

## **Chapter 22 TOWING OF VEHICLES**

### **Sec. 22-1 Definitions.**

- (a) "Chief" as used herein shall mean the Chief of Police of the Punta Gorda Police Department, or his or her designee.
- (b) "Department" as used herein shall mean the Punta Gorda Police Department.
- (c) "Operator" as used herein shall mean the driver of a Wrecker.
- (d) "Wrecker" as used herein shall mean a vehicle used to provide towing services.
- (e) "Wrecker Service" as used herein shall mean an individual, partnership, corporation or other business entity for hire in the recovery, towing or removal of wrecked, disabled, stolen, illegally parked or abandoned vehicles and those vehicles which constitute an obstruction to traffic.

### **Sec. 22-2. Call allocation system.**

- (a) Wrecker Services, as defined herein, shall be called for the removal of wrecked, disabled, stolen, illegally parked or abandoned vehicles, and those vehicles which constitute an obstruction to traffic, from the streets, canals and other property lying within the City of Punta Gorda, according to the operator's placement on a Wrecker Rotation List as maintained by the Communications Section of the Department, and according to the wrecker classification for the size of the vehicle to be towed. Wrecker Services will be called in succession from the top of the list. Except as provided herein, following each call, a Wrecker Service will be rotated to the bottom of the list. A Wrecker Service shall respond to a call with a wrecker classified to meet or exceed the size of the vehicle to be towed; however, if the wrecker used is larger than necessary, the charges shall be based on the lowest classification of wrecker capable of performing the tow.
- (b) The Wrecker Service may not assign, transfer, pledge, surrender or otherwise encumber or dispose of its approval or its place on the rotation list. A replacement or successor Wrecker Service must be approved before being placed on the Department's Wrecker Rotation List, in accordance with section 22-4.

- (c) Towing requests from the field will be transmitted to the Telecommunicator on duty at the Department, who will contact the proper Wrecker Service. Vehicle owners' requests for a specific Wrecker Service will be transmitted to such Wrecker Service, and such Wrecker Service will maintain its position on the Wrecker Rotation List. The Department may cancel a request for services of a participating Wrecker Service at any time. In the event of cancellation or response without any service having been rendered, the Wrecker Service will not be rotated but will maintain its position on the Wrecker Rotation List.
- (d) Wrecker Services will be listed only once on the Wrecker Rotation List and only in the name under which they are qualified and conducting business in this State. A Wrecker Service is prohibited from conducting business at one location and attempting to receive multiple listings or classifications by utilizing a different or fictitious name for trucks operating out of the same location or by utilizing the same named trucks out of different locations or by using different names for separate locations maintained by the same business.
- (e) Wrecker Services shall only respond to accidents or remove vehicles involved in an accident within the Department's jurisdiction pursuant to a call from a law enforcement agency as set forth herein or in response to a direct call from the owner of a vehicle involved in the accident. In the event of a call to a Wrecker Service by someone other than a law enforcement agency, such operator will first report the call through the Department's Communication Section before proceeding to the scene.
- (f) Wrecker Services shall have at least one day and one night telephone number staffed by a person. Answering services or beepers will not be permitted. The Wrecker Service will notify the Department's Telecommunicator at the time the call is received whether or not it will respond. The Wrecker Service shall promptly notify the Department of any changes of such numbers.
- (g) The Department may call specialized recovery equipment on a nearest available basis in the event specialized recovery requirements are not met by the Wrecker Services at the top of the Wrecker Rotation List.
- (h) For car accidents involving multiple disabled vehicles, one or more Wrecker Services shall be called from the rotation list for each accident. If the first Wrecker Service called does not have a sufficient number (or classification) of wreckers available to tow each vehicle which is disabled, one or more additional Wrecker Services shall be called until a sufficient number (and classification) of wreckers is obtained. To expedite clearing any roadway blockage, the Police Officer on the scene shall prioritize the removal of the vehicles and may advise the Wrecker Service which vehicles to remove.

- (i) Wrecker Service logs will be maintained by the Communication Section of the Police Department, showing each call made, the Wrecker Service to which it was made, and any failures to respond or cancellations.
- (j) If a Wrecker Service does not respond to a request for service, or if the request is canceled pursuant to subsection 22-3(a), the Wrecker Service shall be rotated to the bottom of the list.

**Sec. 22-3 Responses to calls.**

- (a) Each Wrecker Service shall respond to all requests for service made through the Communications Section of the Police Department within a reasonable time under the existing conditions and circumstances. This reasonable time shall not exceed thirty minutes from the time of notification. If response cannot be made within a reasonable time, the Wrecker Service shall notify the Police Department of the estimated time of delay and the reasons therefor. The officer on the scene shall determine if the delay is unreasonable and may cancel the request for service and use the services of another participating Wrecker Service.
- (b) Unless authorized by the on-duty Patrol Supervisor, flashing amber lights shall not be used while responding to a call for wrecker service.
- (c) Flashing amber lights shall be used at the scene and when towing from the scene in accordance with Florida Statutes, Section 316.2397 (3).
- (d) When a vehicle is released at the scene by the investigating officer, the Wrecker Service shall tow it to any location the owner requests. If the owner is absent or incapacitated, the Wrecker Service shall tow the vehicle to its storage area for safekeeping.
- (e) Any ancillary service, such as the use of a dolly, dropping and hooking up linkage, etc., are to be performed only if required and appropriate.
- (f) The motor vehicle owner or operator is responsible for payment of charges imposed by the Wrecker Service.
- (g) The Wrecker Service is responsible for any damage to a vehicle caused by the operator.
- (h) An operator at the scene of an accident shall remove only the vehicle involved, at the direction of the investigating officer.
- (i) Wrecker operators shall sweep glass from the roadway and remove all debris or hazards from the scene, as required by Florida Statutes, Section 316.2044 (2).
- (j) Wrecker operators shall impound such vehicles as requested by the officer at the scene.

- (k) The Wrecker Service will forfeit a call if the Wrecker Service's operator responds to a call in such a condition that the officer on the scene reasonably believes that the operator is incapable of safely removing the vehicle. Such condition shall include, but shall not be limited to, impairment due to consumption of alcohol or any chemical substance or controlled substance.
- (l) The Wrecker Service shall forfeit a call if the Wrecker Service or its operator responds to a call in a wrecker other than the type requested.

**Sec. 22-4. Maintenance of Wrecker Rotation List.**

The Wrecker Rotation List shall be maintained by the Chief. The inclusion on, exclusion from, removal from or suspension from the Wrecker Rotation List shall be determined by the Chief, based on the standards and qualification set out in this chapter.

**Sec. 22-5. Grounds for listing denial and for removal or suspension from Wrecker Rotation List.**

- (a) The following acts, omissions and deficiencies on the part of any Wrecker Service or any operator of any Wrecker Service (including any partner if the business is a partnership and any director or officer if the business is a corporation) shall be grounds for denial, removal or suspension from the rotation list:
  - (1) Chasing or running to accident locations within the City limits without a proper call from the Police Department or from the owner of a vehicle involved in an accident.
  - (2) Soliciting business at the scene of an accident.
  - (3) Two failures to answer Wrecker Rotation List calls for service within a three-month period.
  - (4) Three or more unreasonable response times in a calendar year.
  - (5) Any combination of three or more of the following within a three-month period:
    - a. Responding to a Wrecker Rotation List call with a wrecker that has failed a Department inspection and has not been approved on re-inspection or with a vehicle not listed with the Department or not properly identified with its assigned number.
    - b. Forfeitures of calls as provided in subsections 22-3 (k) and (l) of this chapter.
  - (6) Inability of an operator to properly operate the wrecker in the removal of disabled vehicles or to remove a vehicle without causing additional damage.

- (7) Removal of a wrecked or disabled vehicle by an unlicensed operator or without its having been investigated or cleared by a proper law enforcement agency.
- (8) Charging more for services than provided for in subsection 22-6 (h) of this chapter.
- (9) Lack of reputability which shall include, but which shall not be limited to:
  - a. Conviction of any felony when the person's civil rights have not been restored.
  - b. Conviction of any felony or first degree misdemeanor directly related to the business of operating a wrecker, regardless of whether civil rights have been restored. For the purpose of this section, any offense involving perjury or false statements shall be considered to be directly related to the business of operating a wrecker.
  - c. Conviction of the offense of driving under the influence of alcohol or any controlled substance or chemical substance to the extent that normal faculties are impaired or driving with an unlawful blood alcohol level, or of any criminal traffic offense, within the past five years.
- (10) Failure to otherwise meet the requirements for Wrecker Services and their operators set out in this chapter or to otherwise comply with the provisions of this chapter.

#### **Sec. 22-6 Wrecker Service requirements.**

To be eligible to be placed on and remain on the Department's Wrecker Rotation List, a Wrecker Service must meet the following requirements:

- (a) All operators are required to have a valid Florida commercial driver license, with the appropriate endorsements, in their possession as required by Florida Statutes, Section 322.03.
- (b) Wrecker Services and their operators are required to comply and be familiar with the Florida Uniform Traffic Control Law, Florida Statutes, Chapter 316.
- (c) All operators shall be thoroughly familiar with the operation of the wreckers and equipment they are using.
- (d) A Wrecker Service's place of business, to be used for dispatching wreckers and storing vehicles pursuant to calls from the Department, must be located inside or within four miles of the city limits of Punta Gorda.
- (e) A Wrecker Service must have at least one Class A wrecker, as described in subsections (j)(1) and (j)(2), below.

- (f) A Wrecker Service must be on call twenty-four hours a day, seven days each week.
- (g) Insurance Requirements:
  - (1) The Wrecker Service shall maintain the following policies of insurance according to the minimum limits set forth below. Each policy shall be in the name of the Wrecker Service and shall include coverage for towing and storage. The policy shall be effective throughout the period that the Wrecker Service is qualified under this chapter.
    - a. Workers' Compensation and Employer's Liability insurance as required by statute.
    - b. Garage liability insurance in amounts not less than \$300,000.00 combined single limit liability and Garagekeepers' liability coverage on perils of fire and explosion, theft of an entire vehicle, riot and civil commotion, vandalism and malicious mischief in an amount not less than \$50,000.00 for each loss. The Wrecker Service's liability insurance policy shall name the City of Punta Gorda as an additional named insured.
  - (2) The insurance coverage required shall include those classifications that are listed in standard liability manuals, which most nearly reflect the operations of Wrecker Services.
  - (3) All insurance policies required above shall be issued by companies authorized to do business in the State of Florida.
  - (4) The Wrecker Service shall furnish certificates of insurance to the Department prior to the commencement of operations, and renewal certificates thirty days prior to the expiration dates of the policies. The certificates shall clearly indicate that the Wrecker Service has obtained insurance of the types, amounts and classifications required for compliance with this section and that no material change or cancellation of the insurance shall be effective without thirty days' prior written notice to the Department.
- (h) Charges for Services:
  - (1) Wrecker Services shall not charge rates for services rendered for rotation list calls which are greater than their customary and usual charges for such services. In no event, however, may the charges exceed those maximum charges in effect at the time of the service which are established by the Charlotte County.

- (2) The Wrecker Service's possession of the vehicle for the first twenty-four hours shall not be charged as a storage fee.
  - (3) Hourly rates, as determined by Charlotte County's schedule of Wrecker Services' fees, shall not begin to be charged until expiration of thirty minutes "on scene".
- (i) Each Wrecker Service shall have a secured area in which to place at least one vehicle. The secured area shall protect the vehicle from weather elements.
  - (j) Vehicles and equipment. Each Wrecker Service shall have wreckers and equipment meeting the requirements of this subsection, to be used in responding to calls from the Wrecker Rotation List. Each Wrecker Service shall provide a list of the wreckers it will use in responding to such calls and shall identify each such vehicle with a number of up to four digits. The number assigned to each vehicle shall be painted on both sides of the cab of the vehicle, in a color contrasting to the color of the vehicle, in digits at least three inches in height.
- (1) Each wrecker owned or maintained by a Wrecker Service and used in answering calls from the Wrecker Rotation List shall be commercially manufactured and shall conform to the requirements set out herein:
    - a. Each wrecker and its equipment shall be inspected by the Police Department for compliance with this ordinance before the Wrecker Service is placed on the rotation list. Thereafter, they will be subject to annual inspections. If a wrecker fails the inspection the owner or operator shall have twenty-four hours to correct the deficiencies. If not timely corrected, the wrecker shall not be used by the Wrecker Service in responding to calls from the Wrecker Rotation List until the deficiency is corrected and inspected. If such wrecker is necessary for the Wrecker Service to qualify for inclusion on the Wrecker Rotation List, the Wrecker Service shall be removed from such List. The Department shall develop and use an inspection form based upon this chapter, state requirements and Department needs.
    - b. Sirens on wreckers are prohibited.
    - c. The name, address and telephone number of the wrecker operator must be professionally lettered and painted in a conspicuous place on both sides of the truck as required by Florida Statutes, Section 713.78 (8). The name must be in letters at least three inches high and the address and telephone number shall be at least one inch high. Magnetic or removable signs or placards shall not meet this requirement.

- d. The wrecker operator shall have nothing on its vehicles, building or correspondence that implies any official relationship between the wrecker operator and the Police Department.
- e. Wreckers shall be properly equipped with clearance and marker lights and all other equipment as required by Florida Statutes.
- f. There shall be a rotor beam or strobe-type light, amber in color, mounted on the wrecker in such a manner that it can be seen from the front, rear and both sides.
- g. There shall be flood lights on the hoist.
- h. Each wrecker shall have the following minimum equipment when responding to calls:
  - 1. At least one heavy duty push broom with a minimum width of twenty-four inches.
  - 2. One square shovel.
  - 3. One axe.
  - 4. One crowbar or prybar with a minimum length of 30 inches.
  - 5. At least one five-pound CO<sup>2</sup> or dry chemical fire extinguisher or equivalent. The extinguisher must be of an approved type and have attached a current inspection tag.
  - 6. One pair of bolt cutters with a minimum of 1/2-inch opening.
  - 7. One set of jumper cables.
  - 8. One four-way lug wrench.
  - 9. One flashlight.
  - 10. Five thirty-minute fuses (flares).
  - 11. One snatch block for each winch, manufacturer's rating to match winch, except for roll-back carriers.
  - 12. Extra towing chain, six to eight feet in length, with hooks.
  - 13. At least six safety cones or red triangle reflectors.
  - 14. Fifty pounds of sand or suitable equivalent.

15. A business-type communication radio or cellular telephone.

(2) Each Class A wrecker shall also comply with the following requirements:

- a. Each Class A wrecker shall have a truck chassis with a manufacturer's rated capacity of at least 10,000 pounds gross vehicle weight. A complete, commercially-manufactured crane and winch having a manufacturer's rating of at least four tons must be mounted on the chassis. Hand crank winches do not satisfy these requirements and will not be approved.
- b. Each Class A wrecker shall have a minimum of one hundred feet of 3/8-inch cable.
- c. Each Class A wrecker shall have a cradle or tow plate or tow sling to pick up vehicles. The cradle or tow plate is to be equipped with safety chains and so constructed that no further damage will occur when picking up vehicles.
- d. Each Class A wrecker shall have dual rear wheels and be equipped with dollies.
- e. Vehicles which are equipped with wheel lifts or equivalent may also qualify as Class A wreckers as long as all other applicable requirements are met.

(3) Each Class B wrecker shall also comply with the following requirements:

- a. Each Class B wrecker shall have a truck chassis with a manufacturer's rated capacity of at least 20,000 pounds gross vehicle weight and 50,000 pounds gross vehicle weight for tandem axle trucks. A complete twin-winch commercially-manufactured crane and a winch having a manufacturer's rating of at least eight tons capacity must be mounted on the chassis.
- b. Each Class B wrecker shall have a minimum of one hundred feet of at least 1/2-inch cable on each drum.
- c. Each Class B wrecker shall have a cradle or tow plate or tow sling to pick up vehicles. The cradle or tow plate or tow sling is to be equipped with safety chains and so designed and constructed that no further damage will occur when picking up vehicles.
- d. Each Class B wrecker shall have dual rear wheels and scotch blocks for wheels or hydraulic rear extendable scotch blocks.

(4) Each Class C wrecker shall also comply with the following requirements:

- a. Each Class C wrecker shall have a truck chassis with a manufacturer's rated capacity of at least 30,000 pounds gross vehicle weight and 50,000 pounds gross vehicle weight for tandem axle trucks. A complete twin-winch commercially-manufactured crane and a winch having a manufacturer's rating of at least 25 tons capacity must be mounted on the chassis.
  - b. Each Class C wrecker shall have a minimum of two hundred feet of at least 5/8-inch cable on each drum.
  - c. Each Class C wrecker shall have air brakes so designed and constructed as to lock the rear wheels automatically upon failure and to supply air to disabled vehicles.
  - d. Each Class C wrecker shall have a cradle or tow plate or tow sling to pick up vehicles. The cradle or tow plate or tow sling is to be equipped with safety chains and so constructed that no further damage will occur when picking up vehicles.
  - e. Each Class C wrecker shall have dual rear wheels and scotch blocks for wheels or hydraulic rear extendable scotch blocks.
  - f. Each Class C wrecker shall have an external air hookup and hoses.
- (5) Each roll-back or slide-back carrier (a wrecker used to pick up burned vehicles, sports vehicles {to prevent damage to plastic front ends}, small trailers and boats and to transport cargo from an accident scene) shall also comply with the following requirements:
- a. Each roll-back or slide-back carrier shall be a minimum of a one-ton truck, having a sixteen-foot bed, dual wheels and one winch with an 8,000 pound capacity.
  - b. Each roll-back or slide-back carrier shall have a minimum of fifty feet of 3/8-inch cable.
  - c. Each roll-back or slide-back carrier shall have a brake lock device. (Emergency brake does not qualify.)
  - d. Each roll-back or slide-back carrier shall have a minimum of two safety tie-down chains ten feet in length.
  - e. Each roll-back or slide-back carrier shall have two spot lights mounted on the rear.
- (6) It shall be prohibited for a wrecker or Wrecker Service to have any equipment capable of monitoring messages or signals or frequencies assigned to the Department, as provided in Florida Statutes, Section 843.16.

(Ord. No. 1254-99, <sec> 1, 06-16-99; Ord. No. 1537-08, <sec> 1, 01-02-08)

**Sec. 22-7 Unlawful response.**

It shall be unlawful for any Wrecker Service to tow any vehicle involved in a traffic accident or any wrecked, disabled, stolen, illegally parked or abandoned vehicle or any vehicle which constitutes an obstruction to traffic, without having been requested to do so by the owner of the vehicle, the owner of the property on which the vehicle was abandoned, or the Department.

(Ord. No. 1187-97, <sec> 1, 07-02-97)