

ORDINANCE NO. 16-964

BE IT ORDAINED by the City Council of the City of Huntsville, Alabama, that Division 2, Vehicle Towing and Impoundment, of Article II, Administration and Enforcement, of Chapter 25, Traffic and Vehicles, of the Code of Ordinances, City of Huntsville, Alabama, is hereby amended as follows:

Section 1. Section 25-75 is hereby amended to read as follows:

Sec. 25-75. Vehicle inspection.

Each wrecker company doing business in the city shall be inspected by the Huntsville Police Department at least once per year, but more often if complaints arise, to ensure compliance with the following provisions:

(a) Equipment necessary for all wreckers:

1. All equipment necessary for the towing vehicle or combination of towing vehicle and towed vehicle must comply with the applicable requirements of 49 C.F.R. §§ 390-399, of the Federal Motor Carrier Rules and Regulations, as the same currently exist or as they may be amended in the future. Any future amendments of the Federal Motor Carrier Rules and Regulations which results in a conflict with the additional requirements contained in this section shall be resolved in favor of compliance with the Federal Motor Carrier Rules and Regulations.

2. Certification: A garage or mechanic licensed to do business in the city, who is not an owner, employee or otherwise connected with any wrecker company regulated by this article, must inspect and issue a certificate upon inspection that all wreckers of the wrecker company are in safe operating condition, the following mechanical functions and systems are in proper working order and each wrecker of the company has the following additional equipment in the vehicle:

- a. Wheels: bearings, lugs;
- b. Tires: front left and right (no recap) minimum tread depth 5/32; rear left, outside, and all drive tires minimum tread depth 4/32;
- c. Brakes: master cylinder; fluid level, leaks; wheel cylinder; brake hose and lines; hydrovac and lines; vacuum or air tanks; parking brake; vacuum or air gauge and buzzer or light; brake pedal fade; pedal pads, if factory equipped; adjustment; brakes;
- d. Exhaust system: exhaust manifold; exhaust pipe; muffler; tail pipe;
- e. Rear end: springs, shackles and clamps; leaks;
- f. Clutch and transmission: adjustment, release;
- g. Body: seats securely fastened and in good condition; no broken glass in any window, and no broken or cracked glass in any windshield which obstructs the driver's vision; mirrors, left and right; wipers, windshield washers;

horn; fire extinguisher; markings; driver's and passenger seat belts; flags and flares; sun visor for driver;

h. Steering: steering arm; tie rod-ends and drag-link; front springs, shackles and clamps; sector to frame mounting; steering free play; and

i. Most current edition of the Department of Transportation Emergency Response Guide Book.

3. Each wrecker shall be equipped with factory installed one-ton capacity dual wheels. Dummy wheels are prohibited.

4. Each wrecker shall be equipped with a power winch, winch line, and boom with a factory rated lifting capacity, or a tested capacity, of not less than eight thousand (8,000) pounds single line capability. At the time of application, the wrecker operator shall provide documentation of lifting capacity from the factory or qualified testing facility.

5. Appropriate equipment shall be attached to each wrecker in order to prevent any vehicle being hauled or towed from being further damaged by coasting, rocking, swinging, or slamming into the wrecker or any part thereof.

6. Each wrecker shall have the following standard equipment: tow bar; safety chains; operational, fully charged 5-B.C. rated fire extinguisher mounted in an easily accessible location; wrecking bars, which must be a minimum length of 36 inches; brooms, which must have a minimum handle length of 30 inches; shovel, which must have a minimum handle length of 30 inches; axe, which must have a minimum handle length of 30 inches; dolly, which is rated for use on the highway; at least three (3) reflective road warning devices; a minimum of forty (40) pounds of oil dry; and a minimum of sixty five (65) feet of three-eighths inch diameter or larger steel cable for rollbacks, and one hundred (100) feet of three-eighths inch diameter or larger steel cable for conventional wreckers, which shall be measured from the end of the bed of the wrecker. Any length of steel cable attached to the wrecker which spans the bed of the wrecker shall not be counted when assessing the minimum length of steel cable required.

7. Yellow emergency lights shall be affixed above the top of the cab of the wrecker and must be visible from every angle, 360 degrees, around the wrecker. The warning lights shall be visible from a distance of not less than one thousand five hundred (1,500) feet under normal atmospheric conditions at night. Sirens are prohibited.

8. The name, address, and telephone number of the wrecker operator shall be permanently affixed to and prominently displayed on both sides of the wrecker, using letters and numerals of a contrasting color than the rest of the vehicle that are clearly

visible from a distance of one hundred (100) feet. The lettering used for the operator name shall be at least four (4) inches tall and the lettering and numerals used for the address and telephone number shall be at least two (2) inches tall.

9. The wrecker company shall not place or imprint on its vehicles, buildings, equipment, clothing, advertisements, or correspondence anything suggesting or implying any official relationship between the wrecker company and the city. Without limitation, the wrecker company shall not use any colors or paint schemes similar to those used by the police department; decals similar in design to department decals; any logo similar to those employed by the city or any of its departments; or any other language or wording which would cause the general public to believe the wrecker is owned or operated by the city.

10. Each wrecker shall be properly equipped with clearance and marker lights and all other equipment as required by law.

11. Each wrecker shall be equipped with warning devices, as the same are required by law applicable to trucks.

12. Each wrecker shall be equipped with dual rear adjustable floodlights with a minimum of twenty thousand (20,000) candlepower each.

13. Use of a hand-held mobile telephone:

- a. No driver shall use a hand-held mobile telephone while driving a wrecker or vehicle.
- b. No motor carrier shall allow or require its drivers to use a hand-held mobile telephone while driving a wrecker or vehicle.
- c. For the purpose of this section only, driving means operating a vehicle or wrecker on a highway, including while temporarily stationary because of traffic, a traffic control device, or other momentary delays. Driving does not include operating a wrecker or vehicle when the driver has moved the wrecker or vehicle to the side of, or off, a highway and has halted in a location where the wrecker or vehicle can safely remain stationary.
- d. Emergency exception: Using a hand-held mobile telephone is permissible by drivers of a CMV when necessary to communicate with law enforcement officials or other emergency services.

(b) Equipment necessary for large wreckers:

In addition to the requirements contained in subsection (a), large wreckers, as defined herein, are required to be equipped with the following additional items and equipment:

1. Air control valve or an electrical break capability with an electrical break control box for the purpose of providing braking capability for the vehicle or trailer being towed or removed;
2. Two (2) chock blocks to prevent rolling or slippage of the wrecker. These chock blocks should have the capability of being secured firmly to the wrecker and should be of a width equal to that of the dual wheels of the wrecker;
3. A minimum of two hundred (200) feet of five-eighths inch steel cable on multiple drums, which shall be measured from the end of the bed of the wrecker. Any length of steel cable attached to the wrecker which spans the bed of the wrecker shall not be counted when assessing the minimum length of steel cable required;
4. Air brakes constructed to lock the rear wheels automatically upon failure and to supply air to disabled vehicles;
5. One (1) pair of bolt cutters with a minimum one-half inch opening;
6. A minimum total of two (2) operating, fully charged 10-B.C. rated fire extinguishers mounted in easily accessible locations;
7. External air hookups and hoses;
8. At least six (6) reflective road warning devices;
9. A minimum of eighty (80) pounds of oil dry.

(c) Equipment necessary for roll back wreckers:

In addition to the requirements contained in subsection (a), roll back wreckers, as defined herein, are required to be equipped under the following modifications:

1. A one-ton truck with a nineteen foot bed, dual wheels, and one (1) power winch with an eight thousand-pound capacity;
A brake lock device;
3. Two (2) safety tie-down chains at least ten (10) feet in length;

4. The following standard equipment shall be substituted for the requirements of subsection (a)(6) above: tow bar; safety chains; operating, fully charged 5-B.C. rated fire extinguisher mounted in an easily accessible location; wrecking bar, which must be a minimum length of 36 inches; brooms, which must have a minimum handle length of 30 inches; shovel, which must have a minimum handle length of 30 inches; axe, which must have a minimum handle length of 30 inches; at least three (3) reflective road warning devices; a minimum of forty (40) pounds of oil dry; and a minimum of fifty (50) feet of three-eighths inch diameter or larger steel cable, which shall be measured from the end of the bed of the wrecker. Any length of steel cable attached to the wrecker which spans the bed of the wrecker shall not be counted when assessing the minimum length of steel cable required.

(d) Equipment necessary for Repossession wreckers:

In addition to the requirements contained in subsection (a), repossession wreckers, as defined herein, are required to be equipped under the following modifications:

1. The following standard equipment shall be substituted for the requirements of subsection (a)(6) above: tow bar; safety chains; operating, fully charged 5-B.C. rated fire extinguisher mounted in an easily accessible location; wrecking bars, which must be a minimum length of 36 inches; and at least three (3) reflective road warning devices.

2. The following shall be substituted for the requirements of subsection (a)(8) above: The initials of the reposessor business name and USDOT number of the reposessor shall be permanently affixed to and prominently displayed on both sides of the wrecker, using letters and numerals of a contrasting color than the rest of the vehicle that are clearly visible from a distance of one hundred (100) feet. The lettering used for the reposessor name shall be at least four (4) inches tall and the lettering and numerals used for the USDOT number shall be at least two (2) inches tall. Additionally, all repossession wreckers shall also be clearly marked as a "Recovery Vehicle" or "Repo Wrecker" in lettering of equal size to the reposessor name.

3. Repossession wreckers shall comply with all other requirements as stated in the above subsections.

Following inspection by the Huntsville Police Department, each wrecker shall be issued a decal which shall be displayed in the lower left corner of the windshield. Each decal shall indicate the wrecker permit number and the current calendar year. The fee for each annual inspection and issuance of each annual inspection decal shall be \$15. In the event a wrecker fails the annual inspection, the fee for any subsequent re-inspection shall be \$15. If a wrecker is not

issued an inspection decal following any Huntsville Police Department inspection or if the decal is not properly displayed on the wrecker for which it was issued, that wrecker is not authorized to do business within the City of Huntsville.

Section 2. Section 25-85 is hereby amended to read as follows:

Sec. 25-85. Applications and conditions for participation.

(a) *Written request for participation in the rotation system.* Each applicant desiring to be placed on the rotation roster shall file a written application with the police chief on a form furnished by the police department. A new applicant may file a written application at any time. Once an applicant has been accepted and placed on the rotation roster, applications for renewal shall be submitted in January of each year thereafter, and shall adhere to all of the same terms and conditions as apply to new applicants. An applicant may request to discontinue participation in the rotation roster at any time.

(b) *Equipment certification.* Each applicant shall certify that each wrecker to be utilized in service of the rotation roster meets or exceeds the following requirements at the time application is made:

1. For each regular haul wrecker, in addition to the criteria established in section 25-75, a conventional wrecker must be equipped with dollies rated for highway use and wheel lift or hydraulic operated tilting bed trucks, with one (1) ton rated chassis or larger and equipped with a broom, which must have a minimum handle length of 30 inches, and shovel, which must have a minimum handle length of 30 inches, two (2) fully charged 10-B.C. rated fire extinguishers, and agents to remove oil spills from the roadway;

2. The name of the company must be permanently affixed on each side of the wrecker in four (4) inch high or larger letters and the address and telephone number in two (2) inch high or larger letters;

3. All safety equipment, horns, lights, flashers, amber lights, brakes, and other similar equipment must be operational.

(c) *Copy of rules and regulations.* The chief will furnish each applicant with a copy of the rules and regulations pertaining to the operation of wreckers within the rotation system.

(d) *Inspection of wreckers and equipment.* Prior to being placed on the rotation roster, the applicant shall present and make available for inspection by the chief all wreckers and equipment that are to be used by the applicant for the provision of wrecker services.

(e) *Business license required.* Prior to being placed on the rotation roster, the applicant must furnish the chief with a copy of a current, valid business license issued by the city in the applicant's name, and prominently display said license in the applicant's principal place of business.

(f) *Storage facilities.* Prior to being placed on the rotation roster, the applicant must agree to a preapproval inspection of the premises to ensure adequate outside storage sufficient to accommodate a minimum of ten (10) vehicles, which is well and continuously lighted during the hours of darkness, and, at a minimum, include an area completely enclosed within a six (6) foot high chain link or other equivalent fencing material designed to protect against unauthorized entry. Any inside storage must be within a supervised or locked building. In addition to the provision of a secure storage area, each wrecker company shall employ reasonable safeguards and procedures so that all personal belongings and contents in a stored vehicle remain intact and are returned to the vehicle's owner or agent upon request or upon release of the vehicle.

(g) *Location of storage facilities.* The wrecker company, wrecker(s) utilized, operators(s), and storage facilities must be located within the city limits or within ten miles of the city administration building. A map of those areas falling within ten miles of the administration building shall be kept on file by the city clerk/treasurer.

(h) *Certificate of Insurance.* Each wrecker company participating on the rotation roster, from the time he/she moves or otherwise makes contact with any vehicle to be towed, assumes liability for injury to persons, damage to property, fires, or theft resulting from the operator's negligent acts or omissions. Therefore, prior to being placed on the rotation roster, the applicant shall furnish the chief with a certificate of insurance that indicates compliance with the following insurance guidelines:

1. Submit a certificate of insurance naming the City of Huntsville as an additional insured and stating the City will be provided with 30 days notice of any material change, cancellation or non-renewal. The certificate of insurance should also state that the coverages below are in force:

Minimum coverage and limits acceptable (expanded coverage or limits are acceptable)**:

i.	<u>Automobile Dealers</u>	<u>Limits</u>
	Garage Liability	\$100,000/\$300,000/\$100,000
	Covering any auto (21)	Split Limits, or
	Owned Autos (22)	\$500,000 Combined Single
		Limit
	Auto Medical Payments	\$1,000 per accident
	Uninsured Motorists	\$20,000/\$40,000 Split Limits

or \$40,000 Combined Single Limit

Garage Keepers Legal Liability	Maximum Deductible	
Specified Perils	\$1,000	\$40,000
Collision	\$1,000	\$40,000

ii. Non Dealers (Repair Operations or Storage Lots)

Garage Liability	\$100,000/\$300,000/\$100,000 Split Limits, or	
Covering: Owned Autos (22) or specifically Described Auto (27)*	\$500,000 Combined Single Limit	
Auto Medical Payments	\$1,000 per accident	
Uninsured Motorists	\$20,000/\$40,000 Split Limits or \$40,000 Combined Single Limit	

Garage Keepers Legal Liability	Maximum Deductible	
Specified Perils	\$1,000	\$40,000
Collision	\$1,000	\$40,000

iii. Non Dealers (No Repair Operations & No Storage Lots - Wrecker Service Only)

Automobile or Garage Liability	\$100,000/\$300,000/\$100,000 Limits, or	
Auto Coverage: Any Auto (1) (2), or Limit specifically Described Autos (7)*	\$500,000 Combined Single Owned Autos	
Garage Coverage: Owned Autos (22) or specifically Described Autos (27)*		

Auto Medical Payments	\$1,000 per accident	
Uninsured Motorists	\$20,000/\$40,000 Split Limits or \$40,000 Combined Single Limit	

Garage Keepers Legal Liability	Maximum Deductible	
Specified Perils	\$1,000	\$40,000
Collision	\$1,000	\$40,000

*Schedule of autos used in the wrecker operation must be attached.

**Insurance requirements are the same as previously adopted by ordinance.

(i) *Decal required.* A department decal will be placed on each participating wrecker in the lower left corner of the windshield to indicate current inspection and eligibility to participate in the rotation system. Each decal shall indicate the rotation roster permit number and the current calendar year. The fee for each wrecker inspection and issuance of each decal shall be \$15.00. In the event a wrecker fails the inspection, the fee for any subsequent re-inspection shall be \$15.

(j) *Valid license plates required.* Each wrecker company shall be required to maintain a current, valid license plate on each wrecker used in responding to rotation roster calls.

(k) *Wrecker company listed only once.* Each wrecker company shall be listed on the rotation roster only once. This listing will use the name the wrecker company submitted during the application process and under which he/she is qualified under this chapter. It is prohibited for a wrecker company conducting business at one location to receive multiple listings by utilizing a different or fictitious name for wreckers operating from the same location or by utilizing wreckers with the same name out of different locations within the city. When two or more businesses or companies are owned by the same individual, partnership or parent corporation, each business or company may have a separate listing only when each business maintains completely separate offices, required documentation, logs, and wreckers labeled with the appropriate business name in accordance with Section 25-75(a)(8) at the approved locations. A wrecker business will be regarded as having separate locations only when each business or company continuously and regularly occupies separate, different, permanent, nonresidential, non-overlapping structures: each with its own phone number and service; each with its own dispatch number and dispatch operator; each keeping its own towing and recovery books, logs, tax records, and other required records; each prominently displaying its City and State licenses; and each business open to customers with an employee present and available to assist customers continuously between the hours of 8:00 a.m. until 5:00 p.m., Monday through Friday.

(l) *Authorization, placement on roster.* When the chief is satisfied that the applicant is qualified, he/she will place the applicant on the rotation roster and so notify applicant.

(m) Attempts to circumvent the intent of the rotation system will result in the removal of all wrecker companies and operators associated in any way to the offending wrecker company.

Section 3. Section 25-86 is hereby adopted and shall read as follows:

Sec. 25-86. Operation.

The following conditions shall govern the conduct of operators on the rotation roster:

(a) *Obedience to traffic laws; operator safety.* No operator shall speed or violate any other traffic laws or disregard any traffic control devices while answering a call. The provision of wrecker services shall be done in a reasonable and safe manner and no operator shall needlessly congest the scene of a vehicle accident.

(b) *Rotation system participation.* Authorization to participate in the rotation system shall be considered a personal grant of permission to the wrecker company who made application for the same and shall constitute authorization only to that particular legal entity as it operates a bona fide wrecker service. It shall not be subject to assignment, transfer or lease; neither shall the wrecker company sublet the use of the name under which rotation system participation was requested and neither shall the operator permit the exercise by another in any manner of the rights or privileges granted by authorization for participation in the rotation system. Participation on the rotation roster shall not constitute a property interest. Authorization under this article is void if the business address or location of facilities is changed. Further, any change in ownership due to sale, merger, dissolution, death or any other reason shall result in removal of the wrecker company from the rotation roster and shall necessitate a new application being filed.

(c) *Submission of daytime and nighttime telephone numbers.* At the time of application, each wrecker company shall furnish the chief with one telephone number to be used for dispatches during the day and one telephone number to be used for dispatches during the night. Any changes in the aforementioned telephone numbers shall be immediately transmitted to the chief. No pagers or answering machines are permitted as call-out numbers.

(d) *Twenty-four hour service; hours of availability for vehicle access.* Each wrecker company shall maintain and be fully capable of providing wrecker services twenty-four (24) hours a day, seven (7) days a week. Further, each wrecker company shall, at no additional charge, provide access, immediately upon request, to its storage facilities between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, to individuals legally entitled or otherwise authorized to view, inspect, access, claim or retrieve personal property or vehicles stored therein.

(e) *Availability.* One attempt by phone shall be made to reach the wrecker service appearing next on the appropriate roster. The acceptance of an assignment may be made by any authorized representative of the company who can verify an immediate dispatch of the wrecker. If no contact is made or the company is unable to accept the call, that company shall be passed for that rotation of the roster and the next company in line shall be called. A wrecker operator shall not accept a dispatch for wrecker services from the rotation roster unless the operator has a wrecker and the necessary equipment immediately available to perform the requested service.

(f) *Use of lights.* No wrecker operator shall use yellow emergency lights when in route to a service or wrecker call. The use of yellow emergency lights is authorized only at the scene of an accident or other call for service and when towing a vehicle from the scene. The use of "wig-wag" headlights is prohibited at all times.

(g) *Response with own wrecker.* The wrecker company shall respond to each dispatch received from the city with its own wrecker and shall not send another wrecker service in response to a rotation roster dispatch. The responding wrecker must display the name of the wrecker company called by the police department. In the event the dispatched wrecker is unable to perform the required services or needs assistance, the police officer has the discretion to cancel that wrecker and/or dispatch another rotation wrecker.

(h) *Response while impaired prohibited.* No wrecker operator shall respond to a dispatch when he or she has consumed alcohol in any amount or has ingested either prescription or non-prescription drugs that may impair motor skills. No wrecker operator shall respond to a dispatch when he or she is under the influence of any controlled substance.

(i) *Restriction for conviction of crimes.* No wrecker operator shall be used or employed by any wrecker company on the rotation roster if he or she has any pending criminal charges, or has been convicted within the last five years, of any felonies, or misdemeanors related to his or her capability to provide wrecker services to the public in a safe and responsible manner, including but not limited to, drug and/or alcohol offenses, assault, theft, sex crimes, murder, burglary and/or homicide.

(j) *Proficiency.* All wrecker operators on the rotation roster shall be proficient and competent in the operation of such wrecker.

(k) *Driver's license required.* No person shall be a wrecker operator or be allowed to drive any wrecker unless such person has a valid state driver's license and a commercial driver's license, if required by law, issued by state department of public safety.

(l) *Reflective wear required.* While on the scene of any dispatch, all wrecker operators shall wear reflective vests, coats or shirts that meet federal standards as those standards may be amended.

(m) *Attendance of hazardous material training sessions required.* All wrecker operators shall attend hazardous material training sessions as required by the chief.

(n) *Removal of glass, debris, etc.* Operators shall remove all glass, injurious substances, oil spills, and other debris at or near the scene of the vehicle as required by Section 22-81 of this Code of Ordinances.

(o) *Notice of acquisition of wrecker.* Each wrecker company on the rotation roster shall give notice to the chief of any wrecker acquired subsequent to placement on the rotation roster. The police department will inspect the wrecker to determine if it meets all the criteria required by this chapter. No wrecker shall be allowed to perform any rotation roster activity unless properly inspected and decaled in accordance with section 25-85.

(p) Compliance with laws. Every wrecker company must comply with all applicable federal, state and local laws.

Section 4. Section 25-89 is hereby amended to read as follows:

Sec. 25-89. Records.

(a) Each operator shall maintain accurate records reflecting all wrecker services performed pursuant to his/her participation on the rotation roster. All information printed on the records shall be legible. Each record of wrecker service, and/or tow ticket, shall be sequentially numbered, and include the pre-printed name, address and phone number of the wrecker company, as well as the following information:

1. The date and time the operator was contacted and requested to perform the service;
2. The name of the person requesting the service;
3. The location of the vehicle;
4. A description of the towed vehicle, including license tag and identification number;
5. The owner or operator of the vehicle, if known;
6. Itemized list of all service charges and fees;
7. The name of the wrecker operator; and
8. The final disposition of the vehicle;
9. Any related Police Accident, Incident, Arrest, Event or Miscellaneous Identification numbers.

Regardless of the method of payment, each customer shall be given a written receipt containing the above required information, and a copy of same shall be maintained by the wrecker company for all wrecker services provided.

(b) All records required herein must be available immediately upon request so long as the request is made between the hours of 8:00 a.m. until 5:00 p.m., Monday through Friday for inspection by the chief or other city representatives. Advanced notice of an inspection by the chief or other city representative shall not be required.

(c) The operator shall maintain the aforementioned records for the current calendar year and the preceding calendar year.

(d) A record of all abandoned motor vehicles is to be maintained by the wrecker operator and any abandoned motor vehicle sold or disposed of by the operator shall be so sold or disposed of in accordance with Alabama Code §§ 32-13-1 *et seq.*, as may be amended.

Section 5. Section 25-90 is hereby adopted to read as follows:

Sec. 25-90. Rotation Roster.

(a) A wrecker shall be called from the rotation roster when the following circumstances occur: when the owner, driver, or person in charge of a vehicle to be towed has been advised by the officer on the scene that such vehicle must be removed and that he may call or request the wrecker company of his choice. However, only wrecker companies permitted to tow within the City of Huntsville shall be contacted by Huntsville Police. In the event the owner, driver, or person in charge of the vehicle indicates that he has no preference, or the permitted wrecker of his choice fails to respond to the call within a reasonable period of time considering the time of day, the weather conditions and the traffic conditions, the officer shall see that the next wrecker from the appropriate roster shall be called. In no event shall any officer suggest, direct, or otherwise imply that a particular wrecker be called.

(b) A wrecker operator shall promptly respond to a dispatch and arrive on-scene with a fully functional wrecker within thirty (30) minutes under normal driving conditions. If a wrecker operator is not capable at the time of dispatch to so respond, he/she shall immediately notify the department's communication center of this fact. If the wrecker operator provides immediate notice of the delay and provides a reasonable time of arrival on-scene, the wrecker operator may take up to a total of forty (40) minutes from the time of dispatch to arrive. If this is not feasible, however, the wrecker operator shall make the same known to the department's communication center and the wrecker company will be passed over for that rotation and the dispatch will go to the next wrecker company on the rotation roster. When determining whether a violation of this provision has occurred, the police department shall consider the time of day, the weather conditions and traffic conditions.

(c) When a wrecker operator responds to a dispatch, but renders no wrecker services through no fault of his/her own, the wrecker company will not lose position on the rotation roster if the wrecker operator provides prompt notification of the same to the department's communications center.

(d) Two separate rosters are established as follows:

1. Regular Haul Roster: This roster shall be in effect twenty-four (24) hours a day, seven (7) days a week for assignment by the police department to tow up to 3/4 ton vehicles for those persons who have no preference as to the company to use; and

2. Large Haul Roster: This roster shall be in effect twenty-four (24) hours a day, seven (7) days a week for assignment by the police department to tow vehicles over 3/4 ton for those persons who have no preference as to the company to use.

(e) If the wrecker operator does not arrive on-scene within the time requirements established herein or if the public health, safety and welfare necessitate more expeditious action, the police department reserves the right to request the services of the next wrecker company on the rotation roster. Under these circumstances, the wrecker company who received the first call will forfeit his/her position on the rotation roster for that turn. Any wrecker operator who is late in responding to dispatches for wrecker service without justification may be subject to penalties as provided herein.

(f) The chief has the right to inspect any wrecker or equipment of a wrecker company on the city's rotation roster at any time to ascertain if it is being properly maintained and all required equipment is on the wrecker and in proper operating order.

(g) All wrecker companies on the rotation roster shall have wreckers and equipment inspected annually by the police department. A current inspection sticker will be issued by the department and must be properly displayed at all times.

(h) Any operator on said roster shall be an employee of the wrecker company, or listed on the company's payroll.

(i) Operators shall wear clothing consistent with his/her employing wrecker company, i.e. uniform, company logo, etc.

Section 6. Section 25-91 is hereby amended to read as follows:

Sec. 25-91. Rates and charges.

(a) The maximum fees for wrecker services, including any credit card processing fees or overhead fees, charged by any wrecker service company on the rotation roster in regard to services provided as a result of rotation system dispatch shall not exceed, but may be less than, the following amounts per wrecker, unless otherwise indicated:

1. Towing of wrecked or disabled vehicle: Two-axle vehicle weighing 10,000 lbs. or less-- \$150.00

Towing of wrecked or disabled vehicle: Two-axle vehicle weighing 10,001 lbs. through 26,000 lbs. -- \$200.00.

3. Towing of wrecked or disabled vehicle: Two-axle vehicle weighing 26,001 lbs. or more, or any vehicle with more than two (2) axles --\$350.00.

4. Towing of wrecked or disabled vehicle with a trailer or other vehicle attached in tandem: \$75.00 per trailer or vehicle attached in tandem.

5. Towing of wrecked or disabled vehicle with a trailer or other vehicle attached in tandem, when the tandem trailer or other vehicle exceeds forty (40) feet in length: \$75.00 per trailer or vehicle attached in tandem.

[Note: Towing services provided hereunder include cleaning of debris from roadway, pickup and towing of vehicle to any destination within the city limits of Huntsville, Alabama.]

6. Oil dry: Included in towing services.

7. Righting: Two-axle vehicle weighing 10,000 lbs or less -- \$75.00 for the first hour and prorated in ten (10) minute increments thereafter based on \$75.00 per hour. (For Example, if righting a vehicle takes one hour and 38 minutes, the total charge would be $\$75.00 + 50.00 = \125.00) If a second wrecker is required to attach to the vehicle simultaneously with the first wrecker in order to right the vehicle, the second wrecker may also charge \$75.00 for the first hour and prorated in ten (10) minute increments thereafter based on \$75.00 per hour.

8. Righting: Two-axle vehicle weighing 10,001 lbs through 26,000 lbs -- \$200.00 for the first hour and prorated in ten (10) minute increments thereafter based on \$200.00 per hour. If a second wrecker is required to attach to the vehicle simultaneously with the first wrecker in order to right the vehicle, the second wrecker may also charge \$200.00 for the first hour and prorated in ten (10) minute increments thereafter based on \$200.00 per hour.

9. Righting: Two-axle vehicle weighing 26,001 lbs or more, or any vehicle with more than two (2) axles --\$350.00 for the first hour and prorated in ten (10) minute increments thereafter based on \$350.00.00 per hour. If a second wrecker is required to attach to the vehicle simultaneously with the first wrecker in order to right the vehicle, the second wrecker may also charge \$350.00 for the first hour and prorated in ten (10) minute increments thereafter based on \$350.00 per hour.

10. Winching: Two-axle vehicle weighing 10,000 lbs or less --\$75.00 for the first hour and prorated in ten (10) minute increments thereafter based on \$75.00 per hour. If a second wrecker is required to attach to the vehicle simultaneously with the first wrecker in order to wench the vehicle, the second wrecker may also charge \$75.00 for the first hour and prorated in ten (10) minute increments thereafter based on \$75.00 per hour.

11. Winching: Two-axle vehicle weighing 10,001 lbs through 26,000 lbs -- \$200.00 for the first hour and prorated in ten (10) minute increments thereafter based on \$200.00 per hour. If a second wrecker is required to attach to the vehicle simultaneously with the first wrecker in order to wench the vehicle, the second wrecker may also charge \$200.00 for the first hour and prorated in ten (10) minute increments thereafter based on \$200.00 per hour.

12. Winching: Two-axle vehicle weighing 26,001 lbs or more, or any vehicle with more than two (2) axles -- \$350.00 for the first hour and prorated in ten (10) minute increments thereafter based on \$350.00 per hour. If a second wrecker is required to attach to the vehicle simultaneously with the first wrecker in order to wench the vehicle, the second wrecker may also charge \$350.00 for the first hour and prorated in ten (10) minute increments thereafter based on \$350.00 per hour.

[Note: For the purposes of this section, winching shall be defined as the removal of a vehicle, trailer or other piece of equipment from a location inaccessible to a wrecker to a location where the object of removal may be safely secured and towed by a wrecker. Winching shall not include any incidental or routine winching necessary to load any vehicle onto the wrecker. Second wrecker fees may only be charged when it is necessary that both wreckers are hooked to the vehicle, and pulled in tandem, to right or winch the vehicle safely.]

13. Righting or lifting vehicle by airbag, per pound lifted: \$0.035.

14. Forklift, backhoe, trackhoe, and any other necessary recovery equipment services shall be at commercial rental rates plus ten (10) percent per hour (not including operator).

15. No keys to vehicle: Included in towing services.

16. Passenger vehicle storage rates:

a. First day: \$30.00. (The first day ends at midnight on the day that the vehicle was towed.)

b. Each day thereafter: \$30.00. (Beginning at midnight on the day after the vehicle was towed.)

17. Large haul storage rates:

a. \$75.00 per day, per piece.

18. After-hours vehicle release, *i.e.*, times other than Monday through Friday, 8:00 a.m. to 5:00 p.m.: \$35.00.

19. Tows to locations outside the Huntsville City limits only:

a. Regular Haul: the per mile rate shall be equal to the national average diesel gas per gallon price as reported on the date this ordinance is adopted; thereafter, the per mile rate shall be equal to the national average diesel gas price as reported on January 1 each year and shall remain in full force and effect until July 1 of each year at which time the national average gas price reported on July 1 shall be in effect until the following January 1. The average price per gallon as reported by the United States Energy Information Administration (See

<http://www.eia.gov/oog/info/gdu/gasdiesel.asp>, as may be renamed or readdressed) shall govern.

b. Large Haul: the per mile rate shall be double the national average diesel gas per gallon price as reported on the date this ordinance is adopted; thereafter, the per mile rate shall be equal to the national average diesel gas price as reported on January 1 each year and shall remain in full force and effect until July 1 of each year at which time the national average gas price reported on July 1 shall be in effect until the following January 1. The average price per gallon as reported by the United States Energy Information Administration (See <http://www.eia.gov/oog/info/gdu/gasdiesel.asp>, as may be renamed or readdressed) shall govern.

(b) The rates and charges as established herein do not relate to or regulate consensual wrecker services in which the vehicle's owner or operator expressly requests towing or wrecker services from a specific wrecker operator and chooses not to utilize the rotation roster system.

Section 7. Section 25-92 is hereby amended to read as follows:

Sec. 25-92. Temporary removal from the rotation roster.

Wrecker companies shall be immediately removed from the roster for the following reasons:

- (a) Failure of a wrecker to continue to meet the requirements established in Section 25-75;
- (b) Failure of a wrecker to continue to meet the requirements established in Section 25-85; and/or
- (c) Failure to accept a motorcycle tow shall not constitute a refusal, but will be that company's call for that rotation of the roster;

After a wrecker company has corrected the violation for which it was removed, the wrecker company may reapply for inclusion on the rotation roster using the procedures established in Section 25-85. Three (3) removals of a wrecker company's name from the rotation roster, or conviction of the owner of the wrecker company of a felony, or any criminal conviction of the owner or any employee of the wrecker company for a criminal violation related to the wrecker business shall be sufficient grounds for the permanent revocation of any and all wrecker rotation roster permits issued to such company by the city.

Section 8. All other sections of Division 2, Vehicle Towing and Impoundment of Article II, Administration and Enforcement, of Chapter 25, Traffic and Vehicles, shall remain in full force and effect.

Section 9. This ordinance shall be construed under, and in accordance with, the laws of the State of Alabama. In the event any provisions of this ordinance are held to be invalid, illegal or unenforceable in any respect, by a court of competent jurisdiction, the remaining portions of this ordinance shall continue in full force and effect.

Section 10. This ordinance shall become effective upon its adoption and publication.

ADOPTED on this the 12th day of January, 2017.

/s/ Jennie Robinson
President of the City Council of the
City of Huntsville, Alabama

APPROVED on this the 12th day of January, 2017.

/s/ Tommy Battle
Mayor of the City of Huntsville, Alabama