Introduced July 12, 1988 by Councilman-at-Large Martinez, seconded by Councilman Callahan (by request)

Item No. 88-07-1285

ORDINANCE NO. 2205

An amendment to the Code of Ordinances of the City of Slidell to establish operational requirements for wrecker companies.

BE IT ORDAINED by the Slidell City Council that Chapter 12 Motor Vehicles and Traffic* of the Code of Ordinances of the City of Slidell is hereby amended by establishing the following new provisions.

ARTICLE V OPERATIONAL REQUIREMENTS FOR WRECKER COMPANIES SEC. 12-55 REQUIRED AUTHORIZATION

The Slidell Police Department shall not engage the services of any person, firm, corporation or other entity in connection with the towing, removal, or storage of any wrecked, abandoned, disabled, or designated motor vehicle unless that person, firm, corporation, or other entity has been authorized by the Slidell Police Department to provide such services.

SEC. 12-56 AUTHORIZATION, GENERAL REQUIREMENTS

All applicants for authorization shall:

- Be a bona fide company having as its operator, a person with one (1) year experience in operation of a wrecker,
- If a corporation, be registered with the Secretary of State В. and be in good standing in accordance with R.S. 12:25 and 12:102,
- Be registered with the Department of Revenue and have not C. been ajudicated at fault resulting from a Warrant of Distraint under R.S. 47:1569-1574,
- Be registered with the Department of Labor and have not been D. ajudicated at fault resulting from a Warrant of Distraint under R.S. 23:15.44,
- If a corporation, be registered with the Parish Clerk of E. Court under R.S. 12:25,
- Possess a valid Louisiana Class D Chauffeurs License, F.

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- G. In the case of all applicants, company owners must warrant that their employees have been issued a valid Louisiana Class D Chauffeurs License,
- H. Adhere to all laws of the State of Louisiana, in particular, Titles 32 and 47, concerning maximum speed limits, lighting requirements, brake requirements, tow truck equipment, required warning devices, vehicle and drivers license, and vehicle storage requirements and records,
- I. Assume liability for personal injury or property damage resulting from an employee's intentional or negligent act(s) from the time contact is made with any vehicle to be towed, and assume full liability for all items of value in the vehicle,
- J. Maintain a valid insurance policy or bond with sufficient amount of coverage from a surety company authorized to do business in the State of Louisiana for each wrecker and slide back carrier,
- K. Provide the Slidell Police Department with a copy of a current certificate of insurance fully paid for one (1) year to be effective January 1 to December 31 each calendar year,
- L. Provide minimum coverage in the amount of \$500,000 combined single limit insurance; or provide minimum coverage in the amount of not less than \$100,000 injury to person, \$300,000 injury or damage in accident, and \$50,000 for damage to property other than the towed vehicle,
- M. Provide a current certificate of Garage Keeper Legal Liability
 Insurance in the amount no less than \$10,000,
- N. Provide twenty-four (24) hour service on a three hundred sixty-five (365) day/year basis,
- O. Provide for maximum of fifteen (15) minute response time from the time of notification unless extenuating circumstances exist,

- P. Maintain a record system covering all vehicles towed. Such records shall include:
 - Date and time the authorized company was contacted and requested to perform the service,
 - 2. Name of person requesting the service,
 - 3. Date, time, and place of each call,
 - 4. A description of the towed vehicle including license tag and vehicle identification number,
 - 5. The owner or driver of the vehicle, if known,
 - 6. Total service fee,
 - 7. The wrecker operator's name recorded on the service invoice.
- Q. Maintain the aforementioned records for the current calendar year, and the calendar year immediately prior to the current calendar year,
- R. Provide aforementioned records to representative of the Slidell Police Department,
- S. Not be a beneficial owner, either in whole or in part, directly or indirectly of the business of any other authorized wreckers,
- T. Must possess a City Occupational License and have a sales tax number.
- U. Convicted felons who are owners, operators, or employees of a wrecker service shall be prohibited from engaging in any and all wrecker service activities associated with the Slidell Police Department Wrecker Log.
- SEC. 12.57 AUTHORIZATION: GENERAL REQUIREMENTS, FACILITIES

 No person, firm, corporation, or other entity shall be authorized to provide wrecker services for the Slidell Police Department unless its principal place of business or storage facilities meet or exceed the following criteria:
- A. Business facility and storage facility must be located within the service area established by the Slidell Police Department,
- B. Business facility must be equipped with communications equipment capable of providing direct contact between police dispatcher and wrecker company representatives,

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- C. Business facility must be staffed and open for business during regular hours of 8:00 a.m. to 5:00 p.m., Monday through Friday excluding holidays. A person from the company must be on call for emergencies and persons should not be charged a storage fee for days that they could not retrieve their vehicle,
- D. Storage facility must be of sufficient area to accommodate a minimum of twenty (20) vehicles,
- E. Storage facility must have night lighting, and encircled by an 8' fence sufficient to deter trespassers,
- F. Use of any facility for the storage of motor vehicles by more than one (1) authorized wrecker company is strictly prohibited.

SEC. 12-58 APPLICATION FOR AUTHORIZATION

- A. In the first week of December of each year the Slidell Police Department shall provide public notice in order that interested wrecker companies may file an Application for Authorization. Prospective companies may obtain a complete copy of these requirements to determine interest or eligibility for obtaining authorization,
- B. The application shall be in the form provided by the Slidell Police Department. Applications must be submitted and received no later than the close of business December 31st of each year,
- C. Authorization shall remain current for one (1) calendar year unless it is terminated by the Slidell Police Department or the company voluntarily discontinues service,
- D. When a wrecker company does not meet the requirements for authorization, as determined by this ordinance, authorization shall be withheld. Authorization may be granted at any time by the Slidell Police Department when the requirements are met.

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E. All qualifying companies shall be classified as an authorized wrecker eligible for placement on the rotation list.

Dispatching of wreckers shall be on a rotational basis from the companies on the current log. Exceptions must be documented in the log.

SEC. 12-59 CLASSES OF AUTHORIZED OPERATORS

- A. Light Duty Light duty operators shall be utilized for towing and recovery of motor vehicles up to a maximum of 10,000 pounds gross vehicle weight (GVW). An applicant shall be eligible for authorization as a light duty operator when the company:
 - Meets or exceeds all requirements regarding bona fide business, insurance, business, and storage facilities, etc,
 - Meets or exceeds all requirements regarding tow trucks, carriers, and accessories,
 - 3. Owns and maintains for service at least a Class A wreckers/slideback carrier, and at least one (1) class B or C wrecker. Class B or C wreckers may be substituted for one (1) Class A wreckers.
- B. Heavy Duty Heavy duty operators shall be utilized for towing and recovery of motor vehicles in excess of 10,000 pounds GVW. An applicant shall be eligible for authorization as a heavy duty operator when the company:
 - Meets or exceeds all requirements regarding bona fide business, insurance, business and storage facilities, etc,
 - Meets or exceeds all requirements regarding tow trucks, carriers, and accessories,
 - 3. Owns and maintains for service, at least one (1) Class B or C wrecker(s).

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- C. Hazardous Materials An applicant shall be eligible for authorization as a hazardous materials operator provided the company meets or exceeds the requirements set forth for a heavy duty hauler. In addition, hazardous material operators must have:
 - 1. Two (2) Class C wreckers,
 - 2. Non-flame producing flares and signals.

SEC. 12-60 WRECKER REQUEST

- A. Slidell Police Department shall reserve the right to summon a wrecker of the department's choice, in circumstances other than automobile accidents.
- B. Officers shall honor any bona fide "owner's request" for a specific wrecker service provided it does not delay the officer's duty beyond a reasonable time, endanger the public, or involve utilizing a wrecker company which the officer has reason to believe is incompetent to handle the job because of its severity or complexity.
- C. If a wrecker service is summoned by a police officer, said wrecker service is obligated to honor any insurance coverage (towing benefits) currently in force by the owner of the vehicle. Said wrecker service may bill vehicle owner for any unpaid charges as provided in the fee schedule of Sec. 12-64 contained herein.

SEC. 12-61 LIMITING OF WRECKERS

The Slidell Police Department shall determine what wrecker company and how many wreckers shall be maintained on the Slidell Police Department wrecker log, and assign qualified companies to the log on a rotating basis annually. Placement on the rotation list will be determined by the date of receipt of a company's first qualifying application. First preference shall be given to businesses actually located within the City of Slidell and paying ad valorem taxes to the City of Slidell. Second preference shall be given to businesses located within the City of Slidell.

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SEC. 12-62 SLIDELL POLICE DEPARTMENT LOGS

Necessary logs and records of dispatch calls shall be maintained. These logs will be open to public review Monday through Friday during the regular business hours and shall include the following information:

- A. Date,
- B. Time,
- C. Location,
- D. Vehicle description and license number,
- E. Operator/Owner of vehicle,
- F. Name of officer dispatching wrecker,
- G. Name of officer requesting wrecker.

SEC. 12-63 OPERATIONAL REQUIREMENTS

- A. Rotating beacons shall not be used except while at the scene of the accident or while towing a vehicle which because of its condition presents a hazard to motorists,
- B. Debris from the accident shall be cleaned from the highway by the wrecker driver, and shall not be subject to charges to vehicle owner.
- C. Authorized wrecker companies shall honor all hold orders of the officer responsible for the investigation. Release of vehicles must be authorized by the Slidell Police Department, exception to be when a vehicle is impounded for accident, and no hold is placed on the vehicle by the investigating officer storing the vehicle. Releases shall be in writing and a copy furnished for the wrecker company,
- D. The officer responsible for storing the vehicle shall inspect and inventory the vehicle and prepare a Vehicle Storage Report. The wrecker company will be furnished a copy of the inventory on request.

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SEC. 12-64 FEES FOR SERVICE

The following are maximum allowable fees to be charged by wrecker companies for emergency auto wrecker service:

(1) Class A Wreckers:

Normal tow\$ 45.00
Mileage from scene to place of storage No Charge
Storage after first twenty-four

(24) hours, per day	6.00
To disengage/remove drive shaft	10.00
To replace tire and wheel, each tire	5.00
Use of dolly	10.00
Use of winch	

First hour 20.00

Per hour on pro rata basis

after first hour 30.00

The first hour to be spent on a call shall begin after the wrecker arrives at the scene.

(2) Class B & C Wreckers:

Per hour charge:

First hour	142.50
Per hour after first hour	100.00
Minimum charge	142.50
Storage after first twenty-four	

hours 10.00

In the event the wrecker company charges a fee in excess of that stated, a written statement must be forwarded to the Slidell Police Department and the customer, detailing the reasons for

the additional charge.

Payment for wrecker fees by check or credit card shall not be reasonably refused.

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SEC. 12-65 CLASSIFICATION OF WRECKERS AND SLIDE BACK CARRIERS Wrecker companies shall be required to possess equipment which meets the minimum standards established by the Slidell Police Department and is subject to regulation.

All wrecker capacities must have a manufacturer's rating or if the wrecker is homemade, all boom and winch capacities must be certified by the owner of the wrecker company on his application that his equipment meets or exceeds the requirements contained herein.

Operators of a Class A wrecker shall maintain equipment adequate to winch and transport passenger cars, trailers, semi-trailers, trucks or vans up to, but not in excess of 10,000 pounds. The 10,000 pound maximum limit for a Class A wrecker is inclusive of the towed vehicles gross weight (GVW) plus any cargo on board. Wreckers shall not be permitted to haul any vehicle/cargo combination in excess of its rated GVW or class.

1. Wreckers

- a. Truck minimum qualifications:
 - 1) GVW rating of not less than 10,000 pounds as rated by the manufacturer or certifying laboratory; normally 2,000 pounds or more,
 - 2) A minimum of 60 inches from rear of passenger cab to center of rear axle,
 - 3) A 4 speed manual or automatic transmission,
 - 4) A service brake system capable of adequately controlling the movement of or stopping and holding the combination of vehicles under normal and adverse operating conditions,
 - 5) A parking brake system separate from the service brake system which shall be maintained in proper working order, and
 - 6) Dual rear wheels and tires.

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- b. Boom and Winch Minimum Specifications (Bare Drum):
 - 1) Boom capacity rated not less than 8,000 pounds,
 - 2) Power operated winch, mechanical, or hydraulic only, rate for a minimum of 8,000 pounds as determined on a single line pull, and
 - 3) Not less than 100 feet of wire rope (the wire rope must have a minimum diameter of 3/8 inch or rated for 12,000 pounds breaking strength).
- c. Required Accessories:
 - 1) Dollies or supplementary wheels,
 - 2) Minimum of 20 feet of chain complete with attached 5/16 inch diameter hooks,
 - 3) 2 snatch blocks, and
 - 4) Towing sling or towing hitch rated to the capacity of the wrecker.
- 2. Slide Back Carrier
 - a. Manufacturer's rated capacity of not less than 10,000 pounds GVW, or larger with 102 inch to center of axle dimension or larger,
 - b. 1 hydraulic winch of not less than 8,000 pounds capacity,
 - c. 50 feet of 3/8 inch cable,
 - d. 16 feet or longer hydraulic operated slide back tilt bed, and
 - e. 1 snatch block, 8,000 pounds capacity.
- B. Class B. (Medium Duty) 10,000 18,000 Pounds GVW
 Operators of Class B wreckers shall maintain equipment
 adequate to winch and transport passenger cars, trailers,
 semi-trailers, trucks or vans up to but not in excess of
 18,000 pounds. The 18,000 pound maximum limit for a Class B
 wrecker is inclusive of the tower vehicle's gross weight (GVW)
 plus any cargo on board. Wreckers shall not be permitted to
 haul any vehicle/cargo combination in excess of its rated GVW
 or class.

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1. Wreckers

- a. Truck Minimum Specifications:
 - GVW rating of not less than 18,000 pounds as rated by the manufacturer or certifying laboratory, normally 4,000 pounds,
 - 2) A minimum of 72 inches from rear of passenger cab to center of rear axle,
 - 3) A 4 speed or automatic transmission,
 - 4) A service brake system capable of adequately controlling the movement of or stopping and holding the combination of vehicles under normal and adverse conditions:
 - a) If the truck is air brake equipped, it shall have a transfer system by which air may be connected to the braking system of the towed vehicle;
 - b) If the truck is equipped with a mechanical or hydraulic brake system, it shall have an auxiliary transfer system by which air may be connected to the braking system of the towed vehicle.
 - 5) A parking brake system separate from the service brake system which shall be maintained in proper working order, and
 - 6) Dual rear wheels and tires.
- b. Boom and Which Minimum Specifications (Bare Drum):
 - 1) Minimum rated boom capacity of 20,000 pounds, and
 - 2) Mechanical or hydraulic power winch(es) with a total rated capacity of not less than 20,000 pounds (Dual winches must have a minimum of 150 feet wire rope per winch at least 1/2 inch in diameter, or rated breaking strength of 21,000 pounds.)

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c. Required Accessories:

- 1) Dollies or supplementary wheels,
- 2) 25 feet 3/8 inch diameter chain,
- 3) 2 snatch blocks, and
- 4) Towing sling or towing hitch rated to the capacity of the wrecker.

2. Slide Back Carrier

- a. Manufacturer's rated capacity of not less than 15,000 pounds GVW or larger with 102 inch to center of axle dimension or larger,
- b. 1 hydraulic winch of not less than 8,000 pounds capacity,
- c. 50 feet of 3/8 inch cable,
- d. 18 feet or longer hydraulic operated slide back and tilt bed, and
- e. 1 snatch block, 8,000 pounds capacity.
- Class C. (Heavy Duty) 18,000 Pounds and Above GVW

 Operators of a Class C wrecker shall maintain equipment adequate to winch and transport passenger cars, trailers, semi-trailers, truck tractors, trucks or vans, with a GVW of 18,000 pounds or more.

1. Truck Minimum Specifications:

- a. GVW rating of not less than 35,000 pounds as rated by the manufacturer or cortifying laboratory; normally 7,000 pounds,
- b. A minimum of 102 inches from rear of passenger cab to center of rear axle for single axle trucks or 102 inches to the center of bogie on tandem trucks,
- c. Single or tandem rear axle(s) equipped with dual rear wheels and tires,
- d. 5 speed manual or automatic transmission,

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- e. A service brake system, air only, capable of controlling the movement of or stopping and holding the combination of vehicles under normal and adverse conditions. The air brake system shall be equipped to provide for the transfer of air from the wrecker's brake system to that of the towed vehicle and a return air line to enable the wrecker to safely stop the towed vehicle, and
- f. A parking brake system separate from the service brake which shall be maintained in proper working order.
- 2. Boom and Winch Minimum Specifications (Bare Drum):
 - a. Minimum rated boom capacity of 50,000 pounds,
 - b. Mechanical or hydraulic power winch(es) with a total rated capacity of not less than 50,000 pounds. Dual winches must have a minimum capacity of 25,000 pounds each, and
 - c. Minimum of 200 feet of wire rope per winch at least 9/16 inch in diameter or rated breaking strength of 27,000 pounds.
- 3. Required Accessories:
 - a. At least 20 feet of 3/8 inch diameter chain equipped with hooks at least 3/8 inch in diameter,
 - b. At least 75 feet of auxiliary air lines equipped with necessary transfer fittings,
 - c. Heavy duty truck towing hitch; and
 - d. 4 snatch blocks.
- 12-66 REQUIRED ROAD EQUIPMENT FOR ALL WRECKER CLASSES
- A. All legal requirements, lighting, towing, licenses, etc.,
- B. Heavy duty shop type boom (1),
- C. Shovel (1)
- D. Fire extinguisher (1), of at least 4 pound capacity of a type capable of extinguishing wood, fuel, and electrical fires.
 (Extinguisher must be approved type, equipped with a gauge and be fully charged),

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- E. Parking brake,
- F. Dollies Except Class C,
- G. Non-damage sling with safety hitch,
- H. Snatch blocks (2),
- I. Chock blocks (2) of metal with anchor chain. Not required on slide back carriers,
- J. Search or working lights,
- K. 2-way mobile radio,
- L. Steering wheel tie down,
- M Oil absorbing material (minimum of 5 gallons),
- N. Flares at least 3 flares or 3 red electric lanterns or 3 portable red emergency reflectors, each of which shall be capable of being seen and distinguished at a distance of not less than 600 feet under normal atmospheric conditions at night time,
- O. At least 1 amber, rotating or flashing beacon visible from 360 degrees, and an emergency flasher system capable of emitting 2 amber lights to the front and 2 red lights to the rear of the vehicle and shall flash simultaneously. All lighting systems must be visible from the rear for a minimum of 500 feet.

SEC. 12.67 PROHIBITIONS

A. No tow truck operator shall stop at the scene of an accident or at or near a disabled vehicle for the purpose of soliciting an engagement for towing service, unless he has been summoned to such scene by the owner or operator of a disabled vehicle, or has been requested to perform such services at the request of the Slidell Police Department; provided, however, that any authorized operator who comes upon a DISABLED vehicle (not an accident) may stop to help the owner obtain assistance. In other words, cruising highways for personal aggrandizement is prohibited.

Tow truck operators shall not, 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 an accident. EXCEPTION: Notwithstanding the conditions imposed in these rules and regulations, operators may in emergency cases, slide left, right, or otherwise move a vehicle damaged as the result of an accident, if the removal is for the purpose of extracting a person from the wreckage or to remove an immediate hazard to life/property. In no event shall the movement be more than is reasonable and necessary.

- B. Tow truck operators shall respond to the scenes of police investigations only when called by the Slidell Police Department or by the owner or operator of a disabled vehicle. If tow truck operators are unable to respond, they must immediately notify the Slidell Police Department dispatcher and may not summon a substitute.
- C. Interference with an officer at the scene, or failure to comply with officers' instructions regarding traffic control or clearing the accident scene is prohibited.
- D. No tow truck operator shall require performance of repair work on a disabled or wrecked vehicle in connection with providing towing service for the vehicle.
- E. No tow truck operator shall make repairs or alterations to a wrecked or disabled vehicle without first having been authorized by the owner of said vehicle, except for emergency alterations necessary to permit towing of such wrecked or disabled vehicle.
- F. No tow truck operator shall charge for services not performed or make duplicate charges for the same services.
- G. No tow truck operator shall release any vehicle to any person other than the registered owner or his duly authorized agent, or by authority of the Slidell Police Department with an officer present at the time of release.

SEC. 12-68 VIOLATIONS OF RULES AND REGULATIONS

The Slidell Police Department shall investigate all complaints made against authorized operators, make recommendations and act thereon. Violations of any of these rules and regulations may be penalized as follows:

- A. 1st violation in any twelve (12) month period thirty (30) days suspension of Authorized Status.
- B. 2nd violation in any twelve (12) month period sixty (60) days suspension of Authorized Status.
- C. 3rd violation permanent suspension of Authorized Status.
- D. Violation of any Louisiana Revised Statute, Parish, or Municipal Ordinance may be cause for immediate suspension and permanent suspension upon conviction.
- E. Any wrecker company suspended off the Slidell Police

 Department log as a result of an investigation, may request a review of the investigations, findings, and suspension, by the Chief of Police.

SEC. 12-69 WAIVER OF AUTHORIZATION REQUIREMENTS

The Chief of Police or his representative may, at his discretion, waive any requirement set forth herein pertinent to applicant's eligibility for authorization as either a light duty, heavy duty, or hazardous materials operator, in the event he determines:

- A. That no operator applying for authorization meets the criteria set forth herein for such authorization, or
- B. That the number of operators who have applied and are eligible for authorization are insufficient to met the anticipated demand for recovery, towing, or storage services within the city limits of Slidell.

SEC. 12-70 EFFECTIVE DATE

This ordinance shall become effective on 12/1/88.

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ADOPTED this 13th day of September, 1988.

4/15/88 **DELIVERED**

9:00 A.M. to the Mayor

11:20 A.M. 9/20/38

Richard B. Van Sandt

Councilman, District C President of the Council

Salvatore A. Caruso

Mayor

Council Administrator/Clerk of the Council