

**TOWN OF LOXLEY  
ORDINANCE NO. 2021-14**

**AN ORDINANCE RELATED TO TOWING AND RECOVERY SERVICES FOR THE  
TOWN OF LOXLEY**

**WHEREAS**, Resolution No. 486 established police procedures for towing and recovery services for the Town of Loxley (hereinafter referred to as "Town of Loxley" or "Town"), and

**WHEREAS**, The Town desires to amend the policy and to codify in an Ordinance, and

**WHEREAS**, The Town believes it to be in the best interest of public safety and for the benefit of its citizens to repeal Resolution No. 486 and replace the same with the following regulations related to towing and recovery services requested by the Town.

**NOW, THEREFORE, BE IT ORDAINED, BY THE MAYOR AND THE CITY COUNCIL OF THE TOWN OF LOXLEY, ALABAMA, AS FOLLOWS:**

**SECTION I. Definitions**

For the purpose of this order only:

- A. Wrecker Service - any company, licensed to do business in the State of Alabama whose business is or includes the safe moving of vehicles that require assistance in being moved.
- B. Wrecker Rotation Logbook - a log established by the Chief of Police and maintained by the Police Dispatcher containing, in chronological order, the date, time, name and other information about Wrecker Services.
- C. Wrecker Rotation List - a list as established by the Chief of Police and maintained by the police department dispatchers of Wrecker Services qualified to move vehicles pursuant to the requirements of this Ordinance.
- D. Call-Out - the calling of a Wrecker Service with a request to move a vehicle.

**SECTION II. General**

When a vehicle on public property is unable to be moved under its own power, is abandoned, is disabled, or the owner/operator is unable to move it and the vehicle poses a safety or health hazard, officers of the Loxley Police Department shall have the vehicle moved. When possible, the officer will ask the owner/operator which Wrecker Company they wish to use and if practical will contact the preferred choice to have the vehicle moved. If there is no indicated preference or the indicated preference is unable to reasonably correct the hazard, the officer will have the dispatcher call, pursuant to the procedures set out herein, a Wrecker Service to the scene. Loxley Police Officers shall not recommend a

Wrecker Service. If the vehicle is operable, the owner may move it or may turn the vehicle over to a responsible person present at the scene to move.

### SECTION III. Wrecker Rotation List

The Chief of Police will establish a Wrecker Rotation List. This list will be a part of the Wrecker Rotation Logbook and will contain the names and contact numbers of Wrecker Services to be called to move a vehicle when there is no preference or when the preferred Wrecker Service is unable to reasonably remove the hazard. This list will be updated as necessary.

- A. Any Wrecker Service wishing to be placed on this list must meet the following minimum conditions:
1. The Wrecker Service must provide proof of a current Town of Loxley Business License.
  2. The Wrecker Service must provide proof of current liability insurance on all vehicles to be used in towing other vehicles as follows:
    - a) Garage Liability Insurance in the amount not less than \$750,000.00 Combined Single Limit, 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 the amount not less than \$50,000.00.
    - b) Automobile Liability in the amount not less than \$750,000.00 Combined Single Limit.
    - c) On Hook/Cargo coverage in the amount not less than \$25,000.00 for each regular size wrecker and \$75,000.00 for each large wrecker.
    - d) A maximum Deductible of \$1,000.00 per Occurrence.
  3. The Wrecker Service must provide a call list giving phone numbers and contact persons for normal working hours and for after hours.
  4. The Wrecker Service must have a storage area for towed vehicles that provides reasonable protection from tampering by unauthorized persons. The storage facility must be reasonably available to Loxley Police Department personnel and/or other law enforcement personnel for inspection of towed vehicles. This storage area must not be more than a twenty minute drive from the municipal limits of The Town.
  5. The Wrecker Service must provide a list of available equipment for towing other vehicles and of the limitations of that equipment.

6. The Wrecker Service must request in writing to the Police Chief that they be placed on the Wrecker Rotation list.

#### **SECTION IV. Maintenance of Rotation List**

The Wrecker Rotation List will be maintained by the police department dispatchers.

##### **A. Call-Outs**

1. Each time an officer requests a Wrecker Service, the dispatcher will check the logbook for the last Wrecker Service called and will call the next Wrecker Service on the list. An entry will be made indicating the service called.
  - a) If a Wrecker Service cannot respond or cannot be contacted, it will be noted on the log and the next Wrecker Service on the list will be contacted.
2. If no listed Wrecker Service can respond or be contacted, the dispatcher will note so on the log. The dispatcher will notify the officer on the scene of the lack of response and follow his/her instructions.
3. In the event of a multiple vehicle incident where more than one vehicle requires the assistance of a Wrecker Service, the dispatcher may contact more than one Wrecker Services in proper rotation order, until a Wrecker Service is in route for each vehicle requiring assistance. If the need for Wrecker Services exceeds the resources available from those Wrecker Services on the rotation list, the dispatcher will inform the officer on scene and follow his/her instructions.
4. In the event Wrecker Services are required beyond the capabilities of those services on the list, the officer in charge at the scene may request assistance from the nearest Wrecker Service known to have the equipment needed.

##### **B. Request**

1. Request by owner/operator, or because of special equipment requirements, for a specific Wrecker Service will be noted on the radio log but will not be entered in the rotation logbook. These are not rotation call-outs.

#### **SECTION V. Maximum Allowable Towing/Storage Fees**

No Wrecker Service on the Wrecker Rotation List may charge a fee in excess of the amounts set forth herein when services are provided in response to calls made by the

Loxley Police Department. In addition, no other fees may be charged by a Wrecker Service that are not expressly set forth by these procedures.

- A. The Wrecker Service may not charge more than one hundred and five (\$105.00) dollars for each vehicle towed as the result of an arrest or an abandoned, dismantled or inoperative vehicle in Loxley's municipal limits or police jurisdiction, for any vehicle with a gross vehicle weight rating (GVWR) of 10,000 pounds or less.
  1. If any vehicle requires a dolly, tire change, or removal of a dislodged drive shaft there may be an additional charge up to thirty five (\$35.00) dollars.
  2. No additional added towing charges will be allowed for moving the towed vehicle to any destination required by owner within Town's municipal limits and police jurisdiction.
  
- B. The Wrecker Service may not charge more than one hundred and twenty-five (\$125.00) dollars for each vehicle towed as the result of an accident in Loxley's municipal limits or police jurisdiction, for any vehicle with a gross vehicle weight rating (GVWR) of 10,000 pounds or less. In addition to the up to one hundred and twenty-five (\$125.00) dollar charge for towing each vehicle, any service call which requires more than one (1) hour on scene shall be permitted an additional charge up to one hundred and twenty-five (\$125.00) per hour, calculated in fifteen minute increments.
  
- C. The Wrecker Service may not charge more than three hundred and ten (\$310.00) dollars for each vehicle towed from Loxley's municipal limits or police jurisdiction, for any vehicle with a gross vehicle weight rating (GVWR) of 10,001 pounds or more. In addition to the charge up to three hundred and ten (\$310.00) dollars for towing each vehicle, any service call which requires more than one (1) hour on scene shall be permitted an additional charge up to three hundred and ten (\$310.00) dollars per hour, calculated in fifteen minute increments.
  
- D. Storage Fees may be charged as follows:
  1. Up to twenty-five (\$25.00) dollars per day for each vehicle with up to one ton gross weight.
  2. Up to thirty (\$30.00) dollars per day for each vehicle over one ton in gross weight but less than forty (40) feet in length.
  3. Up to forty (\$40.00) dollars per day for each vehicle in excess of forty (40) feet in length or for each vehicle that requires inside storage.

## **SECTION VI. Revocation and Suspension**

- A. Any Wrecker Service shall be subject to removal from the Wrecker Rotation List by the Chief of Police in the event the Chief, in the Chief's sole discretion, determines:
1. False information was provided or information withheld by the Wrecker Service or an employee of the Wrecker Service at the time the application for permit was received.
  2. False information was provided or information was withheld at any time by the Wrecker Service or an employee of the Wrecker Service, when information was requested by the Chief of Police or his designee.
  3. The Wrecker Service or an employee of the Wrecker Service conducted business in a fraudulent, unethical or questionable manner that would reflect unfavorably on the Loxley Police Department.
  4. The Wrecker Service fails to renew their license to do business in the Town of Loxley.
  5. The Wrecker Service fails to maintain proper liability insurance.
  6. The Wrecker Service request in writing to be removed from the list.
  7. The Wrecker Service's equipment fails to meet Alabama Department of Public Safety and Federal Motor Carrier Safety Regulations for commercial vehicles.
  8. The Wrecker Service charges fees in excess of the amounts approved herein or charges fees not expressly set forth herein.
  9. The Wrecker Service tows vehicles to a storage area more than a twenty minute drive from the municipal limits of The Town.
  10. The Wrecker Service has any violations concerning its insurance.
  11. Any tow truck driver is operating a wrecker with a suspended, revoked or cancelled driver's license.
  12. The Wrecker Service has missed two consecutive call outs without acceptable justification. It is the Wrecker Service's responsibility to notify the Loxley Police Department if they are unable to answer call outs. The notification shall contain the reason and the length of time they will be out of service.

13. The Wrecker Service or an employee of the Wrecker Service violated or fails to maintain compliance with any provisions of this ordinance.
- B. The length of time that the Wrecker Service will be removed from the Wrecker Rotation List will be at the discretion of the Chief of Police or the Chief's designee, based in part on the severity of the violation(s) and/or the frequency of the violation(s). The Wrecker Service will have the right to appeal said removal by filing with the City Clerk a written notice of appeal within seven (7) calendar days from the date of the removal. The Mayor and City Council shall hold a public hearing on the appeal to determine whether to affirm said removal.

#### **SECTION VII. Penalties**

In addition to removal from the Wrecker Rotation List, any Wrecker Service or person violating any provision of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined an amount not exceeding five hundred dollars (\$500.00) or be imprisoned in the city jail for a period not to exceed one hundred and eighty (180) days or be both so fined and imprisoned.

#### **SECTION VIII. Severability**

If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

#### **SECTION IX. Repealer**

Resolution No. 486 is repealed in its entirety. All other Town Ordinances or parts thereof in conflict with the provisions of this Ordinance, in so far as they conflict, are hereby repealed to the extent of conflict.

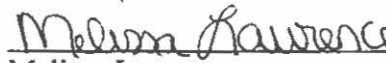
#### **SECTION X. Effective Date**

That this Ordinance shall be effective upon its due adoption by the Town Council and publication as required by law.

ADOPTED AND APPROVED on this the 12<sup>th</sup> day of April, 2021.

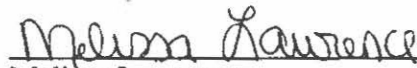
  
\_\_\_\_\_  
Richard Teal  
Mayor

ATTEST:

  
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Melissa Lawrence  
Town Clerk/Treasurer

CERTIFICATION OF POSTING

I, Melissa Lawrence, Clerk of the Town of Loxley, Alabama, hereby certify that no newspaper is published in the Town of Loxley and that the above-noted ordinance was published by posting copies thereof in the Loxley Town Hall, Loxley Post Office, Loxley Police Department, and Loxley Public Library beginning the 14<sup>th</sup> day of April, 2021, and became of force and effect five (5) days thereafter.

  
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Melissa Lawrence  
Town Clerk/Treasurer