May 8, 2015

To: Marshall City Commissioners

From: Jack Redmon
Support Services Director

Subject: Non-Consensual Towing

Attached is the wrecker ordinance and schedule of fees for non-consensual towing for the City of Marshall. The City Commission sets the rates and any disputes are handled by the procedures set forth in the attached ordinance.

NON CONSENSUAL TOWING MAXIMUM CHARGES

NON CONSENSUAL/ LIGHT DUTY

TOWING FEE	$125.00
HOOK UP FEE	$25.00
WORKING TIME AND EXTRA LABOR	$95.00
DOLLIE OR FLAT BED	$45.00
LOADED DOLLIE PER MILE	$1.00
DRIVE LINE DISCONNECT	$25.00
STORAGE PER DAY	$20.00
STORAGE PER DAY ABOVE 1 TON AND TRAILERS	$20.00
NOTIFICATION FEE	$50.00
IMPOUND/PRESERVATION FEE	$20.00

NON CONSENSUAL/ MEDIUM DUTY

PICKUP OR PULLING SMALL MOTOR HOME	$150.00
HOOK UP FEE	$50.00
WORKING TIME	$150.00
EXTRA LABOR (NORMAL WORKING HOURS)	$50.00
EXTRA LABOR (AFTER NORMAL WORKING HOURS)	$75.00
REMOVE DRIVE LINE OR AXLE SHAFTER (PER SHAFT REMOVED)	$50.00

NON CONSENSUAL/ HEAVY DUTY

TOWING FEE	$300.00
HOOKUP FEE	$100.00
PER MILE OUT SIDE OF CITY LIMITS	$3.50
WORKING TIME 1 HOUR MINIMUM	$300.00
EXTRA LABOR PER HOUR (NORMAL WORKING HOURS)	$100.00
EXTRA LABOR PER HOUR (AFTER NORMAL WORKING HOURS)	$125.00
REMOVE DRIVE LINE OR AXLE SHAFT (PER SHAFT REMOVED)	$100.00
MINIMUM CHARGE FOR AIR BAG LIFTS	$3,500.00

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STORAGE FEES

STORAGE PER DAY UNDER 25 FEET IN LENGTH	$20.00
STORAGE PER DAY OVER 25 FEET IN LENGTH	$35.00
NOTIFICATION FEE	$50.00
IMPOUND FEE	$20.00
FUEL SURCHARGE ON ALL TOWING AND RECOVERY RATES	15%

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FISS FEE (FUEL, INSURANCE, SECURITY AND SAFTEY)	$50.00

********** NO MILAGE RATES INSIDE CITY**********

- **ARTICLE III. - WRECKER SERVICE**

FOOTNOTE(S):

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Editor's note—Ord. No. O-03-09, § 2, adopted Feb. 27, 2003, repealed in its entirety the former Art. III, §§ 30-101—30-103, and enacted a new Art. III as set out herein. The former Art. III pertained to similar subject matter Ord. No. O-95-08, §§ 1—3, adopted May 25, 1995.

- **Sec. 30-100. - Applicability.**

This article applies to wrecker services that perform police-authorized or non-consensual tows, towing activities at police scenes, and storage facilities to which vehicles towed as police-authorized or non-consensual tows are taken.

(Ord. No. O-03-09, § 2, 2-27-2003)

- **Sec. 30-101. - Definitions.**

In this article:

Accident means any occurrence that renders a vehicle wrecked or disabled.

Appeals board means a five (5) member panel to rule on disputes or license issues, which consist of two (2) Marshall City Commissioners, city manager or his designee, director or his designee and the chief of police or his designee.

Director means the facilities maintenance director for the City of Marshall who is charged by the city commission to enforce and administer this article or the director's authorized representative.

Disabled vehicle means a vehicle that:

(1)

Has been rendered unsafe to drive as the result of some occurrence other than a wreck, including, but not limited to, mechanical failure or breakdown, fire, or vandalism; or

(2)

Is in a safe driving condition, but the owner is not present, able, or permitted to drive; so as to reasonably necessitate that the vehicle be removed by a wrecker.

Emergency wrecker company means a person who owns, controls, or has a financial interest in an emergency wrecker service.

Emergency wrecker service means the business of towing or removing wrecked or disabled vehicles from the streets upon request of the applicable law enforcement agency.

Heavy-duty wrecker means a truck not less than two and one-half (2½) tons in size, equipped with a power operated winch, winch line, and boom, with a factory rated lifting capacity of not less than thirty-two thousand (32,000) pounds, single or double line capacity.

Licensee means a person licensed to engage in emergency wrecker service in the City of Marshall.

Owner means a person who:

(1)

Holds legal title to a vehicle;

(2)

Has legal right of possession of a vehicle, care, custody or control;

(3)

Has legal right of control of a vehicle.

Person means an individual, assumed name entity, partnership, joint venture, association, corporation, or other legal entity.

Rotation means an occasion when the applicable law enforcement agency calls an emergency wrecker from the rotation list to remove a wrecked, disabled or abandoned vehicle.

Street means the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel. Any street, alley, avenue, lane, square, highway, freeway, expressway, or high occupancy vehicle lane within the corporate limits of the city.

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

Wrecked vehicle means a vehicle that has been damaged as the result of overturning or colliding with another vehicle or object so as to reasonably necessitate that a wrecker remove the vehicle.

Wrecker means a vehicle designed to be used primarily for the removal of a wrecked, disabled or abandoned vehicle.

Wrecker rotation list means a list of licensed wrecker companies maintained by the law enforcement agency needing assistance as provided for in this article.

(Ord. No. O-03-09, § 2, 2-27-2003)

- **Sec. 30-101.01. - Wrecker drivers to obey orders of police officer.**

It shall be unlawful for the driver of any wrecker arriving at the place where any accident has occurred or an abandoned vehicle is located to disobey any lawful order given them by any police officer of the city investigating such accident or to interfere in any manner with such officer in the performance of his/her duty.

(Ord. No. O-08-11, § 2, 3-27-2008)

- **Sec. 30-102. - Soliciting by advertising.**

No person may solicit any business at or near the scene of an accident which deals directly or indirectly with the towing, removing, repairing, wrecking, storing, trading or purchase of a wrecked or disabled motor vehicle, vehicle, trailer or semi trailer on the streets or sidewalks of the city, nor may a person solicit the business of towing, removing, repairing, wrecking, storing, trading, buying or offering to buy a wrecked or disabled motor vehicle, vehicle, trailer, or semi trailer on the streets, sidewalks or any public place in the city, by distributing an advertisement, advertising a repair shop, garage, or place of business where the wrecked or disabled motor vehicle, vehicle, trailer or semi trailer may be repaired, stored, wrecked, traded, or purchased.

Proof of the unauthorized presence of a person engaged in the business of towing, repairing, wrecking, storing, or offering to purchase or trade for a wrecked or disabled motor vehicle, vehicle, trailer or semi trailer at or near the scene of an accident is prima facie evidence of solicitation in violation of this section.

(Ord. No. O-03-09, § 2, 2-27-2003)

- **Sec. 30-103. - Penalty.**

Any person who violates, disobeys, omits, neglects or refuses to comply with, or who resists the enforcement of any of the provisions of this article shall be fined not less than fifty dollars ($50.00) nor more than five hundred dollars ($500.00).

(Ord. No. O-03-09, § 2, 2-27-2003)

- **Sec. 30-104. - Driving wrecker to scene of accident prohibited; exception.**

No person may drive a wrecker, licensed or unlicensed, to the scene of an accident on the streets of the city unless the person has been called to the scene by the law enforcement agency in command of the incident.

SOLICITING WRECKER BUSINESS AT SCENE OF ACCIDENT PROHIBITED; PRESENCE AT SCENE AS EVIDENCE OF VIOLATION.

No person may solicit in any manner, directly or indirectly, on the streets of the city, the business of towing a vehicle which is wrecked or disabled on a street, regardless of whether the solicitation is for the purpose of soliciting the business of towing, removing, repairing, wrecking, storing, trading or purchasing the vehicle. Proof of the presence of a person engaged in the wrecker business or the presence of a wrecker or motor vehicle owned or operated by a person engaged in the wrecker business, either as owner, operator, employee or agent, on a street in the city, at or near the scene or site of an accident, which has not been called to the scene by the law enforcement agency in command of the incident, within one (1) hour after the happening of an accident, is prima facie evidence of a solicitation in violation of this section.

(Ord. No. O-03-09, § 2, 2-27-2003)

- **Sec. 30-105. - Penalty; license required; nontransferable; expiration date; trade name registration; location.**

(a)

No person, agency or towing business will be placed in the wrecker rotation with the City of Marshall Police Department without first obtaining an emergency wrecker service license from the City of Marshall. Only one (1) license may be issued to each emergency wrecker company. A license is not assignable or transferable. An emergency wrecker company license expires on the thirtieth day of June of each year. The license issued to an emergency wrecker company authorizes the licensee and his bona fide employees to engage in emergency wrecker service.

(b)

The owner of an emergency wrecker company shall register with the director the trade name of his wrecker company and shall affix the name to the outside of both doors of each wrecker which is in compliance with the applicable laws of the State of Texas.

(c)

A licensee shall maintain a permanent and established place of business where the general zoning ordinance of the city does not prohibit an emergency wrecker service.

(Ord. No. O-03-09, § 2, 2-27-2003)

- **Sec. 30-106. - License application; renewal.**

(a)

A person desiring to engage in emergency wrecker service in the city shall file with the director a written application upon a form provided for that purpose, which must be signed by the applicant or an authorized agent. The following information is required in the application.

(1)

Trade name, address, and telephone number of the emergency wrecker company.

(2)

Number and types of wreckers to be operated. Applicants owning heavy-duty wreckers that will be used for emergency towing must be stated on application if applicant is equipped to be utilized in heavy vehicle recovery.

(3)

Name, address, and telephone number of the owner of the emergency wrecker company.

(4)

An agreement that the applicant will participate in the wrecker rotation.

a.

Upon filing of an initial application for an emergency wrecker company license, the director shall designate a time for city inspection of applicants place of business. A fee of twenty-five dollars ($25.00) for processing and inspection of an initial application must be submitted with the application.

b.

Should the license be denied, the denied applicant may file an appeal within thirty (30) days with the director in writing requesting a hearing before the appeals board. The appeals board decision is final.

c.

In addition to the requirements in subsection a. of this section, an initial applicant shall:

1.

Show proof of insurability.

2.

Provide an adequate number of emergency wreckers, as determined by the applicable law enforcement agency, that meet the requirements of this article and any rules and regulations promulgated by the applicable law enforcement agency pursuant to this article.

3.

The fitness of the applicant to perform an emergency wrecker service as may be indicated by the experience in wrecker operation, the safety record of the applicant, and the applicant's compliance with local, state, and federal laws.

i.

After reviewing the application, the director shall, within forty-five (45) days, approve or deny the application based upon findings concerning the applicant's compliance with this article and the public convenience and necessity of the proposed service. The director shall send to the applicant a written statement

setting forth the reasons for the approval or denial of the application and the date of the action.

(Ord. No. O-03-09, § 2, 2-27-2003)

- **Sec. 30-107. - Fee.**

(a)

The annual fee for an emergency wrecker license is seven hundred fifty dollars ($750.00) for each emergency wrecker company and a ten dollars ($10.00) per car fee on all cars towed at the request of the Marshall Police Dispatcher. The fee will be prorated on the basis of whole months. The annual inspection fee is twenty dollars ($20.00) for each wrecker that is used in the emergency wrecker service. The fee is two dollars ($2.00) for issuance of a duplicate license if a license is lost, destroyed, or mutilated.

(b)

Fees are payable to the City of Marshall upon issuance of the license. No refund of fees will be made.

(Ord. No. O-03-09, § 2, 2-27-2003; Ord. No. O-08-11, § 3, 3-27-2008)

- **Sec. 30-108. - License issuance.**

(a)

The director shall issue a license to provide emergency wrecker service to an applicant who complies with this article and shall issue an emergency wrecker card to an applicant upon inspection and approval of each vehicle. The emergency wrecker card must remain in the inspected wrecker. Before issuance of an emergency wrecker service license and card, the following requirements must be met:

(1)

An applicant shall submit each emergency wrecker that will be used in the service for inspection in a manner determined by the director. Each wrecker must comply with the following minimum requirements:

a.

Each wrecker must be not less than one (1) ton in size with a dual wheel axle and be equipped with booster brakes.

b.

Each wrecker must be equipped with a power operated winch, winch line, and boom, with a factory rated lifting capacity of not less than eight thousand (8,000) pounds, single line capacity.

c.

Each wrecker must carry as standard equipment a tow bar, towing dollies, safety chains, jack stands, a fire extinguisher, a wrecking bar, a broom, a shovel, flares, and a container to carry debris.

d.

Each wrecker and all of its equipment must be in a safe and good working condition and comply with all minimum safety and equipment standards required for a wrecker by Article 6687-9a of Vernon's Texas Civil Statutes, as amended, or by any rule or regulation promulgated under that act.

e.

Each emergency wrecker applicant that is approved as a rotation list wrecker will be issued a radio call number by the Marshall Police Department.

f.

Each wrecker must be equipped with two-way radio equipment that is capable of providing two-way voice communication with the applicable law enforcement agency.

g.

Misuse of Marshall Police Department radio frequency will be cause for suspension.

h.

A minimum of one (1) wrecker submitted by applicant must be equipment with a wheel lift or "roll back" bed.

i.

Marshall Non-Consensual Wrecker Company's storage yard shall be located no more than three (3) miles from the City Limits of Marshall.

(2)

An applicant desiring to engage in heavy vehicle or large truck towing and recovery must comply with the following minimum requirements:

a.

Each heavy-duty wrecker must be not less than two and one-half (2½) tons in size.

b.

Each heavy duty wrecker must be equipped with a power operated winch, winch line, and boom, with a factory rated lifting capacity of not less than thrity-two (32,000) pounds, single or double line capacity.

(3)

Each licensee shall maintain twenty-four-hour wrecker service and operate a two-way radio capable of communicating with applicable law enforcement agencies. The licensee shall keep the business location open from 9:00 a.m. to 5:00 p.m. weekdays except for recognized holidays.

(4)

A person commits an offense if he operates an emergency wrecker or uses any equipment that fails to comply with all requirements for such equipment required by the State of Texas.

(5)

The City of Marshall will accept only one (1) call for service number from applicants. Multiple number lists will not be accepted.

(6)

Emergency wreckers must clean right-of-way and roadway of all debris before leaving the scene of an incident. Emergency wrecker operators must follow instruction of law enforcement personnel supervising incident.

(7)

Each applicant must provide the City of Marshall Finance Department with proper tax identification for IRS form 1099.

(8)

Each applicant must comply with all state, local and federal laws for storage yards.

(Ord. No. O-03-09, § 2, 2-27-2003; Ord. No. O-08-11, § 4, 3-27-2008; Ord. No. O-09-11, § 2, 5-21-2009)

- **Sec. 30-109. - License—Display; duplicates.**

(a)

Each license issued pursuant to this article must be posted and kept in a conspicuous place in the wrecker establishment.

(b)

A duplicate license may be issued for one (1) lost, destroyed or mutilated upon application on a form prescribed by the director. Each duplicate license will have the word "duplicate" stamped across its face and will bear the same number as the one it replaces.

(c)

Every licensee shall, within ten (10) days after a partial change of control in ownership, or of management, or of change of address or trade name, notify the director of such changes.

(Ord. No. O-03-09, § 2, 2-27-2003)

- **Sec. 30-110. - License—Refusal to issue or renew.**

The director may refuse to approve issuance or renewal of an emergency wrecker company license for one (1) or more of the following reasons:

(1)

The making of any false statement as to a material matter in an application for a license, or license renewal, or in a hearing concerning the license.

(2)

Revocation of a license, pursuant to this article, of the applicant, or any proprietor, partner or corporate officer of the applicant within eighteen (18) months preceding application.

(3)

Use by the licensee of a trade name for his emergency wrecker company other than the one (1) registered with the director.

(4)

Suspension of the licensee's emergency wrecker company license on three (3) occasions within twelve (12) months for more than three (3) days on each occasion.

(5)

Failure to meet the service standards in the rules and regulations, established by the director and applicable law enforcement agency, with the same consistency as other licensees.

(6)

A licensee, applicant, or his employee is under indictment or has been convicted of a crime involving theft, unauthorized use of a motor vehicle, burglary of an automobile, receiving and concealing stolen property, homicide, aggravated assault, aggravated assault with a motor vehicle, or driving while under the influence of alcohol or drugs unless five (5) years has elapsed since the date of conviction or the date of release from confinement imposed for the conviction, whichever is the later date.

(Ord. No. O-03-09, § 2, 2-27-2003)

- **Sec. 30-111. - License—Suspension.**

A representative of the director or applicable law enforcement agency may suspend an emergency wrecker company license for a period not to exceed ten (10) days or if the deficiency is detrimental to public safety then for a period of time until the deficiency is corrected, for one (1) or more of the following reasons:

(1)

Failure of the licensee to maintain his wrecker or equipment in a good and safe working condition.

(2)

Violation by the licensee or an employee of the licensee of a provision of this article or of the rules and regulations established for emergency wrecker service by the applicable law enforcement agency and the director.

(3)

Failure of the licensee's wrecker to arrive at the location of a wrecked or disabled vehicle within the prescribed time after having been notified to do so by the applicable law enforcement agency.

(4)

Conviction of an emergency wrecker driver of a provision of the motor vehicle or traffic laws of this state or city while in the scope of his employment in the emergency wrecker service.

(Ord. No. O-03-09, § 2, 2-27-2003)

- **Sec. 30-112. - License—Appeal from refusal to issue or renew; from decision to revoke.**

If the director approves or denies issuance of an initial license or refuses to approve renewal of a license or revokes a license, the applicant or licensee may file an appeal with the appeals board as described in this article. A licensee may appeal a suspension, which is imposed, by the director or applicable law enforcement agency in the following manner:

(1)

A licensee who is suspended by a representative of the applicable law enforcement agency for three (3) days or less may appeal the suspension by written request to the applicable law enforcement agency within ten (10) days after written notification of suspension. The applicable law enforcement agency shall conduct a hearing and may sustain, reverse, or modify the action appealed. The action of the applicable law enforcement agency is final.

(2)

A licensee who is suspended by the director or his designee for three (3) days or less may appeal the suspension by written request to the director within ten (10) days after written notification of suspension. The director shall conduct a hearing and may sustain, reverse, or modify the action appealed. The action of the director is final.

(3)

A licensee who is suspended by the director or the applicable law enforcement agency for more than three (3) days may appeal the suspension to the appeals board. A written request to the director must be made within ten (10) days after written notice to the license.

a.

The appeals board shall set a time, date, and place for a hearing and the licensee will be notified at least three (3) days prior to the hearing.

b.

The appeals board may sustain, reverse, or modify the action appealed. The action of the appeals board is final.

(Ord. No. O-03-09, § 2, 2-27-2003)

- **Sec. 30-113. - License—Revocation.**

The director may revoke an emergency wrecker company license upon notice and hearing for one (1) or more of the following reasons:

(1)

The making of any false statement as to a material matter in an application for a license, license renewal, or in a hearing concerning a license.

(2)

Use by the licensee of a trade name for his emergency wrecker company other than the one (1) registered with the director.

(3)

Suspension of a licensee's emergency wrecker company license on three (3) occasions within twelve (12) months for more than three (3) days on each occasion.

(4)

Suspension of a licensee's emergency wrecker company's license for a deficiency that is detrimental to public safety and twenty (20) days have elapsed without a correction of the deficiency.

(5)

A licensee or his employee is under indictment or convicted of a crime involving theft, unauthorized use of an motor vehicle, burglary of an automobile, or receiving and concealing stolen property, homicide, attempted homicide, aggravated assault with a motor vehicle, or driving while under the influence of alcohol or drugs unless five (5) years has elapsed since the date of conviction or the date of release from confinement imposed for the conviction, whichever is the later date.

(Ord. No. O-03-09, § 2, 2-27-2003)

- **Sec. 30-114. - Insurance.**

(a)

A licensee shall procure and keep in full force and effect automobile liability insurance and either garage keeper's liability insurance or tow truck cargo insurance written by an insurance company approved by the State of Texas and acceptable to the city and issued in the standard form approved by the state board of insurance. All provisions of each policy must be acceptable to the city. The insured provisions of each policy must name the city and its officers and employees as additional insured and 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 an emergency wrecker service by the licensee.

(b)

The automobile liability insurance must provide combined single limits of liability for bodily injury and property damage of not less than five hundred thousand dollars ($500,000.00) for each occurrence, or the equivalent, for each motor vehicle used by the licensee, with a maximum deductible not to exceed the limits allowed by the Texas Safety Responsibility Act. Aggregate limits of liability are prohibited.

(c)

The garage keeper's liability insurance or the tow truck cargo insurance, whichever is maintained, must provide limits of liability for any one loss of not less than twenty-five thousand dollars ($25,000.00) for each light duty emergency wrecker and fifty thousand dollars ($50,000.00) for each heavy duty emergency wrecker. The garage keeper's liability insurance must include a provision for direct primary coverage.

(d)

If a vehicle is removed from service, the licensee shall maintain the insurance coverage required by this section for the vehicle until the director receives satisfactory proof that all evidence of operation as an emergency wrecker has been removed from the vehicle.

(e)

Insurance required under this section must include:

(1)

A cancellation provision in which the insurance company is required to notify the director in writing not fewer than thirty (30) days before canceling, failing to renew, or making a material change to the insurance policy; and

(2)

A provision to cover all vehicles, whether owned or not owned by the licensee, operated under the license.

(3)

Reserved.

(4)

A license will not be granted or renewed unless the applicant or licensee furnishes the director with such proof of insurance as the director considers necessary to determine whether the applicant or licensee is adequately insured under this section.

(5)

If the insurance of a licensee lapses or is cancelled and new insurance is not obtained, the director may suspend the license until the licensee provides evidence that insurance coverage required by this section has been obtained. A person shall not operate an emergency wrecker service while a license is suspended under this section whether or not the action is appealed.

(Ord. No. O-03-09, § 2, 2-27-2003)

- **Sec. 30-115. - Powers and duties of the director.**

In addition to the powers and duties elsewhere prescribed in this article, the director is authorized to:

(1)

Administer and enforce all provisions of this article;

(2)

Keep records of all licenses issued, suspended or revoked;

(3)

Keep records of all authorized emergency vehicles;

(4)

Adopt rules and regulations, after reasonable notice to the licensees, not inconsistent with the provisions of this article, with respect to the form and content of applications for licenses, the receipt thereof, the investigation of applicants, and other matters incidental or appropriate to his power and duties as may be necessary for the proper administration and enforcement of the provisions of this article;

(5)

Adopt new emergency wrecker procedures for experimentation on a temporary basis, after reasonable notice to the licensees;

(6)

Conduct, when appropriate, periodic investigations of emergency wrecker companies.

(7)

Require periodic reports as necessary to evaluate each emergency wrecker company's operations.

(Ord. No. O-03-09, § 2, 2-27-2003)

- **Sec. 30-116. - Powers and duties of the applicable law enforcement agency.**

In addition to the powers and duties elsewhere prescribed in this article, the applicable law enforcement agency is authorized to:

(1)

Enforce all provisions of this article;

(2)

Adopt rules and regulations, after reasonable notice to the licensees, not inconsistent with the provisions of this article, with respect to the investigation of applicants, and other matters incidental or appropriate to his powers and duties as may be necessary for the proper enforcement of the provisions of this article;

(3)

Adopt new emergency wrecker procedures for experimentation on a temporary basis, after reasonable notice to the licensees;

(4)

Conduct, when appropriate, periodic investigations of emergency wrecker companies throughout the city; and

(5)

Keep records of service adequacy and responsiveness of licensees and provide these records to the director upon request.

(Ord. No. O-03-09, § 2, 2-27-2003)

- **Sec. 30-117. - Wrecker rotation list procedure.**

(a)

An emergency wrecker being called from the wrecker rotation list is referred to as the duty-wrecker. When an emergency wrecker is needed, the investigating police officer will communicate the need for an emergency wrecker immediately to police department dispatch center. On receiving the first communication, the dispatcher must call the emergency wrecker company on duty at that time, to remove the vehicle to a place designated by the applicable law enforcement agency. If additional equipment is required after the duty wrecker's resources are exhausted the dispatcher will call the next wrecker on the rotation list.

(b)

If the investigating police officer or the dispatcher determines that use of the wrecker rotation list procedure would result in unreasonable delay in clearing the street, the nearest emergency wrecker may be called as an alternative to use of the procedure.

(c)

A heavy-duty wrecker may be called to the scene of an accident under the following circumstances:

(1)

The accident involves a tandem axle drive tractor.

(2)

A safety officer or other appropriate official of a damaged vehicle's company requests a heavy duty wrecker unless honoring the request would result in unreasonable delay in clearing the street.

(3)

The investigating police officer determines that a heavy-duty wrecker is required. The rotation procedure in this article applies to heavy-duty wreckers as well as all other wreckers.

(Ord. No. O-03-09, § 2, 2-27-2003)

- **Sec. 30-117.01. - Wrecker rotation list execution.**

(a)

The city will maintain a yearly list of emergency wreckers who are on rotation in June.

(b)

Every Friday the director will fax the police dispatcher the assigned wrecker for the rotation period beginning the next Monday morning at 8:00 a.m. and their assigned backup, as well as heavy duty wrecker on call. This procedure will continue through the rotation wreckers on the list until all have had a period of rotation.

(Ord. No. O-08-11, § 5, 3-27-2008)

- **Sec. 30-117.02. - Suspension/termination from rotation system.**

(a)

The director may suspend a rotation wrecker service from the rotation system for any violation of a contract, any applicable city ordinance, any applicable civil statute, or any policy adopted by the Director under authority of city ordinance or a contract, or for any criminal offense committed by the service or by any driver, employee or agent of the service, in the course of providing services, whether or not the services are being performed as part of a rotation system call.

(b)

A rotation wrecker that is suspended who is suspended by the director for three (3) days or less may appeal the suspension by written request to the director within ten (10) days after written notification of suspension. The Director shall conduct a hearing and may sustain, reverse, or modify the action appealed. The action of the director is final.

(c)

A rotation wrecker who is suspended by the director for more than three (3) days may appeal the suspension to the appeals board. A written request to the director must be made within ten (10) days after written notice to the licensee.

(1)

The appeals board shall set a time, date, and place for a hearing and the licensee will be notified at least three (3) days prior to the hearing.

(2)

The appeals board may sustain, reverse, or modify the action appealed. The action of the appeals board is final.

(Ord. No. O-08-11, § 5, 3-27-2008)

- **Sec. 30-117.03. - Emergency situations.**

When emergency conditions necessitate, the city reserves the right to request the services of the emergency wrecker service who, in the city's sole opinion, is the best able to handle the situation and/or can reach the scene most expeditiously, regardless of the emergency wrecker service position on the rotation log. If a dispatch is made under these circumstances, the emergency wrecker service making such a response will not forfeit its respective position on the rotation.

(Ord. No. O-08-11, § 5, 3-27-2008)

- **Sec. 30-118. - Requirements and operating procedures for emergency wrecker service.**

(a)

An emergency wrecker company licensee shall comply with the following requirements and procedures:

(1)

Maintain twenty-four-hour wrecker service.

(2)

Arrive at the accident within a reasonable time after having been notified to do so by the applicable law enforcement agency, such response time generally not to exceed twenty-five (25) minutes.

(3)

Deliver, in every instance, the wrecked or disabled vehicle to a location designated by the applicable law enforcement agency.

(4)

Emergency wrecker that do not comply with State of Texas Motor Vehicle Laws is not allowed to participate in the wrecker rotation list.

(5)

Report to the director all changes in emergency wreckers and equipment used in the licensee's emergency wrecker service and render all additional vehicles for inspection by the director.

(6)

Employ emergency wrecker drivers who are not habitual violators of the traffic laws.

(7)

Upon arrival at the scene of an accident, promptly clear the wreckage and debris from the traveled portion of the roadway or confine it to the smallest possible portion of the traveled roadway while removal is taking place and in a manner to minimize the duration of interference with normal traffic flow and completely remove from the site of the accident all resulting wreckage or debris, including all broken glass, but excluding truck or vehicle cargoes, before leaving the site.

(8)

Nothing in this article shall be construed to permit operation of a wrecker as an authorized emergency vehicle.

(Ord. No. O-03-09, § 2, 2-27-2003)

- **Sec. 30-119. - Disposition of towed vehicles.**

A vehicle towed under the provisions of this article will be kept at a place designated by the applicable law enforcement agency until application for the vehicle's redemption is made by the owner or an authorized agent who will be entitled to the possession of the vehicle upon payment of all costs of removal and storage that may have accrued. If the owner or an authorized agent does not redeem the vehicle, the vehicle will be disposed of in a manner prescribed by law.