

ORDINANCE NO. 2007-07-294

**AN ORDINANCE AMENDING SECTION 70.00 *et seq.* OF THE CODE OF
ORDINANCES FOR THE CITY OF TONTITOWN.**

WHEREAS, Code Section 70.00 *et seq.* of the Code of Ordinances of the City of Tontitown, Arkansas is hereby amended;

WHEREAS, Code Section 70.00 *et seq.* of the Code of Ordinances of the City of Tontitown, Arkansas, will contain provisions limiting parking within the city limits of Tontitown, procedures for impoundment, and regulations of wrecker services authorized to operate in the City of Tontitown;

WHEREAS, it is in the best interest of the City of Tontitown, Arkansas, for the City Council to regulate parking within the City of Limits, and this goal is best accomplished by amended Code Section 70.00 *et seq.* of the Code of Ordinances of the City of Tontitown, Arkansas;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF
TONTITOWN, ARKANSAS:**

Code Section 70.00 *et seq.* is amended to create Subsection 70.03 and will read as follows:

Section 70.03 REGULATIONS FOR WRECKER COMPANIES

Each wrecker company who wishes to receive requests for services from law enforcement agencies for by the City of Tontitown or code enforcement officer, except calls that arise from the requests of owners of vehicles, must immediately conform to the following regulations and specifications. Failure to conform to these regulations and specifications will constitute grounds for the summary removal of a wrecker company from the law enforcement agencies for by the City of Tontitown list of approved wrecker companies.

- (A) Each company must proved twenty-four (24) hours continuous service for the acceptance and release of vehicles; and requests for service or the return of personal property.
- (B) All towing services must have a telephone number in the name of the business which is published in the local directory or accessible through directory assistance. The phone must be answered 24 hours per day. If a pager system is used, calls must be returned within three (3) minutes to calling party.
- (C) All wreckers must be in mechanically safe condition and must display a proper commercial motor vehicle license as required by and in accordance with the laws of the State of Arkansas; and possess a license and decal issued by the Arkansas Towing and Recovery Board. All wreckers shall have permanent lettering on both sides showing name and telephone number of towing company. Lettering shall be no less than three inches in height and have a professional appearance. Magnetic signs are prohibited.

- (D) No tow service owner or operator shall be placed on the Tontitown's wrecker service rotation list if they have been convicted of a felony or misdemeanor involving theft, fraud, or a dishonest false statement.
- (E) Each company must have in continuous effect, liability insurance in sufficient amount to cover any claim against them resulting from property damage or injury to person occurring while they are rendering service upon request of the law enforcement agencies for by the City of Tontitown or Code Enforcement Officer. A copy of the insurance coverage shall be provided to the Code Enforcement Officer for the City of Tontitown upon application for the rotation list. Copies of any subsequent insurance renewals shall also be forwarded to the Code Enforcement Officer.
- (F) All tow operators shall obey all Arkansas Statutes which regulate traffic, unless otherwise directed by a police officer or law enforcement agency.
- (G) Each towing and storage facility must maintain a lighted storage area surrounded by fencing adequate to secure and prevent entry by unauthorized persons and must hold itself responsible for any theft or vandalism to vehicles or other property in its care or control. The storage facility must be located within the Tontitown city limits unless a variance is granted by the Code Enforcement Officer.
- (H) No towing company shall proceed to the scene of an accident investigated by the law enforcement agencies for by the City of Tontitown, unless requested to do so by the law enforcement agencies for by the City of Tontitown or the driver or registered owner of the disabled vehicle. In the event that a tow company, or any of its employees are notified of an accident from a source other than a police agency, the towing company shall immediately notify the proper law enforcement authority.
- (I) Each company must, upon request for service, either make available, immediately, a suitable wrecker and operator, or else immediately inform the requesting party that no suitable wrecker is available, so that service may be obtained from another company, if necessary. A towing company may not summon the services of another company as a substitute. If a tow service arrives at the scene and he/she determines that they cannot safely or effectively perform the required services, they shall notify the on-scene officer, and the next listed tow service will be contacted. Any tow service who follows this procedure will be placed back on the rotation list and not charged with the call.
- (J) Upon arrival at an accident scene, the tow operator will stand by and will not proceed to work on or remove any vehicle until directed to do so by a law enforcement agency for by the City of Tontitown, or emergency personnel.
- (K) Each tow vehicle will be properly equipped with the tools and accessories to insure the safe recovery and transportation of a towed vehicle, as well as, the required removal of glass and other injurious substance from a wreck or damaged vehicle as required by A.C.A. Statute 27-1-1405 (c).
- (L) Service charges made by wrecker companies must be reasonable in view of the service performed, the time of day that service is performed, and the geographical location. Reasonableness will be determined by comparison of service charges of a particular company with those of other

wrecker companies within the same general area who perform substantially the same service. A storage charge will not be added until after a vehicle has been held for 24 clock hours.

(M) If no approved provider with an impound lot located inside the city limits of Tontitown is available, law enforcement or the code enforcement offer may utilize any provider on the Washington County Sheriff Department's approved list.

PASSED:

July 10, 2007

SPONSOR:

Arthur Penzo

APPROVED:

Joseph E. Egan
Mayor of Tontitown

ATTEST:

[Signature]
Recorder/Treasurer

ROLL CALL

SHALL THE ORDINANCE PASS:

| | Yea | Nay |
|--|----------|-------|
| Ward 1, Position 1 - Alderman Sunny Hinshaw | <u>✓</u> | _____ |
| Ward 1, Position 2 - Alderman Henry Piazza | <u>✓</u> | _____ |
| Ward 2, Position 1 - Alderman Arthur Penzo | <u>✓</u> | _____ |
| Ward 2, Position 2 - Alderman David Sbanotto | <u>✓</u> | _____ |
| Ward 3, Position 1 - Alderman Becky Alston | <u>✓</u> | _____ |
| Ward 3, Position 2 - Alderman Scott McNair | <u>✓</u> | _____ |
| Mayor - Joseph Edgmon | _____ | _____ |

TOTALS:

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ROLL CALL

SHALL THE ORDINANCE BECOME EFFECTIVE IMMEDIATELY:

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|--|-------|-------|
| Ward 1, Position 1 - Alderman Sunny Hinshaw | _____ | _____ |
| Ward 1, Position 2 - Alderman Henry Piazza | _____ | _____ |
| Ward 2, Position 1 - Alderman Arthur Penzo | _____ | _____ |
| Ward 2, Position 2 - Alderman David Sbanotto | _____ | _____ |
| Ward 3, Position 1 - Alderman Becky Alston | _____ | _____ |
| Ward 3, Position 2 - Alderman Scott McNair | _____ | _____ |
| Mayor - Joseph Edgmon | _____ | _____ |

TOTALS:

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