

Ordinance 2021-008

An Ordinance to Amend Ordinance 2015-01 (Towing Ordinance) with the addition of Section XII

Be it ordained by the City Council of the City of Ashford, Alabama as follows:

WHEREAS, it is the desire of the City Council of the City of Ashford to amend Ordinance 2015-01.

WHEREAS, adopting these changes are in the best interest of the City of Ashford by assuring the towing of the vehicle and retrieving the impounded vehicle is handled according to policy and procedure.

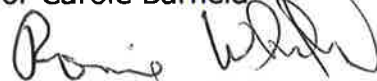
NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Ashford, Alabama, that the following changes/additions be made to amend Ordinance 2015-01.

1. The policy and procedure to retrieve a release from the City of Ashford.
2. The policy and procedure on the process to retrieve the vehicle from the towing company.
3. Clarification of the separation of fines and cost for traffic violations and the tow and impound release process.
4. The policy and procedure for impounding vehicle for no valid insurance.

ADOPTED THIS THE 19TH DAY OF JULY, 2021.



Mayor Carole Barfield



Mayor Pro-Tem Ronnie Whitehead




Councilmember John Massey



Councilmember Alan Anderson



Councilmember Blake Rosenkoetter



Councilmember James Smith

Attest:



Janet Rumley, City Clerk



Ashford Police Department

Towing and

Recovery Services

Rules and Regulations

Ashford Police Department

Wrecker Rotation List

Impound Procedures

Revised – March 2017

July 2020

July 2021

Ashford Police Department

P.O. Box 428

Ashford, AL 36312

Preface

The Ashford Police Department Wrecker Rotation System is established to ensure prompt, reliable and professional towing assistance which will best serve the motoring public and the Ashford Police Department. It is not for the benefit of a particular wrecker company.

The City of Ashford has adopted the policy that when a towing and recovery service is needed by the City or the Ashford Police Department, only those companies licensed in the City will be called. In these cases, The Alabama State Troopers Towing and Recovery Services Rules and Regulations have been adopted.

When a Towing or Recovery firm is called, the public has a right to expect the Ashford Police Department to call a reputable and reliable firm who has adequate equipment to perform the task. The public also expects the firm that is called to be financially responsible for any damage which might occur during or after the towing. It is for these reasons that the Ashford Police Department has a Wrecker Rotation System. The Rotation System is used in cases where the owner does not have a specific request.

The rules and regulations contained within these pages provide guidance to those operators of towing and recovery services who are included on the Ashford Police Department Rotation List and who are called upon to respond to traffic collisions or other requests by officers in the performance of their duties.

The Ashford Police Department, any Ashford Police Officer and/or any authorized agent or representative of the Ashford Police Department will not be responsible for towing/recovery or storage charges involving vehicles not owned by this Department.

Definitions

1. Accident – means the towing, removal or movement of a vehicle involved in a motor vehicle collision upon any highway or roadway or other location which is investigated by the Ashford Police Department.
2. Authorization Permit – The written authorization issued by the Chief of Police giving a wrecker/towing service a place on the Ashford Police Wrecker Rotation List.
3. Automobile Liability Insurance – Insurance which covers damage to property and/or personal injury to third parties.
4. Call – Wrecker or towing request issued by authorized representative of the Ashford Police Department requesting the services of a wrecker/towing service to respond to a particular location as directed by the representative.
- 4a. Certificate of Insurance – A document evidencing the fact an insurance policy has been written and includes a statement of the coverage of the policy in general terms.
5. Department – The Ashford Police Department
6. Disabled Vehicle – Any vehicle which has lost its ability to be propelled or drawn on a public street by normal methods other than by a wrecker. This definition includes abandoned vehicle and illegally parked vehicles.
7. Fire Extinguisher – A portable fire extinguisher as defined by the National Board of Fire Underwriters with a capacity of not less than a 15 pound carbon dioxide, or 20 pound dry chemical extinguisher and with Underwriters Laboratory approval secured. Such fire extinguisher shall be in a quick release carrier.
8. Garage Keepers Legal Liability – Insurance which provides coverage to owners of storage garages for liability as bailees with respect to damage to automobiles in their custody. Coverage is contingent upon establishing liability on the part of the insured.

9. Garage Liability - Insurance which covers legal liability of garages for claims of bodily injury and property damage arising out of business operations, garage keepers legal liability coverage can be written as a part of the garage liability policy.
10. Gross Combination Weight Rating (GCWR) – The value specified by the manufacturer as the loaded weight of a combination (articulated) vehicle, in the absence of a value specified by the manufacturer, GCWR will be determined by adding the GVWR of the power unit and the total weight of the towed unit and any load thereon.
11. Gross Vehicle Weight Rating (GVWR) – The value specified by the manufacturer as the loaded weight of a single vehicle.
12. Large Wrecker – Large wreckers shall be classified as any of the following types of wreckers:

Tandem dual wheel or tandem rear end wreckers, single or twin booms with factory rated or tested lifting capacity of 12.5 tons or over per drum and per winch and per winch line. Such definition includes wreckers equipped with dual rear twin-screw axles, and shall be equipped with air brakes, which shall be equipped with quick air couplings for towing vehicles with air brakes, and shall be utilized to tow any vehicle having a gross vehicle weight exceeding 10,000 pounds, or any vehicle having dual rear axles or any tractor-trailer combination. The wrecker company shall provide documentation of lifting capacity from the factory or qualified testing facility. All large wreckers shall comply with the periodic inspection requirements part 396.17, Title 49 of Federal Regulations.
13. Motor Vehicle – Every vehicle which is self propelled.
14. On-Hook Coverage – Insurance which protects the vehicle being towed when it is hooked up with a recovery line whether in transport or not.
15. Operator – Any individual, partnership, corporation or business entity engaged for hire in the recovery, towing or removal of wrecked, disabled, stolen or abandoned motor vehicles. For the purpose of these regulations, a hired driver or employee shall be considered an agent of the wrecker operator and shall be governed by these rules.
16. Owner – Any person who holds a legal title to a motor vehicle or who has the right to possession thereof.
17. Person – An individual, firm, partnership, association, corporation, company, organization or any legal entity of any kind.

18. Place of Business – A permanent structure which the operator occupies, either continuously or at regular times, with phone service where towing and recovery books and records are kept.
19. Traffic Hazard – Any disabled vehicle or abandoned vehicle other than those resulting from a vehicular accident as defined herein, and which is an obstruction to the normal movement of traffic on any public street.
20. Chief of Police – The Chief of Police for the City of Ashford.
21. Officer – Any officer with arrest powers employed by the City of Ashford.
22. Vehicle – Every device in or by which any person or property is or may be transported or drawn upon a public street, except such devices moved only by human power, or used exclusively upon stationary rails or tracks. The term vehicle shall include trailers and semi-trailers.
23. Wrecker – Any motor vehicle designed for the purpose of towing or removing motor vehicles or other transport devices from one location to another location.
24. Wrecker/Towing Service – Any person or business organization engaged in towing or removing motor vehicles from one location to another in exchange for monetary consideration or other remuneration.
25. Wrecker Rotation List – The list of companies authorized and used as provided in the execution of these regulations.
26. Zone – The City of Ashford.

Regulations for Wrecker/Towing Services

NOTE: The Ashford Police Department adopted parts 390-399 of Title 49, Code of Federal Regulations of the U.S. Department of Transportation and as they may be amended by the future. These regulations apply to all motor carriers both interstate, intrastate, private for hire; etc., with a gross vehicle weight rating or gross combination weight rating of 10,001 or more pounds.

To remain on the Ashford Police Department wrecker rotation list, your company must comply with the safety regulations contained in CFR 49. One of the safety requirements contained in CFR 49 is Part 396.17, Periodic Inspections. This section requires every motor carrier to inspect his vehicle annually and have documentation that his vehicle has been inspected.

If you have any questions concerning this requirement, you can contact a member of the Highway Patrol Division/Motor Carrier Safety Unit (MCSU) through your local Highway Patrol Trooper Post.

Anyone who wishes to operate a commercial motor vehicle (GVWR 26,001) after April 1, 1992, must possess a commercial driver license issued by the Alabama Department of Public Safety and must pass a knowledge and skills test to obtain it. If you have any questions concerning commercial driver license, you should contact the Driver License Division/CDL Unit.

1. Facilities

Each operator shall maintain sufficient space available to accommodate a minimum of ten vehicles. Such area shall be enclosed by a minimum of six (6) foot high chain link fence or equivalent and secured by a locked gate for properly accommodating and protecting all disabled motor vehicles, including their contents against damage or theft. All vehicles towed under these regulations will be secured within this enclosure or inside a building at the storage facility.

II. Equipment Requirements

- A. Every wrecker to be placed on the Ashford Police Department Wrecker Rotation List shall meet the following standards:
1. All equipment necessary for the towing vehicle or combination of towing vehicle and towed vehicle must comply with the requirements of CFR 49, parts 390-399, of the Federal Motor Carrier Rules and Regulations when applicable.
 2. Factory installed three-quarter (3/4) ton capacity dual wheels. Dummy dual wheels are prohibited.
 3. A power winch, winch line and boom with a factory rated lifting capacity
 4. A rubber cradle or cradles attached to the wrecker in order to prevent any vehicle being hauled or towed from being further damaged by coasting, rocking, swinging or slamming in to the wrecker or any part thereof.
 5. Each wrecker shall have the following standard equipment: a tow bar, safety chains, a fire extinguisher mounted in an accessible location, wrecking bars, a minimum of three (3) flares of at least 15 minute duration, brooms, a shovel and an ax. Each wrecker business shall also have a dolly available for its wreckers to be used if necessary. The name or telephone number of the wrecker business shall be prominently affixed to the dolly.
 6. A rotating flashing yellow or amber light or light bar shall be affixed above the top of the cab of the wrecker. The warning lights shall be visible from a distance of not less than 1500 feet under normal atmospheric conditions at night.
See s 32-5-241 (d) (3.) Sirens are prohibited.
 7. A minimum of 100 feet of 3/8 inch diameter or larger steel cable.

8. The name, address and telephone number of the wrecker company shall be permanently affixed to both sides of the wrecker, using letters and numerals which are clearly visible from a distance of 100 feet. The lettering used for the company name shall be at least four (4) inches high, and the lettering and numerals used for the address and telephone shall be at least two (2) inches high.
 9. The wrecker company shall not place or imprint on their vehicles, buildings, equipment, clothing or correspondence, anything that suggests or implies any official relationship between the wrecker company and any law enforcement agency. Specifically, paint colors/schemes similar to Department vehicles – any decal similar in design to Department decals – or any name or logo such as “state wrecker” are specifically forbidden.
 10. Wreckers shall be properly equipped with clearance and marker lights and all other equipment as required by law.
 11. Warning devices, applicable to trucks, as required in *S32, Code of Alabama, 1975*, capable of protecting the scene of an accident by day or night.
 12. Dual rear adjustable flood lights with a minimum of 20,000 candlepower each are required.
- B. In addition to the above requirements of Section 11. A(1) – (9), large wreckers, as defined in this regulation are required to be equipped with the following additional items:
1. Air control valve for the purpose of providing braking capability for the vehicle or trailer being towed or removed.
 2. Two chock blocks to prevent rolling or slippage of wrecker. These chock blocks should have the capability of being tied to the wrecker, and of a width equal to that of the dual wheels of the wrecker.
 3. A minimum of 200 feet of 5/8 inch steel cable on multiple drums or 3/4 inch diameter cable if a single drum is used.

4. Air brakes so constructed as to lock the rear wheels automatically upon failure and to supply air to disabled vehicles.
 5. One pair of bolt cutters with a minimum 1/2 inch opening; two fire extinguishers mounted in an accessible location; external air hookups and hoses; at least six safety cones or triangle reflectors; and fifty pounds of sand or suitable equivalent.
- C. Owner/operators who wish to utilize a "flatbed," "roll-back," or "slide-back" carrier, must comply with the specifications listed below and have as a *minimum*, the following equipment.
1. A one-ton truck with a sixteen foot bed, dual wheels, and one power winch with an 8,000 pound capacity.
 2. Fifty (50) feet of 3/8 inch or larger cable.
 3. A brake lock device.
 4. Two safety tie-down chains at least 10 feet in length.
 5. One fire extinguisher.
 6. The requirements of *Sections II. A (5), II. A (7), II. A (8), II. A (9)* and any other section of this regulation which would apply to wreckers or wrecker companies in a general fashion.

Any "roll-back" wrecker as described above *will not* be used to answer a rotation call unless specifically requested by the Police Department dispatcher. If the dispatcher requests a rotation wrecker, and does not specify the type, then a conventional boom type wrecker must be used. To be placed on the Police Department Rotation List, each company must have at least one conventional wrecker.

- D. Every wrecker must display a current license plate of the proper classification.
- E. Nothing in these regulations is meant to preclude innovative wrecker or auto recovery equipment or vehicles. Such new equipment may be considered for use by companies included on the Wrecker Rotation List

upon written request directed to the Chief of Police. Such equipment must meet or exceed the requirements for equipment set forth in this manual.

III. Capacities and Specification of Towing Equipment

- A. The minimum equipment standards referred to throughout these rules and regulations shall be determined solely by the manufacturer's specifications for the capabilities and capacities of the tow trucks and all towing equipment.
- B. Each tow truck shall be equipped with only those winches and cranes that have been produced and constructed by a manufacturer of such equipment who carries product liability, and which regularly produces winches and cranes. A winch or crane will not be prohibited by this section if the tow truck owner submits to the Department a certification from a reputable testing laboratory, regularly engaged in the testing of such equipment or similar equipment, indicating that the capacity of the winch or crane is not less than what is required in these rules and regulations.

IV. Storage Procedures

- A. All operators shall employ reasonable safeguards and procedures so that all personal belongings and contents in the vehicle are intact and returned to the vehicle's owner or agent upon release of the vehicle.
- B. All personal property left in a vehicle and unclaimed will be handled in accordance with existing applicable laws.
- C. Any person who shows proof of ownership or written authorization from the vehicle's registered or legal owner may inspect and view the vehicle during normal business hours.

V. Rates and Charges

- A. Charges for towing and recovery must be reasonable and can not exceed the current posted rate on file with the Chief of Police. Rates must be competitive and fair for all customers!
- B. Each wrecker/towing service shall provide the Chief of Police a rate sheet listing their published rates for towing/storage for each class annually or

sooner if there is a rate change. This publication shall also include charges for ancillary services such as the use of dollies, dropping/hooking linkage, clearing debris off the roadway, etc.

C. Any ancillary services are to be performed only if required and appropriate.

C. Any wrecker/towing service is a subject to suspension and/or removal from the Wrecker Rotation List pursuant to the procedures set forth in *Section XL, PENALTIES*, if it is determined by the Chief of Police that a wrecker/towing service has violated these rules on a call derived from the Wrecker Rotation List.

VI. Records

A. Each operator shall maintain a record system covering all services performed in pulling or towing all vehicles in conjunction with the Police Department rotation system, and such records shall include the following:

1. The date and time the operator was contact and requested to perform his service.
2. The name of the person requesting the service.
3. The location of the vehicle.
4. A description of the towed vehicle, including license tag and identification number.
5. The owner or driver of the vehicle, if known.
6. The service charge and fees.

B. All records required herein must be available for inspection by officers or agents of the Ashford Police Department. Such inspection shall be conducted at a reasonable time and hour at the wrecker service or storage facility.

C. The operator shall maintain the aforementioned records for the current calendar year and the calendar year immediately prior to the current calendar year.

D. A record of all abandoned motor vehicles is to be maintained by the wrecker company and any abandoned motor vehicle sold or disposed of shall be done in accordance with S 32 *Chapter 13, Code of Alabama 1975*.

VII. Insurance

- A. Each operator, from the time he moves or otherwise makes contact with any vehicle to be towed, assumes liability for injury to persons, damage to property, fires or theft resulting from the operator's negligent acts.
- B. Each operator shall maintain an insurance policy issued by an insurer with a current authorization from the Alabama Department of Insurance to issue policies in this state. The operator shall maintain the following policies of insurance.
 1. Workers compensation insurance as required by current statute.
 2. Garage liability insurance in an amount not less than \$750,000 Combined Single Limit (CSL) including Garage Keepers Legal Liability covering perils of fire and explosion, theft of an entire vehicle, riot and civil commotion, vandalism and malicious mischief in an amount not less than \$50,000

Automobile liability in an amount not less than \$750,000 Combined Single Limits (CSL).
 4. "On-Hook"/Cargo coverage in an amount not less than:
 - a. \$25,000 for each Wrecker
 - b. \$75,000 for each Large Wrecker
 5. A maximum deductible of \$1,000 per occurrence.
 6. Each policy required hereunder shall contain an endorsement providing for 30 days notice to the Chief of Police prior to any material change therein and/or cancellation thereof.
 7. A copy of the Certificate of Insurance is to be filed with the Chief of Police.

VIII. Operation

- A. No operator shall proceed to the scene of an accident without being requested to do so by a law enforcement officer or agent of the Ashford Police Department
 - 1. No operator shall solicit business at the scene of an accident Solicitation shall include referral for repair/replacement of an auto or referral for any legal service.
 - 2. No operator shall speed, or violate any other traffic laws, or disregard any traffic control devices while answering a call; nor upon arrival, needlessly congest the scene of a wreck.
- B. Any owner or driver of a vehicle requesting the use of a specific wrecker company must sign a written request, APD Form 46, indicating that he/she has requested such wrecker. This form is furnished by the investigating officer and signed in his presence.
- C. Authorization permits shall be considered personal to the holder thereof, and shall be issued only to some definite legal business operating a wrecker service, and shall not be subject to lease, nor shall the holder thereof sublet or permit the exercise by another in any manner, of the rights or privileges granted thereunder. Authorization permits are void if the business address or location of the facilities are changed. Any change in ownership due to sale, merger, dissolution, death or other reason shall result in the removal of the business from the Wrecker Rotation List.
- D. No wrecker business will use the amber light or "wig-wag" headlights when in route to a service or wrecker call. The use of the amber flashing or rotating lights, but not "wig wag" headlights, are authorized at the scene of an accident, and when towing the vehicle from the scene.
- E. Each wrecker business will furnish the Chief of Police with one telephone number to be used for request for service during the day, and one telephone number for services during the night or on weekends. Any change in the aforementioned telephone numbers shall be immediately transmitted to the Chief of Police. Call forwarding which provides immediate contact with the owner/operator is permitted. ANSWERING SERVICES, PAGER SYSTEMS OR ANY OTHER COMMUNICATION SYSTEM WILL BE ALLOWED AT THE DISCRETION OF THE CHIEF OF POLICE.

- F. Maintain 24-hour, seven-day a week service. Any operator who develops a pattern of failing to respond when requested may be removed from the Wrecker Rotation List at the discretion of the Chief of Police.
- G. Accept no request for service unless the operator has a vehicle immediately available to perform the requested service.
- H. No wrecker operator shall respond to a call when he has consumed alcohol in any amount or has ingested either prescription or non-prescription drugs that may impair motor skills. Refer to *S32-6-49.11(a)(1)and(2); S32-6-49.12; and S32-6-49.13.*
- I. Prior to being placed on the Wrecker Rotation List, each owner or operator shall be investigated regarding any criminal history which would directly reflect on the qualifications of the job, given the nature, circumstances, seriousness of the crime, the time elapsed since the conviction or the degree to which the applicant has rehabilitated. The Department will be furnished a list of all wrecker operator personnel, including their full name, current address, date of birth, driver license number and social security number. An agent of the Department will conduct a criminal background investigation and driver history on all individuals listed on the application and report the findings to the Chief of Police. Any recommendation for rejection of the applicant by the Chief of Police, based on criminal history or driving record, will be forwarded to the Mayor for resolution.

The Chief of Police will conduct an annual review of the records of the owner/operators on the Wrecker Rotation List to determine if any conviction or crimes which would impact on the individual's qualifications to remain on the Wrecker Rotation List have occurred since their initial inclusion. In addition to the annual review, the Chief of Police or his representative will conduct random inspections of current owner/operators records.

Within ten (10) calendar days, each owner/operator who is currently on a Wrecker Rotation List, will furnish the Chief of Police the name, current address, date of birth, driver license number and social security number of any individuals who are employed or directly associated with the wrecker business after such business has been included

on a Wrecker Rotation List. Any appeals relating to this section shall be made in accordance with XL Penalties, Section A. (1), on page 16. (Amended August 1993)

- J. No owner or operator shall be on the rotation list who maintains a reputation in the community of associating with convicted felons; who tolerates or condones gambling, the drinking of alcoholic beverages, or the use of illicit drugs in or about the business premises; or who allows any other activity that imparts a poor reputation upon the business.
- K. No owner or operator shall be on the rotation list unless the said driver or owner or operator is proficient and competent in the operation of said wrecker. Rotation Wreckers will be removed from state rotation who demonstrate a lack of proficiency or respond with inferior equipment.
- L. No person shall operate or be allowed to operate any wrecker for hire unless such operator has a valid Alabama Driver License or Commercial Driver License to include applicable endorsements. (Refer to S32-6-49)
- M. Each company must have the proper business licenses issued by the applicable governing body.
- N. Wreckers dispatched must arrive at the scene within 30 minutes. If the time to reach the scene exceeds the above limits, and the wrecker company does not notify the Police dispatcher of a valid reason for a delay within said time, the wrecker company will be subject to cancellation of the call. Repeated tardiness will result in suspension from the Department rotation list.
- O. A towing and recovery service will not be added to the rotation list if any wrecker is equipped with a radio capable of transmitting on an FCC approved law enforcement frequency which the Department of Public Safety utilizes.
- P. At no time shall any tow truck exceed its manufacturer's GVWR or the manufacturer's rated capacity for the towing assembly.
- Q. At no time will a tow truck attach to a vehicle which by its size and/or weight would make towing said vehicle an unsafe movement.

- R. Any officer acting in his official capacity may direct the operator to take the vehicle being towed to the Ashford Police Department facility or designated facility for examination in furtherance of an official investigation.
- S. All towing and recovery services who tow and store vehicles which have been abandoned upon a highway, will abide by the requirements as stated in *532-11-1 thru 8, Code of Alabama, 1975* and all applicable Revenue Codes. Vehicles towed and stored under these circumstances will be disposed of within 180 days of initial storage. Towing and recovery services will notify the Police Department immediately of the of any abandoned vehicles.
- T. SUBCONTRACTING IS PROHIBITED. Rotation wreckers may not subcontract wrecker calls! This includes on scene operations. In the event the on scene rotation wrecker is unable to handle the towing operation, the officer will cancel that wrecker and a rotation wrecker capable of handling the operation will be called.

IX. Wrecker Rotation List – Call Allocation System

- A. Chief of Police to establish – the Chief of Police shall set up a wrecker rotation system that meets the needs of the city and best serves the Ashford Police Department and the City of Ashford. The rotation system guidelines are set forth in this manual.
- B. To be eligible for approval to tow in the City of Ashford, the wrecker operator's place of business must be located in the City of Ashford except that if there are no qualified operators in the city. The Chief of Police may designate qualified out-of-city wrecker operators to be called into the city.
- C. Wrecker operators located within the city as defined herein shall be called for the removal of a wrecked, disabled, stolen or abandoned vehicle according to the operator's placement on a wrecker rotation list as maintained for the City. Wrecker operators will be rotated to the bottom of the list except as provided herein. An operator will respond to a call with a wrecker classified to meet or exceed the size of the vehicle to be towed.

- D. An owner/operator may not assign, transfer, pledge, surrender, encumber or dispose his place on the Wrecker Rotation List.
- E. In the event the Department cancels the call or a response is made without rendering service, the operator will not be rotated but will maintain his position on the list.
- F. Wrecker operators will be listed on the Wrecker Rotation List only once. This listing will use the name the owner/operator submitted during the application process and which they were qualified under. It is prohibited for a wrecker operator conducting business at one location to receive multiple listings or classifications by utilizing a different or fictitious name for trucks operating from the same location or by utilizing trucks with the same name out of different location within the city. Wrecker companies or corporations operating more than one rotation wrecker business within the city or zone must maintain completely separate offices, required paperwork, logs and assigned rotation wreckers at the approved location. **ATTEMPTS TO CIRCUMVENT THE INTENT OF THE ROTATION SYSTEM WILL RESULT IN THE REMOVAL OF ALL WRECKER COMPANIES OR CORPORATIONS RELATED TO THE OFFENDING WRECKER OPERATOR!**
- G. When emergency conditions necessitate, the Department reserves the right to request the services of the operator who is best able to handle the emergency and can reach the scene in the shortest time, regardless of the operator's position on the rotation list. If a call is made under these circumstances, this call will count as that wreckers next rotation call.
- H. Whenever heavy equipment or large vehicles are involved in an accident and it is determined that the wrecker next up on the rotation list does not have adequate equipment to handle the accident then the department reserves the right to call a large wrecker from an operator on the list that can handle the situation. If a call is made under these circumstances, the operator will be repositioned on the rotation list accordingly. Calls for large wreckers will be rotated among the companies having qualified large wreckers. Having only one large rotation wrecker is not justification for being call to all truck accidents. Example: an overturned truck usually requires more than one wrecker or specialized recovery equipment. The department should call the rotation company capable of solely handling the truck recovery.

X. Applications

A. General

1. Each wrecker business desiring to be placed on the Ashford Police Department rotation wrecker list shall file a written request to the Ashford Police Chief. See Appendix
2. The Chief of Police will furnish each wrecker business making a request to be placed on the rotation list, a copy of the rules, regulation and laws pertaining to the operation of wreckers which are included on an Ashford Police Department Wrecker Rotation list.
3. The Chief of Police will order an investigation of the requesting wrecker business and determine if the business meets all qualifications that are required to be placed on the Ashford Police Department Wrecker Rotation List.
4. The investigating officer will inspect all equipment that is to be used by the wrecker business and determine if the business and determine if it complies with all regulations. In addition, the investigating officer will conduct a preliminary background investigation of all operations covered in *Sections VII and VIII*. He will submit his completed investigation to the Chief of Police.
5. The applicant will furnish the Chief of Police with a copy of the Certificate of Insurance is defined in section 4a of the Definitions.
6. When the Chief of Police is satisfied the wrecker business is qualified, he will issue the wrecker company an "Authorization."
7. The Chief of Police will investigate a complaint of excessive rates and will require a written justification from the rotation wrecker company. Founded complaints may result in suspension or removal from the rotation system.
8. "Permit" and place the company on the Ashford Police Department Wrecker Rotation List.

XI. Penalties

- A. Any violation of these regulations shall cause the removal of the owner/operator from the Ashford Police Department Wrecker Rotation List Attempts to circumvent the intent of the rotation system and its policies will result in the removal of all wrecker companies and corporations related to the offending wrecker operator. Temporary suspensions shall be at the discretion of the Police Chief and should not be less than 30 days nor more than 6 months. Repeat or serious violation will result in the removal from the rotation system for a period not less than one year. The offending wrecker may reapply at the end of the removal period. An operator may also be removed from the rotation list for charging excessive fees for services.
- 1. An owner/operator may, upon receipt of a notification of removal from the Wrecker Rotation List, submit a written request to the Mayor for a hearing to be held at Ashford City Hall in Ashford. Such written request must be received by the Department within ten (10) calendar days after the operator receives notification. This will stay the removal from the Wrecker Rotation List pending final disposition, provided that allowing the owner/operator to remain on the list would not endanger public safety.

Any applicant who does not qualify to receive an Authorization Permit may submit a written request to the Department for a hearing regarding the denial. Such request must be made within ten (10) calendar days after the applicant receives notice of not qualifying.

- 2. The Department shall reinstate to the rotation list any removed owner/operator upon written application, after the period of removal has elapsed, and after the Department has determined such operator is in compliance with all regulation pertaining to the Ashford Police Department Rotation Wrecker System.
- B. If any violation of these regulations is deemed to be of such an emergency nature as to endanger public safety, the Department shall immediately suspend the Authorization Permit of the operator committing such violation.
- C. No application for reinstatement to the rotation list will be considered if the removal was the result of a violation of *Rule VIII (C)*, which

prohibits the transfer of an authorization permit or the relocation of a wrecker business. Such wrecker business must reapply and be reinvestigated prior to being placed on the Wrecker Rotation List.

- D. Wrecker companies will be suspended immediately for violation of Section VII concerning insurance. Wrecker companies so suspended will remain suspended until a Certificate of Insurance is filed.

XII. Impounds

(1). The registered owner appears at the Ashford City Hall and presents:

- A. His/her valid driver's license; and
- B. Evidence of insurance legible and sufficient to demonstrate that the impounded motor vehicle currently is covered by a liability insurance policy as required by law; and
- C. One (1) of the following documents evidence ownership:
 - 1. The original vehicle title; or
 - 2. A copy of both the front and back of the original title; or
 - 3. The current vehicle tag receipt in the registered owner's name; or
 - 4. A copy of the current vehicle tag receipt in the registered owner's name
- D. Payment of one hundred fifty dollars (\$150.00) processing/administration fee to the city.

(2) A registered owner not in possession of a valid driver's license appears at the city police department and presents

- A. Photo identification clearly establishing his/her identity as the registered owner of the impounded vehicle and license driver
- B. Evidence of insurance legible and sufficient to demonstrate that the impounded motor vehicle currently is covered by a liability insurance policy as required by state law; and
- C. One (1) of the following documents evidencing ownership:
 - 1. The original vehicle title; or
 - 2. A copy of both the front and back of the original title; or
 - 3. The current vehicle tag receipt in the registered owner's name; or
 - 4. A copy of the current vehicle tag receipt in the registered owner's name; and

- D. Payment of a one hundred fifty (\$150.00) processing/administration fee to the city. Additionally, when appearing in the Ashford City Hall to request the release of a vehicle impounded pursuant to this section, a registered owner not in possession of a valid driver's license must be accompanied by a least one (1) validly licensed driver and must execute appropriate documentation certifying the vehicle will be driven from the storage lot by a validly license driver or properly removed by other lawful means.
- (3) A representative of the registered owner appears at the City Hall and presents:
- A. His/her valid driver's license; and
 - B. Written notarized authorization from the registered owner allowing for the release of the impounded vehicle to the named representative; and
 - C. Evidence of insurance legible and sufficient to demonstrate that the impounded motor vehicle currently is covered by a liability insurance policy as required by state law; and
 - D. One (1) of the following documents evidencing ownership:
 - 1. The original vehicle title; or
 - 2. A copy of both the front and back of the original title; or
 - 3. The current vehicle tag receipt in the registered owner's name; or
 - 4. A copy of the current vehicle tag receipt in the registered owner's name; and
 - E. Payment of one hundred fifty (\$150.00) processing/administration fee to the city.
- (4) An order is entered by a court of competent jurisdiction requiring the release of the impounded vehicle.

Retrieving the vehicle.

- (A) After obtaining a lawful release from the City Hall, the person redeeming the motor vehicle shall then make payment in full to the wrecker service responsible for the towing and storage of the vehicle for the costs attributable to the towing and storage of said vehicle.
- (B) Upon receipt of said release and making said payment, the motor vehicle shall be considered redeemed and possession given to the registered owner or, if applicable, the authorized representative thereof.

(C) If a motor vehicle impounded pursuant to this section is not properly redeemed as set out herein within sixty (60) days of the date it is impounded, then the wrecker service onto whose property the motor vehicle was lawfully towed at the written request of a law enforcement officer may advertise and sell said vehicle in accordance with applicable state law, currently Section 32-13-1 et seq., Code of Alabama, or as may be hereafter amended.

Separate from fines and costs for traffic violation.

The towing and release of an impounded vehicle is an additional requirement and separate from the fines and costs incurred from a traffic violation or other criminal offense.

Impounding vehicle for no valid insurance.

The provisions herein relating to impoundment of a vehicle for no valid insurance shall not become immediately effective. Said provisions will become effective only after the city department of public safety determines that information in the centralized database relating to vehicle insurance is accurate.