

# **CHAPTER 49**

## **VEHICLE TOWING ORDINANCE**

### **SECTION I PURPOSE**

In order to protect persons who operate motor vehicles within the corporate limits of the Town of Freeport, to insure that the streets and public ways of the Town remain open and free of hazard to the public and to further effectuate the efficient enforcement of the Town of Freeport's traffic, parking, snow removal and other regulatory ordinances, it is determined necessary to insure by licensing the regulation of persons engaged in the business of providing vehicle wrecker or towing and required repair services, to establish rates for such service, to regulate the storage and disposition of vehicles to be towed, and to set fees and penalties for the enforcement thereof.

### **SECTION II DEFINITIONS**

The following words and terms as used in this chapter, "Definitions", shall have the meaning ascribed thereto, unless the context otherwise indicates:

- (a) Chief of Police means the executive head of the Police Department of the Town of Freeport or anyone designated by him.
- (b) Town means the Town of Freeport.
- (c) Towing List means a list maintained by the Police Department containing the names of those "wreckers" licensed by the Town to respond to requests for the towing of vehicles made by the Police Department. The towing list itself shall consist of two lists:
  - 1. The primary list shall include "wreckers" licensed by the Town of Freeport as detailed in Sec. IV of this Ordinance where the main business activities of the wrecker company are headquartered in Freeport as evidenced by its office location, auto storage area, wrecker storage space, payment of wrecker excise taxes and identification as such on official business filings with the Secretary of State, State Treasurer and Internal Revenue Service. Primary list companies shall receive the first call for wrecker services for all rotation calls.
  - 2. When a primary wrecker service is unavailable or does not respond to a call for service, or when there are no "wreckers" on the "primary

list”, the dispatcher shall call the “wrecker” pursuant to the Town of Brunswick Towing Policy and Guidelines. The towing company shall be allowed to apply the towing fees as outlined in the Town of Brunswick Towing Policy Guidelines.

- (d) Wrecker means a person engaged in the business of, or offering the services of, a vehicle wrecker or towing service, 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 designated for that purpose.

### **SECTION III APPLICATION FOR WRECKER SERVICE LICENSE**

Any person desiring to perform towing work at police request shall submit an "Application for Wrecker Service License" to the Chief of Police. Application forms shall be obtained from the Office of the Chief of Police. These forms shall include the name of the owner, home and business address, home phone and name under which the person does or will trade, the location, size and security features of the storage lot on which towed vehicles will be stored, the location to which the public must come to claim stored vehicles, a statement of willingness to provide wrecker service on a continuous 24-hour-a-day basis each day of the year, a list of the towing equipment, its size and capacity, a complete listing of the insurance policies, carriers and agents, the owner would place into effect upon license approval, and such other information as the Chief of Police shall require.

### **SECTION IV INVESTIGATION; ISSUANCE OF LICENSE**

Within thirty (30) days after receipt of such application, the Chief of Police shall conduct an investigation to determine the truth, accuracy and adequacy of the information contained in said application; the ability of the applicant to furnish the required service and to abide by the regulations and provisions set forth herein or established pursuant to Section 5 hereof; the applicant's past record of performance in wrecker or towing business and the adequacy of the applicant's equipment and storage facilities. Upon completion of said investigation, the Chief shall either grant or deny said license and notify the applicant in writing of such decision, and the findings and reasons, if any, for denial of said license. Upon issuance of said license, the chief shall forward to the licensee a copy of this chapter and any regulations adopted pursuant thereto, and shall place the licensee's name at the end of the towing list. The license issued hereunder is non-transferable.

Insurance Required: No wrecker shall be issued a license until the applicant has deposited with the Chief of Police an insurance certificate for the following insurance coverage:

- (a) Garage Keeper's Legal Liability covering at the least Comprehensive with a minimum \$30,000 limit and Collision with a minimum \$30,000 limit, and
- (b) Garage Liability covering the operation of the licensee's business, equipment or other vehicles for any bodily injury or property damage. This policy shall be in the minimum amount of \$500,000 per occurrence with a \$1,000,000 aggregate or; \$500,000 for any one person injured or killed, and a minimum of \$1,000,000 for more than one person injured or killed in any accident and a minimum of \$500,000 for property damage.

The insurance certificate shall show thirty (30) days notice is provided to both the Town and the insured in the event of any change in coverage limits or cancellation of the policy for anything other than nonpayment.

The lapsing or cancellation of any policy as required hereinabove shall result in the immediate termination of the wrecker's license without any action on the part of the Town.

Terms of License Each license issued hereunder shall be effective for the period of January 1 until December 31 of each year, or any remaining portion thereof, unless earlier revoked, suspended or terminated in accordance with this chapter.

License Fee The annual fee for the license issued pursuant to Section IV hereof or for any renewal thereof shall be \$50.00. Such fee shall be pro-ratable at a rate of \$25.00 per half year or any portion thereof, for those applying after July 1. Such fee will be paid prior to issuance of any license. No part or portion of any fee shall be returnable after issuance of for any reason including (but not limited to) suspension, revocation or termination.

## **SECTION V REGULATIONS**

The following minimum regulations will be met on a continuous basis by all licensees:

- (a) Licensees shall operate and maintain storage facilities as outlined in Section II, C-1 & 2.
- (b) All vehicles licensed under this ordinance must comply with the inspection requirement of Title 29A. Section 1753, M.R.S.A.;
- (c) Licensees shall permit the Chief of Police to conduct one regular and two random inspections of each storage area during the term of the license;

- (d) Licensees shall maintain such records as required by the regulations promulgated by the Chief of Police pursuant to Section VI hereinafter, and shall permit their inspection by the Chief during normal business hours;
- (e) Licensees shall arrive on the scene within thirty (30) minutes of receipt of a request for service from the police.
- (f) Vehicles must be towed, not driven to storage lots;
- (g) Licensees must provide a secure storage area at their place of business which meets with regulations to be promulgated in accordance with Section IX hereinafter;
- (h) Licensees must fill out a vehicle damage form of the type prescribed by the Chief of Police prior to towing any vehicle pursuant hereto;
- (i) Licensees shall clean the accident area of all debris resulting from the accident, if there be any;
- (j) Licensees shall not make any repairs to a vehicle without the consent of the owner;
- (k) Vehicles shall be released from storage in accordance with regulations promulgated by the Chief of Police pursuant to Section VI hereinafter;
- (l) The licensee shall hold the Town harmless from all claims for damages to property and injuries to persons resulting from the licensee's negligence in the towing or storage of vehicles pursuant hereto.

#### **SECTION VI REGULATIONS MAY BE PROMULGATED BY CHIEF OF POLICE**

The Chief of Police is hereby authorized to promulgate regulations not inconsistent herewith to carry out the intent of this chapter. All licenses issued pursuant to this chapter shall be subject to such regulations as are adopted hereunder either prior to or after the date of the issuance thereof.

#### **SECTION VII RATES FOR SERVICES REGULATED HEREUNDER**

Maximum rates for services regulated by this chapter shall be established by the Municipal Officers after written notice to licensees and a public hearing thereon.

Vehicle Tows:       Day   \$75.00  
                          Night \$85.00

Snow Tow\* Range:  Day   \$85.00  
                          Night \$95.00

\*Snow Tow means any vehicle that is towed for snow removal reasons.

Recovery – Same rates as tow, depending upon time of day. After first hour \$70.00 per additional hour plus any special equipment.

Call out fee, to come to shop during non-business hours \$35.00 plus towing fees.

Vehicle Storage, per day, including non-business days \$25.00 (storage rates begin 24 hours after the vehicle is towed).

MINIMAL CALL OUT: In the event that an operator has been requested for service and upon arrival the situation has changed and services are no longer required, a minimum fee of \$15.00 must be assessed for daytime and \$20.00 for nighttime calls. Fees to be paid by the vehicle owner/operator.

**DEFINITION OF HOURS:**

DAYS:           07:00 a.m. to 07:00 p.m.

NIGHTS:       07:00 p.m. to 07:00 a.m.

**SECTION VIII DISPOSITION OF ABANDONED VEHICLES**

- (a) The licensee shall comply with the procedures set forth in Title 29-A M.R.S.A. Sections 1851-1859, Abandoned Vehicles.
- (b) In the event of an unclaimed or abandoned vehicle, the licensee's sole remedy shall be as outlined in Title 29-A M.R.S.A. Sections 1851-1859 regarding unclaimed and abandoned vehicles.
- (c) A copy of Title 29-A M.R.S.A. Sections 1851-1859 shall be issued to each licensee with the Wrecker License.

**SECTION IX SOLICITATION OF BUSINESS**

No wrecker may respond to the scene of an accident or emergency for the purpose of towing vehicles unless specifically called there by the Police or person involved in the accident of emergency. This section is intended to prohibit wrecker owners from soliciting business at the

scenes of accidents and emergencies and shall not be construed to prohibit any wrecker from contracting with any person, firm, or corporation providing the wrecker owner, his agents and employees do not solicit towing contracts at the scenes of accidents or emergencies.

## **SECTION X REVOCATION OR SUSPENSION OF LICENSES**

The Chief of Police may revoke or suspend any license when he finds:

- (a) that the license was secured by fraud or by the concealment of a material fact by the wrecker owner, and such fact, if known, would have caused the refusal to issue a license; or
- (b) that the wrecker owner has violated any of the requirements or regulations established herein or by the Chief of Police under this Ordinance; or
- (c) that the Town is not satisfied with the general services of the wrecker owner and/or employees or with the cooperation it has received while rendering service.

## **SECTION XI APPEAL**

Any licensee or former licensee aggrieved by the action of the Chief of Police pursuant to Sections IV and X above may appeal to the Municipal Officers in writing within ten (10) days of such action. After hearing thereon, the Municipal Officers may reverse, modify, or uphold the decision of the Chief of Police.

## **SECTION XII REMOVAL OF TOWED VEHICLES OR PARTS THEREOF FROM WRECKER'S LOT**

Removal of any towed vehicle or any accessory part thereof from the lot or storage area of the wrecker without written permission pursuant to the regulations of the Chief of Police shall, if not otherwise punishable under State Law, be considered a civil violation. This shall apply to any person not the wrecker or owner of the storage area and shall include the owner of such vehicle.

## **SECTION XIII VIOLATION - A CIVIL VIOLATION**

Any person who shall violate any provision of this Ordinance shall, upon conviction thereof, be guilty of a civil violation.