

**AN ORDINANCE TO AMEND ORDINANCE #2222
AND TO PROVIDE RELATIVE TO THE
ROTATING WRECKER LOG**

WHEREAS, the City Council desires to amend Chapter 20 (Motor Vehicles and Traffic) of the Code of Ordinances of the City of Hammond Section 20-73 relative to rotating wrecker log regulations to provide for the public safety, general welfare and good order of the City.

Section 1. NOW, THEREFORE, BE IT ORDAINED by the City Council of Hammond that Chapter 20 of the Code of Ordinances be amended (*amended language in bold italics*) as follows:

CHAPTER 20. MOTOR VEHICLES AND TRAFFIC

...

Division 2 Regulation of Wrecker Operations

Sec. 20-73. – Rotating wrecker log.

- (a) The chief of police is authorized and directed to maintain a rotating wrecker log of all tow truck operations and wrecker services desiring to participate in a rotating wrecker log program within the city. Placement on the rotation list shall be limited to wrecker services *who have registered with and who maintain a regular place of business in the City of Hammond and/or unincorporated areas of Tangipahoa Parish*. Placement on the rotation list will be determined by the date of receipt of the service operator's application.
 - (1) Any holder of a city occupational license which provides wrecker or towing service as a part of its business, *and maintains a regular place of business in the City of Hammond and/or unincorporated areas of Tangipahoa Parish* shall be eligible for participation in the rotating wrecker log program upon a showing of compliance with section 20-72 herein.
 - (2) Any towing or wrecker service which does not hold a city occupational license shall be required to obtain a wrecker permit prior to placement on the city's rotating wrecker log. Application for a wrecker permit shall be to the tax collector for the city, as set forth in section 19-9.2 et seq. of the Code of Ordinances. Any applicants for a wrecker permit shall furnish to the tax collector all requirements of the Louisiana Towing and Storage Act and rules promulgated thereunder. The annual permit fee shall be fifty dollars (\$50.00)
- (b) Police personnel shall honor any bonafide owner's request for a specific wrecker service. In the event there is no special request by such bonafide owner, the police department shall summon the next available wrecker service from the police rotating wrecker log. Nothing contained herein shall establish a contract for hire between the city and the wrecker service. A wrecker driver shall be held to be the legal agent of the towing service, and any verbal or written estimate of the cost of towing services shall be binding on the towing service.
- (c) In the event a wrecker service is called to the scene by the police department a maximum showup or callout fee of twenty-five dollars (\$25.00) is authorized, provided the wrecker

arrives at the scene within twenty (20) minutes of the callout. All wrecker service operators called to service from the rotating wrecker log are required to respond to the scene of the callout within twenty (20) minutes of the call.

- (d) The chief of police or his designee shall investigate all complaints against persons operating a wrecker service in order to maintain compliance with this article, and make recommendations to the city council on all matters relating to the enforcement thereof.
- (e) The chief of police is authorized to enforce the provisions of this article, and is directed to cooperate with the Louisiana Department of Public Safety and Corrections relative to compliance with towing recovery and storage rules and regulations of that department. In addition thereto, the chief of police is authorized to suspend any wrecker service or tow truck operator from the wrecker rotation log due to the wrecker service's failure to respond to a callout within twenty (20) minutes of the call. Violation of the callout requirement may call for the following action by the chief of police:
 - (1) First violation in any twelve-month period. Thirty (30) days suspension of authorized status.
 - (2) Second violation in any twelve-month period. Sixty (60) days suspension of authorized status.
 - (3) Third violation in any twelve-month period. Permanent suspension of authorized status.

Any wrecker service suspended from the police department log as a result of the action taken by the Chief of Police may request a review of the findings and suspension to the city council.

Section 2. The provisions of this ordinance are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section or portion of this ordinance, or the invalidity of the application thereof to any person or circumstances shall not affect the validity of the remainder of this ordinance, or the validity of its application to other persons or circumstances.

Section 3. This ordinance shall be effective as of the date of signature by the Mayor.

Section 4. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

This ordinance having been submitted in writing, having been introduced at a public meeting of the Hammond city council, discussed at a public hearing of said Council and was submitted to an official vote of the Hammond city council.

On motion of _____ and seconded by _____, the foregoing ordinance was hereby declared adopted on this ___ day of _____, 2013, by the following roll call vote:

	<u>Yea</u>	<u>Nay</u>	<u>Absent</u>	<u>Not Voting</u>
Johnny Blount	_____	_____	_____	_____
Jason Hood	_____	_____	_____	_____
Robert "Bobby" Martin	_____	_____	_____	_____
Lemar Marshall	_____	_____	_____	_____
Mike Williams	_____	_____	_____	_____

ATTEST:

Clerk, Hammond City Council

Jason Hood, President
Hammond City Council

INTRODUCED: _____, 2013

PUBLISHED: _____, 2013

ADOPTED: _____, 2013

DELIVERED TO MAYOR: _____, 2013

APPROVED BY MAYOR: _____, 2013

RECEIVED FROM MAYOR: _____, 2013