



Legislation Details (With Text)

File #: ORD-17:026 **Version:** 1 **Name:** Amend Code of Ordinances Sec. 66 to repeal and adopt ordinance relating to towing services

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File created: 5/8/2017 **In control:** Public Safety Council Committee

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Title: AN ORDINANCE TO REPEAL AND ADOPT AN ORDINANCE RELATING TO TOWING SERVICES IN THE CITY OF JONESBORO

Sponsors: Mayor's Office

Indexes: Code of Ordinances amendment

Code sections: Chapter 66 - Traffic & Vehicles

Attachments:

Date	Ver.	Action By	Action	Result
6/20/2017	1	City Council	Passed	Pass
6/6/2017	1	City Council	Waived Second Reading	Pass
5/16/2017	1	Public Safety Council Committee	Recommended to Council	Pass

AN ORDINANCE TO REPEAL AND ADOPT AN ORDINANCE RELATING TO TOWING SERVICES IN THE CITY OF JONESBORO

WHEREAS, the City Council of the City of Jonesboro, Arkansas desires to regulate towing services for the citizens of Jonesboro.

WHEREAS, Chapter 66-83 is to be repealed and the following language of Chapter 66-83 is to be adopted to better conform to the current towing service needs and standards.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF JONESBORO, ARKANSAS:

SECTION ONE: That Chapter 66-83 shall be repealed in its entirety and replaced with the following language:

- (a) The city does hereby promulgate the following regulations and specifications to apply to towing and wrecker companies who receive requests for service from the Jonesboro Police Department:
- (1) Each wrecker company who wishes to receive requests for services from the Jonesboro Police Department, except calls that arise from the requests of vehicle owners, must immediately conform to the following regulations and specifications. Failure to conform to these regulations and specifications will constitute grounds for penalties as listed in subsection (b) of this section.
 - (2) Each company must provide 24-hour continuous service, both for the acceptance or release of vehicles or property and for request for service. Once a request for release has been made, the wrecker company must respond in a timely manner. Any complaints arising under this subsection will be handled on a case-by-case basis. Any release of a vehicle or property in the vehicle requested after hours can be subject to an after-hours fee. After hours is defined as any time not within the regular working hours from 8:00am to 5:00pm Monday-Friday. The wrecker company shall notify any person calling for an after-hours release that there is a \$30.00 fee. This should be done prior to the release. No storage fee is to be assessed until the vehicle has been stored for at least 24 hours.

- (3) Each company must have in continuous effect and provide proof of liability insurance in sufficient amount to cover any claim against them resulting from property damage or injury to persons occurring while they are rendering service upon request of the Jonesboro Police Department. Furthermore, each company must maintain a lighted storage area surrounded by fencing adequate to prevent entrance by unauthorized persons and must hold itself responsible for any theft or vandalism to vehicles or other property within its care or control. Furthermore, each company must have available for continuous storage use, an area which is secure from entry by all unauthorized persons in which vehicles stored for the purpose of preserving evidence may be held. The company must maintain the storage area and a working wrecker within the city limits of Jonesboro.
- (4) All wreckers must be in good mechanical condition, must bear a current vehicle inspection certificate, and must bear a proper commercial license.
- (5) All wreckers must be equipped with a fire extinguisher, ABC Type, of not less than ten pounds in size, and sufficient amber lights, visible from both front and rear, to warn approaching traffic.
- (6) Each wrecker shall be equipped with sufficient tools and accessories to efficiently perform its service.
- (7) No wrecker shall proceed to an accident scene unless requested to do so by the Jonesboro Police Department or the owner or driver of the wrecked vehicle. Should a wrecker company or any of its employees receive notification of an accident from a source other than a police agency, it should immediately notify the Jonesboro E911 Dispatch Center.
- (8) Each company must, upon request for service, make available immediately a suitable wrecker and operator, or immediately inform the requesting party that no suitable wrecker is available so that service may be obtained from another company. No more than 25 minutes will be allowed from the time of request for a wrecker to appear at the scene. Only a wrecker from the company that is called and requested will be allowed to work on or remove any vehicle. The wrecker must have the business name listed on the wrecker in a permanent fashion.
- (9) All wrecker operators shall obey all traffic regulations. Wreckers are not considered an emergency vehicle under state statutes.
- (10) Upon arrival at an accident scene, the wrecker operator will stand by and will not proceed to work on or remove any vehicle until directed to do so by a police officer.
- (11) It will be the responsibility of every wrecker operator to remove or provide for the removal of all debris from the highway before leaving an accident scene, with no additional fee. See A.C.A. § 27-51-1405.
- (12) Each company must maintain an adequate record of all vehicles towed at the request of the Jonesboro Police Department. Such record to include the date, time, location, make, model, license and serial numbers. Such records shall be made available to the Jonesboro Police Department at such times as any member thereof may request.
- (13) All companies will be required to furnish the Jonesboro Police Department with a list of all vehicles stored on their lot over 30 days that were towed at the request of the Jonesboro Police Department.
- (14) All wrecker company vehicles must comply with all state statutes and the Arkansas Towing and Recovery Board regulations.
- (15) All companies will be required to provide a list of all authorized drivers. This list shall provide the driver's license number of each driver so that the driving record of each driver may be examined. Drivers with excessive violations, convictions for violent crimes, and/or a felony conviction within the previous five years may be denied the opportunity to respond to calls for service by the Jonesboro Police Department. Each driver must have a valid Arkansas Driver's License. Companies are required to notify the Jonesboro Police Department within fifteen days if that company no longer employs a driver.
- (16) The following amounts will be the maximum that companies may charge when requested to respond by the Jonesboro Police Department. (This does not apply to accidents requiring the use of

large wreckers.)

City-wide base response rate..... \$125.00

Secondary tow..... \$75.00

(Defined as: towing a vehicle at the request of Jonesboro Police Department from one location to a specified second location and then towing the same vehicle from that location to the wrecker company's storage lot or a secondary location.)

Per loaded mile outside city limits.....\$2.00

Winch.....\$50.00

Standby charges per hour..... \$30.00

Daily storage per day..... \$40.00

After hours release.....\$30.00

Excessive hazardous material clean-up fees and additional fees for unusual services may be approved on a case-by-case basis by the chief of police of the Jonesboro Police Department, or his designee.

It is not a violation of this ordinance to charge an administrative fee for sending notice letters in accordance with state law.

These rates will be reviewed as needed to ensure their conformity with current economic standards.

(b) Penalty.

(1) Any violation of this subsection can subject you to being removed on a temporary or permanent basis from the call list of the Jonesboro Police Department.

(2) All complaints will be investigated by the chief of the Jonesboro Police Department, or his designee. A representative of the company alleged to have violated these regulations will be permitted to present their defense prior to any action being taken. The chief of police shall have the final decision as to the action taken.

PASSED AND APPROVED this 20th day of June, 2017.