

**STATE OF ALABAMA  
COUNTY OF BLOUNT  
TOWN OF HIGHLAND LAKE**

**ORDINANCE NO. HL-17-01**

**AN ORDINANCE REGULATING ROTATION  
WRECKER OF TOWING SERVICE**

**BE IT ORDAINED BY THE TOWN COUNCIL OF HIGHLAND LAKE, ALABAMA, AS  
FOLLOWS:**

**SECTION 1:           DEFINTIONS**

For the purpose of this ordinance, the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words used in the singular number include the plural, and words in the male gender shall include the female and neuter. The word "shall" is always mandatory and not merely directory.

- (a) "Town" is the Town of Highland Lake, Alabama, and police jurisdiction.
- (b) "Person" is any person, firm, partnership, association, corporation, company or organization of any kind.
- (c) "Vehicle" is any device in, upon or by which any person or property is or may be transported upon a street.
- (d) "Street" is any public road, street, avenue, highway or alley, within the town limits and police jurisdiction of Highland Lake, Alabama.
- (e) "Council" is the governing body of the Town of Highland Lake.
- (f) "Chief of Police" is the chief of the police department of the Town of Highland Lake and may act through his designee for the purposes of this ordinance.
- (g) "Wrecker" is a person engaged in the business, or offering the services, of a vehicle wrecker or towing service, whereby disabled vehicles are towed or otherwise removed from the place where they are disabled by use of a truck, automobile or other vehicle so adapted to or designed for that purpose.

**SECTION 2.           LICENSE REQUIRED**

No wrecker shall engage in business or offer such service within the town without first obtaining a license to do business from the town as provided in this ordinance.

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**SECTION 3. APPLICATION FOR ROTATION WRECKER SERVICE**

Applications for rotation wrecker service issued hereunder shall be made upon blank forms prepared and made available by the chief of police and shall state:

- (a) The name and kind of legal entity, trade name (if any), home address, proposed business address, and business phone number(s) of the person making application.
- (b) The location, description and hourly availability of the tow trucks owned or operated by the applicant.
- (c) That the applicant has available space for properly accommodating and protecting all disabled vehicles to be towed or otherwise removed from the place where they are disabled.
- (d) An agreement that the name of the wrecker is and will be kept prominently displayed on each tow truck.
- (e) The description, size and location of a fenced-in area maintained by applicant under lock and key, to protect the vehicles towed in and contents thereof, by the wrecker.
- (f) An agreement that the applicant will obey and comply with the terms and provisions of this ordinance and all laws relating to the towing or storage of vehicles for the public, and that applicant will to the best of his ability cause his employees to obey and comply with the terms and provisions of this ordinance and all laws relating to the towing or storage of vehicles for the public.
- (g) An agreement that applicant remove any glass or other injurious material and otherwise clean up the scene of the wreck or collision before removing a vehicle from the scene.
- (h) Such other information as the chief of police shall find reasonably necessary to effectuate the purpose of this ordinance and to arrive at a fair determination of whether the terms of this ordinance have been complied with.

**SECTION 4. INSURANCE POLICIES REQUIRED**

No rotation wrecker status shall be issued to an applicant until he deposits with the chief of police a certificate or other assurance of insurance policies as follows:

- (a) Garage Keeper's Policy. A garage keeper's legal liability policy covering fire, theft and explosion in the minimum amounts of fifty thousand dollars (\$50,000.00) and collision coverage subject to one hundred (\$100) dollars deductible, with each accident deemed a separate claim.

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- (b) Garage Liability Policy. A garage liability policy, covering the operation of applicant's business, equipment or vehicles, for any bodily injury or property damage. This policy will be in the minimum combined single limit in the amount of one million (\$1,000,000.00) dollars.
- (c) Each policy required herein shall not be canceled terminated, or have any material changes made, before the rotation wrecker service has given (30) thirty days notice to the chief of police.

**SECTION 5. INVESTIGATION**

Within seven (7) days after receipt of an application the chief of police shall cause a background investigation of the applicant and an inspection of the proper vehicle licenses to each wrecker covered under this ordinance.

**SECTION 6. STANDARDS FOR ISSUANCE**

The Police Department shall issue rotation status when their investigation and inspection reveals:

- (a) That the public convenience and necessity require the proposed wrecker service for which application has been submitted;
- (b) That insurance policies as required by this ordinance have been procured;
- (c) That the applicant and all employees are fit and proper persons to conduct or work in the proposed business;
- (d) A vehicle/wrecker mechanical and equipment inspection that will be performed by the Police Department, that all mechanical and safety equipment is properly attached and/or supplied with each wrecker inspected.
- (e) That the requirements of this ordinance and all other governing laws and ordinances have been met.

**SECTION 7. PROMULGATION OF REGULATIONS**

The chief of police is authorized to promulgate and enforce reasonable rules and regulations for wreckers pertaining to this ordinance and applicable local, State and Federal laws.

**SECTION 8. DUTIES OF ROTATION WRECKER SERVICES**

A rotation wrecker status shall be issued subject to the following conditions which are the obligation of the wrecker services.

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- (a) Maintenance of equipment. Wreckers shall keep and maintain towing equipment which is adequate to perform such towing service in a reasonably workman like manner.
- (b) Interception of emergency calls. No wrecker shall intercept police or fire calls by monitoring a scanner or other device to “jump” calls or go when not requested.
- (c) Rotation of town towing. Wreckers shall perform towing service for the town on a rotation basis if they meet the requirements of this ordinance.

**SECTION 9. GENERAL OPERATION**

- (a) No rotation wrecker shall proceed to the scene of a collision or accident without being requested to do so by the police department or the owner or person in charge of the vehicle. No rotation wrecker shall solicit business at the scene of a collision or accident.
- (b) Each vehicle designed for or adapted for the purpose of a vehicle wrecker or towing service business shall be equipped with a flashing amber caution light properly installed. Said caution light shall be operated at the scene of a wreck or collision and while a disable vehicle is being towed, but shall not be operated while proceeding to the scene of a wreck or collision, unless the dispatcher in the police department authorized use of said light in a particular case because of an emergency situation.

**SECTION 10. STANDARD EQUIPMENT**

Each rotation wrecker shall maintain the following standard equipment on every tow truck:

- (a) Power winch, winch line and boom with lifting capacity of eight thousand (8,000) pounds, factory rated, dual line capacity.
- (b) One “sling” and “stay bar” or other similar device capable of protecting a disabled vehicle while being towed.
- (c) Safety chains.
- (d) Fire extinguisher.
- (e) One four foot pry bar or wrecker bar capable of prying open doors.
- (f) One broom.
- (g) One shovel.
- (h) One set of road flares.

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- (i) Emergency flasher system capable of emitting two amber lights to the front and two red lights to the rear of the vehicle and which shall flash simultaneously.
- (j) One dolly, with name of wrecker permanently affixed.

**SECTION 11. OPERATION OF ROTATION SYSTEM**

- A. Wreckers granted rotation status may participate in the rotation system if they meet the following additional requirements:
- (1) The applicant has and maintains in good condition at least two three-quarter ton capacity vehicle designed for or adapted to the purpose of a vehicle wrecker or towing service business.
  - (2) The applicant maintains a storage lot within Blount County and within 10 miles of the police jurisdiction of Highland Lake in an area that can accommodate a minimum of ten vehicles, with no less than 2,000 square feet of storage lot space, enclosed by an appropriately designed fence consistent with state law, at least six feet high, under lock and key, to protect the disabled vehicle and the contents thereof towed in by the wrecker.
  - (3) During the entire time a wrecker is on the rotation list, the wrecker shall be capable of furnishing ample equipment to service an accident involving one vehicle.
  - (4) 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 rotation list.
  - (5) Applicant's primary place of business is located within ten miles of the Highland Lake police jurisdiction and within Blount County.
  - (6) Wrecker or Towing Services must have all wreckers with wheel lift capabilities.
  - (7) Two-Way communication equipment between the tow truck and wrecker's dispatcher.
  - (8) Wrecker services may use a flatbed, roll-back, or slideback carrier to answer a rotation call when necessary or feasible.
  - (9) Authorization for rotation 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 sub-let or permit the exercise by another in any manner, of the rights or privileges granted thereunder. Authorization for rotations is void if the business address or location of the facilities are changed, beyond the terms of this ordinance.

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- (10) Each wrecker business will furnish the Highland Lake Police Department with one telephone number to be used for request for service during the day and one number for night and weekends or a 24 hour telephone number. Answering services will be allowed at the discretion of the police chief. No pagers are permitted as a lone contact number.
- (11) 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.
- (12) No owner or operator shall be on the rotation list who has been convicted of grand larceny, theft of property, or similar felony or misdemeanor offenses involving force, violence, or moral turpitude.
- (13) No owner of operator shall be on the rotation list unless the said driver or owner is proficient and competent in operation of said wrecker.
- (14) No person shall operate or be allowed to operate any wrecker for hire unless such operator has a valid Alabama drivers license or commercial driver's license, and applicable bond on the vehicle being used for towing purposes.
- (15) 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.
- (16) The wrecker service is required to respond with its own wreckers and shall not send another wrecker service in response to a service call. The wrecker operator may be assisted by another wrecker service.
- (17) The base rate of towing and storage will be set by the Mayor and Town Council as recommended from time to time by the chief of police, in agreement with the rotation, wrecker services involved. Any wrecker service requesting to be placed on rotation must agree to comply substantially with such base rates. Any request to change the base rate for towing and storage will be made in writing to the chief of police.

The current rate for towing is not more than \$85.00 and the current rate for storage is not more than \$15.00. The rate for storage shall not begin to be assessed until after 24 hours have passed from the time of initial towing.

No other fees may be assessed on any normal rotation calls for the Town of Highland Lake, including accidents. However, any special circumstances may incur additional expense.

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- (18) Any wrecker service on rotation must be open between the hours of 8AM until 4 PM, Monday through Friday, and have someone available on Saturday and Sunday at a reasonable time for the purpose of releasing vehicles towed by the Highland Lake Police Department. Release conditions will be given upon time of tow.

B. Wreckers meeting the requirements of subsection (a) shall be placed on a rotation list to be maintained by the chief of police. A request to the police department for a wrecker, when the operator or owner does not request a particular wrecker, shall be filled according to the rotation schedule by the next wrecker on the schedule. It shall be the duty of the wrecker who is scheduled to respond when called to provide the service requested. If a wrecker cannot provide the service requested within twenty minutes, the next wrecker on the rotation list shall be called. No wrecker shall accept a request for service unless a tow truck is immediately available to perform the requested service. Repeated tardiness will result in a suspension from the rotation list.

**SECTION 12. APPLICATIONS FOR ROTATION LIST DESIGNATION**

- A. Each wrecker desiring to be placed on the rotation list shall file a written request to the police chief.
- B. The police chief will furnish each wrecker a copy of the rules and regulations pertaining to the operation of wreckers on the rotation list.
- C. The Police Chief will conduct an investigation of the requesting wrecker business and determine if the business meets all qualifications to be placed on the rotation list.
- D. The Police Chief has the right to inspect any tow truck operated by a wrecker on the rotation list at any time to insure it is maintained for safety and all equipment that is required is on the tow truck and in proper operating order.
- E. Police Officers will not make recommendations as to a particular wrecker service, but, ask the vehicles operator if the they have a preference as to which wrecker to send or notify communications to go by rotation.

**SECTION 13. PENALTY FOR VIOLATION OF ORDINANCE**

Any rotation wrecker service that violates this ordinance, or any part or section of this ordinance may be suspended or removed from rotation status.

**SECTION 14. 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

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deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

**SECTION 15. ORDINANCES REPEALED**

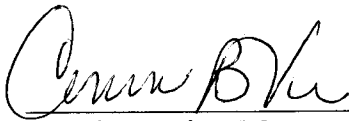
All ordinances and parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

**SECTION 16. EFFECTIVE DATE**

This ordinance shall be effective five (5) days from and after the date of adoption.

Adopted and approved this the 7<sup>th</sup> day of March 7, 2017.

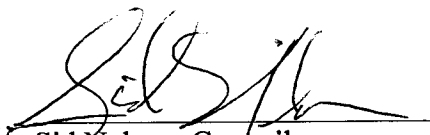
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A Municipal Corporation

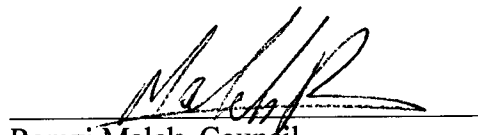
  
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Connie B. Vice, Mayor

  
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Chase Moore, Council

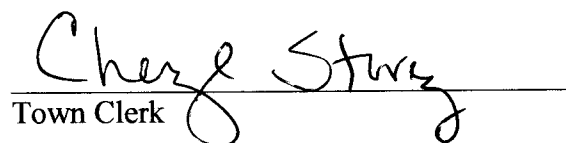
  
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Donna Hanby, Council

  
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Greg Posey, Council

  
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Sid Nelson, Council

  
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Ramzi Malek, Council

ATTEST:

  
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Town Clerk