

TDOT

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, TO AMEND SECTIONS 35-146 THROUGH 35-180 KNOWN AS THE TRAFFIC INCIDENT MANAGEMENT SERVICE ORDINANCE.

SECTION 1. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, that Sections 35-146 through 35-180 are deleted in their entirety and the following new language is substituted in lieu thereof:

**ARTICLE IV. TRAFFIC INCIDENT MANAGEMENT SERVICE**

**Sec. 35-146. Purpose.**

The purpose of this article is to establish regulations and procedures to license district wrecker operators who apply to remove wrecked or disabled vehicles at the request or call of the City Police Department or other department of the City and to establish a rotation call list procedure for these operators and to establish a board to administer this article. It is the intent of this Article to provide for the quick clearance of controlled access highway collisions due to the concern for public safety when considering the qualifications of wrecker or towing operators who participate in the clearance of controlled access highway collisions.

**Sec. 35-147. Definitions.**

For purposes of this article the following words and phrases shall have the meanings respectively ascribed to them by this section:

*District wrecker.* All wrecker or towing operators licensed by the City under this article who qualify to be placed on the rotation call list to respond to requests for towing of vehicles made by the City.

*Inside storage.* The storing of a motor vehicle within an enclosed building being used by the wrecker or towing operator at the operator's place of business.

*Normal business hours.* The hours from 8:00 a.m. to 5:00 p.m. except Saturdays, Sundays, and the following holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day.

*Outside storage.* The storing of a motor vehicle within a lot or premises being used by the wrecker or towing operator at the operator's place of business, but not inside storage as described above.

*Wrecker board.* The Beer and Wrecker Board created to administer this article.

*Wrecker inspector.* That officer or employee of the City Police Department designated by the Chief of Police as the person responsible for receiving applications, conducting investigations of proposed wrecker operators, and making recommendations to the Wrecker Board.

*Wrecker or towing operator.* Any person engaged in the business of, or offering the services of, a wrecker or towing service to remove wrecked or disabled vehicles at the request or call of the City Police Department or other department of the City, whereby motor vehicles are or may be towed or otherwise removed from one place to another by the use of a motor vehicle adapted to and designed for that purpose.

**Cross reference**--Definitions and rules of construction generally, § 1-2.

**Sec. 35-148. District Wrecker classifications.**

(a) For purposes of this article, District wreckers are classified into four (4) classes, class A, class B, class C, and recovery class, with minimum requirements for each classification as follows:

- (1) *Class A.* For towing passenger cars, pick-up trucks, small trailers, etc.

**CHASSIS:**

- A. Minimum GVWR 14,500 lbs.;
- B. Dual Rear Wheels
  - 1. Minimum 7.50 X 16
  - 2. Minimum 225 X 16
  - 3. Minimum Tread 8/32;
- C. Minimum 60 inch cab to axle;
- D. Present a professional outward appearance; and
- E. Fully functional drivers and passenger side mirrors.

**WRECKER:**

- A. Manufactured body, boom, and underlift;
- B. Minimum 60 inch cab to axle;
- C. Hydraulic recovery boom
  - 1. Minimum capacity 8 ton retracted
  - 2. Minimum capacity 4,000 LD extended
  - 3. Hydraulic elevation
  - 4. Hydraulic extension
- D. Dual Hydraulic 8,000 LB Winches
  - 1. Direct mount winch motors
  - 2. 6 X 19 3/8 inch cable
  - 3. 100 feet minimum of cable from winch
  - 4. Swidged thimbles (no clamps)

- E. Hydraulic Wheel Lift
  - 1. Hydraulic Elevation
  - 2. Hydraulic Extension
  - 3. 3,500 LB Capacity at full extension
  - 4. 7,500 LB Tow Rating
  - 5. Sound and operational tire restraint straps
  - 6. Safety chains OEM Spec's Or %70 Grade 5/16 inch
- F. Operational Dollies
- G. Tow Sling w/J Hooks and chains
  - 1. Sling straps in sound working condition
  - 2. J Hooks and Chain in Sound WO
- H. Tow Lights w/Cord (Operational)
- I. Rotating Light Bar (Fully Operational)
- J. Work Lights (Operational)
- K. Trailer Ball Attachment
- L. Attachment or carrying straps for motorcycle
- M. Safety Package
  - 1. 5 LB Fire Extinguisher (charged & operational)
  - 2. Shovel
  - 3. Broom
  - 4. Bucket
  - 5. 2 3/8 inch X 10 Ft recovery chains (Not "J" Hooks sling chains) minimum
  - 6. 5 Lbs oil dry
  - 7. First Aid Kit
- O. Class A tow trucks shall have all of the following required equipment:
  - i. Amber colored lights
  - ii. Bolt Cutters
  - iii. Company Name/Address (3 inch letters)
  - iv. Cradle Tow Plate/Sling
  - v. Fire Extinguisher 20 lbs A.B.C. (UL)
  - vi. Flares/Reflectors
  - vii. Flood lights
  - viii. Fluid Absortion Compound (50 lbs)
  - ix. Heavy duty push broom
  - x. Pinchbar, prybar, crowbar
  - xi. Portable light bar
  - xii. Safety chains
  - xiii. Tire chains
  - xiv. Safety restraint straps
  - xv. shovel

(2) *Class B.* For towing medium size trucks, trailers, etc.

CHASSIS:

- A. Minimum GVWR 25,500 LBS

- B. Dual Rear Wheel
  1. 8.25 X 22.5
  2. 265R X 22.5
  3. Minimum 8/32 tread all six tires
- C. Minimum cab to axle 108 inches
- D. Air Brakes
- E. Professional Outward Appearance
- F. Functional Drivers/Passenger Side Mirrors

WRECKER:

- A. Manufactured body, boom, and wheellift
- B. Boom Capacity 16 Ton
- C. Hydraulically Powered Boom
  1. Hydraulic Elevation
  2. Hydraulic Extension
- D. Dual 16,000 LB Hydraulic Winches
  1. Direct Mount Hydraulic Motor
  2. 6 X 19 ½ inch cable
  3. 150 feet of cable from the winch
  4. Swidged Thimbles (No clamps)
- E. Hydraulic Wheellift
  1. Power elevation
  2. Power extension
  3. 8,000 Lb. capacity full extension
  4. 32,000 Lb. Tow Rating
  5. ½ inch OEM or T-70 Safety Chain Permanently Attached
- F. Medium Duty Truck Hitch w/ ½ in. chassis
- G. Rear Jacks or spades (Wheellift not acceptable)
- H. Tow Lights or Bar w/Cord (Operational)
- I. Rotating light bar (Fully Operational)
- J. Work Lights
  1. Upper Work Lights
  2. Lower Hook Up Lights
  3. All lights must be operational
- K. Tow Ball and/or Attachment
- L. Safety Package
  1. 5 Lb. Fire Extinguisher
  2. Shovel
  3. Broom
  4. Pry Bar
  5. Bucket
  6. 5 Lbs. Oil Dry
  7. Pair 3/8 in. X 10 ft. Chains minimum
  8. Pair ½ in. X 10 ft. Chains minimum
  9. First Aid Kit

M. Medium capacity tow trucks shall have all of the following required equipment:

- i. Amber colored lights
- ii. Bolt Cutters
- iii. Company Name/Address (3 inch letters)
- iv. Cradle Tow Plate/Sling
- v. Fire Extinguisher 20 lbs A.B.C. (UL)
- vi. Flares/Reflectors
- vii. Flood lights
- viii. Fluid Absorption Compound (50 lbs)
- ix. Heavy duty push broom
- x. Pinchbar, prybar, crowbar
- xi. Portable light bar
- xii. Safety chains
- xiii. Tire chains
- xiv. Safety restraint straps
- xv. shovel

(3) *Class C. Heavy Duty Wreckers for towing large trucks, road tractors and trailers where a recovery wrecker is not required.*

CHASSIS:

- A. Minimum GVWR 50,000 LBS.
- B. Tandem Axle
  1. 10 X 22.5 Minimum
  2. 285R X 22.5 Minimum
  3. 8/32 Tread minimum all ten (10) tires
- C. Minimum 156 Inch C.B.
- D. Air Brake
- E. Air Service Lines
- F. Professional Outward Appearance
- G. Functional Driver/Passenger Side Mirrors

WRECKER:

- A. Manufactured Body, Boom, and Underlift
- B. Boom Capacity of 25 Ton
- C. Hydraulically Powered Boom
  1. Power Elevation
  2. Power Extension
- D. Dual Hydraulic 25,000 LB Winches
  1. Direct mount winch motors
  2. 6 X 19 5/8 inch cable minimum
  3. 200 ft. minimum from winch
  4. Swidged Thimbles (No clamps)
- E. Hydraulically Powered Underlift

1. Power Elevation
  2. Power Extension
  3. 12,000 LB Capacity Full Extension
  4. 80,000 LB Tow Rating
  5. 5/8 OEM or A-80 Safety Chain
- H. Truck Hitches w/chains and/or Underlift Attachment
- I. Hydraulic Rear Jacks or Spades
- J. Tow Bar w/Cord
- K. Rotating Light Bar
- L. Air and Service Lines
- M. Work Lights
1. Upper Work Lights
  2. Lower/Hookup Lights
  3. All Lights Operational
- N. Tow Ball and Pintal Hook Attachment
- O. Safety Package
1. 5 LB Fir Extinguisher
  2. Broom
  3. Shovel
  4. Pry Bar
  5. Bucket
  6. 5 Lbs. Oil Dry
  7. 2 Pair of T70 X 10 FT minimum chain
  8. 1 Pair of A80 X 10 FT minimum chain
  9. First Aid Kit
- P. Heavy Duty Class C Tow Trucks
- All Heavy Duty Class C Tow Trucks shall have the following required equipment:
- i. Six Sets of forks
  - ii. 2 – 8 ton snatch blocks
  - iii. 2 4 feet of 3/8" safety chains
  - iv. 2 – 15 feet of 1/2" recovery chains
  - v. 2 – 16 feet of 6" recovery straps with 19,000 lb. lifting basket
  - vi. 1 - 50 lbs bag of oil dry
  - vii. 1 - Bolt cutters
  - viii. 1- Axe
  - ix. 1- Pry bar
  - x. 1 - Broom
  - xi. 1 - Shovel
  - xii. 1 - Tow bar with cordless and/or 60' electronic cord
  - xiii. 1 – 25' air hose with fittings for truck air supply

The following additional equipment shall be timely brought to the accident site by the company if needed:

- xiv. 1 – Air cushion compressor with hoses
- xv. 4 – Large air bags

- xvi. 3 – Medium air bags
- xvii. 3 – Small air bags
- xviii. 1 – Starter bag
- xix. 1 – Forklift 5,000 lb. lifting capacity
- xx. 1 – Pallet jack
- xxi. 4 – Rolls shrink wrap
- xxii. 1 – Sliding wheel trailer 45' length with 20,000 lb. winch

(4) *Recovery Class* for towing large trucks, road tractors and trailers, on controlled access highways and ramps when needed for public safety as determined by Emergency Service Providers in charge at the scene for life safety purposes:

- A. The Tow Truck chassis shall have:
  - 1. a minimum manufacturer's capacity of not less than, GVWR 7 tons/ 54,000 pounds and tandem axles:
    - i. 11 X 22.5 Tires minimum
    - ii. 11 X 24.5 Tires minimum
    - iii. 295R X 22.5 or 24.5 Tires Minimum
  - 2. Minimum overall wheelbase 300" measured from the center of the bogey to the front steering axle
  - 3. Air brakes & air service lines
- B. Wrecker shall have:
  - 1. Manufactured body minimum 156" cab to bogey Boom
  - 2. Manufactured boom capacity 50 ton rotator minimum
  - 3. Fully hydraulic recovery boom
    - i. Power elevation
    - ii. Power extension
  - 4. Dual hydraulic mount 50,000 lb. winch motor
    - i. Direct mount winch motor
    - ii. 6 x 37 IWRC  $\frac{3}{4}$  cable with swivel hook and 250' of continuous cable
    - iii. Swidged cable (no clamps)
  - 5. Hydraulic power underlift
    - i. Power elevation
    - ii. Power extension
    - iii. 15,000 lb. lift capacity
    - iv. 80,000 lb. tow rating
    - v. Minimum 105" of clear reach
  - 6. Heavy duty truck hitch w/chains or underlift attachment
  - 7. Hydraulic power rear jacks and/or spades
  - 8. Rotating light bar strobe
  - 9. Tow light bar w/cord
  - 10. Two (2) Air lines, 45' long, with a 3/8" minimum inside diameter
  - 11. Work lights

- i. Upper set w/ swivel base
  - ii. Lower set hook up
  - iii. All lights must be operational
12. Towball and pintle hook attachment
  13. Safety package with First aid equipment approved by Wrecker Board.

C. Recovery Class permit holders shall have:

1. One licensed recovery class wrecker
2. One licensed Class C wrecker – meeting the current specification for Class C Wrecker
3. 1 Sliding axle trailer
4. a “congear” system
5. The following air cushions:
  - i. Two (2) Starter Cushions: Size 36” Diameter X 36” High 7,000 pounds – Vertical Lift (Each) 1,100 pounds Float Capacity
  - ii. Four (4) Heavy Lift Cushions: Size 60” Diameter X 96” High 19,500 pounds – Vertical Lift (Each) 7,300 pounds Float Capacity
6. generator w/additional accident scene lighting
7. owner and/or first lease holder to fully insure storage lot (insurance issued to operator of tow service only) to hold minimum 4 complete tractor trailer units
8. Minimum 35,000 Lb. Drag winch with 200 feet of cable
9. One (1) set of acetylene/oxygen cutting torch with a minimum of 50 feet of hose lines
10. One (1) 48 inch wrecking bar
11. One (1) ½ inch nylon rope – minimum of 50 feet
12. One (1) truck air brake release kit
13. Two (2) nylon lifting slings 25 feet in length, 6 inches wide
14. One (1) front end loader with minimum of 1-1/2 cubic yard bucket, or equivalent loading capability
15. One (1) reciprocating electric saw
16. One (1) air impact metal cutter
17. One (1) engine driven air compressor with receiving tank, regulator hose reel and hose, with minimum of 5 hp /11.8 cfm
18. One (1) 12- inch circular saw (electric)
19. One (1) 10 foot x 12 foot tarpaulin – canvas or equal
20. One (1) 12 foot x 40 foot tarpaulin – canvas or equal
21. One (1) set of 36 inch bolt cutters
22. Four (4) 3/8 inch alloy tow chain – minimum of 20 feet, and brakes
23. Four (4) ½ inch alloy tow chain – minimum of eight (8) feet
24. Sufficient number of binders to secure loads up to 50,000 pounds



25. One (1) axe
26. Four (4) snatch block – 12 ton capacity
27. One (1) set of four (4) cribbing beams, three (3) feet long
28. A Recovery Class wrecker shall be required to either own or contract all equipment required in Sections 8.2 through 8.5 of the Georgia Towing and Recovery Incentive Program (TRIP) which equipment is available for response 24/7.
29. All eligible companies for Recovery Class designation shall provide ongoing training to all their employees which satisfy TIME Task Force certifications and endorsements. In addition, each Recovery Class wrecker company shall have towing and recovery professionals employed who have attended at least eight (8) hours of training or continuing education every twelve (12) months. This training may include traffic incident management work shops, MUTCD traffic control flagger training, or advanced towing and recovery practices which are approved by the Wrecker Board.
30. All Recovery Class operators shall be familiar with quick clearance, best practices for incident scene management which shall comply with the practices referenced in the coordinated incident management tool kit for quick clearance by the I-95 Corridor Coalition found at FS-17 through FS-18.

(b) The Emergency Communications Service Provider within the City of Chattanooga shall maintain a call list for each tow truck class. Notwithstanding the particular specifications for class A, class B, class C or Recovery Class wrecker, the Wrecker Board may grant a permit to a vehicle which is functionally equivalent for a particular class although the vehicle may not meet each and every specification. The applicant shall bear the burden of demonstrating through technical literature or otherwise that the vehicle is functionally equivalent.

(c) A *Recovery Class* wrecker shall be restricted to controlled access highways and such wreckers shall only be dispatched by the Emergency Communications Service Provider if one or more of the following factors are applicable:

- (1) There is major structural damage to a large truck(s), road tractor(s) or trailer(s) so as to result in an unstable situation which might result in more damage or a rupture of tanks or trailers and the potential spillage of contents; or,
- (2) There is wreckage in an uncontained state at the site of an accident; or,
- (3) Recovery of large truck(s), road tractor(s) or trailer(s) requires multiple pieces of equipment such as wreckers, loaders, cranes or other such equipment to clear affected thoroughfares; or,
- (4) As required by Emergency Service Providers in charge at the scene for life safety purposes;

- (5) As determined by an appropriate official with Tennessee Department of Transportation (TDOT) or incident management official; or
- (6) Specific performance times shall be met by all Recovery Class operators or Class C operators who perform clearance work on controlled access highways.
- (7) The failure of any operator to clear vehicles from the traffic lanes on controlled access highways within ninety (90) minutes following an order to proceed from the Emergency Service Provider in charge at the scene shall result in citation to the Wrecker Board for consideration on future participation in the rotation list and/or the dispatch of another wrecker service to provide clearance of traffic lanes in the interest of public safety.
- (8) Notwithstanding any other provision of this chapter to the contrary, any Emergency Service Provider in charge at the scene may call for a recovery class wrecker with a rotator boom at the scene of any accident which, in the discretion of the Emergency Service Provider in charge at the scene will result in potential loss of life or serious injury in the event such equipment is not summoned as quickly as possible to the scene. A report shall be filed with the Police Department indicating the name of the emergency service provider and the reasons for sending a recovery class wrecker with a rotator boom whenever that decision is made.

**Sec. 35-149. Wrecker Board.**

(a) The city beer board established by section 5-16 of this Code shall be named the Beer and Wrecker Board, which shall be herein referred to as the Wrecker Board.

(b) The Wrecker Board shall meet on every first and third Thursday at 9:00 a.m. in the City Council Assembly Room, and at such other times as it shall deem necessary.

(c) The Wrecker Board shall have the authority to approve, revoke or suspend district wrecker permits, and otherwise administer the provisions of this article.

(d) The action of the Wrecker Board in granting or refusing a district wrecker permit or in revoking or suspending a district wrecker permit shall be final, except as it may be subject to review by law.

**Sec. 35-150. Permit -- required; existing permittees.**

No person shall engage in the business of, or offer the services of, a district wrecker, whereby motor vehicles are or may be towed or otherwise moved from one place to another by the use of a motor vehicle adapted for that purpose without having been issued a permit as provided by this article. Permits shall be issued for class A through recovery class wreckers as the vehicles meet the requirements of section 35-148. Additionally, permits shall be granted for "district wreckers" as provided herein.

**Sec. 35-151. Same -- application.**

(a) Any person desiring to obtain a district wrecker permit shall file with the wrecker inspector an application setting out, among other things, the following:

- (1) Name and address of the person desiring the license.
- (2) The location and full description of all property to be utilized in connection with the business, including tax parcel numbers and zoning of this property.
- (3) The number of wreckers or towing cars owned or available for use by the applicant and a full description of the wreckers sufficient to determine a proper classification under section 35-148.
- (4) A statement that all wreckers are properly equipped for the applicable classification set forth in section 35-148 and contain the required equipment set out in 35-156, and that all wreckers meet applicable State and Federal regulations.
- (5) A statement that the wrecker or towing operator will accept responsibility for any and all personal property left in towed or stored vehicles.
- (6) A statement setting forth and describing available space including inside storage, if available, for properly accommodating and protecting all disabled motor vehicles to be towed or otherwise removed from the place where they had been disabled.
- (7) A statement that the applicant will provide twenty-four (24) hour service, including holidays, and that he will have a qualified operator on duty at all times for each district wrecker location licensed hereunder.
- (8) A statement that the wrecker or towing operator will not release any vehicles impounded by the city without authorization by the police department, that a file will be maintained on all vehicle release forms and that this file will be made available for police inspection upon request.
- (9) Information to show that the applicant has had at least one (1) year's experience as a wrecker operator.
- (10) An assurance that the applicant will maintain a minimum of two (2) properly equipped and operable wrecker throughout the year for which application is being made.

**Sec. 35-152. Same -- fees; expiration date and renewal.**

Any new applicant for a district wrecker permit under this article, except those who have been heretofore licensed under ordinances and procedures of the city in effect on the effective date of Ordinance Number 8415, shall be charged an application and investigation fee of two

hundred dollars (\$200.00) to cover the expense of investigating the applicant, the place of business, and the wreckers and equipment. The initial applications and permits hereunder for currently licensed wrecker operators shall be without an investigation fee other than the fifty dollar (\$50.00) annual fee. If an applicant changes his business location or adds or substitutes a new or different wrecker, there shall be a supplemental investigation fee of one hundred dollars (\$100.00). Additionally, there shall be annual license fee of one hundred dollars (\$100.00) per wrecker licensed hereunder which shall be collected by the city treasurer upon granting an approved license or renewal license. All licenses shall expire on December thirty-first and applications for renewal shall be filed by November thirtieth of each year. Late applications for renewal will be considered in due course, but the applicant will not be privileged to operate such wreckers from December thirty-first until the renewal is approved by the Wrecker Board.

**Sec. 35-153. Same -- investigation of applicant.**

The wrecker inspector shall investigate or cause to be investigated each applicant for a district wrecker permit under this article to determine whether or not the applicant has the necessary equipment and facilities to qualify as a district wrecker operator, and, if the applicant is qualified. The Wrecker Inspector shall report his findings to the Wrecker Board and make a recommendation regarding the issuance of a district wrecker permit. Applications will be processed weekly by appointment with the Wrecker Inspector. Any applicant who has been convicted of a felony within ten (10) years of the date of the application shall not be permitted to obtain a wrecker or towing license within the City of Chattanooga. The wrecker board shall direct or make such further investigation as it deems proper and grant or refuse a permit.

**Sec. 35-154. Same -- issuance.**

Every person qualified under this article shall be issued a permit by the city treasurer for each district wrecker approved by the wrecker board, which permit shall at all times be kept with each wrecker. The permit shall bear a notation "district wrecker." Such permit shall have printed thereon the year for which it is valid.

**Sec. 35-155. Same -- revocation.**

(a) The Wrecker Board shall suspend or revoke the permit of any permittee on the call rotation list maintained by the City on any of the following grounds:

- (1) If the permit was procured by fraudulent conduct or false statement of a material fact or a material fact concerning the applicant which was not disclosed at the time of his making application that would have constituted just cause for refusing to issue the license.
- (2) Failure of a district wrecker permittee to have an operable and properly equipped wrecker and qualified operator on duty at all times or to promptly respond to police calls.
- (3) If the district wrecker permittee has knowingly overcharged or consistently overcharges.

- (4) A violation of any provision of this article.
- (5) If a district wrecker does not meet all applicable State and Federal regulations.
- (6) The wrecker board may suspend or revoke a permit in its discretion for due cause not specified herein.
- (7) Specific performance times shall be met by all Recovery Class operators or Class C operators who perform clearance work on controlled access highways. The failure of any operator to clear vehicles from the traffic lanes on controlled access highways within ninety (90) minutes following an order to proceed from the Emergency Service Provider in charge at the scene shall result in citation to the Wrecker Board for consideration on suspension or removal from the rotation list in the interest of public safety.

(b) Such suspension or revocation shall terminate all authority and permission granted by such district wrecker permit to the licensee and the licensee shall be immediately removed from any call rotation list maintained by the City. Any person whose permit has been revoked shall not be eligible to again apply for a district wrecker permit for a period of two (2) years from the date of such revocation.

**Sec. 35-156. Additional required equipment and standards.**

In addition to the equipment required under the applicable district wrecker classifications set forth in section 35-148, all district wreckers shall also have and maintain additional equipment and standards as follows:

- (1) The following additional equipment is required:
  - A. At least one (1) heavy-duty push broom;
  - B. Flood lights on hoist to illuminate scene at night;
  - C. One (1) shovel;
  - D. A twenty (20) pound Class ABC Underwriter Laboratory approved fire extinguisher, a two and seven-tenths (2.7) pound Halon 1301/1211 fire extinguisher, or equivalent fire extinguisher adequately charged.
- (2) The appearance of all district wreckers shall be reasonably good with equipment painted.
- (3) All district wreckers shall display the firm's name, address and phone number. Such information shall be painted on or permanently affixed on both sides. Such lettering shall be at least three (3) inches high. Magnetic signs will not be permitted as a substitute.

- (4) It is the responsibility of the district wrecker service to have equipment for removing glass and other debris from the highway accident scene and to remove such debris from the highway.
- (5) It is the responsibility of the District Wrecker to have a business license issued by the City of Chattanooga.
- (6) Each District Wrecker company shall have a physical business office within the District in which it is located.
- (7) The phone for each District Office shall be listed in the company name and answered within the District where service is to be provided.
- (8) No District Wrecker company shall utilize employees of any other District Wrecker company. Joint use of employees is prohibited.

**State law reference**--Persons removing wrecked or damaged vehicles to remove glass, etc. from highway, T.C.A., § 55-8-170(c).

**Sec. 35-157. Required storage facilities and procedures for district wreckers.**

District wreckers must provide proper storage facilities and procedures as follows:

- (1) The wrecker operator shall provide a properly zoned (or lawful nonconforming use) fenced lot or building for proper and safe storage. Such lot for storage shall be located on the same property as the wrecker service or in close enough proximity to the wrecker service facility to permit the operator to visually observe the storage facility to prevent vandalism or other loss or damage to vehicles and their contents. The fence shall be a minimum of six (6) feet high, constructed of chain-link fencing, lumber, or other material which will serve as a significant deterrent to unauthorized entry. The fencing shall be equipped with lockable gates, which shall be locked at all times when the storage facility is unattended. There shall be room to store at least ten (10) cars within the fenced lot. Class C operators shall additionally have room to store a minimum of one tractor and trailer within the fenced lot.
- (2) Records of the vehicles towed and charges of tows from calls received from the city rotation list shall be maintained for at least one (1) year and shall be open for inspection by the city and the owner of any vehicle towed or his agent.
- (3) All vehicles towed under the rotation call list provided for by this ordinance shall be stored inside a building or inside the fenced storage facility described above unless an authorization to do otherwise is obtained from the vehicle's owners.
- (4) The wrecker service shall notify the registered owners and lienholders, within fifteen (15) days after any vehicle is towed pursuant to a request by any officer or official of the City of Chattanooga, of the location of the stored vehicles and the

costs of securing possession of the towed and stored vehicle. Any wrecker service that fails to comply with the notice provisions of this section shall only be entitled to receive the costs of towing the vehicle and the costs for storing the vehicle during the fifteen (15) day notice period. The City of Chattanooga Police Department is hereby authorized to provide, upon written request, to the wrecker service company registration records on stored vehicles for the purposes of issuing the notice required by this section.

- (5) The wrecker service shall negotiate a reduced rate annually for storage of vehicles which are established to be stolen vehicles by the Police Department for the City of Chattanooga. The rate for stolen vehicles shall be one-half (1/2) of the normal storage charge for vehicles stored at the wrecker service.

**Sec. 35-158. Notification required for vehicles held over thirty days.**

The state department of revenue will be notified of all vehicles held over thirty (30) days, except when arrangements for longer storage are made by the owner, as required by Tennessee Code Annotated section 55-16-101.

**Sec. 35-159. Insurance.**

Before the Wrecker Board shall approve a district wrecker permit under this article including a renewal license, the applicant shall deposit with the wrecker inspector a certificate of an underwriter that the applicant has in force a policy or policies of insurance issued by an insurance company authorized to transact business in the state and has the minimum insurance coverage required by applicable State and Federal regulations and as follows:

- (1) A general liability policy covering the operation of applicant's own business, equipment or vehicles for bodily injuries in the amount of three hundred thousand dollars (\$300,000.00) for any one (1) person killed or injured, seven hundred thousand dollars (\$700,000.00) for more than one (1) person injured or killed in any one accident and one hundred thousand dollars (\$100,000.00) for all damage arising from injury to or destruction of property. All such policies shall include cargo or "on-hook" riders or otherwise protect the operator against such liability. All such policies shall include garage keeper's liability riders or otherwise protect the operator against liability for damage to towed or wrecked cars kept on the premises arising from fire, theft, or other casualty.
- (2) All applicants shall provide a copy of such insurance policies with their application and shall provide copies of all renewals thereof to the Wrecker Inspector. The insurance policy shall be subject to approval by the City Attorney, or his designees, as to the minimum requirements contained herein. A certificate of insurance shall be provided which contains an endorsement providing a minimum of ten (10) working days' notice in the event of a cancellation of the policy or an expiration of a policy without a copy of a renewal being provided to the Wrecker Inspector, any license issued hereunder shall be suspended until a new policy and certificate of insurance are provided.

**Sec. 35-160. Billing and charges for district wreckers.**

All applicants for a district wrecker permit shall be subject to regulation as to billing and charges for any call from the police department referred to the district wrecker under the call rotation system as follows:

- (1) The owner of a wrecker or towing car shall have prepared billheads with his name and the address of his place of business printed thereon. If requested by the owner of the disabled vehicle, the operator of the wrecker before towing a disabled vehicle away shall prepare a bill on his billhead form in duplicate, the original of which shall be given to the owner of the disabled vehicle or his authorized representative. This bill shall contain the following information:
  - a. Name and address of person engaging towing car.
  - b. State license number of disabled vehicle.
  - c. Storage rates per day or part thereof.
  - d. An estimate of the amount to be charged for towing which may thereafter only be adjusted for good cause. The printing of a schedule of fees on a billhead marked as to services rendered shall be sufficient for this purpose.
- (2) The duplicate copy of the bill shall be retained by the wrecker or towing car owner for a period of one (1) year, and shall be subject to inspection by the wrecker inspector or his duly authorized representative.
- (3) In the event the bill is for an amount more than the schedule of charges for routine services described in paragraph (4) below, then the bill shall contain an itemization of the number of worker-hours involved in the recovery and towing of the disabled vehicle, an itemization of the vehicle-hours involved, and any other special charges which cause the bill to be higher than the schedule of charges for routine services.
- (4) The maximum charges for district wrecker calls shall be as follows:

<i>A Class</i> –	Daytime tow	\$125.00
	Night/Weekend/Holiday	\$135.00
	Daily Storage (After 8 Hours)	\$ 15.00 per day
	Extra Winching	\$ 50.00
a.	Extra winching is for overturned vehicles and/or Vehicles off roadway and down an embankment. Dollies (If wrecker is used)	\$ 45.00
b.	Dollies are chargeable only if a wrecker is used For the tow, not in cases where a rollback is used. There should be no extra charge allowed for a	



Rollback tow.

<i>B Class</i> – Day time	\$250.00
Night/Weekend/Holiday	\$285.00
*Extra Winching	\$150.00
(Extra winching if for overturned vehicles and/or Vehicles off roadway and down an embankment).	
Daily Storage (After 8 Hrs)	
a. Tractor	\$ 35.00 per day
b. Trailer	\$ 35.00 per day

<i>C Class</i> – Daytime tow	\$425.00 per hour
Night/weekend/holiday	\$500.00 per hour
Daily Storage (After 8 Hours)	
a. Tractor	\$ 35.00 per day
b. Trailer	\$ 35.00 per day
*Extra Winching (per ½ hour)	\$225.00 per ½ hour
(Extra winching is for overturned vehicles and/or Vehicles off roadway and down an embankment).	
Air Bags (first 2 (two) hours)	\$1,000.00
	(\$500.00 per hour starting with hour 3)

Any additional charge by Class A, Class B, or Class C wreckers for winching, dollies, wheel lift or rollbacks, or other equipment or services not normally incident to towing wrecked or disabled vehicles shall be allowed only when the additional charge is (1) reasonably necessary to retrieve a wrecked vehicle which is off of the road or overturned; (2) to protect the wrecked or disabled vehicle from reasonably foreseeable additional damage should the device not be used; or (3) at the request of or permission of the owner or operator. An additional charge can be made for the pneumatic devices used to raise overturned trucks or other equipment not normally used in a tow. If more than one wrecker is necessary for recovery of the wrecked disabled vehicle the charges shall apply to each vehicle. In all cases involving a combination vehicle of Five (5) or more axles or a single vehicle with a gross vehicle weight rating of Twenty-six Thousand and One (26,001) pounds or more, total charges computed utilizing the previously itemized schedule of hourly rates and equipment charges shall not exceed the total maximum recovery cost that would be applicable using the following schedule of permissible charges by weight for Recovery Class operations. Any dispute over reasonableness of any rates charged under this chapter shall be resolved by the Wrecker Board.

*Class C and Recovery Class operations may elect to charge for the following services in lieu of an hourly rate charge provided adequate billing records are maintained and any disputed billing is subject to review by the Wrecker Board:*

- A. Contained recovery/winching for all recovery jobs in which there is no clean-up of debris from 7.0¢ per pound

the vehicle to be recovered and cargo doors remain closed.

- B. Salvage/debris recovery for picking up debris/ parts or loading from one vehicle to another, or a vehicle that breaks apart and needs to be towed from the scene. 8.0¢ per pound
- C. The following charges may be added to the contained recovery/winching or salvage/debris recovery when applicable, and if specified on the billing invoice:
1. Inclement Weather: rain, snow, or if the temperature is below 25° F 1.5¢ per pound
  2. Nights, Weekends and Holidays: Includes times after 7:00 p.m. and before 8:00 a.m. and any time on Saturdays, Sundays, and all public holidays 1.5¢ per pound
  3. Wheels higher than roof: If any wheel is higher than any part of the roof 1.0¢ per pound
  4. Embankments or Inclines: If it is necessary to work on an embankment or incline 1.0¢ per pound
  5. Back Door Frame Open: If the back doors cannot be closed or the door frame is torn away and the integrity of the trailer is jeopardized. 1.0¢ per pound
  6. Tractor from under Trailer: If the tractor separates from the trailer in the crash 1.0¢ per pound
  7. Major Suspension Damage: If major suspension damage has an impact on the recovery, e.g., axles have been torn from suspension, but does not include if only the front axle is involved. 5.0¢ per pound
  8. Air Bags: 1,000.00 first 2 hours;  
\$500.00 per hour thereafter
  9. Sublet Charges: For tractor trailers, dump trucks, backhoes,

containers, roll of containers, traffic control devices and personnel and other equipment necessary for the recovery which is not required equipment to qualify as a recovery class or any other wrecker class under this ordinance. Sublet charges shall be reasonable rates based upon the market rate for renting said equipment in the City of Chattanooga.

10. Exposure to Hazardous and/or Flammable Materials: Charges for personnel being exposed to the risks associated with hazardous materials and/or flammable materials, not including the charges for the clean of said materials. This charge shall be a reasonable charge based upon the market rate in this State. The burden shall be upon the wrecker company to establish the market rate.

All Licensed Class C and Recovery Class operators must keep on file at their location, for a period of one year, video documentation of the scene, and the conditions for which all additional charges are being billed pursuant to this article. Video documentation shall consist of videotape, film, photographs, or other media which accurately depicts the scene and conditions as they actually appeared at the time of recovery.

No storage fee shall be charged by any district wrecker class if the vehicle is reclaimed by the owner within the first eight (8) hours.

For every wrecker class, if more than one owner or employee per wrecker is of necessity assigned to assist in the recovery of the disabled vehicle, the normal hourly wage of the additional employee's adjusted fringe benefits can be made as an additional charge.

#### **Sec. 35-161. Districts for district wreckers.**

(a) The city shall be divided into six (6) districts for the purpose of administering the wrecker districts. An applicant for a district wrecker permit for a particular zone must have an office and storage facilities within that district. The place of business must be within the city limits unless the wrecker operator was licensed as a district wrecker prior to the effective date of Ordinance Number 8415 (January 22, 1985). A district wrecker company shall apply to be listed in no more than one (1) district for each separate place of business. Police calls will be placed only to operators within the district and will be placed from a separate rotating call list for Class A, Class B, Class C and Recovery Class wreckers. Class B wreckers may be listed on both the "A" and "B" class list upon request. Class C wreckers may be listed on both Class "C" and Class "B" upon request.

(b) The wrecker board shall have the duty and responsibility to recommend to the mayor from time to time that the wrecker districts established hereunder be changed to more efficiently serve the public interest. Prior to making such recommendations, the wrecker board shall receive reports from the wrecker inspector and the staff of the Chattanooga-Hamilton County Regional Planning Commission as to changes they may recommend.

(c) The city shall be divided into six (6) wrecker districts described as follows:

*District 1:* This area shall cover North Chattanooga, Suck Creek, and a portion of Mountain Creek. It is bounded on the east, south and west by the northern bank of the Tennessee River. It is bounded on the north by Access Road, thence southwestwardly along Hixson Pike to Ashland Terrace, thence westwardly along Ashland Terrace to the Red Bank corporate boundaries, but not including said streets. It shall also be bounded on the north by the Red Bank corporate boundaries and in the Mountain Creek area by the intersection of Mountain Creek Road and Morrison Springs Road.

*District 2:* The area bounded on the west by the corporate boundaries; bounded on the north by the Tennessee River to the west line of Market Street, but excluding said street; southwestwardly along the west line of Market Street to its intersection with I-24; thence along I-24 and including I-24 to the Central Avenue exit; thence along the south line of I-24, but excluding said interstate to the Chattanooga-East Ridge corporate boundaries; bounded on the east by the Chattanooga-East Ridge boundaries; and bounded on the south by the corporate boundaries.

*District 3:* The area bounded on the west by the west line of Market Street, and including said street from and including the Market Street Bridge southwardly along Market Street to the I-24 overpass; and thence bounded on the south by the north right-of-way line of I-24 but excluding said interstate to the Central Avenue exit; thence along the south right-of-way line of said interstate and including said interstate to the Crest Road overpass ("Ridgecut"); bounded on the east by the west line of Crest Road and excluding said road to the intersection of Wilcox Boulevard to where said boulevard, if extended, would cross the Tennessee River; thence along the north bank of the Tennessee River to the point of beginning including Veterans Bridge and the Market Street Bridge.

*District 4:* The area north of Wilcox Boulevard and Shallowford Road, but excluding said streets, and east of the western boundary of the Tennessee River including the C. B. Robinson Bridge and the Wilkes T. Thrasher Bridge and their approaches northeastwardly to the corporate boundaries. The area is bounded on the south by Districts 3 and 5 and on the west by District 1.

*District 5:* The area of the corporate boundaries south of the above-described District 4 and east of the above-described District 3. It is bounded on the west by Crest Road and includes said road. It is bounded on the north by Wilcox Boulevard and Shallowford Road and includes said streets.

*District 6:* This area shall cover Hixson and the northern Mountain Creek area. It shall be bounded on the east by the Tennessee River, on the south by Access Road, thence southwestwardly along Hixson Pike to Ashland Terrace, thence along Ashland Terrace to the Red Bank corporate boundaries including said streets. It shall cover those areas north of the Red Bank corporate boundaries to the corporate boundaries of Chattanooga and it shall include those areas of Mountain Creek north of the intersection of Morrison Springs Road and Mountain Creek Road.

(d) Class C wrecker permittees shall be on a city-wide rotation list for towing large trucks, road tractors and trailers where a Recovery Class wrecker is not required on controlled access highways and ramps in the determination of the Emergency Service Provider in charge at the scene. If requested, they will be placed in district for purposes of responding to smaller disabled vehicles.

**Sec. 35-162. Regulations for district wreckers.**

A district wrecker permittee shall follow these procedures:

- (1) No district wrecker permittee shall operate his business jointly with any other district wrecker permittee. Joint operation shall include common or joint use of any real or personal property as specified more fully in paragraph (19) below, or joint use of any employees as specified more fully in paragraph (20) below.
- (2) No permittee shall directly or indirectly operate more than one (1) district wrecker within the same zone. Indirect operation shall include common or joint use of any real or personal property as specified more fully in paragraph (19) below, or joint use of any employees as specified more fully in paragraph (20) below.
- (3) No permittees shall be permitted to operate in more than one (1) zone unless each separate location shall separately meet all of the qualifications for a permit.
- (4) All permittees are expected to be familiar and comply with the traffic laws of the city and the state, and abide by all provisions of this article.
- (5) Permittees will be familiar with and abide by all provisions of this article.
- (6) No permittee shall charge unreasonable rates for services rendered.
- (7) Permittees shall be available for twenty-four (24) hour service with vehicles in proper operating condition and a qualified operator on duty.
- (8) Operators shall carry vehicles to any destination within the city at the owner's or operator's request when charges therefore have been prepaid.
- (9) Permittees shall have a telephone number prominently posted for after-hours release of vehicles. The permittees may make an additional charge for releasing a vehicle other than during normal business hours except when the location is otherwise open for business.
- (10) The police department may direct that a police impoundment be towed to a city lot at no additional charge.
- (11) Amber lights are to be used in the immediate vicinity of a wreck and while towing a vehicle.

- (12) All operators shall respond to a wreck within a reasonable time after being called, and except for exigent or unusual circumstances a response must be made within thirty (30) minutes after the dispatch request is made to the wrecker operator. If the wrecker is engaged elsewhere or for any reason the wrecker operator cannot reasonably expect to respond within thirty (45) minutes, it shall be the duty of the wrecker operator to so advise the police department and decline to accept the call whereupon the next wrecker operator on rotation shall be called. Any operator failing to respond timely to a rotation call shall be placed at the bottom of the rotation call list.
- (13) No licensee shall refer or delegate police calls to other wrecker companies.
- (14) No answering service, paging service or similar service or procedure may be used to forward a call to an owner or employee of the wrecker service during normal business hours. The operator may provide for an after-hours number which shall be provided to the wrecker inspector.
- (15) The first wrecker operator at the scene shall tow the vehicle causing the greatest hazard as directed by the investigating police officer.
- (16) No repairs or other additional services shall be performed except on request of the owner.
- (17) An operator may accept a dispatch of more than one (1) wrecker only if qualified wreckers and operators are available within the time limits specified above.
- (18) All district wrecker permittees shall file with the Wrecker Inspector a photocopy of a current operator's license for each employee authorized to operate a wrecker or otherwise employed by the company. The photocopy of any new operator's license shall be filed within ten (10) days following employment or renewal of the operator's license. All employees of any permittee shall be subject to a background investigation by the Chattanooga Police Department to determine whether they have any felony convictions within ten (10) years of the date of the investigation. Any State of Tennessee background check may be acceptable to the City of Chattanooga if it is performed within six (6) months of the issuance of any permit required by this Ordinance.
- (19) No district wrecker permittee shall jointly use any real or personal property with any other district wrecker permittees except as provided herein. Real property shall be considered to be jointly used if it is used in any manner for the use or storage of any wrecker, wrecker equipment, or wrecked and disabled vehicles by two (2) or more permittees. Separate recorded parcels of real property shall be deemed to be one parcel of real property for purposes of this Ordinance if (1) the parcels have any common boundaries; (2) the boundaries of the parcels are separated only by a public street, alley, or private driveway; or (3) a common parcel of property as described above was subdivided, sold, leased, rented, or in any manner divided or conveyed on or after the effective date of the Ordinance by

the owner of such property to create separate parcels. No district wrecker permittee shall use any wrecker, equipment or other personal property owned by another district wrecker permittee, excluding bona-fide lease or rental contracts for a term of thirty (30) days or more except upon a written lease or rental agreement supported by fair market consideration. A copy of any such lease or rental contract shall be filed with the Wrecker Inspector within thirty (30) days of the vehicle first being used on district wrecker calls. District wrecker permits issued prior to September 1, 1989, may be renewed without regard to the requirement for separate recorded parcels of real property and operated notwithstanding the provisions of paragraphs 1 and 2 of this section.

- (20) Each district wrecker operator shall regularly employ at least two primary operators for each location permitted under this Article who shall be employed forty (40) hours per week during normal working hours or a normal work week if the permittee's normal work week for employees is less than forty (40) hours. A photocopy of the primary operator's chauffeur's license or commercial motor vehicle license shall be submitted to the Wrecker Inspector within ten (10) days following their employment and the operator shall keep the Wrecker Inspector advised of any changes in employment of such operators within ten (10) days. The same person can not be qualified to act as the primary operator for more than district wrecker permittees. Nothing herein shall prevent a primary operator of one permittee to act as a part time operator for another permittee. The owner(s) may qualify as a primary operator(s) providing that he or she regularly operates the wrecker and responds to wrecks or disabled vehicles personally during normal business hours.

**Editor's note** -- At the discretion of the editor, the word "charges" was amended to read "changes" due to an inadvertent clerical error contained in Ord. No. 9246, § 6, adopted 9-19-89.

**Sec. 35-163. Vehicles to be towed to place designated by owner; coercion at scene of an accident prohibited.**

The wrecker operator may tow the wrecked or disabled vehicles to the operator's place of business; provided, if the owner or agent of the wrecked or disabled vehicle pays or secures the towing charges, then the wrecker operator or crane operator shall pull the vehicle to any place within the city designated by such owner or agent. It shall be unlawful for the owner of a district wrecker, his agent, employee or representative at the scene of any accident to high-pressure or otherwise to coerce or insist upon any owner of a wrecked or disabled vehicle to sign a work order or agreement at the scene of the accident for any repairs to be made on such wrecked or disabled vehicle.

**Sec. 35-164. Wreckers to go to scene of accident on call of police only at owner's or operator's request.**

(a) It shall be unlawful for any district wrecker operator, or his agent or representative, to go to any place where an accident has occurred unless called by the Emergency Services Dispatcher or unless requested by the owner or operator of a vehicle involved in the accident in

the manner provided within Section 35-169 of this Article. In either situation, the wrecker shall clear with the police dispatcher before going to the accident scene.

(b) It shall be unlawful for the owner of any district wrecker, or his agent or representative to go to the place of a wreck by reason of information received by shortwave or police radio.

**Sec. 35-165. Solicitation of towing work by operator, etc., of district wrecker prohibited .**

A district wrecker operator shall not proceed to the scene of a disabled motor vehicle without having been requested or notified to do so, as provided in section 35-164 of this Code. Responding to an accident without being called by the Emergency Services Dispatcher or without the prior written request of the owner or operator of a vehicle involved in the accident shall be considered a violation of this article; provided that, the provisions of this section shall not be operable during periods of snow emergencies proclaimed by the mayor or under the provisions of section 24-376 of this Code.

**Sec. 35-166. Call and notification procedures for emergency towing and storage.**

(a) Whenever any police officer finds a vehicle standing upon any street or highway which constitutes a hazard to the safe movement of traffic along such street, or when the towing of such vehicle is otherwise permitted by this Code or other applicable law, the officer shall:

- (1) Notify the Emergency Services dispatcher, who shall call the district wrecker having the class of wrecker necessary;
- (2) The district wrecker shall tow the wrecker or disabled motor vehicle in the manner and procedures as provided in this article; and
- (3) The district wrecker shall be entitled to recover any unpaid charges for towing and storage in accordance with title 55, chapter 16, Tennessee Code Annotated, "Unclaimed or Abandoned Vehicles."

(b) Call and Notification Procedures:

- (1) When a member of the Chattanooga Police Department is dispatched to a crash, motorist assist, or any other request for assistance, the investigating officer, after determining the need shall contact the dispatcher. The emergency services dispatcher will notify the next scheduled tow truck to respond, provided that the affected parties have not already made contact with a towing company of their choice. No tow truck shall remove a crashed vehicle from the scene without it being investigated by a law enforcement agency.
- (2) Tow trucks shall be available for immediate response twenty-four (24) hours a day.



- A. Tow truck operators must respond in a reasonable length of time, as determined by the requesting officer, or the next scheduled tow truck will be called and the first one (1) will lose its turn. Continual slow responses shall be noted and addressed by the wrecker inspector and brought to the Wrecker Board for review.
  - B. If a busy signal is received, the next scheduled tow truck will be called and the first one (1) will lose its turn.
  - C. If the towing company uses an answering service and the call back is not received in a reasonable length of time, as determined by the requesting officer, the next scheduled tow truck will be called and the first one (1) will lose its turn.
  - D. Towing companies shall respond "Yes" or "No" when asked if they can respond to a call in a reasonable amount of time.
  - E. Towing companies cannot refer a call to another towing company or substitute another company's tow truck to avoid losing a turn on the district wrecker rotation call.
  - F. Operators refusing a call, or failing to respond promptly to a call, may be removed/suspended from the district wrecker rotation call.
  - G. Towing companies are restricted to a maximum of two (2) telephone numbers on the district wrecker rotation call list. "Call Waiting" and "Call Forwarding" are recommended; pagers and beepers are not allowed.
  - H. Tow truck operators who fail to answer a call will lose the call. If two (2) calls are missed on the rotation of the list, an investigation will be made by the wrecker inspector and suspension or removal will be considered by the Wrecker Board.
- (3) If tow truck operators desire to be off-duty for any length of time, they shall inform the Chattanooga Police dispatcher to avoid removal from the rotation of the list. Upon returning, the tow truck operator will be placed back on the rotating list.
  - (4) Only one (1) towing company shall be called to any one (1)-vehicle crash. If additional equipment or recovery vehicles are needed to adequately complete a tow (i.e.: tractor-trailer, rollover or difficult auto recovery), the severity of the situation and the estimated response time of additional equipment will be weighed by the investigating officer at the scene, who will be the deciding authority. If such request is granted, the investigating officer shall note it on the Tow/No Tow Report.

- (5) When multiple vehicles are involved and multiple tow trucks are called:
  - A. The first tow truck arriving at the scene will tow the car causing the greatest traffic hazard, which will be determined by the member of the Tennessee Department of Safety or the investigating officer in charge at the scene.
  - B. If a requested tow truck arrives first, the tow truck will help remove vehicles causing traffic hazard from roadway, then pick up the requested tow.
  - C. If a towing service has two (2) tow trucks, two (2) vehicles may be towed without loss of turn on the rotation, provided both tow trucks can respond simultaneously and both have passed inspection and been certified.
  - D. In the event of an extreme emergency, the investigating officer may request the nearest available certified tow truck. Should this occur, members will make thorough notations for courses of action taken on the Tow/No Tow Report (SF-0156).
- (6) When a tractor-trailer combination is involved in a breakdown and requires a tow, the combination can be towed to the first safe haven, towing facility, or repair facility. If the vehicle is towed beyond these points, it shall be separated and the tractor and trailer will be towed independently of each other. Tractor-trailers involved in crashes shall be separated at the crash scene before being towed.
- (7) All certified towing companies shall be prohibited from "chasing" or "running" crashes or "break-downs", without a bona fide call from a Chattanooga police dispatcher or request from the owner. Violations of this provision will be subject to suspension or removal from the district wrecker rotation call list. This includes solicitation by those persons who have a right to be there.
- (8) Towing companies are expressly prohibited from calling Chattanooga Police dispatch to determine their place on the call list. Wrecker Inspector will address concerns of position or placement on the call list and bring any violations to the attention of the Wrecker Board.
- (9) Except as provided in Sections 35-164 and 35-169 of this Chapter, if a towing service is at the scene of a crash when the investigating officer arrives without being called by the Chattanooga Police Department of person(s) involved; the towing service will be sent back by the investigating officer and lose its turn on the district wrecker rotation call.
- (10) The towing of abandoned vehicles is a necessary part of the responsibilities of Chattanooga Police officers and Neighborhood Services

employees for the City of Chattanooga. After vehicles have remained abandoned for a period of time specified by law, towing companies will be required to remove these vehicles when requested. In order to provide equitable service, the City department requesting vehicles to be towed shall maintain a separate listing for these vehicles. When a towing company is requested to remove one of these vehicles, IT SHALL NOT AFFECT THE TURN ON THE DISTRICT WRECKER ROTATION CALL LIST FOR OTHER CALLS FOR SERVICE. This shall apply provided that, when called, the towing company responds and does not forfeit or decline the call. If more than two (2) calls for removal on the Abandoned Vehicle Call List are missed, actions will be taken to place the towing company at the bottom of the Call List for other calls for service.

**Sec. 35-167. Fleet Service Contracts.**

(a) Owners or operators of a fleet of vehicles may apply to the wrecker inspector to have their vehicles listed with the police department for the dispatch of a particular wrecker service in lieu of having the district wrecker respond to a wreck for a disabled vehicle. To defray the cost of establishing and maintaining this system, each applicant shall pay a fee of twenty dollars (\$20.00) with the original application and an additional twenty dollar (\$20.00) fee for each amendment thereafter. Such applications shall be accepted only from owners or operators having a right to directly control the use of the vehicle, and they shall not be accepted from auto repair facilities or leasing companies other than for vehicles directly used in such businesses.

(b) If an owner or operator of a fleet of vehicles has a request on file to notify a particular wrecker service, and the police officer on the scene is so notified, he shall radio the dispatcher who shall notify the requested wrecker company, if the wrecker company meets the qualifications and response time set forth in this Ordinance to tow the type of vehicle to be towed, and to do so would not interfere with the public's health, safety or welfare. However, if the officer or dispatcher is notified of a particular wrecker service after a district wrecker has been dispatched, then the request for the particular wrecker service shall be denied, notwithstanding the fact that an application has been filed and the twenty (\$20.00) dollar fee paid.

**Sec. 35-168 Severability.**

If any provision of this article is determined to be unenforceable or invalid, such determination will not affect the validity of the other provisions contained in this article. Failure to enforce any provision of this article does not affect the rights of the parties to enforce such provision in another circumstance, nor does it affect the rights of the parties to enforce any other provision of this article at any time.

**Sec. 35-169 Owner's Request.**

(a) Any business within the City of Chattanooga who desires to authorize one (1) wrecker company to do all towing for that business within the City of Chattanooga shall sign a

notarized document which shall be filed with the Wrecker Board, Chattanooga Police Department and 911 Board, authorizing such business arrangement.

(b) Any individual or company requesting a specific wrecker or towing operator to tow their vehicle shall sign a document which shall be provided by the investigating officer at the scene.

(c) It shall be a violation of this Ordinance for any individual to recommend a wrecker service. A listing of all licensed wrecker or towing operators shall be made available by the investigating officer for the District of the location of the vehicle collision.

(d) Whenever an investigating officer of the Chattanooga Police Department or the Tennessee Highway Patrol arrives at the scene of any vehicle collision, the responding agency will utilize its respective rotation lists depending on the first unit to arrive at the scene.

(e) Owner's requests for A Class, B Class, C Class or Recovery Class wreckers shall be submitted in writing to the Chattanooga Police Department and 911 Board with the name of owner and wrecker requested. No tow truck shall be allowed to remove vehicles from any controlled access highway or ramp unless such tow truck is dispatched by the Emergency Communications Provider or unless a written request for owner's request service is on file with the Chattanooga Police Department and 911 Board. No changes in owner's request shall be made unless a written request is filed with the Chattanooga Police Department and 911 Board for at least two (2) business days before the request is made.

#### **Sec. 35-170 Penalties for Violation of the Wrecker Board Ordinance.**

(a) Any violation of this Ordinance may be brought to the Wrecker Board by the Wrecker Inspector. For the first violation of this Ordinance by a wrecker or towing operator, the District Wrecker shall be subject to a thirty (30) day suspension from the call rotation list on all classes held by the District Wrecker.

(b) For the second violation of this Ordinance by a wrecker or towing operator, the District Wrecker shall be subject to a suspension of six (6) months from the call rotation list on all Classes held by the District Wrecker on all classes held by the District Wrecker. .

(c) For the third infraction of this Ordinance by a wrecker or towing operator, the District Wrecker shall be subject to a three (3) year suspension from the call rotation list on all classes held by the District Wrecker. .

(d) Any District Wrecker determined to be in violation of this Ordinance shall not be penalized by earlier violations which are more than three (3) years old at the time of a violation. The Wrecker Board shall not consider any violations which are more than three (3) years old in the application of any call rotation list suspension.

**Secs. 35-171-- 35-180. Reserved.**

SECTION 7. That this Ordinance shall become effective immediately after its passage.

PASSED on Second and Final Reading

\_\_\_\_\_, 2008.

\_\_\_\_\_  
CHAIRPERSON

APPROVED: \_\_\_\_\_ DISAPPROVED: \_\_\_\_\_

DATE: \_\_\_\_\_, 2008.

\_\_\_\_\_  
MAYOR

PAN/kac