

ORDINANCE NO. 145

CITY OF LACEY

AN ORDINANCE REGULATING AND LICENSING WRECKER AND TOWING SERVICES WITHIN THE CITY OF LACEY; PROVIDING FOR FEES; PROVIDING PENALTIES AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LACEY:

Section 1. For the purpose of this chapter a wrecker or towing operator hereinafter referred to as "operator" is anyone engaged in the business of offering towing service by use of a vehicle wrecker or by a vehicle adapted to that purpose, whereby disabled motor vehicles are towed or otherwise removed from the place where they are disabled.

Section 2. No operator shall engage in business within the city or offer such service therein without first applying for and obtaining from the City Clerk a "towing operator's base license" the annual fee for which shall be fifty dollars, and a "tow truck license" for each wrecker or towing truck operated by such operator, the annual fee for which shall be ten dollars; provided that the expiration date for all such licenses shall be December 31 of each year, and should application be made for such license within thirty days of the effective date of the ordinance codified in this chapter, the annual license fee shall be prorated on the basis of the number of months remaining in the license year from the date of application for the license.

To operate a tow truck or storage business in the city the operator must have locked, closed, covered storage on any vehicle valued at fifty dollars or more, the value to be set by the Chief of Police or an authorized officer; vehicles worth less than fifty dollars may be locked in a fenced enclosure.

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Section 3. Applications for licenses issued hereunder shall be made upon blank forms prepared and made available by the City Clerk and sworn to by the applicant which shall include:

(1) The name or assumed name under which the applicant is doing business, home address, and proposed business address of the applicant;

(2) The description including the make, model and serial number and company number, if any, of the tow trucks owned or operated by the applicant;

(3) Such other information as the City Clerk shall reasonably require to effectuate the purpose of this chapter.

Section 4. Upon application as provided for herein, the Chief of Police at the request of the City Clerk shall cause an investigation to be made of each applicant and of his tow trucks proposed to be licensed hereunder for the purpose of determining:

(1) The truth of statements made by the applicant in the application;

(2) Whether tow trucks proposed to be licensed hereunder are equipped for safe and lawful operation.

Section 5. The City Clerk may issue a license hereunder if he finds:

(1) That public liability insurance as required by this chapter has been procured;

(2) That the applicant is qualified to conduct the business;

(3) That the requirements of this chapter have been met.

Section 6. Every towing operator shall file with the City Clerk a policy or policies of public liability insurance,

approved as to sufficiency by the City Clerk and as to form by the City Attorney, issued by an insurance company or companies authorized to do business in the State of Washington, providing indemnity for or protection of the City of Lacey as well as the owners of vehicles in the care, custody or control of the licensee, against loss, as follows:

(1) A garage keeper's legal liability policy covering fire, theft, explosion, and collision in the following amounts:

(a) Fire, theft of entire automobile and contents, and explosion with a minimum coverage of ten thousand dollars for each hazard:

(b) Collision subject to one hundred dollars deductible with each accident deemed a separate claim.

(2) A public liability policy covering the operation of the licensee's business, equipment or vehicles for any bodily injury or property damage with a minimum coverage of one hundred thousand dollars for any one person killed or injured in any one accident or occurrence and three hundred thousand dollars for more than one person killed or injured in any one occurrence or accident. Such policy shall also provide ten thousand dollars minimum limit for all damage arising out of injury to or destruction of property.

(3) All such policies must contain an endorsement providing for ten days' notice to the City Clerk in the event of any change or cancellation.

Section 7. The City Clerk may make and enforce reasonable rules and regulations consistent with this chapter, including

provision for inspection by him or by the Chief of Police of vehicles used hereunder.

Section 8. An operator's license hereunder may be issued subject to the following conditions:

(1) The City Clerk shall prepare and issue to a licensed operator tow truck plates or tags which the operator shall at all times prominently display on each wrecker or other vehicle used for towing purposes as described by the City Clerk.

(2) Every operator, his agent or employee, after towing a disabled vehicle away shall prepare a bill in duplicate, the original shall be given to the owner of such vehicle or his authorized representative, and the copy retained by the operator at his place of business for a period of six months, and shall be exhibited upon demand of the City Clerk, the Chief of Police or their duly authorized representatives. This bill shall contain the following information:

(a) Name, address, and place of business of the operator.

(b) Name and address of person calling for and engaging the tow truck.

(c) State license number and description of disabled vehicle.

(d) The company number of the wrecker or other vehicle used for towing purposes.

(e) Total amount to be charged for towing and storage. The time and place from which towing commenced and terminated.

(3) No operator, his agent or employee shall go to the

scene of a vehicular accident unless called by the owner of a disabled vehicle or his authorized representative or by a police officer.

(4) No operator, his agent or employee shall intercept or monitor police calls by short wave radio or otherwise for the purpose of responding to the scene of a disabled vehicle.

Section 9. The grounds for the revocation of a license issued hereunder are as follows:

(1) The license was procured by fraudulent conduct or false statement of a material fact, or that a fact concerning the applicant was not disclosed at the time of his making application.

(2) The licensee, his agent or representative has offered to pay or has paid directly or indirectly a gratuity or reward to any person not a bona fide employee of the operator for furnishing information as to the location of a disabled vehicle.

(3) The licensee has violated any provisions of Section 8 or any of the rules and regulations as established under Section 7.

(4) If any employee of the city or any of its departments has any interest, whether as an owner, operator, partner, employee or otherwise, either directly or indirectly, in the business of an operator licensed under this chapter.

Section 10. The City Clerk through the division of licenses and standards of his office shall enforce this chapter with the assistance of the Chief of Police. If the City Clerk shall find that any licensee has violated or failed to comply with any provision of this chapter, he shall make a written record of such

finding, and shall specify therein the particulars and he may revoke or suspend the license for a period to be fixed by him, in which event the license shall be surrendered to the clerk and cancelled by him in case of revocation, or returned to the licensee on expiration of the period of suspension. Provided, however, such revocation for violation of any of the provisions of this chapter shall not relieve the licensee of the penalties provided in Section 14. Any licensee whose license is revoked or suspended shall have the right to appeal to the City Council from such revocation or suspension by filing with the City Clerk a written notice within five days after the entry of the order of revocation or suspension. The notice of appeal shall specify an address at which the licensee may be given notice of hearing on the appeal. The City Council shall hear the appeal, or may refer the same to a committee for hearing. At the hearing the licensee shall be entitled to appear in person and offer evidence pertinent to the revocation or suspension; and the City Clerk shall likewise be entitled to be heard at the hearing and offer evidence in support of his order of revocation or suspension. The City Council shall determine by resolution whether the revocation or suspension shall be sustained, and its action in that respect shall be final and conclusive. From the time of filing the written notice of appeal until the hearing and action by the City Council, the order of the clerk of revocation or suspension shall be ineffective.

Section 11. It shall be unlawful for the operator or driver of any wrecker or towing car to go to any place where a vehicular accident has occurred unless called by the owner of a disabled vehicle or his authorized representative or by a police

officer. If any wrecker or towing car is called to the scene of a vehicular accident by someone other than a police officer, the operator shall as soon as reasonably practical notify the police department.

Section 12. It shall be unlawful for the operator or driver of any wrecker or towing car to intercept or monitor police calls by short wave radio or otherwise, for the purpose of going to the scene of a disabled motor vehicle.

Section 13. It shall be unlawful for the operator, agent or driver or any wrecker or towing car to offer or pay a gratuity, or reward, to anyone for furnishing information as to the location of a disabled vehicle, or for anyone to accept or receive such gratuity or reward.

Section 14. Anyone violating or failing to comply with any of the provisions of this chapter shall be punishable by a fine of not exceeding one hundred dollars or imprisonment in the city jail not exceeding thirty days, or by both.

Section 15. This ordinance shall take effect five days after its passage and publication.

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR
this 9th day of July, 1970.

R. Honigsmann
MAYOR

ATTEST:

C. R. Keetch
CITY CLERK

APPROVED AS TO FORM:

Argal D. Kerwell
CITY ATTORNEY

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