

ARTICLE IX. - COMMERCIAL TOWING AND WRECKER SERVICES

Footnotes:

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Editor's note— Ord. No. 839, §§ 2, 3, adopted March 3, 2015, amended Ch. 11 by the addition of provisions designated §§ 11-275—11-295. Inasmuch as there were already codified provisions so designated, said provisions have been renumbered §§ 11-381—11-401, with the original section designation included parenthetically in the history note.

Sec. 11-381. - Purpose.

The purpose of this article is to provide the city with requirements set forth for voluntary participation of privately owned commercial towing and wrecker services with the city. This article shall apply to all commercial towing and wrecker services whose principal place of business is located within the corporate limits of the city and to all commercial towing and wrecker services, both within and without the city, who participate in nonconsent tows in the city.

(Ord. No. 839, § 3(11-275), 3-3-2015; Ord. No. 1099, § 4, 6-16-2020)

Sec. 11-381.1. - Compliance with state law.

Compliance with the provisions of V.T.C.A., Occupations Code § 2303.001 et seq. and § 2308.001 et seq., is a prerequisite and continuing standard to be met to remain eligible to render tow truck services in the city and to participate in the rotation system. The owner shall obtain a license and a permit for each tow truck as provided in V.T.C.A., Occupations Code §§ 2308.101 et seq. and 2308.153 et seq., from the state commission of licensing and regulation and maintain such license and permit in good standing as a prerequisite for participation in the rotation system.

(Ord. No. 1099, § 4, 6-16-2020)

Sec. 11-382. - Definitions.

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Accident means an occurrence in the operation of a motor vehicle that results in injury to any person or damage to property.

Chief of police means the chief police official of the city or such other police department official as he or she shall designate.

Conviction means a finding of guilt by a judge or jury or any plea of guilty or nolo contendere unless such conviction has been held invalid by the courts or the proceedings against the defendant have been dismissed and the defendant is discharged by the court.

Disabled means any vehicle which had been rendered unsafe to be driven upon the streets as the result of some occurrence other than a wreck, reasonably requiring that such vehicle be removed by a wrecker.

Heavy-duty wrecker means a wrecker not less than two tons in size.

Hold means a request made to the wrecker company by a police officer on behalf of the Kyle Police Department to maintain custody of a vehicle until approval to release the vehicle to the proper owner is given by the police department.

Motor vehicle means any vehicle which is self-propelled.

Nonconsent tow means the removal of any motor vehicle from a public or private place without the effective consent of the vehicle's owner.

Owner's request means the operator or owner or legal custodian of a wrecked or disabled vehicle may select a wrecker company to remove his or her vehicle and authorizes the police department to call that wrecker company on behalf of the individual.

Police department means the Kyle Police Department.

Police pull means when the police department has called a wrecker company from the rotation list to remove a wrecked or disabled vehicle or to remove a vehicle in a safe driving condition when the driver is absent, in custody or otherwise incapable of making authorization.

Private property commonly used by the public means supermarkets or shopping center parking lots, parking areas provided by business establishments for the convenience of their customers, clients or patrons and parking areas owned and operated for the convenience of, and commonly used by the public.

Public property means any property owned by a governmental entity.

Restricted use wrecker means a wrecker which otherwise complies with the terms and conditions of this article, including a current inspection certificate and all required equipment and insurance as set out in sections 11-390 and 11-391, but which is operated by a company other than a wrecker company and is used exclusively for the purpose of hauling or towing vehicles owned or operated by the same company owning the wrecker.

Rollback unit means a specific type of wrecker consisting of a drive-on hydraulic tilting, flat-surface bed truck equipped with a forward-mounted winch manufactured with the intent of being able to remove heavily damaged vehicles from the road surface by having the bed unit tilt to the surface and winching the vehicle up onto the flat surface bed. Any rollback unit used under this article shall meet all State of Texas tow truck requirements for its intended purpose. A rollback unit meeting all applicable requirements of this

article and of state law shall be considered a qualified wrecker for the purpose of this article, subject to other limitations as set out herein; provided, however, that a rollback unit shall not qualify as a heavy-duty wrecker under this article.

Rotation list means a registry of wrecker companies maintained by the city for use when the operator of a wrecked or disabled vehicle fails to designate a specific wrecker operator to remove the vehicle and he or she has authorized the police department to call a wrecker or heavy-duty wrecker from the appropriate rotation list or when an investigating officer initiates a police pull. A separate rotation list will exist for both wreckers and heavy-duty wreckers. The chief of police will establish the fair and equal rotation lists.

Rotation pull means and refers to a wrecker company called from the wrecker rotation list.

Street means any street, alley, avenue, lane, public place or highway within the corporate limits of the city.

Tow truck means a vehicle equipped with a lifting device which is designed, made or adapted to tow or carry other vehicles but which does not meet the minimum requirements for a heavy duty wrecker. Vehicles which are commonly referred to as "two-car haulers" or "three-car haulers" are included in this definition of "tow truck."

Vehicle means any device in, upon or by which any person or property is, or may be, transported or drawn upon a street, except devices moved by human power or used exclusively upon stationary rails or tracks.

Vehicle storage facility means a garage, parking lot, or other facility owned or operated by a person other than a governmental entity for storing or parking ten or more vehicles per year or defined in state law.

Wrecked means the status of any vehicle that has been damaged as the result of an accident so as to reasonably require that such vehicle be removed by a wrecker.

Wrecker means a motor vehicle used for the purpose of towing or removing disabled or wrecked vehicles which meets all the State of Texas tow truck requirements.

Wrecker business means any wrecker company that hauls, tows or in any way moves vehicles by the use of a wrecker or tow truck.

Wrecker company means any individual, corporation, partnership or association engaged in the business of towing vehicles on public streets or highways for compensation or with the expectation of compensation for the towing, storage or repair of vehicles. The term "wrecker company" includes the owner, operator, employee or agent or a towing company but does not include cities, counties or other political subdivisions of the state.

Wrecker selection means the selection process provided for in [section 11-393](#).

([Ord. No. 839](#), § 3(11-276), 3-3-2015; [Ord. No. 903](#), § 2, 5-3-2016; [Ord. No. 1099](#), § 4, 6-16-2020)

Sec. 11-383. - Vehicle disabilities and accidents covered.

The prohibitions and requirements of this article shall apply to all vehicle accidents and vehicle disabilities occurring on public property or property having public access and commonly used by the public, regardless of whether or not the final resting place of a vehicle is upon the above described areas immediately after the accident or disability, police pulls for the vehicles for violations of the laws of the State of Texas, and those circumstances where the operator is incapacitated and unable to drive said vehicle, or if the operator is arrested.

(Ord. No. 839, § 3(11-277), 3-3-2015; Ord. No. 1099, § 4, 6-16-2020)

Sec. 11-384. - Certain emergencies excepted.

The prohibitions and requirements of this article shall not apply to any person who necessarily must act immediately to prevent death or bodily injury to any person involved in an accident. This authority may include the use of any means necessary to clear a roadway, move or remove a vehicle or other item, or otherwise assist in the preservation of life or property.

(Ord. No. 839, § 3(11-278), 3-3-2015; Ord. No. 1099, § 4, 6-16-2020)

Sec. 11-385. - Pushing or towing.

A vehicle may be pushed or towed by another vehicle only when it does not reasonably require removal by a wrecker and only when it may be done in a safe manner.

(Ord. No. 839, § 3(11-279), 3-3-2015; Ord. No. 1099, § 4, 6-16-2020)

Sec. 11-386. - City employees shall not attempt to influence owners of vehicles.

No employee of the city shall recommend to any person in any manner the name of any repair, wrecker or towing business, nor shall any city employee influence or attempt to influence in any manner the decision of any person in choosing or selecting a repair, wrecker service or towing business.

(Ord. No. 839, § 3(11-280), 3-3-2015; Ord. No. 1099, § 4, 6-16-2020)

Sec. 11-387. - Wrecker prohibited at scene unless called; solicitation prohibited.

- (a) No person shall drive a wrecker to the site of an accident or park in the immediate vicinity of an accident, within the corporate limits of the city unless such person has been called to the site by the owner of the vehicle, his or her authorized representative, or by the police department. Any wrecker company when called as provided herein shall notify the police dispatcher before proceeding to the disabled vehicle.

- (b) No person shall solicit in any manner, directly or indirectly, at the immediate site of an accident involving motor vehicles in the city, any business regarding wrecked or disabled vehicles, regardless of whether the solicitation is for the purpose of removing, repairing, wrecking, storing, trading or purchasing said vehicle. The presence of any person engaged in the wrecker business or other business for which solicitation is prohibited (such person not having been specifically summoned by the owner or legal custodian of the vehicle of a wrecked or disabled vehicle, or if not by the owner, the police officer in charge of the accident investigation) either as owner, operator, employee or agent on any street at the site of an accident or within the immediate vicinity within one hour after the happening of such accident shall be prima facie evidence of a solicitation in violation of this section.
- (c) Any person who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this section shall be fined not less than \$50.00 nor more than \$500.00.

(Ord. No. 839, § 3(11-281), 3-3-2015; Ord. No. 1099, § 4, 6-16-2020)

Sec. 11-388. - Inspection certificates required for wrecker and heavy duty wrecker.

No person shall operate a wrecker or heavy duty wrecker to remove a vehicle within the city, for the Kyle Police Department as a police pull/rotation/rotation pull, unless a wrecker inspection certificate for such wrecker has been issued by the chief of police or designee. Such certificate shall be affixed securely to the inside of the windshield of such wrecker and displayed at all times.

(Ord. No. 839, § 3(11-282), 3-3-2015; Ord. No. 903, § 2, 5-3-2016; Ord. No. 1099, § 4, 6-16-2020)

Sec. 11-389. - Procedure for acquiring inspection certificates, wrecker rotation list.

- (a) Any wrecker company desiring to engage in the wrecker business in the city shall annually apply in writing to the chief of police or designee on a form provided for that purpose by the chief of police or designee for an inspection certificate for each wrecker proposed to be operated. The application shall contain the name, address and telephone number of the wrecker company, business hours, the number and types of wreckers to be operated, the legal owner of the company concerned and a statement that the applicant does or does not desire to appear on the wrecker "rotation lists, and other information as required by the chief of police or designee to properly administer this article.
- (b) A wrecker company desiring to be placed on the Kyle Police Department's wrecker rotation list must provide proof of ownership or lease of a state licensed vehicle storage facility within the incorporated city limits or extra-territorial jurisdiction of the city and proof the facility located

within the city limits is in compliance with all city ordinances, building codes, and rules and regulations, on a form provided, before any inspections will take place by the Kyle Police Department.

- (c) The wrecker company shall submit an application fee in the amount of \$250.00 per application or in the amount approved by the Kyle City Council.
- (d) Every application, when filed, shall be sworn to by the applicant and filed with the Kyle Police Department.

(Ord. No. 839, § 3(11-283), 3-3-2015; Ord. No. 903, § 2, 5-3-2016; Ord. No. 1099, § 4, 6-16-2020)

Sec. 11-390. - Qualifications, equipment, insurance, inspections.

The chief of police or designee shall issue an inspection certificate for each qualified wrecker which shall be valid until December 31 of the year in which same was issued. If, on January 1 of the following year, no wrecker company has been approved to be on the wrecker rotation list, the rotation wrecker list from the previous year shall remain in effect, until the first wrecker company is approved to be on the rotation wrecker list for the new year, at which time the wrecker rotation list will be reset, removing all unapproved wrecker companies.

- (1) Each wrecker shall be not less than one ton in size and shall have a gross vehicle weight of not less than 10,000 pounds.
- (2) Each wrecker shall be equipped with a lifting device, winch line and boom with a rated lifting capacity of not less than 8,000 pounds, single-line capacity.
- (3) Each wrecker shall carry as standard equipment towing mechanisms, safety chains, a properly functioning fire extinguisher and emergency lighting as approved by the chief or police or designee. Standard equipment for wreckers shall also include a broom, square point shovel and a receptacle for holding debris.
- (4) Wreckers which are qualified for the rotation list shall be equipped with flashing or rotating beacons capable of warning motorists, and such beacons shall be used in accordance with the Texas Transportation Code and, if approved, police radio communications of a type approved by the chief of police or designee.
- (5) Each wrecker shall have inscribed on both the passenger and driver doors, in letters not less than three inches in height, the name, city and telephone number of the wrecker company.
- (6) Each owner of a wrecker must furnish evidence of the minimum insurance coverage at the time of the application as defined and required for a tow truck by state law.
- (7) Each policy of said insurance coverage must contain an endorsement providing for ten days' notice to the city in the event of any material change or cancellation of any policy and shall name the city as an additional insured while the wrecker company is performing a wrecker job for the city.

- (8) Each wrecker company shall provide a telephone number to the Kyle Police Dispatch Division that will be the primary contact point for the police department, and such number shall be promptly answered 24 hours per day on each day of the year. The Kyle Police Department Dispatch is not obligated to contact any other number, other than the primary contact number when called for police pull/rotation/rotation pull.
- (9) Every wrecker shall be equipped with all equipment and comply with all technical requirements as specified and required by V.T.C.A., Occupations Code § 2308.001 et seq. and the applicable rules promulgated by the state commission of licensing and regulation. Any such wrecker shall be subject to inspection at any time by any officer of the police department.

(Ord. No. 839, § 3(11-284), 3-3-2015; Ord. No. 903, § 2, 5-3-2016; Ord. No. 1099, § 4, 6-16-2020)

Sec. 11-391. - Requirements for wrecker rotation list.

In order to qualify for the wrecker rotation list, and to maintain a place on said list, the following requirements shall be met:

- (1) All delinquent taxes due to the city by a wrecker company must be paid prior to the wrecker company being added to the rotation list;
- (2) The applicant shall have a minimum of two wreckers and two certified drivers that meet the requirements of the Texas Department of Licensing and Regulation and that are available for wrecker service at all times, one of which may be a rollback unit as defined herein. It is not required for a wrecker company to station a wrecker at a vehicle storage facility at all times;
- (3) If a wrecker company elects to be added to the heavy duty wrecker rotation list, the wrecker company must have a minimum of one heavy duty wrecker available for service at all times;
- (4) The applicant shall file a sworn statement that the applicant has no financial or ownership interest in any other wrecker service which is on the city's wrecker rotation list;
- (5) Wrecker companies with inquiries or questions directed to the Kyle Police Department, regarding the execution of this article, are to send inquiries to the chief of police or the chief's designee in writing. Complaints by wrecker companies on other wrecker companies or Kyle police officers must be submitted to the chief of police or his designee in writing. Inquiries or questions regarding the compliance, execution of this article, or complaints are not to be directed to the Kyle Emergency Communications Center; and
- (6) The applicant must have an individually owned or leased vehicle storage facility within the incorporated city limits or extra-territorial jurisdiction of Kyle. Each vehicle storage facility located within the city must comply with all city ordinances, building codes, and rules and regulations prior to operating within the city. Heavy duty wrecker companies are not required to have a storage facility within the city limits.

(Ord. No. 839, § 3(11-285), 3-3-2015; Ord. No. 903, § 2, 5-3-2016; Ord. No. 1099, § 4, 6-16-2020)

Sec. 11-392. - Grounds for suspension or removal.

- (a) A wrecker company is subject to suspension or removal from the rotation list if:
- (1) The place on the wrecker rotation list was procured by fraudulent conduct, concealment of or false statement of a material fact concerning the wrecker company at the time of the wrecker company makes its application or such fraudulent conduct is subsequently discovered;
 - (2) The wrecker company violates the provisions of this chapter or any other city ordinance or any state law regulating vehicular traffic or wrecker companies;
 - (3) The wrecker company fails to comply with the provisions of a storage area for wrecked or disabled vehicles;
 - (4) The wrecker company fails to protect the vehicle in its care as a result of a wrecker pull and fails to prevent parts, accessories and personal belongings from being removed from the vehicle, except as may be necessary to protect such items from theft;
 - (5) The wrecker company fails to deliver a vehicle directly to said company's vehicle storage facility, the location within the city limits as designated by the owner or legal custodian of the vehicle, or to the location designated by the police officer investigating the accident, provided such vehicle can be legally delivered to such location as designated by said officer, but this provision shall not apply when it is necessary to remove a vehicle to its ultimate destination by two separate tows because of an emergency or breakdown of a wrecker, and no charge is levied which is greater than the amount provided in section 11-395 for a single tow from one point on a street to another location within the city limits; this shall not prohibit the wrecker company and the owner or legal custodian of the vehicle from entering into an agreement to deliver the vehicle to any other location, provided that the police officer investigating the accident has not required otherwise;
 - (6) The wrecker company is repeatedly tardy without justification acceptable to the police chief or designee in arriving after being called to the scene of an accident by the police department for a rotation, rotation pull, or police pull;
 - (7) The wrecker company or its employee intentionally provides confidential arrest information learned by the wrecker company or its employee, as a result of a police action, from the scene of a rotation pull or police pull and provides this information to any other person, party or business in the city that may find it advantageous to acquire such information;
 - (8) The conviction of an employee, agent or contractor of the wrecker company, as defined in this article, of fraud, theft or any felony, as defined in the Texas Penal Code, in the conduct or operation of the wrecker company; or
 - (9)

Any lapse in the required insurance shall be cause for an immediate revocation of its municipal permit. Any costs, expenses or liabilities incurred during such lapse or suspension are to be borne in their entirety by the wrecker company.

- (b) A wrecker company under consideration for suspension or removal from the rotation list for violation of or non-compliance with any provision in [section] 11-392(a)(1)–(9) may request an administrative hearing before the chief of police.
- (c) The chief of police shall give ten days' notice of the time and place for the administrative hearing concerning suspension, cancellation or removal as provided above and is empowered to administer oaths to witnesses and to conduct hearings as otherwise provided by law.
- (d) Findings of the chief of police and said chief's written order of suspension or removal from the rotation list shall terminate all authority and permission theretofore granted. The period of suspension or removal from the rotation list shall not exceed one year, unless the violation occurs under subsection (a)(1), (7) or (8) above, in which case removal from the rotation list will be permanent. If ownership of the permanently removed wrecker company changes, the new owners may apply to join the rotation list. The chief of police will present the order to the city council, who has the final authority to affirm, reject or modify the order.
- (e) Any order of the chief of police in this section may be appealed to the city council within ten days from the date of suspension or removal. The city council shall have authority to reverse, affirm, vacate or modify the order of the chief of police, provided that, in the event of affirmance of the order, the suspension shall commence upon the date of action by the city council.

(Ord. No. 839, § 3(11-286), 3-3-2015; Ord. No. 903, § 2, 5-3-2016; Ord. No. 1099, § 4, 6-16-2020)

Sec. 11-393. - Procedure used in wrecker selection.

- (a) When a police officer investigating an accident determines that any vehicle which has been involved in an accident should be removed by a wrecker, the officer shall first determine whether or not the legal custodian of the vehicle has already made arrangements with an authorized wrecker service or, if appropriate, a restricted use wrecker, for the removal of the vehicle.
- (b) If the legal custodian has not arranged for removal of the vehicle, the officer shall request the legal custodian of the vehicle to designate an authorized company from the wrecker rotation list. If no preference is indicated, a wrecker shall be called from the wrecker rotation list as follows:
 - (1) If the legal custodian of the vehicle selects a wrecker company, the investigating officer shall notify the police department dispatcher to call the wrecker company. If the requested wrecker company is unable to promptly respond, then the wrecker company first up on the rotation list will be called. If the first-up wrecker company is unavailable to respond, other wrecker companies in order on said list shall be called until an available company is located.
 - (2)

If the legal custodian of the vehicle does not designate a wrecker company to be called, the investigating police officer shall notify the dispatcher to call the wrecker company first-up on the wrecker rotation list and furnish its name to the investigating officer. In such event, the investigating officer shall notify the police dispatcher who shall call the wrecker company next up from the wrecker rotation list and dispatch it to the scene. The vehicle or vehicles to be removed shall be taken to the place designated by the owner, legal custodian of the vehicle or by the investigating officer or to the wrecker company's storage facility if no designation is made.

- (3) When a personal request is made by an individual for a particular commercial towing or wrecker service, such request shall not alter the position of that service in the rotation system. The name, address, and telephone number of the individual requesting a particular towing or wrecker service shall be recorded by the investigating officer and filed by the police department.
 - (4) On each succeeding accident or call, the next wrecker company on the rotation list will be called to respond.
- (c) If a wrecked or disabled vehicle cannot be moved by a wrecker with ordinary lifting capacity, the investigating police officer will notify the police department dispatcher to summon a heavy duty wrecker. The dispatcher shall:
- (1) Call the first-up wrecker company on the heavy duty wrecker rotation list with:
 - a. the capability to move the wrecked or disabled vehicle; and
 - b. access to a vehicle storage facility within the city limits or in the city extra-territorial jurisdiction with the capacity to store the wrecked or disabled vehicle.
 - (2) If the first-up wrecker contacted under (c)(1) is unavailable to respond, the dispatcher shall call the other wrecker companies on the heavy duty wrecker rotation list in the order on said list until an available wrecker company is located.
- (d) To effect the wrecker rotation and heavy duty wrecker list procedure, the police department shall keep a master list of all wrecker companies which meet all the requirements of this chapter and are qualified to be on the wrecker rotation list and the heavy duty wrecker rotation list.

(Ord. No. 839, § 3(11-287), 3-3-2015; Ord. No. 903, § 2, 5-3-2016; Ord. No. 1099, § 4, 6-16-2020)

Sec. 11-393.1. - Availability.

Each participating commercial towing and wrecker service must be available to respond to police department calls on a 24-hour per day basis and shall respond to any location within the city within 20 minutes after being notified by police department communications personnel. In the event of mechanical difficulty, illness, vacation or any other reason for inability to respond as required, the commercial towing or wrecker service shall so notify the police department communications section and request not to be notified pending further notice. While unable to respond, the rotation log will be completed with "out of service"

each time the wrecker service's name occurs. When capability to respond has been restored, said wrecker service shall notify the police department communications section. If a wrecker or towing service fails to respond to a call on three occasions during a six-month period or two occasions during a three-month period, said service shall be removed from the rotation for a period not to exceed 30 days.

(Ord. No. 1099, § 4, 6-16-2020)

Sec. 11-394. - Storage; wrecker company responsibility.

Each wrecker company shall provide a storage area for wrecked or disabled vehicles which are moved or towed as the result of a police or rotation pull. The storage area may be inspected by the chief of police or designee to determine whether it complies with the provisions of this section. A wrecker company or storage facility shall meet all requirements set forth by the Texas Department of Licensing and Regulation, which establish the minimum standards for motor carrier laws and storage facilities, in order to qualify for participation on the rotation list. The storage area may be located within the incorporated city limits or extra-territorial jurisdiction of Kyle.

(Ord. No. 839, § 3(11-288), 3-3-2015; Ord. No. 903, § 2, 5-3-2016; Ord. No. 1099, § 4, 6-16-2020)

Sec. 11-395. - Fees for service, towing and storage.

- (a) *Towing.* It is not the policy of the city to regulate the fees for towing or services provided by a wrecker company on the rotation list. However, no wrecker company on the rotation list shall charge a higher fee or rate for calls originating by virtue of the rotation list than for calls for similar services from other sources.
- (b) *Rate sheet required.* Each wrecker company shall provide to the chief of police or designee a rate sheet listing its published rates for towing and storage for each class, annually, or sooner if there is a rate change. This list shall also include all charges for ancillary services such as the use of dollies, dropping, hooking linkage, clearing debris off the roadway and similar charges. No charge shall be greater than those listed on the rate sheet.
- (c) *Storage.* Storage fees shall not exceed the limitations as set forth in state law.
- (d) *Other charges.* Any ancillary services are to be performed only if required and appropriate.
- (e) *Waiting time.* A charge of not more than \$15.00 for each one-half hour of time spent shall be allowed for waiting to tow a vehicle, and a charge of not more than \$250.00 for each one-half hour of time spent shall be allowed for waiting to tow a vehicle for heavy duty wrecker services.

(Ord. No. 839, § 3(11-289), 3-3-2015; Ord. No. 903, § 2, 5-3-2016; Ord. No. 1099, § 4, 6-16-2020)

Sec. 11-396. - Fee regulation for police pull not involving accident.

On a police pull for a vehicle that is in safe driving condition, but no owner or legal custodian of the vehicle or licensed operator is present to drive the vehicle from the site, the wrecker company called from the rotation list shall observe and maintain the same maximum fees provided for in this chapter. If a police officer requests a hold placed on the vehicle, then the wrecker company and/or storage facility operator may not release the vehicle to any other person until authorization is granted by the police department.

(Ord. No. 839, § 3(11-290), 3-3-2015; Ord. No. 903, § 2, 5-3-2016; Ord. No. 1099, § 4, 6-16-2020)

Sec. 11-397. - Rules for extraordinary conditions; large vehicles.

- (a) Charges rendered for services of wreckers of extraordinary lifting capacity shall not exceed the usual and customary charges for like services provided in the wrecker industry.
- (b) If the wrecker company determines that additional wrecker is needed, the wrecker company will either provide the additional wrecker (of their choice) or request the police officer in charge of the scene to call another wrecker company. If the primary wrecker company provides an additional wrecker or has the police officer in charge of the scene summon another wrecker company, the primary wrecker company must advise the police officer in charge of the scene, the reason for the needed assistance and the approximate time delay in the removal of vehicles and debris from the scene. If the determination of need for an additional wrecker is based on the lack of equipment normally required to be present on the primary wrecker, the company will not be compensated for the additional wrecker called to the scene.
- (c) If, in the opinion of fire or police officials, a wrecked or disabled vehicle or its cargo constitutes a hazard to the public, any wrecker company shall act at the direction of the said official. Said official may take any actions needed within state law to preserve life, property or the public peace, to include restoring the normal flow of traffic to public roadways.

(Ord. No. 839, § 3(11-291), 3-3-2015; Ord. No. 903, § 2, 5-3-2016; Ord. No. 1099, § 4, 6-16-2020)

Sec. 11-398. - Removal of wrecks and debris.

The operator of a wrecker shall remove from the street, along with the disabled vehicle, all broken or shattered glass and other debris and parts coming from the disabled vehicle to include fluid spills of less than five gallons. Failure to do so shall constitute a misdemeanor punishable as provided in the city's Code of Ordinances and subject to cancellation of the wrecker certificate. A truck and trailer or pulled or transported items shall constitute one vehicle and shall be treated as such by the wrecker company.

(Ord. No. 839, § 3(11-292), 3-3-2015; Ord. No. 903, § 2, 5-3-2016; Ord. No. 1099, § 4, 6-16-2020)

Sec. 11-399. - Nonresident wrecker companies.

No provisions in this article shall be construed to prohibit a nonresident wrecker company from transporting a wrecked or disabled vehicle from some point in the city other than the site of an original accident to some point outside the city, nor shall it be construed to prohibit a nonresident wrecker company from transporting a wrecked or disabled vehicle from a point outside the city limits to a destination inside the city limits.

(Ord. No. 839, § 3(11-293), 3-3-2015; Ord. No. 1099, § 4, 6-16-2020)

Sec. 11-400. - Companies to keep records.

- (a) Every wrecker company qualified for and whose name appears at its request on the wrecker rotation list shall maintain at its storage facility any and all records pertaining to all vehicles moved by the wrecker company.
- (b) The records shall contain the following information:
 - (1) Make, model and identification numbers of the disabled vehicle moved by the company;
 - (2) Location from which a disabled vehicle was removed and the final destination of the vehicle;
 - (3) Total amount charged for towing;
 - (4) Storage rate per day;
 - (5) A detailed description of all personal property within the disabled vehicle at the time of its removal;
 - (6) The date, time, name of the wrecker operator(s) involved in the tow; and
 - (7) The date and time the vehicle was released and the name of the person who took possession.
- (c) The records described in subsection (b) of this section shall be preserved by the wrecker company for at least six months from the date such company came into possession of the vehicle, except that records for a vehicle subject to a hold under section 11-396 shall be retained for the duration of the possession.
- (d) The wrecker company shall make available to the chief of police or designee said records upon request and within a reasonable time.

(Ord. No. 839, § 3(11-294), 3-3-2015; Ord. No. 1099, § 4, 6-16-2020)

Sec. 11-401. - Establishment of rotation schedules.

The chief of police or designee shall establish rotation procedures intended to provide equal service potential for each wrecker business on the rotation list. The procedures established by the chief of police shall be subject to review by the city council upon request by any wrecker company that alleges the procedures established are illegal. The chief of police or designee shall issue a valid inspection certificate for each qualified wrecker which shall be valid until December 31 of the year in which the same was issued. If,

on January 1 of the following year, no wrecker company has been approved to be on the wrecker rotation list, the list from the previous year shall remain in effect until the first wrecker company is approved to be on the wrecker rotation list for the new calendar year. At that time, the wrecker rotation list will be reset by removing all unapproved wrecker companies.

(Ord. No. 839, § 3(11-295), 3-3-2015; Ord. No. 903, § 2, 5-3-2016; Ord. No. 1099, § 4, 6-16-2020)

Sec. 11-402. - Prompt release of impounded vehicles.

All commercial towing or wrecker services performing services under the provision of this article shall release impounded vehicles immediately upon receipt of a release form signed by a city police department officer. Vehicles released other than during normal business hours (8:00 a.m. to 5:00 p.m., Monday through Friday) may be subject to an additional charge of \$20.00. Released vehicles shall be delivered to their owners or operators at or near the entrance to the wrecker yard. The city police department officers may inspect cars at any time at no charge. Failure to comply with this section will result in the removal by the chief of police of the towing and wrecker service from the rotation system for a period not to exceed 30 days.

(Ord. No. 1099, § 4, 6-16-2020)