

**Chapter 16**

**VEHICLES FOR HIRE**

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**ARTICLE I. IN GENERAL**

**Secs. 16-1—16-20. Reserved.**

**ARTICLE II. WRECKERS AND TOWING SERVICES\*****Sec. 16-21. Definitions.**

The following definitions shall apply in the interpretation and enforcement of this article.

*Immediate family* means husband, wife, child, brother, sister, parent, grandparent or grandchild.

*Street* means any street, alley, public place, square or highway within the corporate limits of the city.

*Vehicle* means every device in or by which any person or property is or may be transported or drawn upon a public highway, except devices moved only by human power or used exclusively upon stationary rails or tracks, and shall include trailers and semitrailers.

*Vehicle owner* means any person who holds the legal title of a motor vehicle or who has the legal right of possession thereof.

*Wrecker* means any motor vehicle used for the purpose of towing or removing disabled or wrecked vehicles in the town.

*Wrecker company* means any business or person engaged in the wrecker service.

*Wrecker operator* means any person who supplies wrecker service, whether as owner, operator, employee or agent.

*Wrecker service* means the service of towing or removing disabled or wrecked vehicles on the public streets, regardless of whether the purpose of the towing is to remove, repair, wreck, store, trade or purchase such disabled or wrecked vehicles.

(Code 1991, § 9-91; Ord. of 3-29-1994)

**Sec. 16-22. Police officer prevented from financial interest or recommendation of company.**

No police officer shall recommend any wrecker service to anyone nor shall any police officer hold any financial interest or any form of ownership interest in any wrecker service.

(Code 1991, § 9-92; Ord. of 3-29-1994)

**\*Federal law references**—Federal law preempts local government regulation relating to price, route or service of any motor carrier respecting transportation of property, 49 USC 14501(c)(1); safety regulations by local governments are not preempted, 49 USC 14501(c)(2)(A); regulation of price of for-hire tows performed without prior consent of owner, exempt from preemption, 49 USC 14501(c)(2)(C).

**Sec. 16-23. Requirements for wrecker companies.**

Any wrecker company which performs any wrecker service in the town shall comply with the following requirements:

- (1) All wreckers shall be equipped with legally authorized lighting and other safety equipment to protect the motoring public. Such equipment shall be maintained in good working order.
- (2) Equipment such as brooms, shovels, etc., must be carried on all wreckers whereby to remove glass and other debris from the street. The street shall be cleaned by the wrecker service prior to leaving the scene of any accident.
- (3) Wrecker services shall be available to the town and to the public on a 24-hour basis.
- (4) No wrecker shall proceed to the scene of an accident unless requested by the vehicle owner requesting the service or the law enforcement officer in charge of the scene.
- (5) Each wrecker owned by any wrecker company shall be equipped with a towing log. The towing log shall be maintained by the wrecker company and shall reflect all towing done by the wrecker service within town limits. The wrecker log shall be in a form approved by the chief of police and shall be available upon request.
- (6) Maximum charges and fees for work performed on behalf of the police department shall be as determined from time to time by city council.
- (7) Wrecker operators must conduct themselves in a proper manner at all accident scenes and in a proper manner when dealing with the public.
- (8) A wrecker company may secure assistance from another wrecker company when necessary to do the job. Only one bill is to be submitted to the owner or operator for the work performed.
- (9) When a wrecker company is unable to answer a call, the police shall be promptly notified to the fact and the reason for the unavailability.
- (10) The wrecker company shall carry liability insurance on its wreckers and premises in an amount no less than \$100,000.00.
- (11) The wrecker company shall carry garage keepers liability insurance covering customer's vehicles in an amount no less than \$25,000.00.
- (12) The wrecker company shall be responsible for securing personal property in a vehicle at an accident scene and shall be responsible for preserving personal property in a vehicle which is about to be towed from an accident scene.
- (13) Any complaints from wrecker companies regarding any incident involving the police department or its operation of the wrecker lists must be received within 30 days of the alleged incident.
- (14) Each wrecker service must place a sign on the door of each of its wreckers indicating the company name, address, and telephone number. This sign shall be painted on the

door of the wrecker or otherwise permanently affixed to the door. The letters of the sign must be no less than two inches high. If the wrecker is registered in a name other than that of the wrecker service, the owner's name must also appear on the door in letters no less than one inch high. All lettering on wreckers shall be plainly visible and shall be in a color which contrasts to that of the wrecker.

(Code 1991, § 9-93; Ord. of 3-29-1994)

**Sec. 16-24. List of wrecker companies.**

(a) Before calling any wrecker service to tow a wrecked or disabled vehicle, the investigating officer on the scene shall, if practical, determine the owner's preference of wrecker services and the wrecker service designated by the owner or driver shall be called by the investigating officer.

(b) The town shall maintain a list of wrecker companies which are available to provide wrecker service in the town and which meet the regulations contained in this article.

- (1) Wrecker services shall be called from the rotation list in the order in which they appear on the list. If a particular wrecker service is unavailable when called, it shall be passed over and the next wrecker service on the list shall be called to the scene.
- (2) A separate rotation list shall be maintained for heavy duty wreckers.
- (3) The wrecker rotation list shall be administered fairly and in a manner designed to ensure that all wrecker services on the list have an equal opportunity to the towing business arising from the rotation list.

(c) Failure of any wrecker company to comply with the regulations may result in the removal of such wrecker company from the wrecker rotation list by the chief of police for terms as follows:

- (1) For a first offense for a period of 30 days;
- (2) For a second offense for a period of 90 days; and
- (3) For a third or subsequent offense, for an indefinite period of at least one year.

(d) In order to be placed on the rotation list the wrecker operator must have a place of business and a storage facility located within three miles of the town limits and must have a current town business license.

(Code 1991, § 9-94; Ord. of 3-29-1994; Ord. No. 00-05.1, 5-9-2005)

**Sec. 16-25. Failure to comply; penalty.**

(a) No person shall solicit in any manner, directly or indirectly, the business of towing any vehicle which is involved in any accident or other event which prevents the vehicle from being safely driven in the town, regardless of whether the solicitation is for the purpose of soliciting the business of towing, removing, repairing, wrecker, storing, trading or purchasing the vehicle. Unless summoned to the scene by proper police authority, the presence of any person engaged in the wrecker business or the presence of any wrecker or motor vehicle owned or

operated by any person engaged in the wrecker business, whether as owner, operator, employee or agent, in the town, within 300 feet of the scene or site of a wreck, accident or collision to the lesser of one hour after the happening of a wreck, accident or collision, or from the time the investigation officer has arrived at the scene and performed his duties and left the scene, shall be prima facie evidence of a solicitation in violation of this section. This section shall not apply to a person who is at the scene because a member of his immediate family is involved in the accident which is under investigation.

(b) Violation of this section shall be punishable by fine as imposed by the municipal judge, not to exceed \$500.00, plus costs for each offense.

(Code 1991, § 9-95; Ord. of 3-29-1994)