

City of Valley

WRECKER/TOWING SERVICES ORDINANCE

ORDINANCE NO. 2009-01

PREFACE

The Valley Police Department, Towing/Wrecker Ordinance is established to ensure prompt, reliable and professional towing assistance, which will best serve the motoring public and the City of Valley Police Department. It is not for the benefit of a particular wrecker company.

There are a large number of accidents in Alabama where the owner or driver is injured and cannot make a decision about where his vehicle is to be towed or stored.

Also, many vehicles are abandoned along city streets, which must be removed by order of the Police. In these cases, the owners have a right to expect the Valley Police Department to call a reputable and reliable company who have adequate equipment to perform the task and can be relied upon to provide these services at a fair rate.

The public also expects the Towing/Wrecker Service called to be financially responsible for any damage that might occur during and after the towing. The Rotation System is used in cases where the owner does not have a specific request.

The rules and regulations contained within these pages provide guidance to those operators of towing and recovery services who are included on the Valley Police Department Rotation List and are called upon to respond to traffic collisions and other requests by Police Officers in the performance of their duties.

The Valley Police Department, any Valley Police Officer and/or any authorized agent or representative of the Valley Police Department shall not be responsible for towing/recovery or storage charges involving vehicles not owned by this Department.

In addition, the Valley Police Department may assess a release fee to recover costs associated with an incident(s) involving the towing of vehicles where persons have been arrested or issued a citation for not having valid drivers license.

DEFINITIONS

1. ACCIDENT – The towing or movement of a vehicle involved in a motor vehicle collision upon any highway or roadway or other locations which is investigated by the Valley Police Department.

2. AUTHORIZATION PERMIT – The written authorization issued by the Chief of Police allowing a wrecker/towing service to be placed on the Valley Police Department Rotation List.

3. AUTOMOBILE LIABILITY INSURANCE – Insurance which covers damage to property and/or person injury to third party.

3a. CERTIFICATE OF INSURANCE & CASUALTY COVERAGE – A document evidencing the date an insurance policy had been written includes a statement of the coverage of the policy in general.

4. WRECKER CALL – wrecker or towing request by an authorized representative of the Valley Police Department requesting the services of a wrecker/towing service to respond to a particular location as directed by the representative.

5. DEPARTMENT – The Valley Police Department

6. DISABLED VEHICLE – Any vehicle which has lost its ability to move under its own power on a public street by normal methods other than by wrecker but not involved in a traffic crash. This definition included abandoned vehicles, illegally parked vehicles and those vehicles impounded by the Valley Police Department.

7. FIRE EXTINGUISHER – A fully charged portable fire extinguisher as defined by the National Board of Fire Underwriters with a capacity of not less than ten (10) pounds chemical to meet Federal regulations for hazardous materials (10B:C). The Underwriters Laboratory approval will be secured and such fire extinguisher shall be in a quick release carrier.

8. GARAGE KEEPERS LEGAL LIABILITY- Insurance which provides coverage to owners of storage garages for liability as bailees with respect to damage or loss to automobiles in their custody. Coverage is contingent upon establishing liability on the part of the insured.

9. GARAGE/STORAGE LIABILITY – Insurance which covers legal liability of garage/storage for claims of bodily injury and property damage arising out of business operations. Garage keeper's legal liability coverage can be written as a part of the garage liability policy.

10. GROSS COMBINATION WEIGHT RATING (GCWR) – The value specified by the manufacturer as the loaded weight of a combination (articulated) vehicle. In the absence of a value specified by the manufacturer, GCWR will be determined by adding the GVWR of the power unit and the total weight of the towed unit and any load thereon.

12. GROSS VEHICLE WEIGHT RATING (GVWR) – The value specified by the manufacturer as the loaded weight of a single vehicle.

13. HOLD – Means a vehicle has been impounded for investigatory purposes or any reason whereas access is restricted.

14. MOTOR VEHICLE – Every vehicle that is self-propelled.

15. NORMAL BUSINESS HOURS – “Normal business hours” or “business hours” used in this regulation means at least from 8:30 a.m. to 5:00 p.m. Monday through Friday and additional hours designated and posted by the Company.

16. ON-HOOK COVERAGE – Insurance which protects the vehicle being Towed when it is hooked up with a recovery line whether in transport or not.

17. OPERATOR – Any individual, partnership, corporation, or business entity engaged for hire in the recovery, towing, or removal of wrecked, disabled, stolen, or abandoned motor vehicles. For the purpose of these regulations, a hired driver or employee shall be considered an agent of the wrecker operator and shall be governed by these rules.

18. OWNER - Any person who holds a legal title to a motor vehicle or who has the legal right to possession thereof.

19. PERSON – An individual, firm, partnership, association, corporation company, organization, or any legal entity of any kind.

20. PLACE OF BUSINESS – A permanent structure which the operator occupies, either continuously or at regular times, with phone service where towing and recovery books and records are kept.

21. TRAFFIC HAZARD – Any disabled vehicle or abandoned vehicle other than those resulting from a vehicular accident as defined herein, and which is an obstruction to the normal movement of traffic on any public street or possess a significant safety hazard to the motoring public.

22. CHIEF OF POLICE - The commander of the Valley Police Department/zone where such wrecker / towing service is located.

23. SERVICE CALL – Any rotation wrecker response in which the removal of the vehicle is not required. Such calls may include but not limited to changing a flat tire, providing gas or use of jumper cables, assisting in starting or unlocking a vehicle.

24. OFFICER - Any person with arrest powers employed by the Valley Police Department.

25. VEHICLE - Every device in or by which any person or property is or may be transported or drawn upon a public street, except such devices moved only by human power, or used exclusively upon stationary rails or tracks. The term vehicle shall include trailers and semi-trailers.

26. WRECKER – Any motor vehicle designed for the purpose of towing or removing motor vehicles or other transport devices from one location to another location

27. WRECKER/TOWING COMPANY - Any person or business organization engaged in towing or removing motor vehicles from one location to another in exchange for monetary consideration or other remuneration.

28. WRECKER ROTATION LIST - The list of companies authorized and as provided in the execution of these regulations.

29. ZONE – The geographical area designed by the Chief of Police to be used when establishing the Wrecker Rotation List. The terms area or territory are interchangeable with the term zone.

30. RELEASE FEE - The fee assessed to recover police department costs associated with the towing/impounding of a vehicle where an arrest and/or citation has been issued for violations of state and local laws.

REGULATIONS FOR WRECKER/TOWING SERVICES

NOTE: The Valley Police Department adopted parts 390-399 of Title 49, Code of Federal Regulations of the U.S. Department of Transportation and as they may be amended in the future. These regulations apply to all motor carriers both interstate, intrastate, private for hire, etc., with a gross vehicle weight rating or gross combination weight rating of 10,000 or more pounds.

To remain on the Valley Police Department wrecker rotation list, your company must comply with the safety regulations contained in CFR 49. One of the safety requirements contained in CFR 49 is Part 396.17, Periodic Inspections. This section requires every motor carrier to inspect his vehicle annually and have documentation that his vehicle has been inspected.

If you have any questions concerning this requirement, you can contact a member of the Valley Police Department.

Anyone who wishes to operate a commercial motor vehicle (GVWR 26,001) must possess a commercial drivers license issued by the Alabama Department of Public Safety and must pass knowledge and skills test to obtain it. If you have any questions concerning commercial driver license, you should contact the drivers license division/CDL Unit.

I. FACILITIES

Each operator shall maintain sufficient space available to accommodate the storage of all vehicles resulting from Department dispatches. Such an area shall be either on the site of the operator's place of business or with a reasonable distance thereof. Both the place of business and the storage facility must be physically be within the City of Valley or Chambers County. No vehicles shall be stored out of states.

The storage lot shall be well lighted and enclosed by a minimum six (6) foot high chain link fence or equivalent and secured by a locked gate for properly accommodating and protecting all disabled motor vehicles, including their contents against damage or theft.

Each wrecker company on the rotation list must place on the exterior of its business location and storage facility (if separate location) a clearly visible sign indicating the company name, telephone number, and business hours.

All vehicles towed under these regulations must be towed to and secured within the storage facility enclosure unless vehicle owner or a member of the Department requests the vehicle be towed to another location. Each wrecker company will provide a means of protection for a minimum of two (2) vehicles from the elements either with an enclosed building or tarps when such request is made by the investigating officer. A wrecker company must immediately notify the Department upon change of address or telephone number.

II. EQUIPMENT REQUIRMENTS

NOTE: The minimum equipment standards referred to throughout these rules and regulations shall be determined solely by the manufacturer's specifications for the capabilities and capacities of the tow trucks and all towing equipments.

Any trucks and/or towing equipment meeting the requirements of the Department prior to January 1, 2008 shall be deemed adequate for use up to January 1, 2009. Any trucks and /or towing equipment acquired after January 1, 2008 must meet the capacities and specifications set forth in these regulations.

Each tow truck shall be equipped with only those winches and cranes that have been produced and constructed by a manufacturer of such equipment who carries product liability, and which regularly produces winches and cranes.

WRECKER CLASSIFICATIONS

Class A: Light Duty Wrecker

Class A Wreckers, for towing vehicles weighing seven thousands (7,000) pounds or less, (passengers cars, pickup trucks, motorcycles, small trailers, and similar vehicles) shall meet the following minimum requirements:

(1) Conventional Wrecker

- a. Minimum gross vehicle weight rating (GVWR) of not less than ten thousands (10,000) pounds.
- b. Individual boom capacity of not less than eight thousand (8,000) pounds as rated by the manufacturer.
- c. Individual PTO or hydraulic power winch capacity of not less than eight thousand (8,000) pounds as rated by the manufacturer with at least one hundred (100) feet of three-eighth (3/8) inch cable drum.
- d. A manufactured wheel-lift with a retracting lifting capacity of not less than three thousand five hundred (3,500) pounds as rated by the manufacturer, with safety chains.
- f. Dual rear wheels
- g. Additional safety equipment as specified by the regulations

(2) Rollback Wrecker

- a. Minimum gross vehicle weight rating (GVWR) of not less than eleven thousand (11,000) pounds.
- b. Must have at least an eight thousand(8,000) pound of winch as rated by the manufacturer with at least fifty(50) feet of three-eighths(3/8) inch cable or larger.
- c. Come-A-Longs, chains, or other similar devices shall not be used as substitutes for winch and cable.
- d. A Brake Lock Device
- e. Additional safety equipment as specified by the regulations.

Class B: Medium Duty Wrecker

Class B Wreckers, for towing vehicles weighing between seven thousand one (7,001) and seventeen thousand (17,000) pounds or multiple vehicles weighing seven thousand (7,000) pounds respectively (medium-sized trucks, road tractors/trailers and similar vehicles), shall meet the following requirements:

- (1) The tow truck chassis shall have a minimum gross vehicle weight rating (GVWR) of not less than twenty-two thousand (22,000) pounds.
- (2) Must have at least a twelve-ton boom assembly as rated by the manufacturer.
- (3) Two winches, each of ten thousand (10,000) pound capacity or more as rated by the manufacturer.
- (4) A manufactured wheel-lift with a retracting lifting capacity of not less than six thousand five hundred pounds as rated by the manufacturer, with safety chains.
- (5) Come-A-Longs, chains, or other similar devices shall not be used as substitutes for winch and cable.
- (6) Additional safety equipment as specified by the regulations.

Class C: Heavy Duty Wrecker

Class C Wreckers, for towing vehicles in excess of seventeen thousand (17,000) pounds (large trucks, road tractor / trailers and similar vehicles), shall meet the following minimum requirements:

- (1) Truck chassis having a minimum gross vehicle weight rating (GVWR) of not less than forty six thousand (46,000) pounds.
- (2) Tandem axles or cab to axle length of not less than one hundred two (102) inches.
- (3) A single or double boom with a capacity of not less than fifty thousand (50,000) pounds as rated by the manufacturer.
- (4) A single winch with a capacity of fifty thousand pounds as rated by the manufacturer or an individual power winch capacity of not less than twenty-five thousand (25,000) pounds as rated by the manufacturer and a total rating with both winches of fifty thousand (50,000) pounds.
- (5) A manufactured wheel-lift with a retracting lifting capacity of not less than twelve thousand (12,000) pounds as rated by the manufacturer, with safety chains.
- (6) A minimum of two hundred (200) feet of five-eighths (5/8) inch cable or larger, plus fifty (50) feet of five-eighths (5/8) inch drop cable.
- (7) Airbrakes constructed so as to lock wheels automatically upon failure.
- (8) Light and air brake hookups.
- (9) Come-A-Longs, chains, or other similar devices shall not be used as substitutes for winch and cable.
- (10) Additional safety equipment as specified by the regulations.

B. Additional Requirements

Every wrecker to be placed on the Valley Police Department Wrecker Rotation List, regardless of class, shall meet the following standards:

- (1) All equipment necessary for the towing vehicle or combination of towing vehicle and towed vehicle must comply with the requirements of CFR 39, parts 390-399, of the Federal Motor Carrier Rules and Regulations when applicable.
- (2) Must be well maintained and in good conditions at all times and comply with all applicable state, federal, and local laws.
- (3) Each wrecker shall have the following standard equipment at all times:
 - a. Tow bars.
 - b. Two (2) or more safety chains.

- c. A minimum, of two (2) Class “C” fire extinguishers mounted in an accessible location. (Class C extinguishers should not be used around electricity and if used around gas the gas supply should be isolated). Each wrecker company is responsible for following all safety precautions relating to fire extinguishing.
- d. One wrecking bar or pry bar with a minimum length of 30 inches.
- e. A minimum of three (3) flares of at least 15 minutes duration or triangle reflectors
- f. One push-type broom.
- g. One flat shovel
- h. One axe.
- i. One pair of bolt cutters with a minimum opening of one-half inch
- j. A minimum of forty (40) pounds of sand or absorbent material.
- k. A yellow or amber rotating or strobe light or light bar shall be affixed about the top of the can of the wrecker. The warning lights shall be visible from 360 degrees and a distance of not less than 1500 feet under normal atmospheric conditions at night. (sirens are prohibited)
- l. Dual rear adjustable floodlights with a minimum of 20,000 candlepower each are required.
- m. One pair of magnetically mounted tow lights to be mounted at rear of towed vehicle. See 32-5A-134 (h) (Class A conventional and class B only).
- n. Every wrecker must display a current license plate of the proper classification.
- o. Every wrecker shall have displayed in lower right corner of the passengers windshield a departmental decal indicating a current inspection and eligible to be on rotation log.
- p. The name, address, and telephone number of the wrecker company shall be permanently affixed to both sides of the wrecker, using letters and numerals, which are clearly visible from a distance of 100 feet. The lettering used for the company name shall be at least four (4) inches high, and the lettering and numerals used for the address and telephone shall be at least two inches.
- r. The wrecker company shall not place or imprint on their vehicles, building, equipment, clothing or correspondence, anything that suggests or implies any official relationship between the wrecker company and any law enforcement agency. Specifically, paint colors/schemes similar to Department vehicles; any decals similar in design to

Department decals; or any name or logo such as “city wrecker” are specifically forbidden.

C. In addition to the above requirements of Section B, class C wreckers, as defined in this regulation are required to be equipped with the following items:

(1) Two chock blocks to prevent rolling or slippage of wrecker, these chock blocks should have the capability of being tied to the wrecker, and of a width equal to that of the dual wheels of the wrecker.

(2) At least six (6) safety cones or triangle reflectors.

D. Nothing in these regulations is meant to preclude innovative wrecker or auto recovery equipment or vehicles. Such new equipment may be considered for use by companies included on the Wrecker Rotation List upon written request directed to the Chief of Police.

III. APPLICATIONS

A. General

Each wrecker company desiring to be placed on the Valley Police Department Wrecker Rotation List shall complete an “Application for Placement on Rotation List”, “Wrecker Information Sheet”, “Driver Information Sheet”, And “Agreement & Waiver Form”. All forms will be submitted to the Chief of Police.

(1) The Valley Police Department will furnish each wrecker company making a request to be placed on the rotation list a copy of the rules, forms, regulations, and laws pertaining to the operations of wreckers included on a Valley Police Department Rotation List.

(2) The applicant will furnish the Valley Police Department Chief of Police with a copy of Certificate of Insurance & Casualty Coverage as defined in section 3a of the Definitions. This form must be signed by an authorized agent.

(2) The Chief of Police or designee shall conduct an investigation of the requesting wrecker company and determine if the business meets all qualifications that are required to be placed on the Valley Police Department Rotation List.

(2) The investigating officer will inspect all equipment that is to be used by the wrecker company and determine if it complies with all applicable laws and regulations. In addition, the investigating officer will conduct a preliminary background investigation of all operations covered in Sections VI and VII. He/she will submit the completed investigation to the Chief of Police.

(2) When the Chief of Police is satisfied the wrecker company is qualified, he/she will issue the wrecker company and “Authorization Permit” and place the company on the Valley Police Department Rotation List.

(3) The investigating officer will place a Department decal on each wrecker passing the inspection. This decal will be affixed to the lower right corner of the passenger window to indicate current inspection and eligibility to be in the rotation list.

(4) A wrecker company that fails to pass inspection and qualification as prescribed by regulation will be notified of the deficiencies. When the wrecker company corrects the deficiencies, it may request a new inspection.

(5) Authorization permits shall be considered personal to the holder thereof, and shall be issued only to some definite legal business operating a wrecker service, and shall not be subject to lease nor shall the holder thereof sublet to permit the exercise by another in any manner, of the rights or privileges granted there under.

(6) An annual inspection will be conducted of the wrecker company's place of business storage facility, and all trucks and towing equipment.

(7) Any wrecker company that adds a new wrecker to its fleet will submit a "Wrecker Information Sheet" for that vehicle to the Chief of Police. It must then pass an inspection before being used on any rotation call.

IV. INSURANCE

Each operator, from the time he moves or otherwise makes contact with any other vehicle to be towed, assumes liability for injury to persons, damage to property, fires or theft resulting from the operator's movement or other contact

Each operator shall maintain an insurance policy issued by an insurer with a current authorization from the Alabama Department of Insurance to issue policy.

The operator shall main the following policies of insurance:

- a. Workers compensation insurance as required by current Statute.
- b. Liability insurance on wreckers and business premises in an amount not less than Three Hundred Thousand and no/100 (\$300,000.00) dollars for a class A wrecker, Five hundred and no/100 (\$500,000.00) dollars for a class B wrecker and Seven Hundred fifty Thousand and no/100 (\$70,000.00) dollars for a class C wrecker.
- c. "On-Hook" insurance that covers vehicles, cargo, and other property in or on the vehicle during transit in an amount of not less that Seventy Five Thousand and no/100 (75,000.00) dollars for a class A wrecker, One Hundred and Fifty Thousand and no/100 (\$150,000.00) dollars for a class B wrecker and Two Hundred Fifty thousand and no/100 (250,000.00) for a class C wrecker.
- d. Garage/storage keeper's liability insurance covering customer's vehicles in an amount not less that One Hundred Thousand and no/100 (\$100,000.00) for an class A wrecker,

Two Hundred Thousand and no/100 (\$200,000.00) for a class B wrecker and Two Hundred and no/100 (\$200,000.00) for a class C wrecker.

1. A maximum deductible of \$1,000 per occurrence.
2. Each policy required hereunder shall contain an endorsement providing for thirty (30) days notice to the Chief of Police prior to any material change therein and/or cancellation thereof.
3. A copy of the Certificate of Insurance & Casualty Coverage is to be filed with the Chief of Police. The Valley Police Department will be listed as a certificate holder under all policies under this section.

V. WRECKER ROTATION LIST – CALL ALLOCATION SYSTEM

The Chief of Police shall set up a wrecker rotation system that best meets the needs and best serves the Valley Police Department. The rotation system guidelines are set forth follows:

- (1) To be eligible for approval to tow in the city or its police jurisdiction, the wrecker operator's place of business and storage facility must be located in Chambers County, however, except that if there are no qualified operators in a particular area, the Chief of Police may designate qualified out-of -county wrecker operators to be called into that area.
- (2) Wrecker company operators shall be placed on the rotation list in order of application and will be called for service and for removal of a wrecked, disabled, stolen, impounded or abandoned vehicle according to the operator's placement on wrecker rotation list.
- (3) The wrecker company must have a wrecker of sufficient size and strength to handle the job. The Valley Police Department reserves the right not to use a wrecker company that, in its opinion, fails to meet this qualification for a specific job. Under these conditions, the wrecker service not called will remain on the top of the rotation list.
- (4) A wrecker company may respond with a wrecker of a higher class than requested, however, the wrecker company is limited to the rates of the requested classification.
- (5) A wrecker company may not assign, transfer, pledge, surrender, encumber, or dispose his place on the Rotation Wrecker List. The wrecker company agrees to respond to all calls requested by the Valley Police Department 24 hours a day, 7 days a week. If for any reason an operator cannot respond, he will be logged as unavailable. Operators who refuse to respond or develop a pattern of not responding to calls shall be subject to suspension or removal from the Chief of Police.
- (6) In the event the call is an "Owners" request, if the Department cancels the call or a response is made without rendering service, the wrecker company will not be marked as unavailable on the list.

(7) A wrecker company will be listed on each Wrecker Rotation List only once. This listing will use the name of the wrecker company submitted during the application process and which they were qualified under.

It is prohibited for a wrecker operator conducting business at one location to receive multiple listings or classifications by utilizing a different or fictitious name for trucks operating from the same location or by utilizing trucks with the same name out of a different location.

Wrecker companies or corporations operating more than one rotation wrecker business within the same county or City, or in more than one county or city, must maintain completely separate officers, required paperwork, logs and assigned rotation wreckers at the approved location. Each business must have at least one wrecker available for call for each city approved for.

ATTEMPTS TO CIRCUMVENT THE INTENT OF THE ROTATION SYSTEM WILL RESULT IN THE REMOVAL FOR A PERIOD OF NOT LESS THAN 5 YEARS.

(8) When emergency conditions necessitate, the Department reserves the right to request the services of the Wrecker Company or operator who is the best able to handle the emergency and can reach the scene in the shortest time regardless of the operator's position on the rotation list. If a call is made under these circumstances this call will count as that wrecker's next rotation call.

(9) Whenever heavy equipment or large vehicles are involved in an accident, and it is determined that the wrecker next up in the rotation list does not have adequate to handle the accident, then the Department reserves the right to call a large wrecker from an operator on the list that can handle the situation.

If a call is made under these circumstances, the operator will be repositioned accordingly. Call for large wreckers will be rotated around the companies having qualified larger wreckers. Having only one large rotation wrecker is not justification for being called to all truck accidents.

Example: an overturned truck usually requires more than one wrecker or specialized recovery equipment. The Valley Police Department would call the rotation company capable of solely handling the truck recovery.

VI. OPERATIONS

A. Wrecker companies will provide to the department a list of all wrecker operator personnel, including their full name, current address, date of birth, driver's license number, and social security number. Each wrecker operator shall be investigated regarding any criminal history.

Any criminal history of an operator, which affects the company's qualification for the job shall be grounds for rejection of the wrecker company.

B. The Chief of Police will conduct an annual review of the records of the wrecker companies and operators on the Wrecker Rotation List to determine if any convictions of crimes, which would impact on the individual's qualifications to remain on the Wrecker Rotation List, have occurred since their initial inclusion. In addition to the annual review, the Chief of Police will conduct random inspections of as many current owner/operator records as manpower and time restrictions will permit.

C. Before any newly hired employee of the wrecker company is allowed to drive a wrecker for any rotation call, the wrecker company who is currently on a Wrecker Rotation List will furnish the Chief of Police with a criminal and driver's history of the new employee. The Chief of Police will notify the wrecker company owner if the new hire is approved upon receipt of said histories.

D. Each company must have the proper business license issued by all applicable governing bodies and provide the Valley Police Department with copies.

E. No wrecker company owner or operator shall be on the rotation list who maintains a reputation in the community of associating with convicted felons, who tolerates or condones gambling the drinking of alcoholic beverages or the use of illicit drugs in or about the business premises; or who allows any other activity that imparts a poor reputation upon the business.

F. No wrecker company employees shall be on the rotation list unless the wrecker company employee is proficient and competent in the operations of the wreckers used. It will be the responsibility of the business owner to ensure that all drivers and wrecker company operators are trained in the safe operation of vehicles and equipment used. Wrecker company operators will be removed from the rotation that demonstrate a lack of proficiency or respond with inadequate equipment.

G. Each wrecker company will furnish the Chief of Police with one telephone number to be used for requests for service during the day and one telephone number to be used for requests for service during the night or on weekends. Immediate notification shall be made to the Chief of Police if there is any change in the aforementioned telephone numbers. Call forwarding, which provides immediate contact with the owner/operator, is permitted. ANSWERING SERVICES, PAGER SYSTEMS OR ANY COMMUNICATIONS SYSTEM WILL BE ALLOWED AT THE DISCRETION OF THE CHIEF OF POLICE.

H. No operator shall proceed to the scene of an accident without being requested to do so by a law enforcement officer or agent of the Valley Police Department, or when requested by a member of his own wrecker company to assist as outlined in these regulations. (This is not to be constructed as sub-contracting)

Wrecker company operator shall not solicit business at the scene of an accident. Solicitation shall not include referral for repair / replacement of an auto or referral for any legal service.

No wrecker company operator will accept requests for services unless that operator had a vehicle immediately available to perform the requested service

I. No wrecker company operator shall speed, or violate any other traffic laws, or disregard any traffic control device while answering a call, nor upon arrival needlessly congest the scene of the wreck.

J. Wreckers dispatched must arrive to the scene within 30 minutes. If the time to reach the scene exceeds the above limits, and the wrecker company does not notify the Valley Police department dispatcher of a valid reason for a delay with the said time, a second wrecker may be requested. Of the second wrecker is requested before the arrival of the first rotation wrecker, the initially requested wrecker will forfeit the call and will immediately leave the collision / Incident scene.

Repeated tardiness will result in suspension or removal from the Valley Police Department Wrecker Rotation list.

L. Additional Requirements:

(1) The investigating officer at the scene of a collision had the right to designate which vehicle will be towed by a certain wrecker. The wrecker operator first on the scene may have first choice of vehicle unless otherwise directed by the officer.

(2) At no time shall any tow truck exceed its manufacturer's GVWR or the manufacturer's rated capacity for the towing assembly, not be attached to a vehicle which by its size and / or weight would make towing said vehicle an unsafe movement.

(3) It shall be the responsibilities of the wrecker company to perform a general clean-up of the accident area before leaving the scene of any accident. This responsibility requires the wrecker company to remove all debris such as broken glass, liquids, and materials from an accident area by sweeping up such debris and removing this material from the scene.

(4) Each wrecker company shall be responsible for securing personal property in a vehicle at an accident scene. The wrecker company shall be responsible for preserving personal property in a vehicle towed from an accident scene.

(5) Any Officer acting in his official capacity may direct the wrecker company operator to take the vehicle being towed to the Valley Police Department facility or designated facility for examination in furtherance of an official investigation. This may include multiple vehicles towed by different companies to be stored at one wrecker facility. In this case the towed vehicles will be taken to and stored at the facility of the first operator to arrive on the scene unless otherwise directed by the investigating officer.

(6) All towing and recovery services who tow and store vehicles which have been abandoned upon a highway, will abide by the requirements as stated in 32-13-1 thru 8, Code of Alabama, 1975 and all applicable Revenue Codes.

Vehicles towed and stored under these circumstances will be disposed of with 180 days of initial storage. Towing and recovery services will notify the Valley Police Department immediately of the sale of any abandoned vehicles.

SUBCONTRACTING IS PROHIBITED: Rotation wreckers may not subcontract wrecker calls. This includes on scene operations. In the event the on scene rotation wrecker is unable to handle the towing operation, the Officer will cancel that wrecker and a rotation wrecker capable of handling the operation will be called.

(7) All towing and recovery services will provide the Department with its Business Tax ID Number (FEIN) and US DOT Numbers.

VII. STORAGE PROCEDURES

A. All wrecker companies and operators shall employ reasonable safeguards and procedures so all personal belongings and contents in the vehicle are intact and returned to the vehicle's owner or agent upon release of the vehicle.

B. All personal property left in the vehicle shall be inventoried and handled in accordance with existing laws.

C. All wrecker company operators shall sign and accept custody of vehicles from the Police Department.

D. All operators of wrecker service on the Rotation List shall reasonable permit, during normal business hours and without charge, the owner or owner's designated representative of any vehicle stored upon or within the companies facilities, to inspect the same, remove items or personal belongings and the license plate there from.

In addition, the wrecker company shall also reasonable permit and allow, during normal business hours and with out charge, insurance agents, adjusters to enter, inspect and photograph any such vehicle.

E. In the event a stored vehicle has been placed on "hold or impound" as defined in this manual, no access to the vehicle will be allowed without expressed permission from the Chief of Police or hi/her designee.

This restriction shall not apply to access by a member if the Department engaged in official duties. Department members will be allowed to access vehicles any anytime. And said access will be without charge to either the Department or vehicle owner.

F. NO VEHICLE shall be moved, released or disposed of by a Towing/Wrecker Service without permission of the Chief of Police and/or his/her designee.

VIII. RATES AND CHARGES

A. Wrecker/Towing Services on the Valley Police Department rotation list shall be subject to the following regulations:

(1) Motorist(s) utilizing the Valley Police Department Rotation List will have the option of paying by major credit card. The wrecker company may request, prior to dispatching, if the motorist intends to pay by major credit card, if the wrecker company does not accept major credit cards, the next wrecker/towing services which accepts credit cards will be utilized. Any wrecker/towing service called that does not accept credit cards will remain on the top of the rotation list.

(2) Fees charged for rotation list calls shall be set annually by the Chief of Police. The fees charged and maximum limits will be determined in the following manner:

(3) All wrecker/towing companies shall submit proposed fees annually to the Chief of Police for each class of wrecker, and, for each class, the fee for standard towing heavy-duty towing, storage, and special operations as describe below:

- (a) A standard tow is defines as responding to the scene, hooking up the vehicle, performing a general clean up if the call involves responding to a collision scene and providing responsible assistance to the owner to get a safe location.
- (b) Special operations are operations involving the process of up-righting an overturned vehicle or returning a vehicle to a normal position on the roadway which requires the use of auxiliary equipment due to the size of location of the vehicle and/or the recovery of a load which has spilled, or the off-loading and reloading of a load from an overturned vehicle performed to right the vehicle.
- (c) Any vehicle placed on “hold” as defined on page 3 of this manual shall not incur storage charges for the first 72 hours after being placed in storage. After this time the daily storage rate submitted by the wrecker service shall apply.
- (d) The Chief of Police will determine the reasonableness of the fees based upon the average of the proposed fees submitted and a comparison of industry standards for similar operations.

(4) A copy of the approved fees shall be in the wrecker at all times. It shall be presented upon request of the person for whom the tow services were provided, their agent, any Valley Police Officer at the scene and/or any Valley Police Department supervisor who is inspecting the wrecker or wrecker service.

(5) All wrecker/towing companies shall submit proposed fees in writing to the Chief of Police by October 1st of each year. The Chief of Police shall publish approved fees no later the December 31st to be effective January 1st of the following year.

(6) Wrecker companies may lower rates at any time and may raise rates for non-Valley Police Department calls at any time. However, any company which engages in predatory business practices by charging fees which are excessive and outside industry standards shall be subject to removal from the Wrecker Rotation List and revocation of their business license.

B. Any wrecker/towing service is subject to suspension and/or removal from the Wrecker Rotation List, if it is determined by the Chief of Police that a wrecker/towing service has violated any section of the ordinance while on a call derived from the Wrecker Rotation List.

C. The maximum fees (rates) allowed are as follows:

<u>Vehicle</u>	<u>Day</u>	<u>Night/Weekend *</u>	<u>Clean-up</u>	<u>Special Operations</u>	<u>Storage</u>
Cars	65.00	125.00	25.00	300.00 (Roll-overs, etc)	25.00 per day
Sport Utility Vehicle	65.00	125.00	25.00	300.00 (Roll-overs, etc)	25.00 per day
Pickups	65.00	125.00	25.00	300.00 (Roll-overs, etc)	25.00 per day
Recreational Vehicle	400.00	400.00	45.00 per hour	500.00 per hour	50.00 per day
Trucks (26,00 lbs +)	250.00	250.00	45.00 per hour	500.00 per hour	50.00 per day
Trucks (Tractor)	250.00	250.00	45.00 per hour	500.00 per hour	50.00 per day
Trucks (Tractor/Trailer)	500.00	500.00	45.00 per hour	500.00 per hour	50.00 per day
Trailers (Loaded)	-----	-----	-----	-----	100.00 per day

D. Night is a period between the hours of 6:00 p.m. and 6:00 a.m.

E. Weekend is a period between 6:00 p.m. on Friday and 6:00 a.m. on Monday.

IX. RECORDS

A. Each operator shall maintain a record system covering all services performed in pulling or towing all vehicles in conjunction with the Valley Police Department rotation system, and such records shall include the following:

- (1) The date and time the operator was contacted and requested to perform his 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 plate and identification number.
- (5) The owner or driver of the vehicle, if known.
- (6) The service charge and fees.

- (7) All records required herein must be available for inspection by officers or agents of the Valley Police Department. Such inspection shall be conducted during normal business hours at the wrecker service or storage facility.

B. The operator shall maintain the aforementioned records for the current calendar year, and the calendar year immediately prior to the current calendar year.

C. A record of all abandoned motor vehicles is to be maintained by the wrecker company and any abandoned motor vehicle sold or disposed of shall be done in accordance with 32 *Chapter 13, Code of Alabama 1975*. Non-compliance with the rules and regulations set forth herein will result in disciplinary action..

X. PENALTIES

A. Any violation of these regulations shall cause the removal of the owner/operator from the Valley Police Department Wrecker Rotation List. Attempts to circumvent the intent of the rotation system and its policies will result in the removal of all wrecker companies and corporations related to the offending wrecker operator.

Temporary suspensions shall be at the discretion of the Chief of Police and shall not be less than 60 days nor more than 6 months. Repeat or serious violations or violations of *Section VIII., RATES*, will result in the suspension from the rotation system for a period not less than one year and possible indefinite removal. The offending wrecker company may reapply at the end of the suspension period.

(1) A wrecker company may, upon receipt of a notification of suspension or removal from the Wrecker Rotation List, submit a written request to the Valley Police Department who will review the facts and schedule a hearing. Such written request must be received by the Department within ten (10) calendar days after the operator receives notification.

This will start the suspension / removal from the Wrecker Rotation List pending final disposition, provided that allowing the owner / operator to remain on the list would not endanger public safety. If desired, the wrecker company's legal counsel may be present at the hearing but will not take an active role in the proceedings, if counsel is present, the City Attorney may participate to aid and assist the Chief of Police.

(2) Any applicant who does not qualify to receive and Authorization Permit may submit a written request to the Chief of Police for a hearing regarding the denial. Such request must be made within ten (10) calendar days after the applicant receives notice of not qualifying.

(3) The Department shall reinstate to the rotation list any suspended owner/ operator upon written application, after the period of suspension has elapsed, and after the

Department has determined such operator is in compliance with all regulations pertaining to the Valley Police Department Rotation Wrecker System.

(4) Any applicant that feels that their appeal has not been addressed appropriately may appeal to the Mayor within ten (10) calendar days after the hearing with the Chief of Police.

- B. If any violation of these regulations is deemed to be of such an emergency in nature as to endanger public safety, the Department shall immediately suspend the Authorization Permit of the operator committing such violation.
- C. No application for reinstatement to the rotation list will be considered if the removal was the result of a violation of *Rule III Section A.*, which prohibits the transfer of an authorization permit or the relocation of a wrecker business. Such wrecker business must reapply and be reinvestigated prior to being placed on the Wrecker Rotation List.
- D. Wrecker companies will be suspended immediately for violation of Section V concerning insurance. Wrecker companies so suspended will remain suspended until a Certificate of Insurance is filed

X. COST RECOVERY – POLICE SERVICES

A. The Valley Police Department may assess a “Release Fee” to recover costs associated with an incident/crime (felonies/misdemeanors/violations) when a vehicle has been towed.

B. The Valley Police Department shall collect a fee of Fifty (\$50.00) dollars per vehicle to offset the manpower, fuel and administrative costs associated with said police actions.

C. The “Release Fee” shall be collected prior to releasing the vehicle.

E. All fees shall be collected and deposited into the General Fund.

SECTION 28. EFFECTIVE DATE

This ordinance shall become effective on and after passage and publication.

SECTION 29. SEVERABILITY

The sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by a court of competent jurisdiction, then such ruling shall not affect any other paragraphs and sections, since the same would have been enacted by the municipality council without the incorporation of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 30. REPEALER

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

ADOPTED AND APPROVED THIS THE 12TH DAY OF JANUARY, 2009.

Arnold D. Leak, Mayor

ATTEST:

Martha Cato, MMC, City Clerk