmanlike manner and proper equipment to tow vehicles in such a manner as to minimize any damage to towed vehicles.

~~(b) The following fees are hereby established as the maximum which may be charged for indicated service for police initiated tows:~~

- ~~(1) Towing of automobiles, vans, pickup trucks, motorcycles: one hundred fifty dollars (\$150.00).~~
- ~~(2) Responding to tow request by police department where no hookup is made: no charge and tow service returned to first place on the rotation list.~~
- ~~(3) Storage and related charges shall be in accordance with the Texas Vehicle Storage Facility Act, as amended.~~
- ~~(4) Fee where the tow service is required to wait on the scene for more than thirty (30) minutes before being able to begin the hookup process: twenty dollars (\$20.00) per fifteen (15) minute increment.~~
- ~~(5) Towing and storage charges shall be waived when requested by the police department in unusual circumstances, including but not limited to, instances in which a prisoner is released without charges being filed.~~
- ~~(6) Fee for use of a dolly or flatbed truck when required by the circumstances of the scene: fifty dollars (\$50.00).~~
- ~~(7) Fee for winching a vehicle: ninety five dollars (\$95.00) per hour, charged in thirty (30) minute increments.~~
- ~~(8) Fee for mileage for tows to locations outside of the city limits of Killeen: three dollars (\$3.00) per mile.~~
- ~~(9) A tow service may charge an impound fee of up to twenty dollars (\$20.00) as authorized by state law if the procedures mandated by law are followed and documented.~~

(be) No tow service shall arrive at the scene of a police investigation as a result of monitoring or intercepting police calls by radio or other device.

(cd) Any tow service operating under this article must keep and maintain, for two (2) years from the date of towing, all records relating to the towing or storage of each vehicle as required by the Texas Vehicle Storage Facility Act (Occupations Code, Chapter 2203).

(de) Any motor vehicle towed must be stored in a yard with adequate security against intruders and must be lighted at night to facilitate visual inspection of vehicles released at night in accordance with requirements of the Texas Vehicle Storage Facility Act.

(1) Vehicle storage facilities must maintain a clear and unobstructed 25 foot wide route of ingress and egress measured from the curb line of the street or highway to the actual storage area. This is for the safety of exiting vehicles, traffic on the roadway and vehicles in tow by wreckers, slider trucks, haulers or other trucks using the facility.

(2) If the route of ingress and egress is 200 or more feet long, then the police chief may authorize a 20 foot wide route of ingress and egress, provided however, that an unobstructed turn around space must be established at the entrance of the actual storage area, sufficient to allow trucks with vehicles in tow to safely turn around, and leave the facility, without backing onto a public street while in tow.

(3) All entrance gates to the premises and into the actual storage area must be no less than 20 feet wide to allow the safe movement of trucks with vehicles in tow.

(4) Existing storage lots holding a valid city permit as of August 1, 1995, have until the next annual permit renewal date following passage of this ordinance to comply with the minimum width requirements. Any storage lot applying for an initial permit on or after August 1, 1995, must comply with the width requirements at time of permit issuance.

(5) The surface of the vehicle storage area of the impound yard shall be either paved with asphalt, concrete, or seal coat over compacted base material. All ingress and egress approaches from the public street and parking area around the office shall be surfaced in accordance with chapter 31 of this code.

(6) The vehicle storage area of the yard must be screened by a barrier of: stone, brick, pierced brick or block, uniformly colored wood or other permanent material of equal character, density, and design at least six (6) feet in height (provided that any structure in excess of eight (8) feet in height shall be deemed a wall subject to the applicable provisions of the building code). A chain link fence that existed as of May 1, 1998, is deemed to be an adequate screen if wood, vinyl, or metal slats are attached to or woven into such fence. Entrance gates are not required to be screened, but may be chain link.

(7) An existing impound yard on the police rotation list as of May 1, 1998, shall have until May 31, 2000, in which to comply with subsections (5) and (6).

(ef) The tow service will post a clearly visible, readable sign at the main entrance of the business in accordance with the requirements of the Texas Vehicle Storage Facility Act.

(fg) The person operating any tow service shall make every reasonable effort to minimize damage to towed and stored vehicles. Where appropriate, such reasonable effort shall include, but shall not be limited to:

- (1) Use of a dolly or carriage for towing.
- (2) Disconnection of the drive shaft.
- (3) Release of brakes.

(4) Towing at a reasonable speed.

(gh) No towed vehicle may be dismantled, have parts removed or tires deflated except as necessary for towing.

(hi) The bill for towing and storage of any motor vehicle shall be itemized to reflect services performed, labor or other materials required and any storage or other charges.

(ij) A complete inventory of the vehicles held in storage for the police department will be furnished to the abandoned vehicle clerk no later than the fifth day of each month.

(jk) Tow companies shall notify consumer and recipients of service, all information required for the purpose of directing complaints to the state department of licensing and regulation, as required by the Texas Vehicle Storage Facility Act.

(kl) Tow services shall maintain appropriate city permits, valid certificate of registration and tow license plate for all tow vehicles, and a valid license to operate their storage facility as required by the state department of licensing and regulation.

(l) The tow service shall remove all wreckage and debris from a collision scene, except for hazardous waste.

(m) If a tow company is in need of a substitution, regardless of status, for any specified time, the tow company shall contact the police department no less than (2) weeks in advance of the need for a substitution. If an emergency should arise that would affect the tow company's ability to perform, the tow company shall contact the police department immediately.

(n) In the event the tow company changes location of a place of business, location of a VSF, or there is a change in the owners or ownership of a tow company or VSF, the tow company shall be responsible for providing written notice to the police department within forty-eight (48) hours of such event.

Sec. 28-63. - Fees.

(a) Class A Tows (light duty)

The following fees are hereby established as the maximum which may be charged for indicated service for police-initiated tows:

Initial Towing – Vehicles 10,000 pounds or less \$175.00
(A flat fee including flatbed or dollies)

In addition to the initial towing fee, the following charges may also be added:

<u>Flatbed or Dolly</u>	<u>\$0</u>
<u>(Included in initial towing fee)</u>	
<u>Storage</u>	<u>\$20.00 per day</u>
<u>Winching</u>	<u>\$100 per hour charged in 30 min increments</u>
<u>Wait time after 30 minutes</u>	<u>\$20 per 15 min increments</u>
<u>Impound fee</u>	<u>\$20 as authorized by state law if the procedures mandated by law are followed and documented</u>

Mileage \$3 per mile outside the city
limits

(b) Class B Tows (medium duty)

The following fees are hereby established as the maximum which may be charged for indicated service for police-initiated tows:

Initial Towing – Vehicles in excess of 10,000 pounds \$400
(A flat fee including flatbed or dollies)

In addition to the initial towing fee, the following charges may also be added:

Flatbed or Dolly \$0
(Included in initial towing fee)
Storage \$20 per day under (25) feet
and \$35 over (25) feet
Winching \$100 per hour charged in 30
min increments
Wait time after 30 minutes \$20 per 15 min increments
Impound fee \$20 as authorized by state
law if the procedures
mandated by law are
followed and documented
Mileage \$6 per mile outside the city
limits

(c) Class C Tows (heavy duty)

The following fees are hereby established as the maximum which may be charged for indicated service for police-initiated tows:

Initial Towing – Vehicles in excess of 26,000 pounds \$800
(A flat fee including flatbed or dollies)

In addition to the initial towing fee, the following charges may also be added:

Flatbed or Dolly \$0
(Included in initial towing fee)
Storage \$20 per day under (25) feet
and \$35 over (25) feet
Winching \$100 per hour charged in 30
min increments

<u>Wait time after 30 minutes</u>	<u>\$20 per 15 min increments</u>
<u>Impound fee</u>	<u>\$20 as authorized by state law if the procedures mandated by law are followed and documented</u>
<u>Mileage</u>	<u>\$7 per mile outside the city limits</u>

(d) There shall be no charge when a tow request is made by the police department, but no hookup is made. The tow service shall be returned to first place on the police rotation list.

(e) Towing and storage charges shall be waived when requested by the police department in unusual circumstances, including but not limited to, instances in which a prisoner is released without charges being filed.

Sec. 28-64. – Drivers Permit.

(a) A person may not perform police rotation list tows for the police department without a tow truck operator’s permit.

(b) A tow truck operator permit must be worn while performing a police rotation list tow for the police department.

(c) Unless revoked, the drivers permit is valid for one (1) year for employment with any tow company on the police department police rotation list.

(d) A driver's permit may be revoked by the chief of police or designee at any time if the permittee no longer meets the qualifications to possess a permit. Such revocation shall be in writing.

(e) If the police department determines an applicant is qualified, a driver's permit shall be issued. If an applicant is denied, the police chief or designee shall provide a written denial to the applicant.

- (f) An application for a driver's permit may be denied if:
- 1) The person is not qualified under this article; or
 - 2) The person falsifies, materially alters or omits information in the application.

(g) To obtain a driver's permit, a person must file a completed written application with the police department on the prescribed form and pay the non-refundable fee provided in the adopted fee schedule.

(h) The police department shall conduct such investigation as it considers necessary to determine whether a person is qualified for a driver's permit. The police department shall review the applicant’s criminal history.

(i) All applicants must go through a background check and must not have been convicted of:

- (1) any misdemeanor theft in the past five (5) years;
- (2) felony theft in the past ten (10) years;
- (3) any crime involving the taking, use, tampering with or conversion of a motor vehicle to include burglary or theft of a vehicle in the past fifteen (15) years;
- (4) misdemeanor DWI in the past five (5) years;
- (5) felony DWI in the past ten (10) years;

- (7) possession of a dangerous drug or controlled substance in the last five (5) years;
- (8) any felony assault in the past twenty (20) years; or
- (9) be a registered sex offender.

(j) An individual whose driver's permit is denied or revoked may appeal in writing to the city manager's office not later than the tenth day after receipt of the notice of denial or revocation. The city manager or designee shall provide a written response no later than thirty (30) days after receiving an appeal. The decision of the city manager or designee shall be final.

(k) An individual whose driver's permit is denied or revoked shall not perform a police rotation list tow for the police department during the pendency of an appeal.

Secs. 28-65—28-70. - Reserved.

DIVISION 2. – PERMIT

* * *

28-72. - Application.

Application for a police rotation list privilege permit shall be notarized and shall be made on forms prepared and made available by the ~~city secretary~~ police department. The application shall contain the following information:

- (a) The name, home address and business address of each owner, part owner or partner, silent or active.
- (b) The business address, telephone number, night telephone number, and the location of and telephone number of any storage area.
- (c) A description of the size and capacity of all tow trucks used by the tow service.
- (d) A description of the storage area for towed vehicles.
- (e) A copy or certificate of a standard garage keeper's legal liability insurance policy with a collision limit of not less than twenty thousand dollars (\$20,000.00), subject to a maximum deductible of two hundred fifty dollars (\$250.00) and facility comprehensive coverage for fire, theft and explosion in an amount of not less than twenty thousand dollars (\$20,000.00).

- (f) A copy of certificate of a garage or automobile liability policy insuring the tow service owner and all his employees for liability for death, bodily injury or property damage to third parties in the amount of not less than one hundred thousand dollars (\$100,000.00) for any one (1) person and three hundred thousand dollars (\$300,000.00) for one (1) incident and fifty thousand dollars (\$50,000.00) for property damage. In addition, a minimum of fifty thousand dollars (\$50,000.00) of on-hook cargo insurance must be maintained.
- (g) Proof of current state sales tax permit.
- (h) The application shall be signed by each owner, part owner or partner, active or silent.
- (i) Documentation showing proposed storage area is in a proper zoning by the city and/or a special use permit has been issued.

Sec. 28-73. - Insurance required.

The insurance enumerated in section 28-72 shall be required for all tow services. The policy showing such coverage to be in effect shall be filed with the application for a permit and shall be kept ~~in the office of the city secretary~~ at the police department. On or before the expiration date of the current policy, the tow service shall file a new policy with the ~~city secretary~~ police department. ~~Failure to do so will result in the automatic termination of the permit.~~

Sec. 28-74. – Investigation by chief of police.

Within five (5) business days after receipt of each application, the chief of police or ~~his representative~~ designee shall cause an investigation to be made of the applicant and of his operation. Such investigation shall be made for the purpose of verifying the information in the application and to assure compliance with the provisions of this article. The investigation shall include the following items:

(a) That all applicants, owners and partners are fit and proper persons, through a background check, to conduct or work in the proposed business and have never been convicted of any misdemeanor theft in the past five (5) years, felony theft in the past ten (10) years, any crime involving the taking, use, tampering with or conversion of a motor vehicle to include burglary or theft of a vehicle in the past fifteen (15) years, or any felony assault in the past twenty (20) years or be registered as a sex offender.

(b) That the tow service will use only tow trucks equipped with adequate emergency lights and equipment for safe towing and preventing damage to towed vehicles.

(c) That the tow service will provide twenty-four-hour-a-day, seven-day-a-week, on-call service.

(d) That the tow service will arrive at the location of the vehicle to be towed within thirty (30) minutes after receiving a request for towing and tow the vehicle called upon to tow.

(e) That the tow service will provide and use a storage area for towed vehicles that is enclosed by a chain link fence or equally secure fence or enclosure which shall be illuminated at night.

(f) That the requirements of all governing laws, rules established by state department of licensing and regulation, city ordinances, and rules and regulations by the chief of police be met.

(g) That the tow service office and the storage yard is located in the city limits or within the extraterritorial jurisdiction of the city.

(h) The applicant must provide the registration for all vehicles and a sales tax certificate to show who is the owner of the truck and business. No person shall be allowed to have more than one (1) listing on the wrecker list, whether in his own name or any other assumed name. However, no towing service shall be disqualified under this provision if the tow truck is leased from another person but the lessee tow service provides the tow truck driver and otherwise has control and management of the tow service.

Sec. 28-75. - Issuance.

The ~~city secretary~~ police department shall issue a permit and add a tow service to the rotation list when:

- (a) The police investigation confirms the requirements of section 28-74.
- (b) The insurance policies as required by this article have been produced.
- (c) The permit fee has been paid.
- (d) City requirements for zoning and/or special use permits are met.

Sec. 28-76. - Suspension authorized.

(a) The chief of police or designee shall suspend a police rotation list privilege permit if he determines that a general or major violation has occurred.

(b) General violation under these rules shall mean but are not limited to the following:

- (1) The permit holder illegally solicited tow or repair services at a police investigation.
- (2) The permit holder has exceeded the fee schedule.
- (3) The tow company has missed more than three (3) rotation calls in a thirty (30) day period.
- (4) The tow company sent an unpermitted driver to perform a police rotation list tow.
- (5) The tow company sent an unpermitted truck to perform a police rotation list tow.

(c) Major violation under these rules shall mean but are not limited to the following:

- (1) A permit holder gave false or misleading information in the material submitted to the ~~city secretary~~ or police department during the application process.
- (2) A permit holder fails to maintain insurance on the vehicles or vehicle storage facility.
- (3) A permit holder does not have a current vehicle storage facility license or tow truck registration certificate through TDLR.
- (4) A permit holder is suspended through TDLR.

(d) The penalty for a general violation shall be a suspension from the police rotation list for a period of thirty (30) calendar days for the first violation and sixty (60) days for the

second violation in a twelve (12) month period. The chief of police or designee shall have the discretion upon the third such violation by a tow company in a twelve (12) month period to set the suspension period, up to and including indefinite suspension from the police rotation list.

(e) The penalty for a major violation shall be a suspension from the police rotation list for a period of not less than thirty sixty (60) (30) calendar days for the first violation and not less than sixty (60) ninety (90) days for the second violation in a twelve (12) month period. The chief of police or designee shall have the discretion upon the third such violation by a tow company in a twelve (12) month period to set the suspension period, up to and including indefinite suspension from the police rotation list.

(f) Three (3) or more general violations in a six (6) month period will be considered a major violation.

(g) A tow service that responds to a scene and is unable to tow the vehicle called for due to circumstances beyond the normal control of the tow truck operator (i.e., vehicle size mandates heavy-duty wrecker) will not have the call counted against the company and will return to the top of the police rotation list.

(he) If the permit holder, tow truck or driver, has violated any of the regulations of this article, any of the laws of the state or rules of the state department of labor and standards regulating vehicle storage facilities or tow truck owners, or any of the rules and regulations as established by the police department or the city council, the chief of police or designee shall determine if a general or major violation has occurred and if so take the appropriate action.

(i) If a permit holder fails to maintain insurance for any reason, the permit shall immediately be suspended, and the permit holder will not be placed back on the rotation list until approved by the chief of police or designee upon proof that the insurance is reinstated has been provided.

Sec. 28-77. - Procedure on suspension.

(a) *Notice.* If the chief of police or designee suspends a permit issued under this division, he shall send to the permit holder, by certified mail, return receipt requested, written notice of the suspension, the reason therefor, and the right to appeal.

(b) *Period of suspension.* The period of suspension shall be:

(1) For the first violation, not more than thirty (30) days.

(2) For the second violation, not more than ninety (90) days.

(3) For the third or subsequent violation, such period of suspension as the chief of police or designee may determine, including permanent suspension which shall constitute revocation.

~~(c) *Appeal.* The permit holder may appeal to the city council the decision of the chief of police, such appeal to be in writing, filed with the city secretary and clearly setting out the basis of such appeal. The permit holder shall be given at least ten (10) calendar days' written notice of the date of the hearing and shall be allowed to present relevant facts and legal argument regarding the pending suspension or revocation. Upon hearing considering all relevant evidence, the city council may lift the suspension, affirm the suspension, or suspend for a period of time~~

~~consistent with the provisions of (b) above which period may be different than that period designated in the letter from the chief of police.~~

Sec. 28-78. - Renewal.

The police rotation list privilege permit shall be valid for one (1) year from the date of issuance. Each application for renewal shall contain adequate assurances that the applicant continue to comply with all standards, rules and regulations prescribed by this article and all other standards, rules and regulations issued hereunder. Such renewals shall be on a form furnished by the ~~city secretary~~ police department and shall contain the names of any new owners, part owners or partners and the names of any new employees.

Sec. 28-79. - Appeal.

An applicant or permit holder may appeal denial or suspension of a permit, such appeal to be in writing, filed with the city manager's office, and clearly setting out the basis of such appeal. The appeal may include relevant facts and legal argument regarding the denial or suspension. Appeals shall be considered by the city manager or designee. Upon considering all relevant evidence, the city manager or designee shall issue a written decision within thirty (30) days and may order issuance of a permit, lift the suspension, affirm the suspension, or suspend for a period of time consistent with the provisions of 28-77(b), which period may be different than that period designated in the letter from the chief of police or designee. The decision of the city manager or designee shall be final.

SECTION II: The driver permit fee established in section 28-64(g) shall be established at \$25.00 and incorporated into the adopted fee schedule as provided in the Financial Governance Policy.

SECTION III: That all ordinances or resolutions or parts of ordinances or resolutions in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

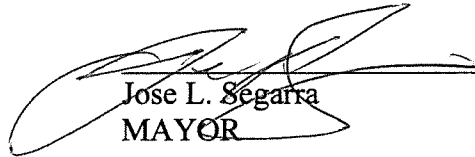
SECTION IV: That should any section or part of any section or paragraph of this ordinance be declared invalid or unconstitutional for any reason, it shall not invalidate or impair the validity, force or effect of any other section or sections or part of a section or paragraph of this ordinance.

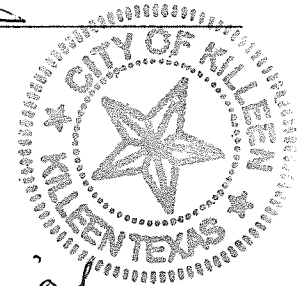
SECTION V: That the Code of Ordinances of the City of Killeen, Texas, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

SECTION VI: That this ordinance shall be effective upon publication according to law.


PASSED AND APPROVED at a regular meeting of the City Council of the City of Killeen, Texas, on this the 25th day of February, 2020, at which meeting a quorum was present, held in accordance with the provisions of V.T.C.A., Government Code, § 551.001 *et seq.*

APPROVED:


Jose L. Segarra
MAYOR




APPROVED AS TO FORM:



Traci S. Briggs
CITY ATTORNEY

ATTEST:



Lucy C. Aldrich
CITY SECRETARY

CITY COUNCIL MEMORANDUM FOR ORDINANCE

DATE: February 18, 2020
TO: Kent Cagle, City Manager
FROM: Charles F. Kimble, Chief of Police
SUBJECT: Towing Ordinance amendment

BACKGROUND AND FINDINGS:

Chapter 28, Article III, Vehicle Towing; Wrecker Rotation List was last updated in part in 2013. Upon review, the ordinance was in need of considerable amendment.

This amendment adds the definitions of a heavy duty, medium duty and light duty wreckers and updates the definition of towing company. It removes the restriction of the wrecker's age, allowing for wreckers older than 12 years, focusing on safety of the equipment, not age of the equipment. The amendment addresses a process for substitution on the wrecker list, if needed. It also contains a notification requirement when a wrecker company changes ownership or physical location.

The amendment provides a process for permitting individual wrecker drivers. The permit is issued at the police headquarters and is renewed annually for a fee of \$25.00. In the past, only the owner of the business received a permit. The driver permit process will include an updated criminal history check of the applicant as well as an appeal process, should the permit be denied or revoked.

This amendment also includes an update to the fees charged by tow companies and moves the permitting process from the office of the City Secretary to the Police Department. This amendment also moves the appeal process from city council to city management.

THE ALTERNATIVES CONSIDERED:

- Allow the current ordinance to continue
- Modify the submitted amendment
- Approve the amendment to the ordinance as written

Which alternative is recommended? Why?

Staff recommends the City Council approve the ordinance as amended. Many portions of the ordinance were in need of updating with the advancement in equipment, updates in fee structure and permitting of drivers.

CONFORMITY TO CITY POLICY:

This ordinance conforms to policy and applicable state law.

FINANCIAL IMPACT:

What is the amount of the expenditure in the current fiscal year? For future years?

N/A

Is this a one-time or recurring expenditure?

N/A

Is this expenditure budgeted?

N/A

If not, where will the money come from?

N/A

Is there a sufficient amount in the budgeted line-item for this expenditure?

N/A

RECOMMENDATION:

Staff recommends the City Council approve the amended ordinance as written.

DEPARTMENTAL CLEARANCES:

Legal