

ORDINANCE NO. 18-660

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORT RICHEY, STATE OF FLORIDA, AMENDING THE CITY CODE OF ORDINANCES CHAPTER 42 ARTICLE III, WRECKER SERVICE, SECTION 42-94 GENERAL OPERATOR REQUIREMENTS SUBSECTION (F) AND AMENDING ARTICLE III WRECKER SERVICE, SECTION 42-97 SERVICE AND PROCEDURES, TO ADD NEW SUBSECTION (M) ROTATION TOWING RULES AND REGULATIONS; AUTHORIZATION, PROVIDING FOR INCLUSION IN CODE AND AN EFFECTIVE DATE.

WHEREAS, the Port Richey Code of Ordinances has been amended from time to time, as necessary, to serve the needs of the citizens of Port Richey, Florida, and

WHEREAS, it is in the interest of public safety and welfare that Port Richey amends Article III Wrecker Service as well as add a new subsection for the creation of a level playing field for wrecker operators and best serve the citizens of the City of Port Richey.

Be it ordained by the City Council of the City of Port Richey, Florida:

SECTION 1. Amending Chapter 42 Vehicles For Hire, Article III Wrecker Service, Section 42-94 General Operator requirements of the Code of the City of Port Richey, Florida be, and the same is hereby, amended to read as follows: ,

Sec. 42-94. - General operator requirements.

- (a) *Driver's license.* All wrecker drivers or operators must have a valid state license.
- (b) *Inspection.* All wreckers shall be inspected by the code enforcement officer before being placed on the police department call list, or before receiving a local business tax certificate from the city. Thereafter, each wrecker operator's equipment shall remain in good operating condition and shall be subject to an annual inspection.
- (c) *Appearance of wreckers.* All wreckers shall have a reasonably good appearance. The equipment shall be painted and the operator's business name and telephone number shall be lettered on both sides of the wrecker. All wreckers shall be equipped with fenders.
- (d) *Qualification for rotation call listing.* Failure to meet the requirements of this article will preclude a wrecker operator from qualifying for the wrecker rotation call list.
- (e) *Suspension or removal from list; penalties for operator violation of article.* Violation of any of the requirements or regulations set forth in this article will be cause for suspension or removal from the police call list. The following penalties will be in effect:
  - (1) First violation; 30 days' suspension.
  - (2) Second violation; 60 days' suspension.
  - (3) Third violation; 90 days' suspension.
  - (4) Fourth violation; permanent suspension.
- (f) ~~*Maintenance of occupational license; offices within city limits.*~~ ***Maintenance of Business Tax Receipt; parking lots.*** All wrecker operators must maintain current and valid city occupational licenses, **Business Tax Receipt** and have ~~business offices within the city limits.~~ **a parking lot within five (5) miles (straight line) of City Hall, 6333 Ridge Ave, Port Richey, FL 34668.**

SECTION 2. Amending Chapter 42 Vehicles For Hire, Article III Wrecker Service, Section 42-97 Service and procedures to include a new subsection (m) of the Code of the City of Port Richey, Florida be , and the same is hereby, amended to read as follows:

Sec. 42-97. - Service and procedures.

- (a) *Immediate response required.* All wrecker operators shall have tow trucks available for immediate response 24 hours a day.
- (b) *Rates.* Rates which may be charged by a wrecker operator on the police department rotation list shall be recommended by the city manager subject to ratification by resolution of the city council. Charges in excess of approved rates are prohibited and shall result in an automatic suspension from the police department rotation list.
- (c) *Complaints.* The police department will investigate all complaints pertaining to service charges.
- (d) *Chasing wrecks.* All wrecker operators on city rotation shall be prohibited from chasing or running wrecks without bona fide calls from officers handling investigations.
- (e) *Liability insurance.* All wrecker companies must establish and show proof of liability insurance with a rated insurance company with a minimum combined single limit as currently established or as hereafter adopted by resolution of the city council from time to time and kept on file in the office of the city clerk. The city shall be listed as an additional insured on all policies, with a copy to be sent to the police department by the insurance carrier.
- (f) *Soliciting business at scene of accident.* The soliciting of towing or repair business by the owner, operator or representative of any wrecker service on city rotation, at the scene of an accident, is prohibited.
- (g) *Rotation by call.* Rotation will be by call. A rotation list will be maintained at the police department for city-approved wreckers.
- (h) *Use of rotary beam.* The amber rotary beam shall be used at all times while the wrecker is at the scene of a call and when a vehicle is in tow.
- (i) *Hold orders.* All hold orders by the police department shall be honored by wrecker services.
- (j) *Disabled wreckers.* If a wrecker is disabled or unable to answer calls, the police department shall be notified.
- (k) *Failure to answer call; investigation for suspension.* If a wrecker establishment fails to answer a call on three consecutive calls without just cause, an investigation will be conducted by the police department to determine whether suspension from the rotation list is warranted. If the department determines that the failure to answer the calls was due to the negligence, omission or act of the owner or his agents, the wrecker operator shall be suspended.
- (l) *Suspension from list.* Any wrecker establishment who fails to immediately respond to wrecker calls will be subject to suspension from the rotation list.


**(m) Rotation towing rules and regulations; authorization.** The City Manager shall be authorized to promulgate additional rules and regulations for the administration of service and procedures for rotation towing.

SECTION 3. Inclusion in Code. It is the intention of the City Council that the provision of this ordinance shall become and be made a part of Port Richey Code; and that the sections of this ordinance may be renumbered or re-lettered and the word "Ordinance" may be changed to "Section". "Article", or such other appropriate word or phrase in order to accomplish such intentions.

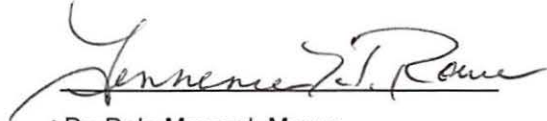
SECTION 4. Effective date. This Ordinance shall become effective upon passage at the second reading.

The foregoing Ordinance No. 18-660 was read and passed on its first reading in an open and regular meeting of the City Council of the City of Port Richey, Florida, on the 27th day of March, 2018.

Attest:

  
\_\_\_\_\_  
Jackie Hanville, City Clerk

CITY OF PORT RICHEY

  
\_\_\_\_\_  
~~Dr. Dale Massad, Mayor~~  
TERRENCE ROWE VICE MAYOR

The foregoing Ordinance No. 18-660 was read and passed on its second reading in an open and regular meeting of the City Council of the City of Port Richey, Florida, on the 11th day of April, 2018.

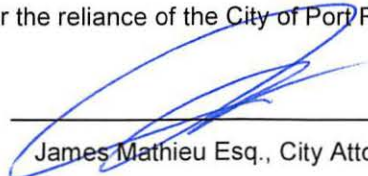
Attest:

  
\_\_\_\_\_  
Jackie Hanville, City Clerk

CITY OF PORT RICHEY

  
\_\_\_\_\_  
Dr. Dale Massad, Mayor

Approved as to legal form and legal content  
For the reliance of the City of Port Richey only:

  
\_\_\_\_\_  
James Mathieu Esq., City Attorney.