

CHAPTER 1070

WRECKER-TOWING SERVICE POLICY

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CROSS REFERENCES

1070.01 PURPOSE AND INTENT

The purpose of this Ordinance is to establish criteria for dispatch of a towing service at the request of City police or other emergency personnel; to provide for the administration of the wrecker eligibility policy and orderly rotation and selection of providers of such services; to provide expectations to said policy and eligibility; to protect the public health, safety and welfare and the property of the persons involved; to provide criteria for continued participation; and, to provide an effective date hereof.

1070.02 ELIGIBILITY

To be eligible to render wrecker service at the request of City personnel, a provider desiring to render such service shall first demonstrate that:

- a.) The wrecker-towing business shall be located within the City of Ewart or within six (6) miles of its boundaries.
- b.) That said wrecker-towing vehicles shall be radio dispatched and shall be manned on a twenty-four (24) hour, seven (7) day per week basis.
- c.) That said wrecker-towing service shall at all times maintain at least three wreckers in operation, each of which shall be equipped with dollies or wheel lift apparatus.
- d.) That said wrecker-towing service shall maintain a securely locked yard for storage of towed and/or impounded vehicles.
- e.) That said wrecker-towing service shall have insurance in effect providing property damage and personal injury protection coverage of not less than \$500,000.00, per occurrence, in connection with any activity performed as a result of a township dispatch request.

1070.03 LIST OF PROVIDERS

Upon satisfactory demonstration of compliance with the standards set forth in Section 1070.02, above, said wrecker towing service shall be placed upon a list of eligible providers and shall be called by the City personnel on a daily rotation basis. Provided, however, that in the event the service provider is unable to respond due to breakdown inclement weather or fails to respond for any other reason, nothing contained in this Ordinance shall be deemed to prohibit the City employees from the dispatch of the next scheduled service provider.

1070.04 RULES OF SERVICE

Each eligible provider shall be given a copy of this ordinance and shall prior to initiation of such service, acknowledge and agree that:

- a.) The City wrecker service policy is administered by the Evert Chief of Police and eligibility for participation shall be within the jurisdiction of said officer.
- b.) The vehicle owner's preference will be honored above all others in the designation of the entity called for towing services. The wrecker-towing policy described in this Ordinance shall be limited to abandoned motor vehicles or motor vehicles in the control of injured or incapacitated persons. The term "incapacitated" as used herein shall include persons under the influence of chemicals or impaired through the use of drugs or alcohol.
- c.) Any entity deemed eligible to provide the services described in this Ordinance shall continuously comply with the minimum criteria established in this Ordinance and shall be subject to inspection at any time by Evert Police Department in order to satisfy the City that said minimum eligibility criteria are being met.
- d.) The Evert City Council may at any time terminate the eligibility of any provider upon a demonstration that said provider has failed to meet any of the criteria required for such eligibility, including specifically untimely response to requests for towing.
- e.) No motor vehicle impounded by the Evert Police Department shall be released from such impoundment without the express consent of said Department.
- f.) Employees of each provider shall conduct themselves in a businesslike and courteous manner at all times. Further reasonable measures shall be taken by said employees entering the interior of a motor vehicle towed at City request, to protect the interior from grease, soil or dirt.

1070.05 MODIFICATIONS AND AMENDMENTS

Nothing contained herein shall prohibit the City from amending or modifying this Ordinance and the criteria for eligibility established herein. Compliance with such amended or modified standards shall be required immediately upon the adoption thereof.

1070.06 DEVIATIONS

The Police Chief, or his designee, may order towing or wrecker services from entities not otherwise eligible hereunder, or not within said rotation, if, in the opinion of said Chief, such deviation from the City's policy is necessary for the protection of the health, safety or welfare of the citizenry or if necessary to protect the property involved.

1070.07 SEVERABILITY

If any section, paragraph, clause, or part of this Ordinance is, for any reason, held invalid by any court of competent jurisdiction, or any agency, department, or commission, empowered by state law for such purposes, such decision shall not affect the validity of the remaining provisions of this Ordinance and the application of those provisions to any person or circumstances shall not be affected thereby.

1070.08 EFFECTIVE DATE

This Ordinance shall become effective immediately upon its adoption as required by law.