

**ORDINANCE OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF
OLIVE BRANCH, MISSISSIPPI ADOPTING WRECKER AND TOWING RULES**

An Ordinance adopting Wrecker and Towing rules for the City of Olive Branch.

WHEREAS, the City of Olive Branch Dispatch Department receives and dispatches calls for emergency wrecker assistance, and

WHEREAS, it is in the public's interest that the City establish procedures and charges for services rendered in response to calls dispatched by the City, and

WHEREAS, the Mayor and Board of Aldermen desire to adopt the Wrecker and Towing Rules set forth below.

BE IT ORDAINED by the Mayor and Board of Aldermen of the City of Olive Branch, Mississippi:

I. PURPOSE

This Ordinance prescribes policy, procedures, and standards for requesting wrecker service for motorists, recording wrecker requests, approving wrecker service companies for inclusion on a rotation list, suspending wrecker service companies from a rotation list and related matters. The definitions applicable to this Ordinance appear in Section III.

II. POLICY

It is the policy of the City to assist motorists with procuring required wrecker service. If the motorist requests use of a specified wrecker service, the officer will comply with that request, if feasible. If the motorist states no preference, departmental personnel will request wrecker service from a list maintained within the Police Department of wrecker service companies which meet the standards specified in this Ordinance.

III. DEFINITIONS

For purposes of this Ordinance masculine references are made throughout, which also include the female gender, and the following definitions will apply;

Chief - The Chief of Police of the Olive Branch Police Department.

City - The City of Olive Branch.

Department - The Olive Branch Police Department and or Dispatch Department.

Dispatcher - The dispatcher on duty with the Department.

Large Wreckers - Class B - Wreckers for towing medium-sized trucks, trailers, or other vehicles having a gross vehicle weight of Five Thousand One (5,001) through Eleven Thousand (11,000) pounds and meeting the following requirements:

Tow-truck chassis minimum manufacturer's capacity of one and one-half (1 ½) tons.

Individual boom capacity of not less than six (6) tons.
Individual power-winch pulling capacity of not less than ten (10) tons.

Large wreckers - Class C - Wreckers for towing large trucks, road tractors and trailers or other vehicles having a gross weight in excess of Eleven Thousand (11,000) pounds and meeting the following requirements:

Tow-truck chassis minimum manufacturer's capacity of not less than three (3) tons and tandem rear end with three (3) axles.

Individual boom capacity of not less than fifteen (15) tons.

Individual power-winch pulling capacity of twenty-five (25) tons or more.

License - An Olive Branch business license.

List - The Wrecker Rotation System of approved wreckers for the City of Olive Branch.

Operator - Any person driving a wrecker as the employee, agent or representative of a wrecker company.

Permit - Approval of a Wrecker Company for inclusion on the City of Olive Branch rotating wrecker list.

Permittee - Wrecker Company possessing a permit to be included on the City of Olive Branch rotating wrecker list.

Premises - The storage lot of each wrecker company.

IV. REGULATIONS

A. Rotation List of Wrecker Companies

1. The Department shall maintain an accurate list of qualified wrecker companies for the City.
2. The list shall include, at minimum, the company's name, owner, location, services provided and day and night telephone numbers.
3. The list shall be maintained in good order at all times and a copy kept in the dispatch office readily accessible to the dispatcher.
4. Each wrecker company shall maintain a record system, on forms provided by the Department, covering all services performed in pulling or towing all vehicles in conjunction with the Wrecker Rotation System. Such records shall be open for inspection by the Department and shall include the following:
 - a. The date and time the wrecker company was contacted and requested to perform the service.
 - b. A description of the towed vehicle, including license tag and vehicle identification number.
 - c. The owner or driver of the vehicle.
 - d. The service charge and fees.
5. The Chief or designee has the right to audit all charges, to adjust any unreasonable charges, and to inspect all vehicles and their identifying marks, and equipment on the premises.

6. The wrecker company shall maintain the aforementioned records for the current calendar year and the calendar year immediately prior to the current calendar year.
7. A record of all abandoned motor vehicles shall be maintained by the wrecker company and any abandoned motor vehicle sold or disposed of shall be done in accordance with applicable law, including Sections 63-23-5, 63-23-7, 63-23-9 of the Mississippi Code of 1972, Annotated, and all other regulations set forth in this Ordinance.

B. Requesting Wrecker Service

1. Any driver or owner of a vehicle needing wrecker service will be asked to specify his choice of the wrecker company to be called. This provision is inapplicable if the driver or owner of the vehicle is under arrest.
2. If the requested company is not available and the driver or owner has no second choice, the next company on the rotation list will be called.
3. If the driver or owner has no preference or is not present, the rotation list shall be used.
4. Deviations in using the rotation list will be permitted under extenuating circumstances, but the reasons for the deviation will be logged by the Police Dispatcher.

C. Equipment Requirements - Class "A" Wreckers

1. Every wrecker to be placed on the Department rotation list shall meet and maintain the following minimum standards:
2. Factory recommended, three-quarter (3/4) ton capacity, factory equipped with dual wheels.
3. A power take-off 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 capacity. The wrecker company shall provide documentation of lifting capacity from the factory or qualified testing facility.

4. A rubber cradle or wheel lift (whichever is necessary) attached to the 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.
5. There shall be placed on each wrecker as standard equipment, tow bars, safety chains, a fire extinguisher mounted in an accessible location, wrecking bars, minimum of three (3) flares, dolly, brooms, fifty (50) pounds of sand or suitable equivalent, shovel, and an axe.
6. A flashing amber light shall be affixed to the wrecker; however, sirens are prohibited.
7. A minimum of one hundred (100) feet of 3/8 inch cable.
8. The name, address, and telephone number of the wrecker company shall be permanently affixed and displayed in letters clearly visible from 100 feet on both sides. The letters for the name shall be at least four (4) inches high, and letters for the address and telephone numbers shall be at least two (2) inches high. Magnetic or plastic signs are not acceptable.
9. The wrecker company shall have nothing on vehicles, buildings, equipment, clothing or other correspondence that implies any official relation between the wrecker company and any law enforcement agency.
10. Wreckers shall be properly equipped with clearance and marker lights, and all other equipment as required by law.
11. Dual rear adjustable flood lights with a minimum of 20,000 candle power each.
12. In addition to the above requirements, large wreckers, as defined in this Ordinance shall be required to be equipped with the following additional items:
 - a. Air control valve for the purpose of providing braking capability for the vehicle being towed or removed.

- b. Hydraulic spade (outriggers) and two metal 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.
 - c. A minimum of two hundred (200) feet of cable of at least 5/8 inch diameter on each drum, or 3/4 inch diameter cable on a single drum.
 - d. Air brakes so constructed as to lock the rear wheels automatically upon failure, and to supply air to disabled vehicles.
 - e. One pair of bolt cutters with a minimum one-half ($\frac{1}{2}$) inch opening; two fire extinguishers mounted in an accessible location; external air hookups and hoses; at least six safety cones or triangle reflectors.
13. To be placed on the list each company must have at least one operable wrecker. Wrecker companies that wish to remove cars and light trucks may have a "flatbed", "rollback", or "slide-back" carrier with specifications and equipment as follows: (These are wreckers which are used to prevent damage, transport small trailers and boats, and to transport cargo from an accident scene.)
- a. A minimum of one-ton truck with a sixteen foot bed, dual wheels, and one power winch with an 8,000 pound capacity.
 - b. A minimum of fifty (50) feet of 3/8 inch diameter cable.
 - c. A brake lock device.
 - d. A minimum of two safety tie down chains or nylon straps ten (10) feet in length.
 - e. One fire extinguisher.
 - f. Other requirements in this Ordinance which would apply to wreckers or wrecker companies in general.

14. Every wrecker shall display a current license tag of the proper classification and current inspection sticker.

D. Insurance Requirements

1. From the time an operator moves or otherwise makes contact with any vehicle to be towed, each wrecker company assumes liability for injury to persons, damage to property, fire or theft resulting from the operator's negligent acts.
2. Each operator shall maintain a valid insurance policy issued by an insurance company currently authorized to issue policies of insurance covering risks in the State of Mississippi. The aforementioned insurance policy shall protect the public against loss of life, bodily injury to person, and damage to property in the following amounts:
 - a. A garage keeper's legal liability policy covering fire, windstorm, theft, and explosion which includes collision coverage for non-owned vehicles, and "on hook" coverage in the minimum amount of Fifty Thousand Dollars (\$50,000.00) subject to a deductible clause of no more than One Thousand Dollars (\$1,000.00).
 - b. A garage liability policy or policies covering the operation of applicant's business equipment or vehicles, and premises liability for any bodily injury or property damage to third parties from vehicle use or on premises. This policy shall be in the amount of One Hundred Thousand Dollars (\$100,000.00) for any one person killed or injured, Three Hundred Thousand Dollars (\$300,000.00) for more than one person injured or killed in any one accident, and Fifty Thousand Dollars (\$50,000.00) for all property damage arising out of any one accident. The requirements of this provision may be met by a single limit policy or policies of at least Three Hundred Fifty Thousand Dollars (\$350,000.00).

3. Each policy required herein shall contain an endorsement providing for thirty (30) days notice to the Chief prior to any material change therein or cancellation thereof.
4. Certificates of Insurance are to be filed with the Chief, and copies of newly validated certificates must be filed fifteen (15) days prior to policy expiration date.
5. Prior to any wrecker company operating on the rotation list for the Department, the City shall be added as an additional insured on such wrecker company's insurance coverage. This shall be evidenced by such notation on the certificate of insurance on file with the Department.
6. Any wrecker company contracting directly with the City shall first execute a hold harmless agreement, that it will indemnify, defend and hold the City harmless from any and all claims of any type, including attorneys' fees, which may arise out of the performance of the towing and/or storage of any vehicle under or by direction from the Department.

E. Application for Inclusion on Rotation List

1. Any person desiring a permit required by this Ordinance shall file with the Chief an application setting out, among other things, the following:
 - a. Name and address of the applicant.
 - b. The location, description and hourly availability of wreckers owned or operated by the applicant.
 - c. A statement setting forth and describing available space for properly accommodating and protecting all disabled motor vehicles to be towed or otherwise removed from the place where they are disabled.
 - d. The number and type of wreckers owned or available for use by the applicant.
 - e. A statement that the applicant intends to comply

with the fees and schedule of charges prescribed by this Ordinance and the rules and regulations promulgated by the Chief.

- f. That the applicant is in position to and will provide twenty-four (24) hour service, including holidays, and that he will have at all times a minimum of one (1) wrecker and one (1) man on duty in any twenty-four (24) hour period.
 - g. That all wreckers will be fully equipped at all times with emergency equipment such as flags, flares, axes, shovels, fire extinguishers and brooms.
 - h. That such wrecker will be equipped with at least two (2) vehicle jacks, a set of dollies, one hundred (100) feet of towing cable; and that the wrecker company will also have available a trailer for towing motorcycles and any equipment necessary for the towing of special automobiles in order to prevent damage to such automobiles, if such wrecker company wishes to be on the list approved for towing such special vehicles.
- 2. The wrecker company must maintain a vehicle storage lot on property owned or leased by the wrecker company. Such operator shall have facilities for storage at the place from which its wreckers are to be operated sufficient for the storing of not less than twenty-five (25) disabled motor vehicles. "Storage," for the purpose of this section, consists of storing a motor vehicle within a building being used by the towing company as his place of business or in an outside area surrounded by a six-foot fence approved by the Department in a proper zoning district. Each wrecker company shall submit to the Chief a copy of its Deed to or Lease of such property, when making application to be placed on the rotation list.
 - 3. The wrecker company must possess a current City business license.
 - 4. The wrecker company will comply with the City's requirements regarding abandoned vehicles.

5. The names and drivers license numbers of all wrecker drivers. This information must be supplemented for any newly hired drivers within 72 hours of the time such drivers are hired.
6. Compliance with the above stated conditions shall at all times be a condition precedent to providing any service to or on behalf of the City or the Department.
7. The Chief will furnish each wrecker company making application to be placed on the rotation list, a copy of this Ordinance in its entirety.
8. The Chief will order an investigation of the requesting wrecker company, and determine if the company meets all qualifications to be placed on the list.
9. The Chief shall investigate or cause to be investigated each applicant under this section to determine whether the applicant qualifies to be placed on the list. Such investigation will establish whether the wrecker owner/operator has the necessary facilities and equipment as required in this Ordinance, and whether the owner/operator has been convicted of a felony which may disqualify such owner/operator from being included on the list.
10. The Chief may limit the number of wrecker operators that will be placed on the list in order to promote public safety and efficiency of service. Every wrecker operator shall be required to operate wreckers from an approved location where the business is designated to make tows.
11. The Chief will designate an officer to inspect all equipment that is to be used by the wrecker company, and determine if it complies with all regulations. The officer will file a written report of his completed investigation with the Chief on forms provided by the Department.
12. When the Chief is satisfied that the wrecker company is qualified, he will issue the wrecker company a permit and place the company on the list.

F. Abandoned Vehicles or Vehicles Towed at the Request of the Department that are not claimed within seven (7) days.

1. Any wrecker company that removes a motor vehicle at the request of the Department and stores such vehicle shall seek the identity and address of the last known registered owner of such vehicle from the Department within 72 hours of removal.
2. If the stored vehicle is towed at the request of the Department, the wrecker company removing or storing such motor vehicle shall make a reasonable attempt, within seven (7) calendar days of the day such motor vehicle was removed, to notify the owner by certified or registered mail of the location of such motor vehicle. In addition, a copy of the notice will be mailed or delivered to the Department addressed to the Chief.
3. Each wrecker company shall agree, in writing, on forms provided by the Department, to provide the notice required herein. This condition must be met to be placed, or remain, on the list.

G. Service and Procedure

1. All wrecker companies shall comply with the following:
2. No wrecker operator shall proceed to the scene of an accident without being requested to do so by the Department.
3. It shall be unlawful for any wrecker company operator, at the scene of any accident to pressure, coerce or insist upon any owner of a wrecked vehicle signing a work order agreement at the scene of the accident for any repairs to be made on such wrecked vehicle. No repairs will be made and no parts removed from such vehicle until authorized by the owner; provided, however, that, if a wrecker company operator dismantles any such vehicle without the authority of the owner of the wrecked vehicle, the wrecker company shall restore such vehicle to its original condition at the time it was picked up, and deliver the same to the owner or whomsoever the owner designates within thirty-six (36) hours. There shall be no charge for

dismantling, or restoring the vehicle to its original condition, or for storage if the wrecker company has dismantled any such vehicle without the authority of the owner of the wrecked vehicle.

4. No wrecker company operator shall speed or drive recklessly while answering a call, nor shall he create a traffic jam at the scene of a wreck without the approval of the on-scene Department officer.
5. Wrecker list permits shall be considered personal to the holder thereof, and shall be issued only to a definite legal company or individual which or who is operating an approved wrecker company, and shall not be subject to lease, nor shall the holder thereof sublet or permit the exercise by another in any manner, of the rights or privileges granted therein. (Permits are void if the business address or location of the facilities are changed.)
6. No wrecker company will use the amber light en route to or when making a service or wrecker call. The use of the amber flashing or rotating light is authorized at the scene of any accident, when towing the vehicle from the scene, or when the operator has been specifically authorized by the Department to do so in an emergency situation.
7. Each wrecker company shall furnish the Chief with one telephone number to be used for requests for service during the day, and one telephone number for request for service during the night. Any change in the aforementioned telephone numbers shall be immediately transmitted to the Chief. Call forwarding which provides immediate contact with the owner or operator is permitted, however, answering services shall not be permitted. Two (or more) wrecker companies may not use the same telephone number.
8. Each wrecker company shall maintain twenty-four (24) hours service availability.
9. Wrecker companies will not accept calls from the dispatcher unless they have the proper equipment to make the call at or on the company premises and available at the time of the call. In case of mechanical failure on the equipment after a call is

received, the dispatcher is to be notified immediately.

10. No wrecker company operator may respond to a call when he is under the influence of alcoholic/intoxicating beverages or drugs.
11. No wrecker company owner or operator may be on the rotation list who has been convicted of a felony within the last ten years, or regardless of date of conviction, a felony involving grand larceny, theft of property (et cetera), or a misdemeanor or felony involving either force or violence.
12. No wrecker company owner or operator shall be on the rotation list unless said owner or operator is proficient and competent in the operation of said wrecker. The wrecker company owner shall furnish the Chief with a list of all drivers and their driver license numbers.
13. No person shall drive or be allowed to drive any rotation wrecker for hire unless such driver has a valid, properly endorsed, driver's license.
14. Each wrecker company shall have a proper business license issued by the City.
15. Wreckers dispatched must arrive at the scene within thirty minutes after being called by the dispatcher. If the time to reach the scene exceeds twenty minutes and the wrecker company does not notify the department of a valid reason for a delay within said time, the wrecker company will be subject to cancellation of the call and/or suspension or removal from the list.
16. The responding wrecker(s) must display the wrecker company's name as called for by the Dispatcher.
17. Wrecker companies cannot refer a call to another wrecker company or substitute another company's wrecker to avoid losing a turn on the rotation list.
18. Only one (1) wrecker company shall be called to any one (1) vehicle accident. If additional equipment or recovery vehicles are needed to adequately complete a tow (i.e. tractor-trailer rollover or difficult auto

recovery), the discretion of the responding wrecker company should be used in deciding what and whose additional equipment will be required. The severity of the situation and the estimated response time of additional equipment will be weighed by the officer at the scene, who is the deciding authority.

19. When multiple vehicles are involved and multiple wreckers are called:
 - a. The first rotation wrecker arriving at the scene will tow the car causing the greatest traffic hazard as determined by the officer on the scene.
 - b. If a requested wrecker arrives first, that wrecker will help remove vehicles causing a traffic hazard from the roadway, then pick up the requested tow.
20. If wrecker companies desire to be unavailable for any length of time, they shall inform the dispatcher to avoid losing their turn of the call list. Upon becoming available again, the company will be placed on the rotation list.
21. Wrecker companies who fail to answer a call will forfeit the call. If three (3) calls are missed within six (6) months, an investigation will be initiated by the Chief and suspension or removal of the company from the rotation list may occur in the sole discretion of the Chief.
22. Companies refusing a call, or failing to respond promptly to a call, may be suspended or removed from the rotation list.
23. The vehicle owner/operator shall be responsible for payment of towing and related service charges. Payment shall be rendered prior to delivery or release of the vehicle by the wrecker company unless such condition is waived by the wrecker company.
24. Wrecker company operators and employees shall not perform repair work on towed vehicles without the owner's written request.

25. Hold orders placed by Department officers on vehicles stored for any reason shall be honored by the wrecker company.
26. When no hold order is placed, the vehicle shall be released to the owner upon proof of ownership and when the necessary financial transactions between vehicle owner and wrecker company are completed.
27. One operator will not be on duty for two wrecker companies at the same time.
28. The operators of wreckers called to the scene will be responsible to the officer in charge of the investigation of the accident or other incident. The officer will have complete charge of the wrecker and wrecker operator until the scene is cleared. The officer shall remain on the scene until the wrecker clears from the scene.
29. No wrecker will remove from the scene any vehicle involved in an accident until notified to do so by the investigating officer in charge at the scene.
30. It will be the responsibility of the wrecker company called to the scene of an accident to thoroughly clean the street of all debris and glass created by the involvement of the vehicles its operator is to tow, as long as the officer maintains traffic control.
31. Any wrecker company notified of an accident from anyone other than the dispatcher will notify the dispatcher.
32. Every wrecker operator, upon receipt of a call to any accident involving death, injuries or property damage, shall immediately notify the Department of the location of the accident.

H. General Regulations

1. Wrecker company owners shall not be permitted to operate wrecker equipment under more than one company name out of the same location.
2. Wrecker company owners shall not be permitted to operate more than one (1) wrecker company on the

rotation list. No person shall, regardless of number of wrecker companies in which he has an interest, acquire more than one listing on the rotation list. This shall apply to each wrecker company in which any single individual has any ownership interest. (For the purpose of this section, the term "interest" will be defined as including, but not limited to, any ownership, management of or participation in a wrecker company either directly or indirectly.)

3. All wrecker company operators shall be familiar with and comply with the traffic laws of the State of Mississippi.
4. Wrecker companies shall abide by all rules and regulations of the Department as prescribed in this Ordinance.
5. Failure to meet the foregoing requirements will prevent wrecker companies from being placed on the rotation list.
6. If the owner of a vehicle believes that the vehicle was towed and/or charged unjustly, a complaint may be filed with the Chief. The Chief shall conduct an investigation into the complaint. If the investigation reveals that the said vehicle was towed and/or charged unjustly, the Chief is authorized to take appropriate action.
7. This Ordinance shall not be construed in any way to conflict with State law.
8. Wrecker companies shall be allowed to share facilities provided that each wrecker company meets the requirements as set out in Section IV.E. and further that each company provides its own phone and personnel to answer said phone and also provides its own wrecker drivers and further that each company must have its own storage lot separate and apart from any other lot, separated by a six foot high solid fence and each storage lot is to have its own separate entrance and exit. Said storage lot is to be at the wrecker company's licensed place of business.
9. Unless dispatched by the Department or otherwise specified by this section, this section does not apply

to the removal of automobiles disabled on the streets of the city as a result of mechanical or structural failure where no collision was involved, where the tow is not requested by a Department Officer, or to the transporting of wrecked vehicles from one location to another after being towed in by an authorized wrecker.

10. It shall be unlawful for any City employee to solicit, recommend, or in any way obtain or seek to obtain business for any wrecker or towing operator, and any employee guilty of violating the provisions of this section shall be subject to discipline.

I. Suspension or Revocation

1. The Chief or his designated representative may suspend or remove from the rotation list or revoke or suspend the permit of any wrecker company for any of the following reasons:
2. If the permit was procured by fraudulent conduct or false statement of a material fact, or if a fact concerning the applicant was not disclosed at the time of his making application that would have constituted just cause for refusing to issue the permit.
3. If the permittee or its operator proceeds to the scene of an accident in violation of the provisions of this section.
4. If the permittee uses a short wave or police radio to obtain information as to location of the scene of an accident.
5. If the permittee shall pay, in the form of a gratuity, any person not involved in the accident for information as to the location of the accident.
6. If the permittee has violated the fee schedule by overcharge or has violated any of the rules and regulations established in this Ordinance.
7. If the owner or any operator of a wrecker company shall violate any provision of this Ordinance, the wrecker company shall be responsible and subject to discipline therefor.

8. The Chief, or his designee, shall have the power to suspend from the rotation list, for a period not to exceed ten (10) days without a hearing, any wrecker company, if it is found that such wrecker company has violated any of the aforementioned requirements or rules and regulations. After the suspension expires, the wrecker company will not be approved to be returned to the rotation list until such time the requirement, rule or regulation violation is corrected and the wrecker company meets all provisions of this Ordinance. If any wrecker company has been charged by the Chief with any of the aforementioned violations which do not immediately endanger public safety and the nature or gravity of the violation indicates that if found guilty the penalty may require suspension from the rotation list for a period of more than ten (10) days, the Chief, or his designee, shall notify the wrecker company in writing of the nature of the offense and shall schedule an administrative hearing to be held by the Chief, or his designee. At such hearing, the wrecker company shall be allowed to answer such charges. Suspension from the rotation list is not subject to appeal, the decision of the Chief, or his designee, is final. Suspension from the rotation list shall not exceed thirty (30) days for a violation or violations heard in any one administrative hearing. After the suspension expires, the wrecker company will not be approved to be returned to the rotation call list until such time the requirement, rule or regulation violation is corrected and the wrecker company meets all provisions of this section. Any more severe penalty shall require the procedure outlined under the following Section.
9. If a wrecker company has been charged by the Chief, or his designee, with any of the above mentioned violations which could result in suspension, or removal from the rotation list for a period exceeding thirty (30) days, or revocation or suspension of the permit of the wrecker company, the Chief, or his designee, shall notify the wrecker company in writing of the nature of the violation and shall schedule an administrative hearing to be held by the Chief, or his designee. At such hearing, the wrecker company shall be allowed to answer such charges. The Chief, or his designee, shall have the power to suspend or remove the wrecker company from the rotation list or to

suspend or revoke the permit of the wrecker company if it is found that the company or its operator(s) has violated any of the aforementioned requirements or the rules and regulations of this Ordinance. Any wrecker company whose permit has been revoked shall not be eligible to again apply for a permit for a period of one year from the date of such revocation. Appeals of the decision to suspend or remove a wrecker company from the list for violations for a period which exceeds thirty (30) days, or to suspend or revoke the permit of a wrecker operator shall be to the Mayor and Board of Aldermen of the City. A notice of appeal shall be made in writing and delivered to the City Clerk within ten (10) days of the decision of the Chief or his designee.

J. Notification of Suspension

1. When a wrecker company is suspended from the rotation list for any reason, the Chief will notify the company, in writing, of the suspension, the effective date, the reason(s), the period of suspension, and the steps necessary to appeal the suspension.
2. The Chief shall notify, in writing, the Department Dispatch office each time a wrecker service is removed from the rotation list. The notification will include the date of the action.

K. Services and Charges

1. The maximum charge for wrecker and towing service to the point of final destination, except in those instances which require the use of heavy-duty equipment as provided for in Section IV.K.3. of this Ordinance, shall be One Hundred Twenty Five Dollars (\$125.00) within city limits, or reasonable standard tow pricing outside of city limits. When the wrecker company takes the vehicle to his own place of business, then his place of business shall constitute the point of final destination for the purpose of this charge. Should the wrecker company later tow the vehicle to another destination, the maximum charge for such second tow shall be Sixty-Five Dollars (\$65.00) within city limits, or reasonable standard tow pricing outside of city limits. There shall be no additional charge for any special equipment used or additional

service rendered in conjunction with a tow by an "A" class type wrecker, except upon written request to the Chief of Police setting forth the facts the towing service believes will justify an additional fee. The Chief of Police, or his designee, will review the request in a reasonable period of time and, in his discretion, grant approval of a reasonable additional fee if extreme circumstances of the tow warrant such. The decision of the Chief of Police in this regard shall be final.

2. For the storage of a vehicle by a wrecker company, the charge shall be Thirty Dollars (\$30.00) for twenty-four (24) hours, or fraction thereof. When stolen vehicles are stored by the City of Olive Branch on a storage lot, the owner will be liable for the tow fees and all storage costs from the time the vehicle was first placed on the storage lot. There shall be no charge for making bids or estimates to repair a vehicle.
3. In the event that, due to excessive weight or size of the vehicle, standard wrecker equipment (class "A") will not be suitable for use and heavy-duty equipment is required, the rates shall be as follows:
4. Class B wrecker service: All fees shall be reasonable in all respects.
5. Class C wrecker service: All fees shall be reasonable in all respects.
6. Each wrecker company shall have prepared billheads with its name and the address of its place of business printed thereon. The wrecker company towing a vehicle away shall prepare a bill on this billhead form in triplicate, the original of which shall be given to the owner of the vehicle or his authorized representative. One copy shall be sent to the Department, and the other copy retained by the owner of the wrecker company. This bill shall contain the following information:
 - a. Name and address of person engaging wrecker.
 - b. State license number of the towed vehicle.

- c. Rates to be charged. All B and C Class Wrecker bills will be specifically stated and will include the time of arrival on the scene of the tow and the time of arrival at the final destination of the tow, the number of work hours, the rate, and all incidental charges to be specifically described.
 - d. Storage rates per day, or part thereof.
 - e. Place to where the vehicle is to be towed.
- 7. The duplicate copy of the bill shall be retained by the wrecker company for a period described in Section IV.A.6., and shall be exhibited upon demand of the Chief or his duly authorized representative, or any person who removes the towed vehicle from the original wrecker owner's place of business to another place.
 - 8. A wrecker company shall tow the vehicle to any place designated by the owner or operator of such vehicle unless otherwise directed by the Department.
 - 9. In the event that such place to which the owner or operator desires the vehicle pulled is not open for business or available to receive the vehicle, then the owner or operator of the towed vehicle and the wrecker company operator shall agree between themselves as to the procedure to be followed in towing the vehicle to the requested location.
 - 10. Should the wrecker company tow the vehicle to his own place of business for later delivery to the place designated by the owner or operator of the vehicle, then towing and storage charges will be in accordance with Section IV.K.1 and 2. The wrecker company will inform the owner or operator of the towed vehicle of the rates to be charged.
 - 11. In the event that the owner or operator of such vehicle is not available to designate the place to which such vehicle is to be taken, then the wrecker company shall take such towed vehicle to its own place of business unless otherwise directed by the Department. If the vehicle is taken to the wrecker company's own place of business, the wrecker company shall thereupon be responsible for the security of the

vehicle and its contents. The wrecker company shall also be responsible for contacting the owner of such vehicle within forty-eight (48) hours to inform such owner that the vehicle is in its custody.

12. In those instances which require the wrecker company make a second tow in order to deliver the vehicle from its place of business to the place designated by the owner or operator of the towed vehicle, such second tow shall be made within thirty-six (36) hours of the request or designation, and failure of the wrecker company to comply with such request or designation shall make him in violation of this Section and subject to the penalties as provided in Section IV.I.
13. Miscellaneous Charges:

- a. Clean-up: \$15.00 - \$25.00
- b. Winch: anything beyond twenty-five feet (25') off-road is \$1.00/foot not to exceed \$78.00.
- c. Roll-over fee: \$50.00 - \$75.00

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Board of Aldermen of the City of Olive Branch, Mississippi as follows, to wit:

- 1) That the Wrecker and Towing Rules Ordinance set forth above is hereby adopted.
- 2) That all prior versions of the Wrecker and Towing Rules, including the April 1, 2014 version, are hereby repealed and replaced with the foregoing Ordinance.

Passage of this Ordinance is now official and the same shall take effect in accordance with law.

ADOPTED, ORDAINED AND APPROVED this 2nd day of March, 2021.

/s/ SCOTT B. PHILLIPS, MAYOR

ATTEST:

/s/ TINA R. GRIFFITH, CITY CLERK

The foregoing Ordinance was voted upon in a public meeting, and whereas a motion was duly made by Alderman Collins, and seconded by Alderman Earhart, with the following results:

Alderman George Collins	AYE
Alderman Dale Dickerson	AYE
Alderwoman Pat Hamilton	AYE
Alderman Joy Henderson	AYE
Alderman Jan Aldridge	AYE
Alderman Gil Earhart	AYE
Alderman David Wallace	AYE

The foregoing Ordinance was passed, adopted and approved on the 2nd day of March, 2021.

/s/ SCOTT B. PHILLIPS, MAYOR

ATTEST:

/s/ TINA R. GRIFFITH, CITY CLERK