

Sec. 15-161. - Definitions.

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

Large tow truck. A class "C" or above tow truck as defined in this article.

Person. Any person, firm, partnership, association, corporation, company or organization of any kind.

Street. Any public or private road, street, avenue, highway, or alley.

Towing company. An individual or entity that provides towing services.

Tow truck or wrecker. Any vehicle operated by a person engaged in the business of vehicle towing, whereby vehicles are towed or otherwise removed from the place where they are disabled or parked by use of a tow truck so designed for that purpose.

Vehicle. Any device in, upon or by which any person or property is or may be transported upon a street.

Wrecker rotation call. A call by a representative of the City of Foley Police Department to a towing company that is on the wrecker rotation list, whereby the towing company is requested to provide towing services for vehicles that are discovered by the City of Foley Police Department to be in need of such services.

Wrecker ~~R~~otation ~~l~~ist. A list maintained by the City of Foley Police Department, which contains the names and contact information of ~~selected all~~ towing companies that ~~have been issued a Wrecker Rotation Permit~~.

Wrecker Rotation Permit. ~~A permit issued by the Foley Chief of Police or his/her designee allowing the Towing Company may be called by a representative of the City of Foley Police Department to provide towing services for vehicles that are discovered by the City of Foley Police Department to be in need of such services.~~

(Ord. No. 1031-08, § 1, 3-3-08)

Sec. 15-162. - Wreckers and towing companies ~~not on the wrecker rotation list~~ laws applicable.

~~All Wreckers, tow trucks and towing companies that operate in the City of Foley must have a City of Foley business license and must comply with all municipal codes and ordinances, including, but not limited to, are not on the wrecker rotation list are governed by Chapter 5, Article VI of the Foley Code of Ordinances, entitled "Wrecker Service."~~ In addition, all towing companies and wreckers holding a Wrecker Rotation Permit must also comply with this Ordinance. ~~and must comply with the requirements therein.~~

(Ord. No. 1031-08, § 2, 3-3-08)

Sec. 15-163. ~~Wrecker Rotation Permit and license required; other requirements of law not altered.~~

~~No towing company shall be placed on the wrecker rotation list without first obtaining both a permit from the chief of police, or his designee, and a license to provide towing services from the city as provided in this article. If a towing company does not possess a valid Wrecker Rotation pPermit, it shall be unlawful for that towing company to respond to a wrecker rotation call for towing service initiated by the City of Foley Police Department, unless specifically authorized to do so by the Chief of Policea representative of the City of Foley Police Department. Towing companies on the wrecker rotation list must comply with other Foley City Ordinances, including chapter 5, article VI of the Foley Code of Ordinances,~~

~~entitled "Wrecker Service," to the extent such ordinances are not inconsistent with the requirements of this article. Nothing in this article shall be construed to otherwise alter the requirements of any other provisions of law that are applicable to towing companies or tow trucks.~~

(Ord. No. 1031-08, § 3, 3-3-08)

Sec. 15-164. - Application for Wrecker Rotation pPermits.

~~Applications for Wrecker Rotation pPermits issued hereunder shall be made annually upon forms prepared and made available by the eChief of pPolice or his/her designee. All applicants shall include as much information as the applicant wishes to submit, but must provide the information required under section 4 of this article [section 15-165] to the Foley Police Department.~~

(Ord. No. 1031-08, § 4, 3-3-08)

Sec. 15-165. - Standards for issuance of Wrecker Rotation pPermits.

- ~~(a) Application for placement on the wrecker rotation list. This application will include the name and contact information of the business; the business owner(s); and the vehicle storage area.~~
- ~~(b) Agreement of compliance form. This form is an agreement by the applicant to meet all standards and follow all rules and regulations as set out in this article.~~
- ~~(c) [Additional information.] Any other information as the chief of police or his designee shall find reasonably necessary to effectuate the purpose of this article and to arrive at a fair determination of whether the terms of this article have been complied with.~~
- ~~(d) Permit issuance findings.] The chief of police or his/her designee may not shall issue a Wrecker Rotation pPermit without first finding all of the following hereunder once he finds:
 - (1) Public convenience and necessity require the proposed towing service for which an application has been submitted;
 - (2) Insurance policies as required by this article have been procured by the towing company applying for a permit;
 - (3) Applicant and applicant's employees are fit and proper persons to conduct the proposed towing service; through their professional and proper business practices as well as professionalism with customer.
 - (4) Applicant's tow trucks are in good mechanical condition and equipped in accordance with the requirements herein so that the usual work of a tow truck can be accomplished; and
 - (5) That the requirements of this article have been met.~~
- ~~(6) Tow companies receiving Wrecker Rotation Permits will be issued a City of Foley decal to be placed on the wrecker so that it is easily visible and they will be issues an ID card to be kept inside the tow truck. This decal and ID card will be issued by a designee of the Foley Police Department and must be returned upon request if the company is removed from the list.~~

(Ord. No. 1031-08, § 5, 3-3-08)

Sec. 15-166. - Promulgation of regulations.

The chief of police or his designee may from time to time promulgate and enforce reasonable rules and regulations applicable to towing companies that are, or desire to be, placed on the wrecker rotation list.

(Ord. No. 1031-08, § 6, 3-3-08)

~~Sec. 15-167. - Application for business license.~~

~~Upon issuance of a permit by the chief of police or his designee and prior to being placed on the wrecker rotation list, the owner of the towing company must make application for a City of Foley business license and pay the required license fee at the office of the city clerk. Once approved for the rotation list, an ID card will be issued to the wrecker company to be kept inside the vehicle. This ID card will be issued by a designee of the Foley Police Department.~~

~~(Ord. No. 1031-08, § 7, 3-3-08)~~

Sec. 15-168. - Permit term.

Unless sooner revoked, the ~~aforementioned Wrecker Rotation~~ Permit issued by the chief of police or his designee shall be valid for the remainder of the calendar year in which it was issued. Each permit must be reapplied for annually upon submitting an application on or after December 1 and no later than the first business day in January for each succeeding calendar year. Permits are nontransferable.

(Ord. No. 1031-08, § 8, 3-3-08)

Sec. 15-168. - Permit term.

Unless sooner revoked, the ~~aforementioned Wrecker Rotation~~ Permit issued by the chief of police or his designee shall be valid for the remainder of the calendar year in which it was issued. Each permit must be reapplied for annually upon submitting an application on or after December 1 and no later than the first business day in January for each succeeding calendar year. Permits are nontransferable.

(Ord. No. 1031-08, § 8, 3-3-08)

Sec. 15-169. - Insurance requirements.

(a) No towing company shall be placed on, or remain on, the ~~Wrecker~~ ~~Rotation~~ ~~List~~ unless that towing company maintains a valid bond or insurance policy issued by ~~a surety or~~ an insurance company authorized to do business in the State of Alabama with coverage at the following minimum levels and containing an endorsement providing for thirty (30) days' notice to the city, specifically to the officer designated by the police chief to monitor towing companies, prior to any material change therein or cancellation thereof:

- (1) Two hundred fifty thousand dollars (\$250,000.00) for bodily injury to any one (1) person;
- (2) Five hundred thousand dollars (\$500,000.00) for bodily injury in one (1) accident;
- (3) One hundred thousand dollars (\$100,000.00) for damage to property, other than the towed vehicle and its contents while being either towed or stored; and
- (4) One hundred thousand dollars (\$100,000.00) in garage keepers' legal liability, including but not limited to coverage for fire, explosion, theft, riot and/or civil commotion, vandalism and collision with a deductible not greater than five hundred dollars (\$500.00).

(b) Each towing company on the wrecker rotation list shall indemnify and hold harmless the City of Foley, the Foley Police Department, and any and all of their agents, employees, and representatives,

from liability arising out of or related to any act or omission of such towing company in connection with a wrecker rotation call or a response to a wrecker rotation call. The City of Foley, the Foley Police Department, and any and all of their agents, employees and representatives, assume no liability for injury to persons, property damage, fire, theft, or other damage, arising out of or related to any act of a towing company, which arises out of or is related to a wrecker rotation call or a response to a wrecker rotation call.

(Ord. No. 1031-08, § 9, 3-3-08)

Sec. 15-170. - Tow truck inspections.

Each towing company on the wrecker rotation list shall have a current ALDOT certificate of inspection for each vehicle, and an ALDOT number must be displayed on the vehicle. A copy of the certificate of inspection will be maintained by the towing company and will be made immediately available to the Foley Police Department upon request during normal business hours.

(Ord. No. 1031-08, § 10, 3-3-08)

Sec. 15-171. - General requirements.

- (a) Each towing company on the wrecker rotation list shall maintain twenty-four-hour wrecker service, seven (7) days a week, with a wrecker operator and wrecker on call at all times. Police dispatchers will telephone only one (1) number as provided by the towing company. Towing companies may have this number forwarded to another number but no beepers or answering machines may be used.
- (b) Each towing company on the wrecker rotation list shall have adequate storage space to provide safekeeping for a minimum of fifteen (15) wrecked, disabled or impounded vehicles. This space shall be enclosed by six-foot chain-link fence or wall with a gate under lock and key. All towing companies on the wrecker rotation list shall employ reasonable safeguards and procedures so that all personal belongings and contents in the vehicles are intact and returned to the vehicle's owner or agent upon release of the vehicle. This storage area ~~shall~~ must be within the corporate limits of City of Foley. If the storage area is outside the corporate limits of the City of Foley, but inside the City's Police Jurisdiction, the Chief of Police has the discretion to waive the requirement that the storage area be in the corporate limits if he/she finds that the owner is actively attempting to annex the property into the City of Foley and that the location is not too inconvenient for towed vehicle owners.

~~*ADD As covered in the recent meeting with the participating partner wrecker companies on rotation, we will enforce the ordinance effective July 1, 2008, that any approved wrecker company that desires to remain on rotation must fully comply with Section 15-171 (b), their storage lots must be within the city limits of Foley. Companies still having their lots outside the city limits effective July 1, 2008 will be taken off of the rotation list. It was recommended, at the meeting, that companies just outside the city limits annex into the city limits if they so desired. Companies that are on the rotation list now who can annex in, but do not desire to and who do not take action to have a storage lot within the city limits, will come off the rotation list if they do not have plans of coming into the city limits. However, companies that are outside the city limits who are currently on the rotation list at the time the ordinance passed and who desire to come into the city limits, but cannot because they are not contiguous, must do the following to remain on the wrecker rotation list on a temporary extended status.~~

~~The wrecker company must send, to the Chief of Police, a letter stating their desire to come into the city limits, but are unable to because they are not contiguous. They must also state that they plan to come into the city limits through legislative act the next time that it is held. If at that time, they do not come into the city limits either by becoming contiguous or by legislative act then they will be taken off of the wrecker rotation list.~~

~~Additionally, it is added by the Police Chief that(c) -a~~ **All payment transactions between the Wrecker payment for the tow charges hereafter referred to as a customer, shall take place within the city limits of with the lot, then payment should be made at the lot at the time the vehicle is picked up. This can be**

- (ed) Each towing company on the wrecker rotation list shall maintain a current list of drivers and furnish copy of said list to the Foley Police Department immediately upon request. This list shall contain current information on the owner(s) and drivers. This current information will include home address, home phone number(s), mobile phone number, date of birth, driver's license numbers, dates of hire, and any other personal information that may be requested by the Foley Police Department.
- (de) Each towing company on the wrecker rotation list shall maintain a current list of tow trucks in their fleet and shall furnish a copy of said list to the Foley Police Department immediately upon request. This list will include the make, model, year, VIN, tag number, ALDOT certificate of inspection number, vehicle size, number of axles, and lift capacity.
- (ef) No person or company may own, either directly or indirectly through a series of partnerships or other entities, an interest in more than one (1) towing company that is listed on the wrecker rotation list.
- (fg) No two (2) or more towing companies on the Wrecker Rotation List may share the same physical location, address, parcel of real estate, or telephone number.
- (hg) No employee of a towing company listed on the wrecker rotation list may inquire to the police dispatcher as to rotation status or express grievances relating to other towing companies. Such matters shall instead be directed to the chief of police or his designee.

(Ord. No. 1031-08, § 11, 3-3-08)

Sec. 15-172. - Tow trucks and drivers.

- (a) No driver who has been convicted of any felony or any crime involving force, violence or moral turpitude shall operate a vehicle owned or operated by a towing company on the wrecker rotation list.
- (b) All tow truck drivers working for a towing company on the wrecker rotation list shall be properly trained and have a valid driver's license for the type of tow truck they are operating. Additionally, all such tow truck drivers must be properly trained to use any other equipment necessary to performing a tow truck service.
- (c) Tow trucks of towing companies on the wrecker rotation list shall arrive at the location of the tow within thirty (30) minutes from the time the call is dispatched by the Foley Police Department. However, all tow truck drivers responding to wrecker rotation calls shall comply with all traffic laws while so responding.
- (d) The tow truck driver responding to a wrecker rotation call on behalf of the towing company shall have a certificate from a recognized hazardous materials class indicating an awareness level of hazardous materials training. This certificate of training shall be maintained by the towing company and a copy of it shall be furnished to the Foley Police Department immediately upon request. When responding to a wrecker rotation call, all state and federal E.P.A. guidelines shall be followed.
- (e) Each towing company shall equip and maintain all tow trucks covered under this article in accordance with the provisions set forth in the Alabama Department of Transportation Handbook and consistent with industry standards.
- (f) No wrecker owned or operated by a towing company on the wrecker rotation list shall proceed to the scene of an incident without being requested to do so by the police department or by the owner or person in charge of the vehicle. No such wrecker shall solicit business at the scene of an incident or accident.
- (g) Once a tow truck has arrived at the scene, the driver shall, without undue delay and after directed to do so by a Foley Police Officer, move vehicles to a location where they do not impede or obstruct

traffic and remove any debris on the ground originating from the vehicles in accordance with Code of Ala., § 13A-7-29(4).

- (h) No wrecker owned or operated by a towing company on the wrecker rotation list will be marked (color, decal, etc.) as to resemble a Foley police vehicle or any other law enforcement vehicle.
- (i) Tow trucks responding to a wrecker rotation call shall not display the words "Official Police Tow" or words to that effect.
- (j) The towing company receiving a wrecker rotation call shall respond to the wrecker rotation call without any undue delay. Undue delays shall include, but not be limited to, delays caused by lack of knowledge or training of the tow truck driver to effectively operate the tow truck or its equipment, faulty equipment and/or the lack of necessary equipment or supplies to remove a vehicle. However, a towing company responding to a wrecker rotation call shall not violate any requirements of law in responding to the call.
- (k) All towing companies on the wrecker rotation list shall maintain a minimum of one (1) driver on duty at all times.
- (l) In the event that any wrecker rotation call is canceled prior to attaching the vehicle, the towing company that received the wrecker rotation call shall not be entitled to charge for the canceled call. However, the company shall be placed back on top of the rotation list.
- (m) Each tow truck owned or operated by a towing company on the wrecker rotation list shall be equipped with a flashing, revolving or strobe caution light, the color of amber or yellow, and mounted for three hundred sixty (360) degree visibility and properly installed. Said caution light shall be operated only while at the scene of a wreck/collision or while a vehicle is being towed, but shall not be operated at any other time, unless such operation is authorized by the police department in a particular case because of an emergency situation. Operators of such tow trucks shall place stop and turn signals on all vehicles when towing regardless of the time of day or night.
- (n) The name of the towing company shall be kept prominently displayed on each tow truck owned or operated by a towing company on the wrecker rotation list. A tow truck owned by a towing company on the wrecker rotation list may not be used by any other towing company on the wrecker rotation list.
- (o) A rollback and/or a flatbed tow truck can be used for rotation wrecker calls unless the police department of the City of Foley instructs that a conventional wrecker is needed or requested by the owner of the vehicle or the owner's representative. Therefore, having a rollback and/or a flatbed tow truck is not required in order for a towing company to remain on the rotation list. ~~DELETE the following verbiage: however, having at least one (1) conventional wrecker in proper working order is required in order for a towing company to remain on the wrecker rotation list.~~

(Ord. No. 1031-08, § 12, 3-3-08)

Sec. 15-173. - Standard tow truck equipment.

Each towing company on the wrecker rotation list shall maintain and keep in good working order the following standard equipment on each tow truck:

- (1) Power winch. Winch line and/or boom with lifting capacity of not less than four (4) tons.
- (2) Wheel-lift. Lift designed to transport vehicles by their tires without further damaging the towed vehicle.
- (3) Proper tie down straps for wheel-lift.
- (4) Safety chains.
- (5) Safety vest.
- (6) Safety gloves.

- (7) Fire extinguisher, properly charged.
- (8) Pry bar capable of prying open doors.
- (9) Push broom.
- (10) Ax.
- (11) Shovel.
- (12) One (1) set of road flares/triangles.
- (13) Four-way hazard emergency flashing lights.
- (14) Tow lights.
- (15) Three hundred sixty (360) degree visibility revolving or strobe light colored amber or yellow.
- (16) Work lights designed to provide lighting on dark incident scenes.
- (17) One (1) set of dollies (with tow truck service business' name permanently affixed to dollies).
- (18) At least one 20 lb. bag of oil dry per truck.
- (19) Tow Sheet

(Ord. No. 1031-08, § 13, 3-3-08)

Sec. 15-174. - Rollback/flatbed tow truck equipment.

Each rollback/flatbed tow truck shall maintain the standard tow truck equipment as well as the following additional equipment, which shall be in good working order:

- (1) Minimum nineteen-foot bed.
- (2) Dual rear wheels.
- (3) Brake lock device.
- (4) Minimum of four (4) tie-downs.

(Ord. No. 1031-08, § 14, 3-3-08)

Sec. 15-175. - Large tow truck equipment.

Each large tow truck shall maintain the standard tow truck equipment as well as the following additional equipment and this equipment shall be in good working order:

- (1) Air-control valve operable.
- (2) Two (2) chock blocks or equivalent.
- (3) Automotive lock air brakes (parking brakes).
- (4) Bolt cutters (minimum half-inch opening).
- (5) Two (2) fire extinguishers (ten (10) pounds minimum), properly charged.
- (6) External air hookups and hoses.
- (7) Six (6) safety cones.
- (8) Six (6) safety triangles or road flares.
- (9) Fifty (50) pounds of sand or equivalent.

(Ord. No. 1031-08, § 15, 3-3-08)

Sec. 15-176. - Tow truck classifications.

There are four (4) classes of tow trucks covered under this article.

- (1) *Class A—Light duty:* Tow trucks with a manufacturer's gross vehicle weight rating (GVWR) of ten thousand (10,000) to nineteen thousand five hundred (19,500) pounds with wheel-lift capabilities and may have a car carrier. Class A equipment must include a four-ton recovery equipment rating and one hundred (100) feet of three-eighth-inch 6 x 19 cable or OEM specifications.
- (2) *Class B—Medium duty:* Tow trucks with a manufacturer's gross vehicle weight rating (GVWR) of nineteen thousand five hundred one (19,501) to thirty-three thousand (33,000) pounds. The truck shall be capable of providing air to the towed vehicle. Class B equipment must include a nineteen thousand five hundred one (19,501) to thirty-three thousand (33,000) GVWR chassis and one hundred fifty (150) feet of seven-sixteenth-inch 6 x 19 cable or OEM specifications.
- (3) *Class C—Heavy duty:* Three-axle tow trucks with a manufacturer's gross vehicle weight rating (GVWR) of at least thirty-three thousand (33,000) pounds. The truck shall be capable of providing air to the towed vehicle. Class C equipment must include a thirty-three thousand (33,000) to fifty thousand (50,000) GVWR chassis, twenty-five-ton recovery equipment rating, and two hundred (200) feet of five-eighth-inch cable or OEM specifications.
- (4) *Class D—Super heavy duty:* Three-axle tow trucks with a manufacturer's gross vehicle weight rating (GVWR) of at least fifty thousand (50,000) pounds. The truck shall be capable of providing air to the towed vehicle. Class D equipment must include a fifty thousand plus (50,000+) GVWR chassis, twenty-five-ton recovery equipment rating, and two hundred fifty (250) feet of three-quarter-inch cable or OEM specifications.

(Ord. No. 1031-08, § 16, 3-3-08)

Sec. 15-177. - Maximum allowable towing/storage fees.

In responding to wrecker rotation calls, no towing company on the wrecker rotation list shall charge a fee for towing services in excess of the amounts expressly allowed for herein. No other fees may be charged by towing companies on the wrecker rotation list that are not expressly set forth by this article.

- (1) For towing any vehicle with a gross vehicle weight rating (GVWR) of ten thousand (10,000) pounds or less, the towing company may not charge more than one hundred fifty dollars (\$150.00) for each vehicle towed from one (1) point in the Foley city limits or police jurisdiction to another point in the city or police jurisdiction. However, in addition to the one hundred fifty dollars (\$150.00) charge for towing each such vehicle, any wrecker rotation call that requires the towing company's truck or trucks to remain on the scene for more than one (1) hour, shall allow the towing company to charge an additional twenty five dollars (\$25.00) per quarter-hour, per truck, on the scene.

******If a vehicle owner requests that a vehicle be towed to or from a point outside the police jurisdiction of the City of Foley, an additional four dollars (\$4.00) per mile charge will be allowed for each mile outside the police jurisdiction of the City of Foley for one-way towing outside the police jurisdiction or to tow a vehicle into the police jurisdiction from outside.

- (2) For towing any vehicle with a gross vehicle weight rating (GVWR) of ten thousand one (10,001) pounds or more, the towing company may not charge more than three hundred fifty dollars (\$350.00) for each vehicle towed from one (1) point in the Foley city limits or police jurisdiction to another point therein. However, in addition to the three hundred fifty dollar (\$350.00) charge for towing each such vehicle, any wrecker rotation call that requires the towing company's truck

or trucks to remain on the scene for more than one (1) hour, shall allow that towing company to charge an additional twenty-five dollars (\$25.00) per quarter-hour, per truck, on the scene.-- A wrecker company may charge an additional amount of \$50.00 for a roll over and/or \$50.00 for a vehicle that has a final resting position that is beyond the street right away or in a ditch that requires winching.

- Storage Fees: No storage fee shall be levied until 24 hours after the tow from the time on the tow ticket. However, the wrecker company may charge an after-hours GATE FEE for having to return to the storage lot to release a vehicle on the weekends, holidays (recognized by the City of Foley) and after normal business hours: considered to be between 8:00 a.m. to 5:00 p.m.. This fee will consist of no more than \$50.00.

~~DELETE: **If a vehicle owner requests that a vehicle be towed to or from a point outside the police jurisdiction of the City of Foley, an additional three dollars and fifty cents (\$3.50) per mile charge will be allowed for each mile outside the police jurisdiction of the City of Foley for one-way towing outside the police jurisdiction or to tow a vehicle into the police jurisdiction from outside.~~

- (4) Tow Company may charge a twenty five dollar (\$25.00) crash wrap per side, not to exceed one hundred dollars (\$100.00).
- (5) After 10 days in storage an ADMIN fee may be charged up to one hundred fifty dollars (\$150.00).

(Ord. No. 1031-08, § 17, 3-3-08)

Sec. 15-178. - Records.

Each towing company on the wrecker rotation list shall document and maintain a record of all services performed in response to a wrecker rotation call. Said records shall include, but not be limited to, the following information:

- (1) Date and time service was requested.
- (2) Name of the person requesting service.
- (3) Location of vehicle.
- (4) Description, license and V.I.N. of towed vehicle.
- (5) Vehicle owner's or driver's name, if known.
- (6) Service charges and fees.
- (7) Date and time vehicle was released.
 - a. All records required herein must be made available for inspection by officers or agents of the Foley Police Department upon reasonable demand. Such inspections shall be conducted at a reasonable date and hour at the towing company's place of business.
 - b. Each such towing company shall maintain the required records for the current calendar year, and the calendar year immediately prior to the current calendar year.
 - c. A record of all motor vehicles, towed in response to a wrecker rotation call, that have been abandoned by their owners shall be maintained by the towing company, and the sale or disposal of any such abandoned vehicle shall be in accordance with Code of Ala., Ch. 13, title 32.

(Ord. No. 1031-08, § 18, 3-3-08)

Sec. 15-179. - Selection of wrecker.

The owner of the vehicle in need of towing services, or the owner's representative, shall select, when practical, the towing company to be used. The selected towing company shall be notified by the said owner or the owner's representative.

If the owner of the vehicle in need of towing services, or the owner's representative, cannot or refuses to select the towing company to be used, the City of Foley Police Department shall select the towing company using the wrecker rotation list. ~~The police officer on the scene shall inform the owner or the owner's representative of the cost and charges and other pertinent information concerning the wrecker rotation list and the services provided pursuant to the same.~~

(Ord. No. 1031-08, § 19, 3-3-08)

Sec. 15-180. - Complaints.

Complaints against towing companies responding to wrecker rotation calls will be documented by the Foley Police Department and will be investigated by the Foley Police Department in a timely manner. After the investigation, the towing company and complainant will then be notified of the disposition of the complaint. Any complaints and/or grievances from towing companies on the wrecker rotation list shall be made in writing to the chief of police or his designee. The chief of police or his designee shall respond in writing within ten (10) business days. Complaints of improper or unfair business practices, as well as unprofessional conduct to customers from owners or employees of wrecker companies, on rotation, will be received by the Foley Police Department. See Section 15-181 Revocation and Suspension.

(Ord. No. 1031-08, § 20, 3-3-08)

Sec. 15-181. - Revocation and suspension.

The permit issued under this article shall be subject to suspension or revocation by the chief of police or his designee if he or she finds:

- (1) False information was provided to, or withheld from, the Foley Police Department or the City of Foley by the wrecker company or an employee of that company at the time the application for permit was received, if such false or withheld information would have constituted just cause for refusal to issue such permit.
- (2) False information regarding the rotation wrecker service was provided to, or withheld from, the Foley Police Department or the City of Foley at any time by the towing company or an employee of the towing company when information was requested by the chief of police or his designee.
- (3) The towing company or an employee of that company conducted business in a fraudulent, unethical or questionable manner that would reflect unfavorably on the Foley Police Department.
- (4) The towing company's towing business license has expired.
- (5) The company has any violations concerning insurance.
- (6) Any tow truck driver of the towing company is operating a wrecker without a current and valid driver's license.
- (7) The towing company has failed to respond to two (2) consecutive wrecker rotation calls without acceptable justification. It is the towing companies' responsibility to notify the Foley Police Department if they are unable to respond to wrecker rotation calls. Such notification shall contain the reason that the company cannot respond and the length of time the company will be out of service.

- (8) The towing company or an employee of that company violates any provisions of this article.
- (9) The tow truck driver of a towing company is under the influence of drugs or alcohol when responding to a wrecker rotation call.

(10) Owners and their employees will not participate in improper or unfair business or any unprofessional conduct towards customers. Conduct such as rude and/or disrespectful conduct to customers, cursing, etc. is included but not inclusive as is any other conduct that brings discredit and/or embarrassment to the Foley Police Department. Improper business practice includes any action that delays customers from picking up their stored vehicle which in-turn creates additional storage fees. A continued pattern of this conduct may result in revocation.

The length of suspension or revocation of the permit will be at the discretion of the chief of police or his designee, based on the severity of the violation(s) and/or the frequency of the violations. The towing company will have the right to appeal said revocation or suspension by filing with the city clerk a written notice of appeal within seven (7) calendar days from the date of permit suspension or revocation. The mayor shall hold a public hearing on the appeal to determine whether to affirm said permit suspension or revocation.

(Ord. No. 1031-08, § 21, 3-3-08)