

ORDINANCE NO. 10 OF 2017

AN ORDINANCE ADOPTING THE WRECKER ROTATION POLICY AND INCREASING FEES AND FOR OTHER PURPOSES

WHEREAS, Ordinance No. 12 of 2007 which passed on March 19, 2007, as amended by Ordinance 28 of 2008, passed on August 12, 2008, adopted a Wrecker Rotation Policy for the City of Cabot; and

WHEREAS, due to inflation, several wrecker companies have requested an increase in fees; subject to the approval of this governing body.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF
CABOT, ARKANSAS, THAT:**

SECTION 1: The Division 3 § 2-539 of Code of Cabot is hereby amended and shall read as follows:

Cabot Police Department City of Cabot, Arkansas

Wrecker Rotation Policy

PARTICIPATION:

To participate in the City of Cabot's On-call wrecker service rotation the business must comply with the following conditions:

1. The wrecker service must have a current city business permit to operate within the corporate city limits of Cabot.
2. The storage of towed vehicles must be within the corporate city limits of Cabot.
3. The wrecker service must have a sales tax permit, and/or any additional documents issued by this City, State, or other governing body that is required to operate a wrecker service within the State of Arkansas.
4. The wrecker service must meet all of the requirements set forth under "Wrecker Service Responsibility" pertaining to operating procedures, insurance, etc.

5. The business must maintain possession of a "Non-Consent Permit" from the Arkansas Towing and Recovery Board, as mandated by Arkansas Code Annotated § 27-50-1201 et seq.
6. At no time will a wrecker be used for the recovery of any vehicle that will violate any state regulations and procedures concerning wrecker limitations, weight, size, equipment specifications, etc.
7. Towing operators that respond to Cabot Police Department calls shall not have a felony conviction. Operators shall also have no theft-related or drug-related misdemeanor conviction within the past three (3) years. Prior convictions will be considered on a case-by-case basis.

ESTABLISHMENT OF ROTATION LISTS:

The City of Cabot will operate one list for wrecker rotations. This list will include both services for small and large wreckers.

1. Each wrecker company will remain listed in the order currently on the CADvisor system in use.
2. Calls are rotated on a one rotation basis.
3. No company and/or owner will be permitted to occupy more than one (1) space on the rotation list.

For the purpose of this section, a wrecker company will be designated as a single place of business. Multiple wrecker services operating from a single location will be counted as one business, unless each wrecker service maintains separate business permits issued by the City of Cabot, separate sales tax permits issued by the State of Arkansas, separate "Non-consent Permits" from the Arkansas Towing and Recovery Board, and, each service meets all of the aforementioned requirements for participation.

Prior to being included on the rotation list, all wrecker companies shall be subject to an inspection by the Chief of Police or his designee. Upon approval, the wrecker company shall be subject to future inspections by the Chief of Police or his designee to ensure compliance with all regulations contained in this order, laws and policies governed by the State of Arkansas, and procedures set forth through the Arkansas Towing and Recovery Board.

During emergencies, disasters, inclement weather, or other times when the wrecker company is unable to provide timely service, the City reserves the right to use alternate wrecker services or other rotation practices.

A signed acknowledgment of this ordinance must be on file with the Cabot Police Department prior to any company being listed on any of the rotations.

RECOMMENDED FEES:

Any fees charged by a wrecker service currently on the Cabot Police Department wrecker service rotation list which exceed the recommended fees listed below shall cause the use of the wrecker service on the rotation list to be re-evaluated by the Chief of Police.

For the purpose of this section, the following definitions will apply;

- Standard Tow: Any tow of a vehicle that does not require any special services other than towing.
- Non-Standard Tow: Any tow that requires additional services above those performed on a standard tow.
- Wrecker Response: Once a wrecker driver has been called and has left the facility he is responding from and enroute to the towing location.

FEES:

NON-CONSENT TOWING:

Standard Tow (Accident):	\$185.00
Standard Tow (Non-Accident):	\$140.00
Large Wrecker:	\$350.00
Wrecker Response with no tow:	\$50.00
Mileage Fee for towing outside city limits:	\$3.50
Storage Fee after first twenty-four (24) hours:	\$40.00
Towing of city owned vehicles (per vehicle):	\$25.00

NOTE: The stated fees do not include special services including, but not limited to, winch charges, rollovers, dollies, the use of fire extinguishers, immersed vehicles, and excessive debris clean-up which may be charged by the wrecker service on non-standard tows.

AFTER HOUR RELEASE OF STORED VEHICLES:

After a vehicle is placed in the company's storage area and a request is made for its release, the Wrecker service may charge a maximum of \$50 to reopen the business and release the vehicle, only if the request occurs between the hours of 6:00 p.m. to 8:00 a.m. and there was no employee at/on the premises to release the vehicle at the time of the request.

WRECKER SERVICE RESPONSIBILITY:

1. Keep proper records of all calls and will make said records reasonably available to any officer of the Cabot Police Department.
2. Prior to leaving the scene of the wrecker call, the wrecker company's employee will clear the roadway of all glass and debris associated with the call.
3. Each wrecker service shall maintain liability, insurance in an amount not less than that designated under Arkansas law.
4. Vehicles towed to the Cabot Police Department for crime scene processing and picked up at a later time will be billed as one tow. The initial wrecker company will be called back for the final removal, and this will not count against them on the rotation.
5. All wreckers requested from the rotation will be expected to arrive on scene within 20 minutes under normal conditions. If, after thirty (30) minutes the called wrecker is not on scene, the request will be cancelled and the next wrecker company on the rotation will be utilized unless otherwise authorized by an on scene supervisor. Excessive tardiness may result in a temporary and/or permanent suspension from the rotations. Certain exceptions are applicable, i.e. inclement weather, excessive calls, stalled traffic.
6. All wrecker companies must comply with Arkansas Code Annotated § 27-14-2206, which requires the owner of any garage or any type of storage or parking lot to report to the Arkansas State Police the vehicles stored on their lot over thirty (30) days and unclaimed. This requirement does not include vehicles stored by arrangement of the owner, or vehicles where legal attempts have been made to contact the owner through certified mail.
7. All wrecker operators should obey all traffic regulations unless otherwise directed by a police officer.
8. No wrecker company shall proceed to the scene of an accident unless requested to do so by the owner/operator of the vehicle, the Cabot Police Department, or any other authorized law enforcement officer.
9. The towing business shall maintain a reasonably secure area for the safe storage of motor vehicles or other items stored at the request of Cabot Police Department. Storage facilities shall be clearly marked as belonging to that particular wrecker service.
 - a. Each storage facility must have adequate lighting to illuminate the fenced-in area. Fencing shall be adequate to reasonably secure the storage

facility and prevent unauthorized entrance. The wrecker service shall maintain a sufficient amount of insurance to cover loss or damage to stored vehicles or property.

EQUIPMENT REQUIREMENTS:

All wrecker companies placed on the Cabot Police Department's "Wrecker Rotation" must be equipped as recommended in Rule 7 (et. seq.) of the Arkansas Towing and Recovery Board.

COMPLIANCE:

Failure to comply with any of the foregoing provisions shall result in the temporary removal from the rotation list until such time as the breach is corrected. All violations will be recorded by the Cabot Police Department.

If a temporary suspension or revocation is warranted, the Chief of Police (or his designee) will notify the wrecker service of the action. A response to any suspension/revocation will be made first through the Chief of Police, with subsequent appeals to the Mayor and City Council.

MULTIPLE SUSPENSIONS/REVOCATIONS:

If a business receives two temporary suspensions within a consecutive twelve month period, any additional violation will result in a Revocation of Participation.

Any wrecker company issued a Revocation of Participation will not be eligible for reinstatement for a period of twelve months.

A second Revocation of Participation will result in a permanent ban from participation.

NOTE: If a wrecker company is issued a Permanent Ban from participation and subsequently changes its business name, but the owner/management is not changed, this will not allow/them to re-apply as a new wrecker company. Legal documents of ownership/operation will be evaluated by the City of Cabot to clarify questionable changes in a business' name.

SECTION 2: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 3: Severability Clause. If, for any reason, any portion or portions of this ordinance shall be held invalid, such invalidity shall in no way affect the remaining portions thereof which are valid, and that such valid portions shall be and remain in full force and effect.

SPONSOR:

William A. "Bill" Cypert, Mayor

PASSED: 4-17-17

DATE: 8-0

APPROVED:

William A. "Bill" Cypert, Mayor

APPROVED AS TO FORM:

ATTEST:

Jim Taylor, City Attorney

Tammy Yocom, City Clerk~Treasurer