



Legislation Text

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AN ORDINANCE TO AMEND TITLE 8, VEHICLE AND TRAFFIC; CHAPTER 8. 40 - SECTION 8. 40. 15 - TOWING AUTHORIZED BY ADDING A NEW SUBSECTION (C) PROVIDING REGULATIONS AND SPECIFICATIONS FOR WRECKER COMPANIES WHO RECEIVE CALLS FROM THE JONESBORO POLICE DEPARTMENT.

WHEREAS, there are many occasions in the routine operations of the Jonesboro Police Department when it becomes our duty under Arkansas law to provide for the removal of wrecked or disabled vehicles from the streets of this city, or to provide for the removal and safe storage of vehicles belonging to persons whom it becomes our duty to arrest and incarcerate; and

WHEREAS, the Jonesboro Police Department utilizes, of necessity, the services of many private towing and wrecker companies in the discharge of these public duties; and

WHEREAS, the Jonesboro Police Department recognizes that many motoring citizens are thus placed in the position, without their express consent, of employing the services of these towing and wrecker companies; and

WHEREAS, the Jonesboro Police Department deems it incumbent upon themselves to strive to maintain a fair degree of equality and protection of motoring citizens from unethical or unfair business practices on the part of private towing and wrecker companies whom the Jonesboro Police requests in behalf of said citizen.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Jonesboro, Arkansas:

SECTION 1: AMEND SECTION 8. 40. 15 - TOWING AUTHORIZED BY ADDING A NEW SUBSECTION:

(A) The City of Jonesboro does hereby promulgate the following regulations and specifications to apply to towing and wrecker companies who receive request for service from the Jonesboro Police Department:

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 so conform to these regulations and specifications will constitute grounds for penalties as listed in section 16.

(1) Each company must provide twenty-four (24) hour continuous service, both for the acceptance or release of vehicles or property, and for request for service.

(2) 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.

(3) All wreckers must be in good mechanical condition, must bear a current vehicle inspection certificate, and must bear a proper commercial license: 27 -32 -109.

(1) All wreckers must be equipped with a fire extinguisher, ABC Type, of not less than ten (10) lbs. in size, and sufficient amber lights, visible from both front and rear, to warn approaching traffic.

(2) Each wrecker shall be equipped with sufficient tools and accessories to efficiently perform its service.

(3) 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 proper police agency.

(4) 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 35 minutes will be allowed from the time of request for a wrecker to appear at the scene.

(5) All wrecker operators shall obey all traffic regulations. Wreckers are not considered an emergency vehicle under Arkansas Statutes.

(6) 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.

(7) 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: 27-51-1405.

(8) 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.

(9) All companies will be required to furnish the Jonesboro Police Department with a list of all vehicles stored on their lot over thirty (30) days that were towed at the request of the Jonesboro Police Department.

(10) All wrecker company vehicles must comply with all State Statutes and the requirements as required by the State of Arkansas.

(11) 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 may be denied the opportunity to respond to calls for service by the Jonesboro Police Department.

(12) The following amounts will be the maximum that companies may charge when request to respond by the Jonesboro Police Department. (This does not apply to accidents requiring the use of large wreckers.)

City - wide Base response Rate	\$45.00
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Dolly Charges	\$30.00
Winch/Standby Charges per hour	\$25.00
Daily Storage after First 24 hours	\$8.00

The above rates will be reviewed on a yearly basis to ensure their conformity with current economic standards.

SECTION 2: PENALTY

(A) Any company that violates any of the above conditions, with the exception of Section 15, will receive a written warning for the first offense. A second violation within a six (6) month period will result in that companies removal from the list for three (3) months. Any further violations after reinstatement within a twelve (12) month period will result in removal from the list for on (1) year.

(B) Any violation of section 15 will result in that company being removed from the list for a period of one (1) year.

(C) All complaints will be investigated by the Patrol Division Commander. 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 ADOPTED this 15th day of October, 1990.