

AN ORDINANCE ESTABLISHING A WRECKER SERVICE POLICY IN THE CITY OF MERIDIAN AND
PRESCRIBING PENALTIES FOR THE VIOLATION OF ITS PROVISION AND FOR RELATED PURPOSES

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF MERIDIAN, MISSISSIPPI AS
FOLLOWS:

SECTION 1. Definitions:

- A. "City" shall be construed to mean the City of Meridian, Mississippi.
- B. "The City Limits of Meridian" shall be a wrecker zone.
- C. "City Official" shall be construed to mean the Chief of Police or other employee designated by him/her for the purpose of the administration of this policy.
- D. "Owner or Vehicle Operator" shall mean owner or operator of a motor vehicle.
- E. "A Non-preference (Rotation) Wrecker Service" is called by the Meridian Police Department in those instances in which the owner or operator of a vehicle requires a tow or pick-up and has no preference as to who tows or picks up the vehicle, or is incapable of indicating a preference, or is not present to make a choice of wrecker service to call for a tow or pick-up, including those vehicles to be towed because of alleged parking violations.
- F. "Wrecker" for the purposes of this policy, the word "wrecker" shall be construed to mean and include all vehicles of one (1) ton capacity or more, having one (1) or more dual-wheel rear axles and used for hauling, towing, pushing or pulling any automobile or other vehicle of every kind, nature, and description, regardless of whether such vehicle is being hauled, pushed, pulled or may be self-propelled.

SECTION 2. Non-Preference (Rotation) wrecker service call list established.

There is hereby established a Non-Preference (Rotation) Wrecker Service Call List to be maintained and kept on file at the Meridian Police Department and/or Central Dispatch.

Any wrecker service desiring to be placed on the Non-Preference (Rotation) Call List must meet the following minimum standards, in addition to any other state or federal regulation, which may apply.

- A. Must provide twenty-four (24) hour-per-day wrecker service from a properly zoned location and must be licensed and permitted.

- B. Must provide a secure place of storage within five (5) miles of the City Limits hauled by the wrecker service. A secure place of storage is considered, one which meets the following minimum requirements.
- C. Area surrounded by a six (6) foot fence and capable of being locked to prevent casual access.
- D. The area must be capable of storing a minimum of twenty (20) vehicles.
- E. A wrecker service will notify Dispatch @ 601-484-6845 at any time their wrecker will be unavailable to respond to calls for a lengthy period of time due to vacation, sickness etc..
- F. When a wrecker is unable to respond, the next wrecker in the rotation list will be utilized.
- G. A wrecker service will be available 24 hours a day 7 days a week.
- H. No wrecker service will "cover" (take calls) for another wrecker service.
- I. Two or more wrecker companies will Not share an impound yard.
- J. An on scene wrecker service may request assistance from another wrecker company. This request will be documented by dispatch and will not be dictated by the Meridian Police Department or 911.
- K. The closest wrecker will be utilized in extreme emergency situations. Such decisions will be made by the on scene officer.
- L. The owner will provide a photo copy of titles of each wrecker that will be utilized by his/her company. It will be placed on file at the police department and/or dispatch. All wreckers titled to the same person will carry the same name permanently marked on each door.
- M. No magnetic signs will be allowed.
- N. The owner of a wrecker service will provide a photo copy of the driver's license of any and all individuals utilized in the operation of said wrecker.
- O. Each wrecker is required to have broom, shovel, oil dry, and any other equipment as needed to clean and clear an accident scene.
- P. All wreckers will clean up their portion of a wreck scene. Failure to do this will result in their being called back to do so. Failure to clean up after a recall to the scene will result in removal from the rotation list.
- Q. There will be no additional fee for the cleaning up of contaminated areas.
- R. A receipt with will be given to any person where money is received for services rendered through the Meridian Police Department for towing and/or storage. These receipts will be kept on file for a period of one year and available for inspection by the Meridian Police Department upon request.

All wrecker companies shall comply with the following procedures concerning service:

(A) No wrecker operator shall proceed to the scene of an accident without being requested to do so by the Meridian Police Department.

(B) No wrecker operator shall solicit business at the scene of an accident.

(C) No wrecker operator shall speed or drive recklessly or disobey any traffic control device, sign or signal while answering a call, nor shall he approach the scene of an accident to begin towing or salvage operations, interfere with or impede the flow of traffic without approval of the officer on the scene.

(D) Authorization permits shall be considered personal to the holder thereof and shall be issued only to some definite legal entity which is operating an approved wrecker. The permits shall not be subject to lease or transfer to another in any manner. The holder of the permit shall not allow the exercise by another in any manner of the rights and privileges granted therein. Authorization permits are void if the business address or location of the facilities has changed, or if ownership changes.

(E) No wrecker company shall use the amber light in route to or when making a service or wrecker call. The use of the amber flashing or rotating light is authorized at the scene of an accident and when towing the vehicle from the scene, or when the operator has been specifically authorized by the department to do so in an emergency situation.

(F) Each wrecker company shall furnish the Meridian Police Department with one telephone number to be used when requesting service during normal business hours and one telephone number for after hours. Any change in the aforementioned telephone number shall be immediately transmitted to the Meridian Police Department. Call forwarding, which provides immediate contact with the owner or operator is permitted. However, answering services shall not be permitted. Two (2) or more wrecker companies shall not use the same telephone number.

(G) Each wrecker service shall provide 24-hour service within the city limits of Meridian.

(H) A wrecker company shall not accept a call for service unless the operator has a wrecker immediately available to answer the call or perform the requested service.

(I) No wrecker operator shall be on the rotation list who has been convicted of a felony.

(J) No wrecker operator shall be on the rotation list who has been convicted of a misdemeanor involving moral turpitude within five (5) years prior to applying for placement on the wrecker rotation list.

(K) No wrecker operator shall respond to a call if under the influence of alcoholic beverages or drugs.

(L) The wrecker company owner shall furnish the Meridian Police Department with a list of all drivers and their driver's license numbers.

(M) No person shall drive or be allowed to drive any rotation wrecker for hire unless such driver has a valid, properly endorsed Mississippi driver's license.

(N) Wreckers dispatched must arrive at the scene within twenty-five (25) minutes during normal business hours and within twenty-five (25) minutes after hours. If the time exceeds the time limit and the wrecker company has not notified the department of a valid reason for the delay, then the wrecker company shall be subject to cancellation of the call and suspension from the rotation list.

(O) The wrecker company will be responsible for cleaning up all debris which fell, leaked or [was] caused by any vehicle which is being towed. Any wrecker company called in rotation which responds with a wrecker not registered with the city shall be denied the call and subject to suspension from the rotation list after an investigation by the chief of police or designee. Only one wrecker company shall be called to an accident involving a single car. If any additional equipment or recovery vehicles are needed to adequately complete a tow (i.e., tractor-trailer rollovers or a difficult car recovery), the officer on the scene should use discretion in deciding what and whose additional equipment will be required. The severity of the situation and the estimated response time of the additional equipment will be considered by the officer on the scene who has the authority to decide these matters.

(P) When any police officer arrives at the scene of any accident or other emergency, and in the exercise of his or her discretion as a police officer believes that an emergency exists requiring the immediate service of a wrecker in order to protect the life, health, welfare, safety or property of the owner or occupants of the vehicle involved in the accident or emergency, or other vehicles parked or stopped upon the street at or near the scene of the accident or emergency, then the city may dispatch the closest available wrecker to the scene whether or not said wrecker company is on the rotational list.

(Q) All special request or **special equipment wreckers** (large wreckers, cranes, etc.) will be logged on the special request wrecker log.

(R) If a wrecker company wishes to be unavailable for any length of time, they will, in writing, notify the Meridian Police Department of the reason they will be unavailable. All rotation calls missed during this time will be lost. Upon the wrecker company wanting to be placed back on the active rotation list, they will notify the Meridian Police Department in writing to be reactivated.

(S) Wrecker operators who fail to answer a call will lose the call. If two (2) calls are missed, an investigation will be initiated by the chief of police designee and suspension or removal of the wrecker company from the rotation list will be considered.

(T) Wrecker companies refusing to answer a call or who fail to respond promptly may be removed from the rotation list.

(U) The chief of police shall promulgate wrecker and storage rates. No wrecker company shall exceed these rates. Any requested change in rates shall be forwarded to the chief of police.

(V) The chief of police (or person he designates) shall remove from the rotation list any wrecker company whose tow rates are excessive.

(W) The vehicle owner/operator shall be responsible for payment of towing and related service charges. Payment shall be rendered prior to delivery or release of the vehicle unless this condition is waived by the wrecker company.

(X) Hold orders placed by Meridian Police officers on vehicles stored for any reason shall be honored by the wrecker company. When no hold order has been placed on the vehicle, the vehicle shall be released to the owner, operator or insurance company upon proof of ownership or authorized release.

Suspension from wrecker rotation list:

(A) Failure to meet or maintain the minimum wrecker specifications and other requirements and regulations as outlined in this order may result in an indefinite suspension.

(B) An indefinite suspension of the wrecker company from the rotation list may result from other factors or actions. Such other considerations may include, but are not limited to, the following:

- (1) Flagrant, repeated or serious failure to cooperate with an officer at the scene of an accident; and
- (2) Charging exorbitant rates for services.

Towing and storage fees and regulations:

(A) The maximum fees that may be charged, with the exception of **special equipment wreckers**, for the towing of motor vehicles and for the storage and, when specifically authorized by this section, the retrieval of such towed vehicles are as follows:

- (1) For the towing of a motor vehicle, the maximum fee shall be one hundred fifty dollars (\$150.00);
- (2) For the storage of a towed motor vehicle, the maximum fee for each twenty-four-hour period of storage, or portion thereof, shall be twenty-five dollars (\$25.00); and
- (3) For the retrieval of a towed motor vehicle during hours other than 8:00 a.m. to 5:00 p.m., Monday through Friday, and 9:00 a.m. to 1:00 p.m., Saturday and Sunday, the maximum fee shall be fifty dollars (\$50.00).

(B) It shall be unlawful for any person to charge a towing fee, storage fee or retrieval fee that exceeds the fees established by subsection (a).

(C) If the owner of a motor vehicle is present and capable of removing the vehicle before it is removed by a tow vehicle operator, the vehicle shall not be towed; provided, that in such an event, the owner of the vehicle shall be liable for a reasonable fee, not to exceed one-half ($\frac{1}{2}$) of the regular towing fee, in lieu of towing, payable to the tow vehicle operator. This fee shall only apply if the tow truck is attached to the offending vehicle and the offending vehicle has been lifted so at least two (2) of the tires are off the ground and still on the lot prior to the owner being present.

SECTION 3. This ordinance shall take effect and be in force as provided by law.

SO ORDAINED, this the 3rd day of February 2015.

Motion by Council Thomas second by Councilwoman Houston.

Yea: Thomas, Markham, Henson, Houston, Hammon.

Nay: None.

_____	_____
K. DUSTIN MARKHAM, PRESIDENT	DATE
CITY COUNCIL, MERIDIAN, MS	

ATTESTED AND SUBMITTED TO THE MAYOR BY THE CLERK OF COUNCIL, ON THE _____ DAY OF
FEBRUARY 2015.

CLERK OF COUNCIL

APPROVE () DATE _____

VETO () DATE _____

ATTEST:

_____	BY: _____
CITY CLERK	PERCY BLAND, MAYOR
	CITY OF MERIDIAN

(SEAL)