

ORDINANCE NO: 1622

TOWING ORDINANCE OF
THE CITY OF PRICHARD, ALABAMA

WHEREAS, it is desirable to adopt a through and encompassing Ordinance regulating the operation of wreckers within the police jurisdiction of the City of Prichard, and,

WHEREAS, it is desirable to repeal or amend all Ordinance previously adopted relating to the operation of wreckers within the police jurisdiction of the City of Prichard, it is, therefore,

ORDAINED by the City Council of the City of Prichard, Alabama as follows:

Section 1. Findings.

- (A) The presence of wreckage, disabled and abandoned vehicles, illegally parked vehicles, vehicles involved in crimes, and other vehicles on the public rights of way pose hazards to the traveling public and threaten public safety
- (B) Regulations governing the removal and storage of these vehicles by properly equipped and licensed wrecker companies is necessary. to protect public safety.

Section 2. Scope and purpose. This ordinance: 1) establishes general rules and regulations related to nonconsensual tows and the operation of wreckers, wrecker business and wrecker companies participating on one or more of the city's wrecker rotation lists; 2) establishes reasonable towing rates for wreckers who are eligible to participate in one or more of the city's wrecker rotation lists; 3) promotes fair and honest practices in the nonconsensual towing business to protect consumers and the public at large; and 4) provides for such other regulations that promote the public health, safety and welfare.

Section 3. Jurisdiction. This chapter shall apply to all towing companies operating within the corporate limits and the police jurisdiction of the city.

Section 4. Administration and Enforcement. The Chief of Police of the Prichard Police Department, or his or her designee, shall be responsible for the administration and enforcement of this chapter.

Section 5. Definitions. In addition to the definitions and rules of construction set forth in Ordinance 1622, the following words and their derivations shall have the meaning set forth in this section.

- (A) Awareness level hazardous materials training – Those individuals who are likely to witness or discover a hazardous substance release and who have been trained to initiate an

emergency response sequence by notifying the proper authorities of the release. At this minimum level of training, the individual would be expected to take no further action beyond notifying the authorities of the release.

(B) City – The City of Prichard, Alabama and its police jurisdiction.

(C) City Street – Any street, highway, road, including the right-of-way of any street, highway, or road, alley, public place, park, or any private property upon which entry is permitted to the City by consent, law, or ordinance, within the corporate limits or the police jurisdiction of the City;

(D) Closest wrecker – The wrecker company on the appropriate wrecker list whose place of business (as defined below) is closest to the vehicle being towed, as measured by the company whose place of business is closest in actual driving distance to the vehicle being towed as determined by the Computer Aided Dispatch (CAD) system.

(E) Contract wrecker/740 – The wrecker company which has contracted with the city to provide wrecker services requested by the city, for public safety reasons, as opposed to wrecker services requested by a private individual.

(F) Department – The Prichard Police Department.

(G) Disabled motor vehicle – Any vehicle which has lost its ability of self-propulsion or its ability to be transported or drawn on a public street by normal methods other than by a wrecker.

(H) Fire department emergency incident commander – The high ranking fire department official who is in charge of hazardous material incidents and other emergency situations which may arise while executing the mission of the fire department, duties include but are not limited to the following: management decisions related to personnel, equipment, procedures, etc. at the scene of any emergency incident.

(I) Fire extinguisher – Shall mean a portable fire extinguisher as defined by the National Board of Fire Underwriters, being at least a fifteen (15) pound carbon dioxide, or twenty (20) pound dry chemical extinguisher, with Underwriters Laboratory approval, in a quick release carrier, and inspected by the Prichard Fire Department within the previous twelve (12) months;

(J) Hazardous material – A substance or material, including a hazardous substance, which has been determined by the secretary of transportation, or other state or federal agency, to be capable of posing an unreasonable risk to health, safety and property when transported to commerce, and which has been so designated, including any residue, vapors and fumes from such substance.

(K) Hazardous materials wreckers – Are classified as those wreckers which have had an advanced level of hazardous materials training which exceeds the "Awareness level" of training and which have been certified by DOT/Interstate Commerce as a hazardous materials handler along with possessing at all relevant times the special insurance rider required by federal law in order to handle hazardous materials.

(L) Impoundment – The removal from the streets, sidewalks, alleys or other public places in the city or its police jurisdiction, any vehicle left thereon in violation of any municipal traffic or parking law or this ordinance.

(M) Large wreckers – Are classified as any of the following types of wreckers: Tandem dual wheel or tandem rear end wreckers, or twin booms with factory rated or tested lifting capacity of twelve and five tenths (12.5) tons or over per drum and per winch and per winch line, with dual drum capacity, hydraulic or power take-off driven, and shall be equipped with dual rear twin-screw axles, and shall be equipped with quick air couplings for towing vehicles with air brakes, and shall be utilized to tow any vehicle having a gross vehicle weight exceeding ten thousand (10,000) pounds, or any vehicle having dual rear axles or any tractor-trailer combination. The wrecker company shall provide documentation of lifting capacity from the factory or qualified testing facility.

(N) Motor Vehicle – Shall mean every vehicle which is self-propelled, except for devices moved only by human power, or used exclusively upon stationary rails or tracks, or which is a trailer or semi-trailer.

(O) Owner – Any person holding legal title to a motor vehicle or who has the legal right to possession thereof.

(P) Person – Any individual, firm, partnership, association, corporation, company, or organization of any kind.

(Q) Principal Place of Business – The location (street address) that has been approved by the city revenue department to conduct a wrecker business and is also the location where the towing company stores vehicles associated with the wrecker business, maintains business hours from 7 am to 7 pm, and from which it responds to rotation list calls.

(R) Rotator – A wrecker/recovery vehicle consisting of a rotating superstructure (center post or turntable), adjusting boom, operating machinery, and one or more operator's stations mounted on a frame attached to a truck chassis. Such vehicle has the ability to lift, lower and swing loads at various radii.

(S) Scene – The site of an accident, traffic emergency, hazard or such other obstruction caused by a disabled or abandoned motor vehicle.

(T) Skilled laborers – Those individuals who possess specialized skills gained either by experience, education, or training, over and above the minimum skills necessary to perform the services or duties of this chapter.

(U) Storage fee – The compensation payable for the storage of a towed motor vehicle that has been stored at or in a facility owned, operated, leased or used by a tow truck service or any other business entity which owns or operates a tow truck.

(V) Street – A thoroughfare including public streets, lanes, alleys, etc. within the city and its police jurisdiction which is reserved for vehicle traffic.

(W) Traffic hazard – Any disabled vehicle, attended or unattended, which obstructs the normal movement of traffic on any public street or otherwise threatens public safety.

(X) Tow – The act of removing, by tow truck, a motor vehicle from privately-owned property within the city where it is parked. The preparation, maneuvering, attachment and or loading onto the towing and recovery operator's tow truck for removal does, for purposes of this ordinance, constitute a "tow" or "towing."

(Y) Towing fee – The compensation payable for the towing of a motor vehicle.

(Z) Towing fee – The compensation payable for the towing of a motor vehicle. Trespass tow – The towing or removal of a motor vehicle from a private parking lot without the consent of the motor vehicle's owner or operator.

(AA) Unskilled laborers – Individuals who possess little or no special training or experience in the field for which he or she is being paid to perform work related services pursuant to the terms of this chapter.

(AB) Vehicle – Every device in or by which any person or property is or may be transported or drawn upon a public street, except devices moved only by human power, or used exclusively upon stationary rails or tracks, and shall include trailers and semitrailers.

(AC) Vehicular accident – Any incident involving contact between a vehicle and any other object or vehicle which results in disabling damage to any vehicle requiring the services of a wrecker.

(AD) Wrecker – Any motor vehicle used for the purpose of towing or removing motor vehicles from one location to another location, for any purpose, including large wreckers and rotator wreckers.

(AE) Wrecker Business – The act of towing or removing motor vehicles from one location to another location, for any reason, where either the beginning or ending location is within the city or its police jurisdiction. This definition shall not include situations whereby a business owns or leases wreckers for the sole purpose of towing other vehicles owned or leased by the business.

(AF) Wrecker Company – Any individual or corporation engaged in the wrecker business.

(AG) Wrecker operator – Any person who drives or otherwise uses a wrecker for wrecker business as defined herein.

(AH) Wrecker Rotation List – The rotation list of wrecker companies prepared and used as provide in this ordinance.

Section 6. Decal and Inspection Certificate. No person shall engage in the wrecker business, or operate wreckers on the streets within the City, without first obtaining a license to do business from the License Officer of the City, and without first obtaining a license, decal and an inspection certificate for each wrecker to be operated as hereinafter provided from the Chief of Police of the City.

Section 7. License Application. Application for license issued hereunder shall be made upon blank forms prepared and made available by the City, and shall state:

(A) If applicant possess a current, valid State of Alabama driver's license;

(B) The full name and address of the applicant if an individual proprietorship; full name and address of all partners if the applicant is partnership; full name and address of the corporation, LLP or LLC if the applicant is a corporation, LLP or LLC;

(C) The business telephone number and mailing address (if different from the physical address) of the applicant;

(D) The legal name of the company and the trade name of the company (name under which the service will be operated) if different than the legal name;

(E) Proof of the insurance coverage;

(F) A list, to be kept current, of the owners and management personnel of the service, and of all employees who will participate in towing, including names, dates of birth, state driver's license numbers;

(G) A description of the wreckers owned or operated by the applicant.

(H) The hours of operation of the wrecker business for each day of the week.

(I) A description of the space that the applicant has available for the storage of towed motor vehicles.

(J) Such other information as the City shall find reasonably necessary to effectuate the purpose of this Ordinance.

Section 8. Wrecker. No **license** shall be issued for any wrecker business until the following minimum requirements have been met.

(A) Each wrecker proposed to be used in the wrecker business shall have the following equipment or meet the following description:

(1) Factory recommended three quarter (3/4) ton capacity dual wheels. Dummy dual wheels are prohibited.

(2) A power operated 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. Hand operated winches are prohibited.

(3) A rubber cradle or cradles 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 of any part thereof.

(4) There shall be placed on each wrecker as standard equipment, tow bars, safety chains, a fire extinguisher, wrecking bars, brooms and an axe. There shall be further proof furnished that the wrecker company has one dolly available for its wreckers when and if necessary, and that the name and number of the wrecking company be permanently affixed to said dolly.

(5) A flashing yellow light affixed to the top of the cabin of the wrecker.

(6) A minimum of one hundred (100) feet of three-eighths-inch cable.

(7) The name, address and telephone number of the wrecker company permanently affixed and displayed in letters clearly visible from one hundred (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.

(8) Nothing on vehicles, buildings, equipment, clothing or correspondence implying any official relationship between the wrecker company and any law enforcement agency.

(9) Clearance and marker lights and all other equipment as required by law.

(10) Dual rear adjustable floodlights with a minimum of twenty thousand (20,000) candlepower each.

(11) A minimum of a 10 lb bag of oil dry.

(B) In addition to the above requirements of subsections (1)i-vii, large wreckers shall be required to be equipped with the following additional items in order to be issued a permit as set forth herein:

(1) Air control valve for the purpose of providing braking capability for the vehicle or trailer being towed or removed.

(2) Two (2) metal chock blocks to prevent rolling or slippage of the 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.

(3) A minimum of two hundred (200) feet of cable on each drum at least five-eighths inch in diameter.

(4) Air brakes so constructed as to lock the rear wheels automatically upon failure and to supply air to disabled vehicles.

(5) One (1) pair of bolt cutters with a minimum one-half inch opening; two (2) fire extinguishers mounted in an accessible location; external air hookups and hoses; at least six (6) safety cones or triangle reflectors; and fifty (50) pounds of sand or suitable equivalent.

(C) Wrecker companies who wish to remove cars and light trucks may have a "flatbed," "roll-back," or "slide-back" carrier with specifications and equipment as follows. These are wreckers which are used to pick up burned vehicles, sports vehicles (to prevent damage to plastic front ends), small trailers and boats and to transport cargo from an accident scene:

(1) A minimum of a one-ton truck with a sixteen-foot bed, dual wheels and one (1) power winch with an eight thousand-pound capacity.

(2) A minimum of fifty (50) feet of three eighths inch cable.

(3) A brake lock device.

(4) A minimum of two (2) safety tiedown chains ten (10) feet in length.

- (5) One (1) fire extinguisher.

Section 9. Insurance. No license shall be issued to any service applicant and no service operations shall commence until the applicant deposits with the city clerk a certificate of insurance, binder or a certified copy of a policy of insurance written by an insurance company qualified to do business in the state, providing coverage as follows:

- (1) The insured provisions of the policy must name the city and its officers and employees as additional insureds. The coverage provisions must provide coverage for any loss or damage that may arise to any person or property by reason of the operation of a tow service by the licensee, including but not limited to damage to a towed vehicle caused directly or indirectly by improper tow.
- (2) General liability insurance providing liability coverage for property damage or personal injury in an amount not less than \$100,000.00 covering damages caused by the client business, tow service, or any of their employees or agents in the course of conducting tow services for the client business.
- (3) Automobile liability insurance with minimum coverage of \$100,000.00 to any one person, \$300,000.00 for any one accident and \$100,000.00 for property damage for each vehicle used in the service, provided that an applicant may comply with this subsection by providing a comprehensive automobile liability policy with a single limit of \$500,000.00 in addition to any other applicable insurance requirements of this section.
- (4) In addition to the insurance required by in this section, any towing service that is for hire and tows vehicles not owned by said service shall also a garage keeper's legal liability policy covering vehicles stored by the applicant, for the perils of fire, theft, explosion, vandalism, malicious mischief and riots while in the care, custody or control of the applicant, in the minimum amount of \$45,000.00; in addition, garage keeper's legal liability policy collision coverage, subject to \$500.00 deductible, with a minimum limit of \$45,000.00, provided that an applicant may comply with this subsection by providing a comprehensive automobile liability policy with a single limit of \$500,000.00 in addition to the required garage keeper's legal liability policy.
- (5) The insurance required under this section must include a clause obligating the company issuing the same to give not less than 30 days' written notice to the city clerk before canceling, failing to renew, or making a material change to the insurance policy. Notice of cancellation shall not relieve the company issuing such policy of liability for any injury or claim arising before the cancellation becomes effective.
- (6) The insurance shall cover all tow trucks, wreckers, and other tow equipment that are operated under the license. The policy shall state, in terms and with sufficient detail as required by the insurer, descriptions of the vehicles and equipment covered under the policy.
- (7) Failure of a licensee to meet or maintain the insurance requirements of this section shall be grounds for suspension or revocation of the license. The city clerk

shall place the matter of suspending or revoking the license on the city council agenda upon cancellation, lapse or failure to renew the required insurance. A person shall not operate a towing service while a license is suspended under this section whether or not the action is appealed.

(8) Reinstatement on proof of insurance: A \$100.00 fee must be paid to the city clerk's office and proof of the required insurance provided to the city clerk before a license suspended or revoked under this section will be reinstated. The city clerk shall place the matter of rescinding the revocation or suspension on the next available council agenda following production of the proof of insurance and payment of the reinstatement fee. If the license remains suspended or revoked under this subsection for more than six months, a new application and investigation shall be required.

Section 10. Wreckers Registration/Decal. It shall be unlawful for any person, either as principal, agent or employee, to use or to operate within the city any vehicle assisting in the operation of a tow truck without first having a registration for such vehicle with the city's police department upon forms to be furnished by the department. All registrations for each vehicle utilized shall expire on December 31st of each year and shall be renewed between December 1st and December 31st of each year. The information for registration shall contain the following:

- (A) The make, model and manufacturer's serial number of the vehicle;
- (B) Date the vehicle was put into service to assist in the operation of a vehicle immobilization service;
- (C) The driver's license numbers of operators of the vehicle;
- (D) The name of the insurance company with which the owner of the vehicle and all operators have liability insurance coverage with respect to the operation of the vehicle, as required by law;
- (E) Such other information related to the vehicle as may be required by the police chief.

The Chief of Police of the City shall issue a **decal** for each wrecker proposed to be operated by the applicant upon finding that all of the provisions of this Ordinance, and other Ordinance of the City have been complied with, and upon being satisfied by the License Officer of the City that the wrecker company has procured all necessary City licenses, and has deposited with the City License Officer all insurance policies required by the provisions of this Ordinance. The **decal** issued by the Chief Police shall be **numbered** and affixed to each wrecker and shall not be transferable.

Section 11. Wrecker Safety Inspection. Each wrecker company qualified to operate in the City of Prichard shall obtain a certificate of safety inspection from the Prichard Police Department within the first ten (10) days of January and within the first ten (10) days of July of each calendar year after the initial registration of said wrecker. Such inspection shall determine the condition and operability of the wrecker's tires, brakes, steering mechanism, wheel alignment, frame, springs, cables, winches, rear view mirrors, turn indicators, lights (including flashing yellow light on top), and windshield wiper. Such

inspection shall further indicate that such wrecker is properly equipped with all of the facilities required by this Ordinance. Such certificate shall be kept in the wrecker at all times. An inspection fee of \$50.00 for each tow truck, wrecker or vehicle assisting in the operation of a tow service to be operated by the applicant fee shall be paid to City's Clerk Office and proof of payment thereof submitted with the application to the chief of police. Any renewal license must be applied for not later than ten (10) working days following the expiration date of an existing license, and for any such license applied for after such expiration date there shall be a late fee of \$5.00 in addition to the annual fees stated above.

Section 12. Violations of Ordinance. It shall be unlawful for any wrecker company to authorize or allow the operation of, or for any person to operate, a wrecker upon the city streets without having affixed securely thereto a decal issued by the Chief of Police for said wrecker and having located in the wrecker a certificate of safety inspection from the Prichard Police Department for the current calendar year.

Upon conviction, a violation of this portion of the Ordinance shall be punished by a fine of \$500.00.

No person, agent or employee, of a wrecker company shall drive a wrecker to or near the scene of an accident or collision on the streets of the City and park the same unless such wrecker has been called to the scene of the accident or collision by the Police Department of the City, nor shall any representative, agent or employee of a wrecker company solicit business for a wrecker company at the scene of an accident or collision.

Upon conviction, a violation of this portion of the Ordinance shall be punished by a fine of \$500.00.

No person shall in any manner solicit wrecker business on city streets. The presence of any wrecker parked at or near a motor vehicle in need of wrecker service shall be prime facie evidence of a solicitation in violation of this section

Upon conviction, a violation of this portion of the Ordinance shall be punished by a fine of \$500.00.

Violation of any rule, regulation or provision of this ordinance as it relates to wrecker services for rotation list dispatches may be cause for suspension or removal of the wrecker company from the rotation list. The department shall notify the wrecker company in writing of a violation and the applicable penalty.

- (A) Upon receipt of notification, the wrecker company may, within fifteen (15) days thereof, deliver a written request to the City Clerk and the department's representative for a hearing to be held before the city council. The receipt of a written request by the Department for hearing within the prescribed time shall stay the penalty pending a final disposition unless it is determined by the chief of the department that it would endanger public safety to allow said wrecker company to continue on the rotation log.
- (B) A hearing shall be held within twenty-one (21) days after the filing of a written request for a hearing before the city council. The city clerk shall notify the wrecker company and the department of the time, date and place of the hearing. At such

public hearing, the wrecker company shall be provided an opportunity to be heard. The city council may hear from department and any other city representatives who may have relevant information.

- (C) The city council shall render a decision by resolution within ten (10) days from the date of such hearing. Such resolution shall set forth the decision of the city council and the reasons for the same.
- (D) The department will reinstate to the rotation list a suspended wrecker company upon written application after the period of suspension has elapsed and after the department has determined that such wrecker company is in compliance with all regulations of this article.
- (E) If any violations of the regulations or provisions of this article are deemed by the city representative to be of such a nature as to endanger public safety, the department shall immediately suspend from the rotation list the wrecker company committing such violation, then provide notice pursuant to the provisions of subsection (a) above.
- (F) No applications for reinstatement to the rotation list resulting from violation of these regulations will be considered by a transferee of the suspended wrecker company's business interest unless such transfer was the result of a bona fide sale of a majority of the assets of the business for a reasonable consideration. All documents demonstrating the same must be provided to the Department.

The following penalties shall be assessed for violations:

- (A) First violation: Written warning
- (B) Second violation within 12 months: Thirty-day suspension
- (C) Third violation within 12 months of 1st: Six-month suspension
- (D) Fourth violation within 12 months of 2nd: Permanent removal

Section 11. Wrecker Services. Wrecker companies authorized to operate on city streets pursuant to the provisions of this Ordinance shall have the right to tow motor vehicles from the city streets upon being called by the Police Department, as follows:

(A) The Contract Wrecker Company: The contract wrecker company shall be called in accordance with the terms of its contract with the City, and the ordinance adopted in connection with said contract, the terms of said Ordinance and contract being adopted herein and made a part hereof as if fully set out.

(B) Owner Preference Wrecker Company: In all cases where the contract wrecker is unable or not authorized to tow motor vehicle, and the owner of said motor vehicle expresses a preference as to a particular wrecker company, the Police Department shall call said owner preferred wrecker company as long as the wrecker company is licensed to tow vehicles in the city of Prichard.

The Chief of Police shall cause an owner preference selection form to be prepared. When a police officer determines that a wrecker is needed, he shall request the owner to designate in a blank space provided on said form the wrecker company he desires, and the place to which he desires the motor vehicle removed. The form shall contain a statement authorizing the Police Department to call said wrecker company, said statement to be signed by the owner. The form shall also contain a statement that the owner has no preferred wrecker company which shall be signed by the owner in that event. The owner preference selection forms shall be filed in the Police Department Records **Division**.

(C) Rotation List Wrecker Companies: There shall be maintained by the Police Department, a rotation list as provided herein. Rotation list wrecker companies shall be called in accordance therewith in the event that the contract wrecker is unable or unauthorized to tow the particular motor vehicle and the owner has no preference, is physically unable to sign the owner preference selection form, or refuses to sign the owner preference selection form.

The Chief of Police shall cause an alphabetical master wrecker rotation list to be prepared. On receiving the first communication for a rotation list wrecker company, the communications officer shall call the first wrecker company, the communications officer shall call the first wrecker company on the list. In each succeeding communication, the next rotation list wrecker company shall be called. A proper notation of each call shall be made on the master list. **Wrecker companies have 30 minutes to arrive at the location that they are being dispatched to render their service.**

In order to be on the rotation list, a wrecker company must have its principal place of business within the police jurisdiction of the City, have applied to be on the rotation list, maintain twenty-four (24) hour, seven (7) day per week, wrecker service, and have fully complied with each and every requirement of this Ordinance. The contract wrecker shall not participate on the rotation list and shall not be a rotation wrecker.

Each wrecker company shall maintain accurate records reflecting all wrecker services performed pursuant to his/her participation on the rotation roster. The records shall meet the following requirements:

- (1) All information printed on the records shall be legible. Each record of wrecker service, and/or tow ticket, shall be sequentially numbered, and include the pre-printed name, address and phone number of the wrecker company, as well as the following information:
 - (a) The date and time the operator was contacted and requested to perform the service;
 - (b) The name of the person requesting the service;
 - (c) The location of the vehicle;
 - (d) A description of the towed vehicle, including license tag and identification number;
 - (e) The owner or operator of the vehicle, if known;
 - (f) Itemized list of all service charges and fees;

- (g) The name of the wrecker operator;
 - (h) The final disposition of the vehicle; and,
 - (i) Any related police accident, incident, arrest, event or miscellaneous identification numbers.
- (2) Regardless of the method of payment, each customer shall be given a written receipt containing the above required information, and a copy of same shall be maintained by the wrecker company for all wrecker services provided.
 - (3) All records required herein must be available immediately upon request so long as the request is made between the hours of 8:00 a.m. until 5:00 p.m., Monday through Friday for inspection by the chief or other city representatives. Advanced notice of an inspection by the chief or other city representative shall not be required.
 - (4) The operator shall maintain the aforementioned records for the current calendar year and the preceding calendar year.
 - (5) Every wrecker company shall submit, once each month, to the department, a list of all vehicles which have been unclaimed for a period of thirty (30) or more days.
 - (6) A record of all abandoned motor vehicles is to be maintained by the wrecker operator and any abandoned motor vehicle sold or disposed of by the operator shall be so sold or disposed of in accordance with Code of Ala. 1975, §§ 32-13-1 et seq., as may be amended.

(D) Trespass Tow: Any wrecker company performing a trespass tow shall immediately notify the police communications center and give the vehicle identification number along with the make, model, year, color and tag number of the vehicle, the name of the person requesting the tow, the property location from which the vehicle was removed and the location to which the vehicle is moved.

(E) Repossession: Any wrecker company performing a tow on behalf of a repossession agency shall, prior to repossession, notify the police communications center and give the vehicle identification number along with the make, model, year, color and tag number of the vehicle, the name of the person requesting the tow, the property location from which the vehicle was removed and the location to which the vehicle is moved.

Section 12. Location being Towed. A motor vehicle towed by the contract wrecker shall be taken to the principal place of business of the contract wrecker.

A motor vehicle towed by an owner preference wrecker company shall be taken to the destination designated by the owner on the selection form, or to the principal place of business of the wrecker company in the event there is no designation, or as is agreed upon by the owner and the wrecker company.

A motor vehicle towed by a rotation list wrecker company shall be taken to the destination designated by the owner on the selection form, or to the principal place of business of

the wrecker company in the event there is no designation, or as is agreed upon by the owner and the wrecker company.

In the event that a motor vehicle is towed to a location not designed on the selection form, or to the principal place of business of the wrecker company, the wrecker company shall have the duty to notify the Police Department as to the location to which the motor vehicle is towed, and that it is towed to that location with the permission of the owner.

Section 13. Fees, Rates and Charges. Rotation list wrecker companies shall not charge more than the following rates:

(A) Towing of wrecked or disabled vehicle: Two-axle vehicle weighing 10,000 lbs. or less-\$150.00.

(B) Towing of wrecked or disabled vehicle: Two-axle vehicle weighing 10,001 lbs. through 26,000 lbs.-\$200.00.

(C) Towing of wrecked or disabled vehicle: Two-axle vehicle weighing 26,001 lbs. or more, or any vehicle with more than two axles-\$350.00.

(D) Towing of wrecked or disabled vehicle with a trailer or other vehicle attached in tandem: \$75.00 per trailer or vehicle attached in tandem.

(E) Towing of wrecked or disabled vehicle with a trailer or other vehicle attached in tandem, when the tandem trailer or other vehicle exceeds 40 feet in length: \$150.00 per trailer or vehicle attached in tandem.

(F) Righting: Two axle vehicle weighing 10,000 lbs. or less-\$150.00 for the first hour and prorated in ten-minute increments thereafter based on \$150.00 per hour. (For example, if righting a vehicle takes one hour and 38 minutes, the total charge would be $\$75.00 + 50.00 = \125.00) If a second wrecker is required to attach to the vehicle simultaneously with the first wrecker in order to right the vehicle, the second wrecker may also charge \$150.00 for the first hour and prorated in ten minute increments thereafter based on \$150.00 per hour.

(G) Righting: Two-axle vehicle weighing 10,001 lbs. through 26,000 lbs.- \$200.00 for the first hour and prorated in ten-minute increments thereafter based on \$200.00 per hour. If a second wrecker is required to attach to the vehicle simultaneously with the first wrecker in order to right the vehicle, the second wrecker may also charge \$200.00 for the first hour and prorated in ten-minute increments thereafter based on \$200.00 per hour.

(H) Righting: Two-axle vehicle weighing 26,001 lbs. or more, or any vehicle with more than two axles--\$350.00 for the first hour and prorated in ten-minute increments thereafter based on \$350.00 per hour. If a second wrecker is required to attach to the vehicle simultaneously with the first wrecker in order to right the vehicle, the second wrecker may also charge \$350.00 for the first hour and prorated in ten-minute increments thereafter based on \$350.00 per hour.

(I) Winching: Two-axle vehicle weighing 10,000 lbs. or less -\$150.00 for the first and prorated in ten-minute increments thereafter based on \$150.00 per hour. If a second wrecker is required to attach to the vehicle simultaneously with the first wrecker in order to winch the vehicle, the second wrecker may also charge \$150.00 for the first hour and prorated in ten-minute increments thereafter based on \$150.00 per hour.

(J) Winching: Two axle vehicle weighing 10,001 lbs. through 26,000 lbs. - \$200.00 for the first hour and prorated in ten-minute increments thereafter based on \$200.00 per hour. If a second wrecker is required to attach to the vehicle simultaneously with the first wrecker in order to winch the vehicle, the second wrecker may also charge \$200.00 for the first hour and-prorated in ten-minute increments thereafter based on \$200.00 per hour.

(K) Winching: Two-axle vehicle weighing 26,001 lbs. or more, or any vehicle with more than two axles--\$350.00 for the first hour and prorated in ten-minute increments thereafter based on \$350.00 per hour. If a second wrecker is required to attach to the vehicle simultaneously with the first wrecker in order to winch the vehicle, the second wrecker may also charge \$350.00 for the first hour and prorated in ten-minute increments thereafter based on \$350.00 per hour. (Note: For the purposes of this section, winching shall be defined as the removal of a vehicle, trailer or other piece of equipment from a location inaccessible to a wrecker to a location where the object of removal may be safely secured and towed by a wrecker. Winching shall not include any incidental or routine winching necessary to load any vehicle onto the wrecker. Second wrecker fees may only be charged when it is necessary that both wreckers are hooked to the vehicle, and pulled in tandem, to right or winch the vehicle safely.)

(L) Righting or lifting vehicle by airbag, per pound lifted: \$0.035.

(M) Forklift, backhoe, track hoe, and any other necessary recovery equipment services shall be at commercial rental rates plus ten percent per hour (not including operator).

(N) Passenger vehicle storage rates:

I.) First day: \$25.00; starts to accrue after the first 24 hours.

II.) Each day thereafter: \$25.00.

III.) Large haul storage rates: \$75.00 per day, per piece.

IV.) After-hours vehicle release, i.e, times other than Monday through Friday, 8:00 a.m. to 5:00 p.m.: \$35.00.

V.) Tows to locations outside the city limits only: Up to \$5.00 / mile to destinations from jurisdiction line.

(O) Except for fees authorized by this article, no other fees or charges shall be imposed during this tow. It shall be unlawful to use the threat of towing by blocking, lifting, loading or otherwise connecting the vehicle for towing in order to coerce the payment of a disputed parking fee or recovering items from vehicles.

Section 14. Provisions. It is hereby declared and determined that wreckers are not emergency vehicles within the provisions of the Traffic Code of the City, and such wreckers shall comply with all laws and Ordinance relating to motor vehicles.

In addition to the other provisions of this Ordinance, any license, **decal and inspection certificate** issued pursuant hereto is subject to suspension or revocation for violation of the provisions of this Ordinance under procedures providing for the suspension or revocation of other City business licenses.

Notwithstanding any other provision of this Ordinance, a police officer, when in the exercise of his discretion, determines that an emergency exists endangering life, health, or property, requiring an immediate towing of a motor vehicle, may direct the police communications officer to call the next turn of said wrecker company on the wrecker rotation list.

No **license, decal and inspection certificate** issued pursuant to the provisions of this Ordinance shall be construed to be a franchise grant, nor shall it be construed to be the consent of the City to the operation of a private enterprise upon the City's streets.

Section 18. Enhanced penalties. It shall be unlawful and an offense against the City of Prichard for any person to offer, or pay, any reward or remuneration, to any police officer or any employee of the City of Prichard, for the purpose of obtaining the solicitation of business for any wrecker company. In addition to any other penalties provided herein for violation of any provision of this Ordinance, a conviction for violation of this section, or a finding by the City Council, after hearing as provide in Section 13 hereof that a wrecker company has violated this section, shall result in a permanent revocation of the license of such wrecker company and any and all licenses, decals and inspection certificates issued to wreckers owned and operated by such wrecker company.

Penalties for violations involving failure to arrive on the scene of a dispatched rotation list dispatch, charging in excess of the rates established herein or any infraction which jeopardizes the safety of the public, depending upon the severity thereof, may be accelerated up to and including permanent removal without following the above progressive penalty steps. There shall be no written warnings for any of such violations.

Section 19. The holding by a court of competent jurisdiction that any section or sub-section or clause or phrase of this Ordinance is unconstitutional or invalid for any reason shall not affect any other section or sub-section or clause or phrase of this Ordinance not in and of itself unconstitutional and invalid.

Section 20. All Ordinance or parts of Ordinance in conflict with the provisions hereof are hereby repealed.

Section 21. This Ordinance shall be in full force and effect from and after the ____ day of _____, 2020.

ADOPTED this the ____ day of _____, 2020.

DERRICK GRIFFIN, Council President

APPROVED this the ____ day of _____, 2020.

JIMMIE GARDNER, Mayor

ATTEST:

, City Clerk