

0020.08001
TWS/vld/totj
10/25/89
R. 12/5/89

ORIGINAL

Tow Truck Regulations
and Procedures

ORDINANCE NO. 1539

AN ORDINANCE OF THE CITY OF REDMOND, WASHINGTON,
AMENDING PORTIONS OF CHAPTER 5.56 OF THE REDMOND
MUNICIPAL CODE TO FURTHER CLARIFY REGULATIONS AND
PROCEDURES RELATING TO THE LICENSING AND OPERATION
OF TOW TRUCKS.

WHEREAS, Chapter 5.56 of the Redmond Municipal Code
establishes regulations and procedures relating to the licensing
and operation of tow trucks, and

WHEREAS, the City Clerk has presented revisions to this
chapter which more clearly define the regulations and procedures
relating to the licensing and operation of tow trucks, and

WHEREAS, the City Council wishes to amend certain
sections of Redmond Municipal Code Chapter 5.56 to contain these
revisions, now, therefore,

THE CITY COUNCIL OF THE CITY OF REDMOND, WASHINGTON,
HEREBY ORDAINS AS FOLLOWS:

Section 1. The following sections of Chapter 5.56 of
the Redmond Municipal Code are hereby amended to read as follows:

5.56.030 License--Application. Every person
desiring to operate or have charge of a tow truck
business within the City shall make written appli-
cation to the city clerk for a license to do so.

5.56.040 Registration certificate and inspection
report required. The application filed with the
city clerk shall be accompanied with a registration
certificate from the Washington State Department of
Licensing, an inspection report by the Washington
State Patrol and a "Letter of Appointment" issued
by the State Commission on Equipment pursuant to
WAC 204-66.

5.56.050 Proof of insurance and indemnification agreement. Every operator shall obtain and present a certificate of insurance to the city clerk for a policy or policies of public liability insurance, issued by an insurance company or companies authorized to do business in the state, providing indemnity for or protection to the city as well as providing public liability insurance coverage for each and every vehicle owned, operated and/or leased by the applicant, for injury to or death of persons, passengers or otherwise, in accidents resulting from any cause by which the owner and/or operator of the vehicle would be liable on account of any liability imposed upon him by law, regardless of whether the vehicle was being driven by the owner or his agent, and as against damage to the property of another, including personal property under like circumstances, in the minimum sums of five hundred thousand dollars for liability for bodily injury or property damage per occurrence. The policies shall name the City of Redmond as an additional insured.

A copy of such insurance policy shall be subject to approval as to both sufficiency and form by the city attorney. Every such policy of insurance shall provide that the liability of the insured shall not be affected by the insolvency or bankruptcy of the insured. The policy shall be for the benefit of any and all judgment creditors and shall extend to the period to be covered by the license applied for and the insurer shall give not less than thirty (30) days' written notice to the city clerk in the event of material change, lapse or cancellation.

In addition to the insurance requirements specified above, every operator shall execute a hold harmless and indemnification agreement, approved by the city attorney's office, in which the operator agrees to protect, defend, hold harmless and indemnify the City of Redmond, its officers, agents and employees from and against all claims, suits and actions for all damage or injury, (including any claims or suits related to personal injury or property damage in any way connected to the use and operation of a vehicle) arising from the negligent and/or malicious acts or errors or omissions and any willful, wanton, malicious or intentional tortious conduct on the part of the operator or its agents and/or employees. Operator further agrees to fully indemnify the City of Redmond from and against any and all costs, including attorneys' fees, of defending any such claim or demand. Additionally,

operator specifically waives its immunity under Title 51 of the Revised Code of Washington, the Industrial Insurance Act, for injuries to its agents or employees and agrees that the obligation to indemnify the City of Redmond extends to any claim, demand, or action brought by or on behalf of any agent or employee of operator, and includes any judgment, award, and cost thereof, including attorneys' fees, incurred. This paragraph shall not apply to claims and damages arising from the sole negligence of the City of Redmond, its officers, agents and employees.

5.56.060 License--Fee. Every application shall be referred to the chief of police or the police chief's designee who shall investigate the applicant, and if satisfied with his qualifications, recommend to the city council that an original license be issued. Upon proper authorization by the city council, the city clerk shall, upon receipt of the annual license fee, issue an original license which shall expire on December 31st of the year in which the original license is issued. After this original license expires, the Chief of Police may, provided all the applicant's qualifications remain valid, approve annual renewal licenses which shall expire on December 31st of the year in which the renewal license is issued. An annual license fee shall be established by Council Resolution for each vehicle to be operated, and a separate license shall be required for each vehicle, describing the specifically licensed vehicle.

5.56.070 Ownership. The applicant shall furnish full information concerning ownership, number and classification of vehicles to be operated, the name under which the applicant intends to operate, and such other information as may be deemed by the chief of police to be necessary for proper supervision and regulation of such vehicles.

5.56.080 License--Recommendation. If the chief of police shall find from his investigation and from the information obtained that the applicant is a financially responsible person and the bona fide owner of the vehicles for which licenses are sought and has met all of the requirements of this chapter, that the vehicles are safe and equipped with valid state licenses, that they are properly bonded for the protection of the public as required by the motor vehicle laws of the state, and that the convenience and necessity of the city will be promoted by granting such applicant one or more

licenses, then the chief of police shall recommend to the city council that the license be granted.

5.56.090 Driver--Current list required. Each operator must submit to the city clerk, with the application, a list of proposed drivers with each proposed driver's respective birthdate and Washington State Driver's License number. Each operator shall have the duty to keep this proposed list current.

5.56.100 Inspection. The Washington State Patrol shall have the primary duty to inspect vehicles operating under the authority of this chapter. However, all vehicles operated under the authority of this chapter shall be available for inspection at any reasonable time and place by the chief of police, or the police chief's designee. The chief of police or police chief's designee shall inspect a vehicle to determine cleanliness, proper and safe equipment, good appearance, safe operating condition and shall in all cases be the sole judge in this determination. Further, the chief of police or police chief's designee shall at the time of this inspection ascertain that the vehicle is licensed pursuant to this chapter and properly bonded for public protection and that the applicant has obtained a "Letter of Appointment" pursuant to WAC 204-66.

If the chief of police or police chief's designee determines during this inspection that the condition of any vehicle needs correction, then the chief of police or appropriate designee shall issue to the operator or driver thereof a notice in writing specifying such defects and the defects shall be remedied at a date to be fixed in such notice.

The chief of police, upon written notice, shall order any such tow vehicle for hire to cease operation immediately if in the chief of police's determination the vehicle is in an unsafe condition.

5.56.160 Charges--Preparation of towing bills. 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 a copy retained by the operator at his place of business for a period of six months, and shall be exhibited upon demand by the chief of police or police chief's duly authorized

representative. The bill shall contain the following information:

- (a) Name, address and place of business and name of operator;
- (b) Name and address of person calling for and engaging the tow truck;
- (c) State license and description of disabled vehicle;
- (d) The company number of the wrecker or other vehicle used for towing purposes;
- (e) Total amount charged for towing and storage;
- (f) The time and place from which the towing commenced and terminated.

5.56.230 Enforcement. The city clerk shall enforce this chapter with the assistance of the chief of police. If the city clerk finds that any licensee has violated or failed to comply with any provisions of this chapter, then the city clerk shall make a written record of such finding, specify therein the particulars and the city clerk may revoke or suspend the license for a period to be fixed by the city clerk in which event the license shall be surrendered and cancelled by the city clerk in case of revocation, or returned to the licensee on expiration of the period of suspension. Provided, however, such revocation for violation of any provisions of this chapter shall not relieve the licensee of the penalties provided therein.

5.56.240 Appeal. 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 council a written notice thereof within five days after the notice of 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. 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 or a designated representative shall likewise be entitled to be heard at the hearing and to offer evidence in support of the order of revocation or suspension, 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 city clerk's order of revocation or suspension shall be ineffective. Any suspended or revoked license shall be surrendered to the city clerk's office.

5.56.250 Additional rules. The city clerk may make and enforce reasonable rules and regulations consistent with this chapter, including provisions for inspection by the chief of police of vehicles used hereunder.

5.56.270 Penalty for violation. Anyone violating or failing to comply with any of the provisions of this chapter shall, upon conviction thereof, be guilty of a misdemeanor offense and be punished by a fine not to exceed one thousand dollars, and/or imprisonment in jail for a term not exceeding ninety days.

Section 2. Effective Date. This ordinance being an exercise of a power specifically delegated to the city legislative body, is not subject to referendum, and shall take effect five (5) days after passage and publication of the attached summary which is hereby approved.

APPROVED:

Doreen Marchione
MAYOR, DOREEN MARCHIONE

ATTEST/AUTHENTICATED:

Doris A. Schaible
CITY CLERK, DORIS SCHAIBLE

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

BY: James C. [Signature]

FILED WITH THE CITY CLERK:	12-14-89
PASSED BY THE CITY COUNCIL:	12-19-89
PUBLISHED:	12-24-89
EFFECTIVE DATE:	12-29-89
ORDINANCE NO. <u>1539</u>	