

CITY OF REDMOND, WASHINGTON

ORDINANCE NO. 574

AN ORDINANCE, regulating and licensing the operation of tow trucks, providing for minimum equipment standards and services, and defining offenses and prescribing penalties.

Section 16
Corrected
VETOED

CITY OF REDMOND
by Mayor
3-23-72
MAYOR
DATE

THE CITY COUNCIL OF THE CITY OF REDMOND DO ORDAIN AS FOLLOWS:

Section 1. Definitions. "Tow Truck" means any vehicle designed or intended to tow vehicles, remove vehicles from the scene of an accident, disability or impounding pursuant to a request from the Police Department, and constructed and equipped as set forth hereinafter.

Section 2. License required. It is declared to be essential to the public interest that no person shall be authorized or permitted to operate a tow truck business within the corporate limits of the City of Redmond unless such person shall be the holder of a valid license issued by the City of Redmond.

Section 3. Application for license. Every person desiring to operate or have charge of a tow truck business within the City of Redmond shall make written application to the City Clerk for a license to do so.

Section 4. Inspection report required. When filed, said application shall also be accompanied by an inspection report on the vehicles and equipment based on inspection by the Chief of Police.

Section 5. Proof of insurance required. Every operator shall file with the City Clerk a policy or policies of public liability insurance, issued by an insurance company or companies authorized to do business in the State of Washington, providing indemnity for or protection to the City of Redmond 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 said 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 sum of Fifty Thousand Dollars (\$50,000.00) for the injury or death of one person, or One Hundred Thousand Dollars (\$100,000.00) for the injury or death of more than one person in any one accident and Ten Thousand Dollars (\$10,000.00) for property damage.

Any copy of any such insurance policy shall be subject to approval as to sufficiency by the Mayor and as to 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 for the period to be covered by the license applied for and the insurer shall give not less than ten (10) days' written notice to the City Clerk in the event of change or cancellation.

Section 6. License fee. Every application shall be referred to the Mayor whose duty it shall be to investigate the applicant, and if

satisfied with his qualifications, recommend to the City Council that a license be issued. Upon proper authorization by the City Council, the City Clerk shall, upon receipt of the annual license fee, issue a license which shall expire on the 31st day of December of the year in which it is issued. The annual license fee shall be \$25.00 for each vehicle to be operated, and a separate license shall be required for each vehicle, describing the specifically licensed vehicle.

Section 7. 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 Mayor to be necessary for proper supervision and regulation of such vehicles.

Section 8. License-Recommendation. If the Mayor 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 ordinance, 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 of Washington and the convenience and necessity of the City will be promoted by granting such applicant one or more licenses, said Mayor shall recommend to the City Council that the license be granted.

Section 9. Registration of drivers. Each operator must submit to the City Clerk, with his application, a list of proposed drivers, said list of drivers to be kept current at all times.

Section 10. Inspection. All vehicles operated under the authority of this ordinance shall be available for inspection at any reasonable time and place by the Chief of Police, or his designated representative. The Chief of Police or his duly appointed representative shall inspect a vehicle to determine cleanliness, proper equipment, good appearance, safe operating condition and shall in all cases be the sole judge in this determination, and said Chief of Police, or his duly appointed representative shall at the time of his inspection ascertain that the vehicle is carrying the permits issued by the Department of Licenses of the State of Washington, showing such vehicles to be properly bonded for the public protection, and also the licenses issued pursuant to this ordinance. If the Chief of Police or his duly appointed representative determines during his inspection that the condition of any vehicle needs correction, he shall issue to the operator or driver thereof a notice in writing specifying such defects and same shall be remedied at a date to be fixed by the Chief of Police in such notice.

The Chief of Police shall order any such vehicle for hire to cease operation immediately if in his determination the vehicle is in an unsafe condition and shall notify the operator or driver in writing.

Section 11. Population ratio. Licenses shall be granted by the City Council on a maximum basis of one tow truck to each 3,500 population as determined by the last preceding census. However, nothing herein shall be construed to mean that an applicant may not be rejected for lack of safe equipment, good moral character, or financial responsibility, or if the granting of said proposed license is not in the public interest.

Section 12. Regulations for drivers. It shall be unlawful for any operator to knowingly employ any driver who has been convicted of a felony and who has not, at the time of employment, had full civil rights restored and no longer under supervision of any parole or probation officer. All drivers must be at least 21 years of age.

Section 13. Rates. All rates charged by tow truck licensees must be approved by the City Council and all lists of rates be made a matter of public record.

Section 14. Location and base of operation. Premises used for central offices and/or dispatching points within the City shall be located within the areas of the City zoned as follows: Medium Commercial (C-M), Commercial-Industrial (C-I), Light Industrial (I-L), and Heavy Industrial (H-L). It shall be unlawful for a tow truck to be stored, parked or dispatched at any point other than that specifically named in the application for license, except that any vehicle may be parked at or dispatched from the residence of any driver whose name is on file with the City Clerk.

Section 15. Twenty-four hour service. Each license secured as herein provided shall be granted upon the express condition that the person, firm or corporation securing said license shall provide service to the public on a twenty-four hour basis and that (1) suitable single-party telephone service be obtained and maintained; and (2) that radio equipment be installed at the dispatching point and in each of the vehicles and maintained in good working order at all times.

Section 16. Impound and storage yards. Any licensee impounding or storing vehicles by public or private authority shall be required at all times to provide an area for the safe and secure storage of such vehicles either in a locked building or within a suitably enclosed area, adequately fenced and lighted, which shall be located in an appropriately zoned area within the City limits, except for "in-place" impounds, and the release of any impounded vehicle shall be processed entirely within the City limits.

Section 17. 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 the copy retained by the operator at his place of business for a period of six (6) months, and shall be exhibited upon demand of the Mayor, Chief of Police, or their duly authorized representatives. 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.

Section 18. Revocation. 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. If any employee of the City or any of its departments has any interest, whether as an owner or operator, partner, employee, or otherwise, either directly or indirectly, in the business of an operator licensed under this ordinance.

4. If any operator or employee fails to report to the police department any calls received to remove a vehicle from the scene of an accident without notification to the police department.

5. Interception by the licensee or any employee thereof of

police calls by short wave radio or otherwise, or monitoring of short wave messages not specifically directed to the operator or his employee for the purpose of going to the scene of accidents.

6. Failure to keep records or issue receipts as required by this ordinance.

7. Failure to maintain full service or any misrepresentation of availability of service, when called.

8. The charging of rates in excess of those provided for in this ordinance and approved by the City Council.

Section 19. Lifting and towing. Any vehicle used to tow, for any fee, another vehicle shall be designed and constructed specifically for this purpose. Minimum lifting capacity per boom shall be 6000 pounds and no part of the mechanism, winches, booms, blocks, winch brakes and cable shall be rated less than 6000 pounds. No tow truck shall be used to lift any vehicle of such weight that the rated capacity is less than one and one-half times the lifted weight.

Section 20. Emergency lighting. Any tow truck at the scene of an accident or disabled vehicle or while towing a damaged or disabled vehicle, shall display flashing red lights visible 360° from the tow truck and such other marker lamps and warning lamps as prescribed by the Commission on Equipment, State of Washington.

Section 21. Weight ratio. The tow truck and towed vehicle weight ratio shall not result in the towing vehicle being less than sixty (60) percent of the total weight of the combination, except that when the towed vehicle exceeds forty (40) percent of the total weight of the combination, the towed vehicle must be equipped with brakes operable with the brakes of the towing vehicle, or be operated by a qualified person riding in the towed vehicle when such vehicle is flat-towed.

Section 22. Performance ability of brakes. Braking systems on all combinations of vehicles (Classification C-4, RCW 46.37.351) shall have a deceleration ability of fourteen (14) feet per second squared, and a maximum stopping distance of forty (40) feet from a speed of twenty (20) miles per hour, such distance to be measured from the point at which movement of the service brake pedal or control begins and on a flat (less than 1% grade), smooth, dry, hard surface, free from loose material.

Section 23. Safety devices. Towed vehicles may be towed by either slings and/or cables, but in addition must be secured to the tow truck by means of a draw-bar or other connection of sufficient strength to hold the towed vehicle on any grade where operated or under conditions of severe braking and shall effectively eliminate whipping or weaving of the towed vehicle. Effective boom locking devices shall be used, and in addition, in the event of a failure of a boom lock, safety chains shall be attached to the towed vehicle. On tow trucks equipped with double booms, both booms shall be secured to prevent side swing. When one boom is used for lifting the towed vehicle, the unused boom shall be secured to prevent movement while tow truck is in motion.

Section 24. Enforcement. The Mayor shall enforce this ordinance with the assistance of the Chief of Police. If the Mayor shall find that any licensee has violated or failed to comply with any provisions of this ordinance, 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 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 provisions of this ordinance shall not relieve the licensee of the penalties provided herein.

Section 25. 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 (5) 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 or may refer the same to a committee of hearing. At the hearing, the licensee shall be entitled to appear in person and offer evidence pertinent to the revocation or suspension; and the Mayor or his designated representative shall likewise be entitled to be heard at the hearing and to offer evidence in support of his 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 order of the Mayor of revocation or suspension shall be ineffective. Any suspended or revoked license shall be surrendered to the Mayor's office.

Section 26. Additional rules. The Mayor may make and enforce reasonable rules and regulations consistent with this ordinance, including provision for inspection by him or by the Chief of Police of vehicles used hereunder.

Section 27. Other licenses required. The operation of any tow truck business as defined in this ordinance shall not be declared ancillary to the operation of any other business, and both or all such businesses shall be required to have valid business licenses, as prescribed by other ordinances of the City of Redmond.

Section 28. Invalidity of section. If any portion of this ordinance is found by any court to be unconstitutional or void, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 29. Penalty. Anyone violating or failing to comply with any of the provisions of this ordinance shall, upon conviction thereof, be punishable by a fine of not exceed Three Hundred Dollars (\$300.00), or imprisonment in jail for not exceeding ninety (90) days, or both.

Section 30. Effective date. This ordinance shall take effect and be in force five (5) days after the date of its publication in the manner provided by law.

PASSED by the Council of the City of Redmond, Washington, at a regular meeting thereof, and APPROVED by the Mayor this 15th day of February, 1972.

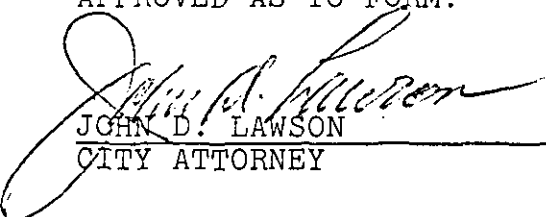
CITY OF REDMOND

SELWYN L. YOUNG
MAYOR

ATTEST:

ELEANOR J. HAYDEN
CITY CLERK

APPROVED AS TO FORM:


JOHN D. LAWSON
CITY ATTORNEY

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