

ORDINANCE NO. _____

An Ordinance to Regulate Towing and Wrecker Service

BE IT ORDAINED by the Hammond City Council that Chapter 20 (Motor Vehicles and Traffic) shall be amended to replace existing section 20-73 to read as follows:

+++++

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 the Rotating Wrecker Log Program (“RWLP”) within the City of Hammond.

(1) Every person, firm, corporation or other entity who participates as part of the RWLP, and is engaged in, or associated with the towing, removal or storage of any wrecked, abandoned, disabled or other designated vehicle shall comply with the City of Hammond Code of Ordinances, Police Department General Orders and all applicable state laws and administrative regulations governing the towing and storage of vehicles, including, but not limited to, Louisiana Revised Statute 32:1711, et seq., and Louisiana Administrative Code 55:1901, et seq.

(2) Any towing or wrecker service which does not hold a Hammond occupational license shall be required to obtain both a wrecker permit and have proof of a storage license, for at least six (6) months prior to placement on the RWLP. Application for a wrecker permit shall be to the tax collector for the city in accordance with the City Code of Ordinances. In addition, all applicants for a wrecker permit shall furnish to the tax collector all requirements of the Louisiana Towing and Storage Act and rules promulgated there under. The annual permit fee shall be fifty dollars (\$50.00).

(i) Approved towing or storage companies on the RWLP shall:

(a) Be registered with and maintain a regular place of business in the city of Hammond and/or unincorporated areas of Tangipahoa Parish, and have had a storage license for at least six (6) months. Placement on the RWLP will be determined by the date of receipt of the service operator’s application.

(b) Maintain a valid Storage Inspection License and not owe any outstanding fees/fines.

(c) Provide 24-hour service on a 365 day per year basis.

(d) Provide for a maximum 30 minute response time from the time of notification, unless extenuating circumstances exist.

(e) Not be an owner, either in whole or in part, directly or indirectly, of any other tow company in the RWLP.

(f) Not be owned, operated by, or knowingly employ any person who has been convicted of a felony relating to auto theft, vehicle insurance fraud, burglary of a vehicle, possession of stolen vehicles or vehicle parts.

(B) When it is determined that a motor vehicle must be towed, the owner or operator of the vehicle shall be given the option to select a licensed towing company to tow their vehicle, if the requested tow company meets the requirements below. If the owner or operator of the motor vehicle is unable to select, or chooses not to select a particular licensed towing company, or an emergency situation requires the immediate removal of the vehicle, the next available licensed towing company on the RWLP list shall be called to tow the vehicle.

(C) Officers shall not make any recommendations as to what towing company a vehicle operator or owner should use. 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.

(D) Officers shall honor any vehicle owner/operators request for a specific towing service when:

- (1) The tow truck requested meets all the requirements of Louisiana Revised Statute Titles 23, 32, and 47 as well as Louisiana Administrative Code Title 55.
- (2) No danger to the public is created in so doing.
- (3) The officer's return to duty is not delayed beyond a reasonable amount of time (maximum 30 minutes).
- (4) If the owner/operator desires a tow business not on the RWLP, they must be able to provide the accurate name of the tow company and either a phone number or city where located. Officers should make a reasonable attempt to locate the phone number and/or contact the desired tow company with available resources.

(E) Debris from a crash, with the exception of medical waste, shall be removed by the tow truck driver, other towing company employees, or the towing company assignee. The officer will make every effort to ensure that the crash scene is safe and protected throughout the recovery process.

(F) Authorized towing companies shall honor all hold orders for law enforcement officers.

- (1) The release of a vehicle or contents shall be authorized by the department storing the vehicle.
- (2) An officer who is responsible for storing a vehicle shall complete a vehicle storage, wrecker request and inventory record form.
- (3) The towing company shall be furnished a copy of the storage/inventory report by the office at the scene.

(G) Each tow truck and operator shall meet all operational requirements listed in this ordinance, as well as the Police Department General Orders, and those mandated for tow trucks, in Louisiana Revised Statutes Titles 23, 32, and 47 as well as Louisiana Administrative Code Title 55. All tow trucks in the business sleet shall also be equipped with the following:

- (1) A heavy duty shop type broom.
- (2) At least one (1) shovel.
- (3) A fire extinguisher(s) that meets or exceeds standards set forth in the FMCSA 393.95.
- (4) Search lights or adequate working lights.
- (5) Hand held flashlight (charged).
- (6) A minimum of five (5) gallons of environmentally safe absorbent material.
- (7) At least one amber rotating or flashing beacon visible at night for 360 degrees at a distance of 1000 feet, under normal atmospheric conditions.
- (8) Have all cargo and loose items on the bed secured.

(H) All tow truck operators shall:

- (1) Be an employee of the tow company whose services are being utilized.

- (2) Possess a valid Louisiana driver's license with the appropriate class.
- (3) Be proficient with and have the necessary experience/training in vehicle recovery and towing.
- (4) Be able to communicate in English.
- (5) Wear a uniform shirt displaying the name of the towing company and driver.
- (6) Wear appropriate footwear (no soft footwear).

(I) Each tow truck shall be equipped with communication equipment capable of providing direct contact between Hammond Police Department and the tow company representative. The company representative must have the ability to maintain communications with the tow truck operator responding to a call from the Hammond Police Department. Citizen band radios and pagers are not sufficient equipment for this purpose.

(J) Unless prior arrangements have been made with the Chief of Police or his designee, a tow company operator (or representative) must answer all phone calls for towing services at all times. Failure to answer any phone call may warrant an immediate "one call" suspension from the RWLP list other than the call that was not answered.

(K) The towing service shall determine the method and manner of removing vehicles, and shall exercise due care to limit collateral damage during the towing, recovery or removal operations. Tow truck and /or storage facility owners and operators shall adhere to any lawful orders or direction of a department law enforcement officer.

(L) Prohibitions of Tow Truck Operators.

- (1) Rotating or strobe beacons shall not be used except while at the scene of crash, while recovering a vehicle, or while towing a vehicle.
- (2) No tow truck owner, agent, employee, or operator shall stop at the scene of a crash, disabled, or unattended vehicle for the purpose of soliciting business, either directly or indirectly; unless the owner or operator of said vehicle has specifically summoned the tow company or its employees or agents to such scene for towing or recovery purposes.
- (3) Traversing highways for direct or indirect compensation is prohibited.
- (4) No operator shall, without the express authorization of the responsible investigating agency, move any vehicle from a public highway or street or from any public property when such vehicle is abandoned, stolen or damaged as a result of a crash.
- (5) EXCEPTION: Notwithstanding the conditions imposed in this section, tow operators may, in emergency cases, move a vehicle involved in a crash, if the movement is necessary to extricate a person from the wreckage or to remove an immediate hazard to life and/or property. Any movement shall be reasonable and necessary.
- (6) Operators shall respond to the scene of police investigations only when called by the police or by the owner/operator of a disabled vehicle.

(M) If tow truck operators are unable to respond when summoned by special request by the Hammond Police Department, they must immediately notify the department and shall not summon a substitute. Repeated instances of a tow company failing to respond may subject the tow company to removal from the RWLP.

(N) If a tow truck company (or representative) refuses any request for a tow, without reasonable justification, that may constitute grounds for an immediate "one call" suspension from

the RWLP other than the call that was refused. Numerous documented refusals may constitute grounds for longer suspension periods from the RWLP including the possibility of permanent removal from the RWLP.

(O) If, for any justifiable reason, tow truck operators are unable to respond when summoned, or, when the towing company knows they will be unable to service tow requests for a certain number of days, they will immediately notify the Hammond Police Department and have themselves “inactivated” on the tow rotation and shall not summon a substitute. Repeated instances of a tow company failing to respond may subject the tow company to be removed from the RWLP.

(P) If a tow truck arrives at the scene and is unable to provide the necessary services, the tow company must immediately notify the Hammond Police Department. The tow company shall not summon a substitute unless the other tow truck is from the same company. The tow company may request the assistance of another tow company on the RWLP if needed. This request should be made and approved through the on scene Hammond Police officer.

(Q) Interference with law enforcement officers at the scene or failure to comply with an officer’s lawful instructions is prohibited. No tow truck operator or tow company should follow a directive or order that is unsafe or beyond the operational standard or capacity of any equipment being used in cleanup or in removing the roadway hazard and, as such, should not face adverse action by the department.

(R) No tow company operator shall charge for services not performed or make duplicate charges.

(S) No tow company operator shall make repairs or alterations to wrecked or disabled vehicles without prior authorization of the owner except for that which is necessary in an emergency to permit vehicle towing.

(T) Operators must notify the Hammond Police Department before proceeding to any call from a motorist when the call may involve a crash or an impaired driver.

(U) Operators shall comply with the provisions set forth in, Louisiana Revised Statutes 32:1711 et seq. and Louisiana Administrative Code 55:1901 et seq., relative to the storage and release of motor vehicles.

(V) Penalties for Towing Violations.

(1) The Chief of Police or his designee shall investigate all complaints against persons operating a wrecker service in order to maintain compliance with this ordinance.

(2) The Chief of Police is authorized to enforce the provisions of this ordinance, and is directed to cooperate with applicable State agencies relative to compliance with towing, recovery and storage rules and regulations of that agency. In addition thereto, the Chief of Police is authorized to suspend or remove any wrecker service or tow truck operator from the RWLP due to the failure to adhere to this ordinance and Hammond Police Department policies.

(3) Violations of the callout time requirement will result in the following action by the Chief of Police:

(a) First violation in a twelve (12) month period. A letter from the police chief to the owner indicating non-compliance and a request to adherence. Second violation in a 12 month period, is a two (2) rotation suspension from the RWLP. A third violation in a 24 month period will cause a 30 suspension from the RWLP. Continued non-adherence to this ordinance will result in the towing company being removed from the RWLP.

(b) Any tow truck owner suspended from the RWLP may submit a written appeal requesting a review of the findings and suspension to the Chief of Police.

(c) Review hearings will be held by the Chief of Police within ten (10) business days, after the request is made.

+++++

The above and foregoing ordinance having been duly submitted to the Hammond City Council in writing; introduced at a public meeting on _____, 2018 of the Hammond City Council and discussed at a public meeting held on _____, 2018 after motion and second was submitted to the official vote of the Hammond City Council.

On motion by _____ and a Second by _____, the foregoing ordinance was hereby declared adopted on _____, 2018 by the following roll call vote:

Votes: Johnny Blount () Jason Hood () Janice Carter Beard () Lemar Marshall () Mike Williams ()

WHEREFORE the above and foregoing ordinance was declared duly adopted on this _____ day of _____, 2018, at Hammond, Louisiana.

ATTEST:

Tonia Banks, Clerk
Hammond City Council

Johnny Blount, President
Hammond City Council

INTRODUCED: _____, 2018

PUBLISHED: _____, 2018

ADOPTED: _____, 2018

DELIVERED TO MAYOR: _____, 2018

APPROVED BY MAYOR: _____, 2018

RECEIVED FROM MAYOR: _____, 2018