

## AN ORDINANCE NO. 12-55

To amend Spotsylvania County Code Chapter 12, Article VII, Section 226 to capitalize the first letter of each defined term throughout the section. Subsection (b) is added to provide the background of the Towing advisory board and Towing ordinance, and subsection (c) is added to include the Towing advisory board requirements within the first section of the Towing ordinance rather than the board's definition; Section 227 to add or substantially revise the definitions of ABC fire extinguisher, Application, Authorized tower or Authorized Heavy-duty tower, Auxiliary tow lights, Boom, Box trailer, Brake caging, Deck rating, Dump trailer or Dump container, Dump truck, Forklift, Gross weight or Gross vehicle weight, Heavy-duty tow, Heavy-duty tows or Heavy-duty towing, Heavy-duty road tractor, Heavy-duty towed vehicle, Heavy-duty towing & recovery truck or Heavy-duty tow truck, Heavy-duty towing & recovery unit, Heavy-duty tower, Heavy-duty towing fees, Highway, Hoist, Hydraulic wheel-lift, Law enforcement officer, Law enforcement personnel or Law enforcement agency, Law enforcement requested towing scene, Law enforcement tow or Law enforcement requested towing, Lienholder, Lift arms, Lift bar, Log, Minor traffic infraction, Motor carrier inspector, Motor vehicle, National Fire Protection Association (NFPA) 10, Off road recovery unit, Operator, Owner, Pickup truck or Panel truck, Receipt, Roadway, Rollback, Road tractor, Rotator, Safety chains, Shoulder, Skid steer loader, SHRP2, Standard towing fees, Storage site, Tow, Tows, Towing or Towed, Tow sling, Tow truck or Regular wrecker, Tow truck operator, Towed vehicle, Tower, Tower identification card or Tower ID card, Towing advisory board, Towing business, Towing equipment, Towing ordinance, Towing service agreement, Towing vehicle, Tractor truck, Trailer, Truck, Vehicle, VSA-41, Wheel loader, Wheel straps and Winch or Winching; Section 228 to add Heavy-duty towing language throughout the section, capitalize the first letter of each defined term throughout the section, change the term "storage lot" to "Storage site" throughout the section, and to make word changes to match other new or revised definitions and reflect the stage of the process. Subsection (1) clarifies that a new Application for Towing service shall be submitted annually. Subsection (2) removes possible immediate suspension language, with no listed decision-maker, and places violation under procedures of Sections 12-242 and 243. Subsection (3) is amended to add an executed statement of indemnification, which has been an insurance requirement; Subsection (3)(a) & (b) requires time in business and time at business address information in Application, subsection 12-228(3)(m) adds written indemnity statement to Application requirements; Section 229 to use proper terminology, capitalize the first letter of each defined term throughout the section, make minor wording changes to match other new or revised definitions. Former subsection (4) has been moved for inclusion as an Application requirement to new subsection 12-228(3)(m), Subsection (5) has been changed to Subsection (4), which clarifies that applicants do not need to complete the requirements unless or until their Applications are approved; Section 230 to capitalize the first letter of each defined term throughout the section, change the term "storage lot" to "Storage site," and make minor wording changes to match other new or revised definitions. Subsections (b) and (c) detail the requirements to be determined a Towing business upon

submission of an Application for Towing services agreement; Section 231 to add Authorized heavy-duty towers throughout the section, capitalize the first letter of each defined term throughout the section and make minor wording changes to match other new or revised definitions. Subsection (g) specifies a maximum one-hour Law enforcement requested towing scene arrival time limit for Authorized heavy-duty towers, subsection (h) removes the Sheriff's complete subjectivity by placing the matter in the complaint and hearing process set forth in the provisions of Sections 12-240 through 12-243, and (s) to increase the percentage of Tow truck operators of every Towing business required to attend a nationally accredited Towing course from 50 to 75 percent, adds Towing certification maintenance requirements, and adds that effective July 1, 2018, all Authorized towers and Authorized heavy-duty towers registered with the County will be required to attend SHRP2 (Strategic Highway Research Program 2) training, which is traffic incident management responder training offered free of charge by the Virginia State Police; Section 232 to add Authorized heavy-duty tower language and capitalize the first letter of each defined term throughout the section, and to add minor wording changes to match other new or revised definitions. Subsection (a) revises certain standard Authorized tower vehicle requirements. Section 232(b) adds requirements for Authorized heavy-duty towers, including all of the Heavy-duty towing & recovery units and Towing equipment required to be on the Heavy-duty tow rotation list. Section 232(e) adds the requirement that all towing equipment, its size and capacity, shall be maintained and registered per requirements of the County; Section 233 to add Heavy-duty towing language, capitalize the first letter of each defined term throughout the section, change the term "storage lot" to "Storage site" throughout the section, make minor wording changes to match other new or revised definitions, and specifically, subsection (e) to remove the Sheriff's sole subjective discretion by allowing adjacent locality/municipality Storage sites where an Authorized tower/Authorized heavy-duty tower Towing business is located; Section 234 to add Authorized heavy-duty tower provisions throughout the section, capitalize the first letter of each defined term throughout the section, make minor wording changes to match other new or revised definitions, and, in subsections (a) and (b), to clarify vague language regarding inspections; Section 235 to add Authorized heavy-duty tower provisions throughout the section, capitalize the first letter of each defined term throughout the section, make minor wording changes to match other new or revised definitions, and, specifically, in subsections (a) and (b), to clarify vague language regarding who may pick up Towed vehicles, including adding Lienholders (would allow repossessions from Storage sites), Section 236 to add Towing and storage fees, along with authorization to charge a fee for use of credit cards according to law, within the Towing ordinance, specifically the fees presently authorized by Resolution No. 2013-94: Standard Towing Fees (Maximum Rates): Basic Police Call-Accident Tow and Clean Up: \$275.00/day, \$300.00/after hours, which includes, but is not limited to, sweeping up and removing glass and vehicle parts from roadway; Basic Police Call-Non-Accident Tow: \$200.00/day, \$225.00/after hours, which is defined as a police request tow requiring a vehicle to be towed to the towers storage lot; Police Required Second Tow: \$75.00, which is a vehicle towed to the Sheriff's Office/VSP, then released back to the tow company to tow back to their lot; Disable Vehicles: \$150.00/day, \$175.00/after hours; Additional Clean Up:

\$25.00 per each extra 5 gallons, including but not limited to, a need for more than 5 gallons of absorbent, or removal of trees, or other items; Release of Vehicle After Hours/Gate Fee: \$45.00, between the 5:01 p.m. – 7:59 a.m. Monday through Friday, all day on Saturday, Sunday or a Holiday; Third Plus Visit for Vehicle: \$20.00 per visit, first and second visits during normal business hours are free; Second Tow Required: \$100.00 except if a second Tow truck is for a second Vehicle requiring an additional VSA-41; Daily Storage Fee: \$50.00, which is calculated by a 24-hour period, and no storage fee will be assessed if picked up within the first 24-hours; Cutting Off Locks (Boat/Trailer): \$25.00; Tarp Fees: \$35.00; Administration Fees: \$150.00, after the third business day with proof of work; Winching/Recovery (20-74 Feet): \$85.00; Advance Winching/Recovery (75 Feet and Up): \$150.00 (overturned Vehicles, cutting of trees); Police Out of Zone Towing Mileage: \$3.50 per mile from the border of assigned zone to drop off point; Standby Fee: \$75.00 per hour (\$300.00 max) after the first hour; Off Road Recovery Unit Fee: TBD; Heavy-duty Towing Fees, All Rates are Maximum Rates: Basic Policy Heavy-duty Tow (HDT): \$450.00 for the first two hours; Charge Per Hour for HDT: \$200.00 after the first two hours per truck; Service Truck Per Hour: \$125.00; Daily Storage Fee: \$75.00 per unit calculated by 24 hours after pick up and no charge for the first 24 hours; Administration Fee: \$150.00 per unit after the first three business days and must show proof of work; After Hours Release Fee: \$50.00 per hour (fees begin when the gates are opened); Brake Caging Fee: \$65.00; Extra Manpower (Laborer) Recovery: \$65.00 per hour per non-operator employee; Air Bags (Per Hours or Price by Pound): \$1,200.00 maximum (company may sub-contract but not exceed the maximum rate); Land-All Style Trailer Fee: \$450.00 per hour; Other Equipment Standby Fee: \$150.00 per hour; Recovery Unit (HDT) Standby Fee: \$150.00 per hour but not to be charged first two hours; Recovery Price Per Pound: Based on acceptable industry standards; and Specialized Equipment: Based on acceptable industry standards and all charges must be documented); Section 237 to add Authorized heavy-duty towers and, for public safety purposes, additional Law enforcement tow requirements. Specifically, subsection (a) adds the requirement that all Tow truck operators have a Tower identification card (Tower ID card). Included are all requirements to obtain a Tower ID card, fees for initial issuance, renewal and replacement, expiration, denial, suspension, and revocation information. Subsection (b) includes additional traffic safety and lighting requirements at Law enforcement requested towing scenes; Section 238 to add language regarding Authorized heavy-duty towers, capitalize the first letter of each defined term throughout the section and make minor wording changes to match other new or revised definitions; Section 239 to add provisions regarding Heavy-duty towers, capitalize the first letter of each defined term throughout the section, make minor wording changes to match other new or revised definitions and correct vague wording; Section 240 to add Authorized heavy-duty towers, capitalize the first letter of each defined term throughout the section, make minor wording changes to match other new or revised definitions, and correct vague wording; Section 241 to add Authorized heavy-duty towers, capitalize the first letter of each defined term throughout the section, make minor wording changes to match other new or revised definitions, and correct assumption that all Towers are male; Section 242 to add Authorized heavy-duty towers, capitalize the first letter of each defined term throughout the

section, make minor wording changes to match other new or revised definitions, and correct improper grammar; Section 243 to add Authorized heavy-duty towers, capitalize the first letter of each defined term throughout the section, incorporate legal terms complainant and complaine in subsections regarding the hearing process, and incorporate minor wording changes to match other new or revised definitions; and Section 244 to capitalize the first letter of each defined term throughout the section and make minor wording changes to match other new or revised definitions.

PUBLIC HEARING: \_\_\_\_\_

**WHEREAS**, staff has reviewed the code amendments and recommends approval as stated in the executive summary dated \_\_\_\_\_, 20\_\_\_\_; and

**WHEREAS**, the Spotsylvania Board of Supervisors held a public hearing, duly advertised in a local newspaper for a period of two weeks, on \_\_\_\_\_, 20\_\_\_\_, and interested citizens were offered an opportunity to be heard; and

**WHEREAS**, the general welfare is served by approval of the code amendments.

**NOW, THEREFORE, THE BOARD OF SUPERVISORS FOR THE COUNTY OF SPOTSYLVANIA HEREBY ORDAINS:**

§ 1. That Chapter 12, Article VII, consisting of sections 226 through 244, be and are hereby **amended** and re-ordained as follows:

Sec. 12-226. – Purpose; Board; Towers are Independent Contractors.

- (a) This article is promulgated by the board of supervisors of the County, pursuant to authority provided in the Virginia Code § 46.2-1217, to ensure storage, availability and service by persons and firms authorized to provide Towing services at the request of the Sheriff's office or other Law enforcement personnel. The provisions of this article are not applicable to Towing not at the request of official Law enforcement personnel.
- (b) On February 24, 1998, pursuant to the authority set forth in Virginia Code § 46.2-1217, the board of supervisors of the County established a Towing advisory board, and made appointments to same, for the purpose of making a recommendation regulating towing services in the County.
- (c) Towing advisory board members shall be appointed in accordance with Virginia Code § 46.2-1217, by the County board of supervisors for a term of two (2) years beginning on April 1st of each odd-numbered year and ending on March 31st of the following odd-numbered year. The Towing advisory board shall consist of: three (3) law enforcement representatives, one (1) citizen of the County and three (3) Tower representatives (at least one (1) from each zone with at least one (1) being a Heavy-duty tower). A chairman shall

be elected by the Towing advisory board biennially from the membership during the first meeting of each elected term.

(d) Notwithstanding this article or any agreement executed pursuant to it, all Authorized towers and Authorized heavy-duty towers shall remain independent contractors and shall not be deemed to be employees of the County.

(Ord. No. 12-23, 6-23-98; Ord. No. 12-52, 6-10-14)

## **Sec. 12-227. - Definitions.**

The following definitions shall be used in the interpretation and administration of this article. The definitions of various terms as presented herein do not necessarily represent the same definitions as may be found for the same terms in other articles of the Code.

ABC fire extinguisher is a fire extinguisher classified by fire type. The A, B, C rating system defines the kinds of burning materials each fire extinguisher is designed to fight. The number in front of the A, B, or C indicates the rating size of fire the unit can extinguish.

Application means ~~an application to provide towing services in the county pursuant to this article. the initial forms to be completed and submitted by a Tower or Heavy-duty tower to become an Authorized tower or Authorized heavy-duty tower in the County pursuant to this article.~~

Authorized tower or Authorized heavy-duty tower means a ~~county sheriff's office~~ ~~t~~Towing business which meets the requirements of the ~~county sheriff's office~~ ~~t~~Towing ordinance and has entered into a ~~county sheriff's office~~ ~~t~~Towing service agreement to provide ~~towing~~ ~~Towing~~ services and/or Heavy-duty towing at the request of the ~~s~~Sheriff's office or other ~~H~~law enforcement personnel.

Auxiliary tow lights are stop, tail and turn signal lights attached to the trailing end of the Towed vehicle and operated as part of the Towing vehicle lighting system.

Boom is a structural member, extending from a mast, that supports the load and is used to hold, extend or lift a load free of the ground and clear of the Tow truck body.

Box trailer is a type of Trailer that has walls and a roof to completely enclose the cargo and keep it protected from the elements during travel.

Brake caging is an emergency procedure used to move a Truck or Trailer off of a traveled portion of the Roadway when there is a complete failure of the air brake system. This procedure releases the spring tension within the brake chamber, which will render the wheels with no brakes when completed.

County means the County of Spotsylvania.

Deck rating means maximum weight capacity for the ramp of a Rollback.

Dump trailer or Dump container is a bucket-like trailer or container with an open top for loading, commonly used for hauling bulk quantities of loose materials. One end may be raised for the load to slide out.

Dump truck is a truck used for transporting loose material, which is typically equipped with an open-box bed hinged at the rear and equipped with hydraulic rams to lift the front.

Emergency means a critical traffic problem, snow-storm, ice storm, hurricane or other extreme weather conditions; parade or other similar public event or a riot, disaster or similar event not ordinarily or usually occurring.

Forklift is a machine used to move items loaded on pallets or skids.

Gross weight or Gross vehicle weight is the aggregate weight of a Vehicle or combination of Vehicles and the load thereon.

GVWR means Gross vehicle weight rating as specified by the manufacturer (loaded weight of a single Vehicle).

Heavy-duty tow, Heavy-duty tows or Heavy-duty towing means the act of removing an unattended, abandoned, wrecked or immobile Vehicle, having a GVWR of greater than 10,000 pounds, by Heavy duty towing & recovery truck, within the County. The preparation of a Vehicle for removal by a Heavy-duty towing & recovery truck or the attachment of a Vehicle to a Heavy-duty towing & recovery truck, or both, does not, for purposes of this article, constitute a Heavy-duty tow or Heavy-duty towing.

Heavy-duty road tractor is a commercial, rear-wheel drive Road tractor used for hauling semi-trailers and is heavy-duty off road capable.

Heavy-duty tow rotation list means the list maintained by the sSheriff of those Authorized heavy-duty towers meeting the requirements of subsection 12-232(b) herein, who are authorized to respond county-wide to the sSheriff's or other HLaw enforcement personnel's requests for heavy Heavy-duty towing.

Heavy-duty towed vehicle is any Vehicle having a GVWR exceeding 10,000 pounds, Towed by an Authorized heavy-duty tower pursuant to their Towing service agreement and all Heavy-duty towing requirements set forth in this article.

Heavy-duty tower is a person who 1) drives a Heavy duty towing & recovery truck for a Towing business or 2) is engaged in the business of 1) removing disabled Vehicles, parts of Vehicles, their cargoes, and other objects, having a GVWR of greater than 10,000 pounds, to facilities for repair and safekeeping and 2) restoring to the Highway or other location, where they either can be operated or removed to other locations for repair and safekeeping, Vehicles that have come to rest in places where they cannot be operated.

Heavy-duty towing & recovery truck or Heavy-duty tow truck is a Truck for hire, with a manufacturers GVWR of at least 32,000 pounds, designed to lift, pull or carry another Vehicle with a GVWR of greater than 10,000 pounds, by means of a Hoist or other mechanical apparatus.

Heavy-duty towing & recovery unit is any Towing vehicle meeting the requirements set forth in section 12-232(b) herein, used by Authorized towers on the Heavy-duty tow rotation list to perform Heavy-duty tows pursuant to Law enforcement requested towing in the County.

Heavy-duty towing fees are amounts which may be charged by Authorized heavy-duty towers on the Heavy-duty tow rotation list, for Law enforcement tows of Vehicles, parts of Vehicles, their cargoes, and other objects, having a GVWR of greater than 10,000 pounds, and made with the Heavy-duty towing & recovery units and equipment, each meeting the requirements set forth in section 12-232(b).

Highway means the entire width between the boundary lines of every way or place open to the use of the public for purposes of vehicular travel in the County, including the streets and alleys, and, for law enforcement purposes, (i) the entire width between the boundary lines of all private roads or private streets that have been specifically designated “Highways” by this Code, and (ii) the entire width between the boundary lines of every way or place used for purposes of vehicular travel on any property owned, leased, or controlled by the United States government and located in the County.

Hoist is an apparatus designed, manufactured and used to lift a load vertically over inclines greater than 45 degrees.

Hydraulic wheel-lift is a hydraulic device that Tows a Vehicle by lifting one end of the Towed vehicle by the wheels to minimize the risk of damage, air foils and other aerodynamic styling features.

Law enforcement officer means any officer authorized to direct or regulate traffic within the County or to make arrests for violations of Title 46.2 of the Code of Virginia or this article, as authorized by law.

Law enforcement personnel or Law enforcement agency means a Law enforcement officer of the County or a Virginia State Police officer within the County pursuant to this chapter or Title 46.2, Article 2 (§ 46.2-1209 et seq.) of the Code of Virginia.

Law enforcement requested towing scene means the specific place where an Authorized tower or Authorized heavy-duty tower is directed to respond to provide Towing services and/or Heavy-duty towing at the request of the Sheriff’s office or other Law enforcement personnel pursuant to the Towing service agreement.

Law enforcement tow or Law enforcement requested towing means a request made by Law enforcement personnel or a Law enforcement agency pursuant to this article and/or the Towing service agreement, and Towing and/or Heavy-duty towing requests made by a Law enforcement



officer at the request of the Owner or Operator of an unattended, abandoned, or immobile Vehicle, when no specific service provider is requested by such Owner or Operator.

Lienholder means a creditor having a legal right or financial interest in a Vehicle.

Lift arms are devices that attach to the Lift bar for engaging the tires of Towed vehicles.

Lift bar is a transverse, horizontally pivoting member attached to the Boom of a Wheel-lift or underlift, to which Towing accessories may be attached.

Log means a list of ~~V~~ehicles ~~T~~towed by an Authorized tower or Authorized heavy-duty tower at the request of the ~~s~~Sheriff's office or other ~~L~~aw enforcement personnel, which shall be maintained by each Authorized tower or Authorized heavy-duty ~~t~~ower.

Minor traffic infraction means a driving-related violation of a section within Virginia Code, Title 46.2 or a substantially similar statute or ordinance the United States federal government, or a state or local government within the United States, which is classified as neither a felony nor a misdemeanor, and is punishable by a fine of not more than that provided for the lowest-level misdemeanor in that jurisdiction. No violation listed in Virginia Code § 46.2-341.20, or substantially similar violations in other jurisdictions, shall be considered a Minor traffic infraction.

Motor carrier inspector is an individual who performs safety inspections on commercial ~~V~~ehicles for the Commonwealth of Virginia.

Motor vehicle means every Vehicle as defined in this section that is self-propelled or designed for self-propulsion except as otherwise provided in this chapter.

National Fire Protection Association (NFPA) 10 means requirements to ensure that portable fire extinguishers will work as intended to provide a first line of defense against fires of limited size.

Off road recovery unit means any Towing vehicles and/or Towing equipment necessary to effectuate the safe and proper Towing of a Vehicle from an area in which the Towing vehicle must leave the boundaries of the designated Highway or Roadway, including, but not limited to: fields, ditches, ravines, woods, or bodies of water. Recovery Services include Winching, Hoisting, and any other necessary efforts to position the Towed vehicle so the Towing vehicle may hook up or load the Towed vehicle, as well as any necessary removal and clean-up services.

Operator means any person who 1) either drives or is in actual physical control of a Vehicle on a Highway or 2) is exercising control over or steering a Vehicle being towed by a Motor vehicle.

Owner means a person who holds the legal title to a Vehicle, along with all other definitions for "Owner" set forth in Virginia Code § 46.2-100.



Pickup truck or Panel truck means (i) every Motor vehicle designed for the transportation of property and having a registered Gross Weight of 7,500 pounds or less or (ii) every Motor vehicle registered for personal use, designed to transport property on its own structure independent of any other Vehicle, and having a registered Gross Weight in excess of 7,500 pounds but not in excess of 10,000 pounds.

Receipt means a printed, numerated, dated receipt which includes company name, company address and business number, and receipt signed by Vehicle Owner, Operator, Lienholder, or another person authorized by the Vehicle Owner via his or her written and signed permission.

Road tractor is a high-powered truck designed to pull Box trailers or semi-trailers.

Roadway means that portion of a Highway improved, designed, or ordinarily used for vehicular travel, exclusive of the Shoulder. A Highway may include two or more Roadways if divided by a physical barrier or barriers or an unpaved area.

Rollback is a Motor vehicle that is designed with a ramp on wheels and a hydraulic lift with a capacity to haul and Tow another Vehicle, used to move disabled, improperly parked, impounded, or otherwise indisposed Motor vehicles.

Rotator is a rotating recovery Boom built, manufactured and certified as a Tow truck or Heavy-duty towing and recovery truck.

Safety chains are used to connect the Towing and Towed vehicles as a secondary coupling system to prevent separation of a Vehicle trailer, converter dolly, or Towed vehicle, should the primary coupling become detached.

SCC means the Virginia State Corporation Commission.

Sheriff means the Spotsylvania County Sheriff or his designee.

Shoulder means that part of a Highway between the portion regularly traveled by vehicular traffic and the lateral curb line or ditch.

Skid steer loader is a small, rigid-frame, engine-powered machine with Lift arms used to attach a wide variety of labor-saving tools and attachments.

Suspension means temporary removal from the Towing rotation list and/or Heavy-duty tow rotation list for a violation of the Towing ordinance or breach of the Towing service agreement.

SHRP2 means Strategic Highway Research Program 2) training, which is traffic incident management responder training which is offered free of charge by the Virginia State Police.

Standard towing fees are amounts which may be charged by Authorized towers on the Towing rotation list, for Law enforcement tows of Vehicles, parts of Vehicles, their cargoes, and other

objects, having a GVWR of less than 10,000 pounds, and made with the required Towing vehicles and equipment as required in section 12-232(a).

Storage site means a secured location required to be kept by Authorized towers and Authorized heavy-duty towers for storage of Towed vehicles. May consist of an outside lot or a building, facility, or service bay dedicated to the inside storage of Towed vehicles.

Termination means permanent removal from the ~~€~~Towing rotation list and rescission of the ~~€~~Towing service agreement.

Tow, Tows, Towing or Towed means the act of removing a Vehicle, by Tow truck, from public Highways, Roadways, Shoulders and other public property within the County. The preparation of a Vehicle for removal by a Tow truck or the attachment of a Vehicle to a Tow truck, or both, does not, for purposes of this article, constitute a Tow or Towing.

Tow sling is a device used for Lifting and Towing vehicles with a partial load supported on rubber straps.

Tow truck or Regular wrecker means a Truck for hire 1) designed and equipped to lift, pull or carry another Vehicle by means of a Hoist or other mechanical apparatus, and 2) having a manufacturer's GVWR of at least 10,000 pounds.

Tow truck operator means a person who drives a Towing vehicle and performs Tows and/or Heavy-duty tows for an Authorized tower and/or Authorized heavy-duty tower.

Towed vehicle is any Vehicle Towed by an Authorized tower pursuant to the Towing service agreement and this article.

Tower means a person who is engaged in the business of a) removing disabled Vehicles, parts of Vehicles, their cargoes, and other objects to facilities for repair and safekeeping and b) restoring to the Highway or other location, where they either can be operated or removed to other locations for repair and safekeeping, Vehicles that have come to rest in places where they cannot be operated.

Tower identification card or Tower ID card is the card issued by the Sheriff to every Tower and Tow truck operator who performs Tows for any Authorized tower to participate in Law enforcement tows within the county. The ID card lists identifying data about the Tower, along with their photograph and designated Towing certification.

Towing advisory board means the Spotsylvania County towing advisory board, ~~which effective April 1, 2017, shall be appointed in accordance with law, by the County Board of Supervisors for a term of two (2) years beginning on April 1st of each odd-numbered year and ending on March 31st of the following odd-numbered year. The towing advisory board should consist of: three (3) law enforcement representatives, one (1) citizen of the county and three (3) tower representatives (at least one (1) from each zone with at least one (1) being a heavy duty tower). A chairman shall be elected by the towing advisory board biennially from the membership during the first meeting of each elected term.~~

*Towing business* means ~~the~~ the Towing operation(s) owned, controlled and/or operated by an individual, corporation, partnership or firm having legal or equitable title in said operation(s) at one (1) location within the eCounty for a minimum of ~~ninety (90) days~~ one (1) year, along with meeting all of the requirements set forth in section 12-230(b). Each Towing business shall own/lease, control and maintain its own Vehicle storage site, Tow trucks (lettered with a single name and identification as required by subsection 12-231(o) herein) and Towing equipment as required by this article and shall have its own employees, business license and insurance. The office of each Towing business shall have an attendant available to take calls and release vehicles at least between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday. Compliance with all zoning regulations of the County shall be maintained at all times. For purposes of this article, multiple corporations, partnerships, sole proprietorships or other legal entities owned or controlled by one (1) or more members of a single household are deemed to constitute a single Towing business. At the sole discretion of the Sheriff, in the event of an Emergency, a Towing business may include a business which has been located in the County for less than ninety (90) days, or which is located in a surrounding locality, but which has the ability to respond to calls by the Sheriff or other Law enforcement personnel for Towing, in a particular Zone of operation, within thirty (30) minutes.

*Towing equipment* means apparatus needed to perform safe and proper Towing according to the industry Tow standards.

*Towing ordinance* means Spotsylvania County Code, Chapter 12, Article VII.

*Towing rotation list* means the list maintained by the sSheriff of those ~~t~~ Towers authorized to respond in each ~~z~~ Zone of operation ~~(or county wide in the case of heavy duty towers)~~ to the sSheriff's or other Hlaw enforcement personnel's requests for the ~~t~~ Towing of Vehicles. The ~~t~~ Towing advisory board may recommend and the board of supervisors may determine, by resolution, how many Authorized ~~t~~ Towers shall be on the list. However, in no event shall the sSheriff remove existing ~~t~~ Authorized towers on the list due to more restrictive limits on the number of Authorized ~~t~~ Towers set by the board of supervisors.

*Towing service agreement* ~~means~~ is the ~~agreement-written contract~~ between the sSheriff's office and an aAuthorized tower or Authorized heavy-duty tower regarding Towing services and/or Heavy-duty towing services. Only one (1) tTowing service agreement shall be executed by any one (1) tTowing business, which shall encompass all of the Towers Towing Tow truck operators who are employed by, or perform Law enforcement requested tows for, that Towing business.

*Towing vehicle* is any Tow truck, Regular Wrecker, Rollback, Heavy-duty towing & recovery unit, Road tractor, and Dump truck used by Authorized towers and Authorized Heavy-duty towers to Tow Vehicles pursuant to the Towing service agreement and this article.

*Tractor truck* means every Motor vehicle designed and used primarily for drawing other Vehicles and not so constructed as to carry a load other than a part of the load and weight of the Vehicle attached thereto.

Trailer means every Vehicle without motive power designed for carrying property or passengers wholly on its own structure and for being drawn by a Motor vehicle.

Truck means every Motor vehicle designed to transport property on its own structure independent of any other Vehicle and having a registered Gross Weight in excess of 7,500 pounds. Truck does not include any pickup or panel truck.

Vehicle means every device in, on or by which any person or property may be transported or drawn on a Highway, except electric personal delivery devices and devices moved by human power or used exclusively on stationary rails or tracks.

VSA-41 is an Application to request a mechanic's or storage lien, as provided in Virginia Code §§ 46.2-644.01, 46.2-644.02 and 46.2-644.03.

Wheel loader is a versatile piece of equipment used to handle and transport material, transfer material to and from trucks, and to excavate at or above wheel level.

Wheel straps are devices used to tie down the wheels of the Towed vehicle, when using wheel-lift, car carrier, or dolly Towing equipment, to limit the potential for separation of the Towed vehicle from the towing apparatus. Two must be installed.

Winch or Winching is a device, or using such device, for winding and unwinding cable.

Zone of operation means the geographical areas of the eCounty as designated from time to time by the sSheriff or his designee as operating areas for aAuthorized tTowers and Authorized Heavy-duty towers within the eCounty.

(Ord. No. 12-23, 6-23-98; Ord. No. 12-37, 5-10-05; Ord. No. 12-48, 11-10-11; Ord. No. 12-50, 1-22-13; Ord. No. 12-52, 6-10-14; Ord. No. 12-54, 3-14-17; Ord. No. 12-55, \_\_\_\_\_)

**Sec. 12-228.** - Application for ~~standard tTowing~~ service agreement and inclusion on ~~tTowing~~ rotation list and/or Heavy duty tow rotation list.

~~In the application the tower shall submit the following information:~~ Application Requirements.

- (1) Any ~~tTower~~ and/or Heavy-duty tower desiring qualification as an ~~aAuthorized~~ tower and/or Authorized heavy-duty tower shall submit ~~anthe required~~ "aApplication for tTowing service", in duplicate, to the ~~sSheriff~~. The ~~aApplication~~ shall be accompanied by an ~~aApplication~~ fee in the amount of one hundred dollars (\$100.00) which will be paid to the ~~eCounty tTreasurer~~ prior to the processing of said ~~aApplication~~. A new ~~aApplication~~ shall be submitted ~~every year or more often at the request of the sheriff~~annually.
- (2) ~~A tA Tower Applicant~~ may not make any changes in the information submitted in the ~~"aApplication for tTowing service"~~ without first notifying the ~~sSheriff~~. Violation of this

section may ~~section may cause immediate~~ cause immediate result in the offender's suspension or termination from the Towing rotation list and/or Heavy-duty tow rotation list pursuant to sections 12-242 and 243 of this article.

- (3) The ~~a~~Application shall be submitted on forms provided by the ~~s~~Sheriff and include the following information:
- a. The name of the ~~t~~Towing business, including the owner(s), agent(s) and officer(s) of the entity (e.g.: corporation, partnership, etc.), and the length of time in business.
  - b. The home and business (office) address and phone numbers of the owner(s), agent(s) and corporate officer(s) of the ~~t~~Towing business, and the length of time at the business address.
  - c. The name under which the ~~t~~Tower or Heavy-duty tower does business (e.g.: T/A ~~Trading-trading~~ Asas).
  - d. The location of the ~~s~~Storage ~~lot-site~~ on which the ~~t~~Towed vehicles and/or Heavy-duty towed vehicles will be stored. The ~~s~~Storage ~~sitefacility~~ and office shall be located within the same ~~tow z~~Zone of operation in which the ~~t~~Tower ~~is applicant, if approved, would to~~ operate.
  - e. The location (either office, ~~Vehicle storage~~ Storage lotsite, or other specified address) to which the public must go in order to claim stored ~~V~~Vehicles, which shall also be within the ~~t~~Tower's applicant's proposed zZone of operation.
  - f. A statement of availability to perform ~~t~~Towing and/or Heavy-duty towing on a continuous, twenty-four (24) hours/day, three hundred sixty-five (365) days/year basis.
  - g. A list of the ~~t~~Tower's applicant's equipment, including its size and capacity.
  - h. A complete list of the applicant's insurance policies, carriers and agents which would be in effect upon execution of the Towing service agreement. Proof of the policy shall be filed with the ~~s~~Sheriff. This information shall include the amount of coverage limits and shall include worker's compensation, if applicable.
  - i. A statement that the ~~t~~Tower ~~applicant~~ accepts reasonable responsibility for a ~~t~~Towed ~~v~~Vehicle and/or Heavy-duty towed vehicle from the time hookup starts until the ~~v~~Vehicle reaches its intended destination. A statement that the ~~t~~Tower ~~applicant~~ accepts reasonable responsibility for any personal property left in ~~towed~~ Towed and stored ~~vehieles~~ Vehicles, as may be otherwise determined by law, along with a description of the secure place which will be used to store the property left in ~~t~~Towed ~~or stored~~ and stored ~~V~~Vehicles.
  - j. ~~Towers~~ Applicants may list one telephone number for business hours and one for after business hours. Specific times and days denoting business hours versus non-business hours must accompany the telephone numbers.
  - k. A statement from the ~~e~~County's treasurer's office that neither the ~~t~~Tower ~~applicant~~ nor any of the principals of the ~~t~~Tower's applicant's business entity as identified pursuant to subsection ~~(4)(3)(a) & (b)~~ herein has outstanding debt to the ~~e~~County.

- l. A statement that the ~~t~~Tower applicant shall provide ~~H~~Law enforcement requested towing in accordance with this article, as directed by the ~~s~~Sheriff or other ~~H~~Law enforcement personnel, in the ~~z~~Zone of operation to which the ~~tower is applicant would be assigned if approved.~~
- m. An executed statement in which the applicant shall indemnify and hold harmless the Sheriff's office, any other Law enforcement agency requesting Towing service, and the County, their agents, employees and representatives from any and all claims, casualties, damages or injuries out of its actions pursuant to the Towing services agreement.

(Ord. No. 12-23, 6-23-98; Ord. No. 12-52, 6-10-14; Ord. No. 12-55, \_\_\_\_\_)

**Sec. 12-229. - Insurance.**

- (a) ~~No towing service agreement shall be signed until the tower has~~Applicant must provided the ~~s~~Sheriff with evidence of the following insurance coverage for the duration of the requested this Towing services ~~a~~Agreement by an insurance company or companies licensed to do business in the ~~e~~Commonwealth.
  - (1) Applications seeking to perform standard Towing services~~Tower~~ shall be required to carry garage keepers legal liability insurance in the minimum amount of seventy-five thousand dollars (\$75,000.00) to cover fire, theft, windstorm, vandalism and explosion for each lot. ~~Towers on the heavy duty wrecker list~~Applicants seeking to perform Heavy-duty towing services shall carry garage keepers legal liability insurance in the amount of two hundred thousand dollars (\$200,000.00).
  - (2) Insurance sufficient to cover any and all claims of loss, damage or bodily injury, resulting from ~~its~~ acts or incurred in the operation of the ~~tower's business~~applicant's Towing equipment and Towing vehicles pursuant to the Towing services ~~a~~Agreement in the amount required by the state (vehicle liability policy), but not less than seven hundred fifty thousand dollars (\$750,000.00).
  - (3) Insurance sufficient to cover claims under the Worker's Compensation Act if applicable, for all of the applicant's employees and/or Tow truck operators. If any work is sublet pursuant to subsection 12-231(l), the subcontractor shall provide similar coverage.
  - ~~(4) The tower shall indemnify and hold harmless the sheriff's office, any other law enforcement agency requesting tow service, and the county, their agents, employees and representatives from any and all claims, casualties, damages or injuries out of its actions pursuant to the agreement.~~
  - (4) ~~Towers~~Applicant shall name the ~~s~~Sheriff, the Virginia State Police and the ~~e~~County as additional named insureds on its policy and provide the Sheriff with a certificate of insurance showing same to the ~~s~~Sheriff.
- (b) Applicants need not provide the insurance information required in subsection section 12-229(a)(4) until they successful complete the investigation described in subsection 12-230(b). However, no Towing service agreement shall be signed until the applicant Tower completes



all requirements, provided all required information, which includes all required insurance documentation.

(Ord. No. 12-23, 6-23-98; Ord. No. 12-52, 6-10-14; Ord. No. 12-55, )

**Sec. 12-230. - Application approval.**

- (a) The ~~s~~Sheriff shall conduct an investigation to determine the accuracy of the information contained in the ~~a~~Application and shall inspect the Towing equipment to be utilized and the ~~s~~Storage ~~lot-site~~ to be used.
- (b) Upon completion of the investigation, the ~~s~~Sheriff shall determine whether, based on the information provided in the ~~a~~Application and verified through the investigation, the applicant ~~satisfies the definition- meets the requirements of for a t~~Towing business; ~~as provided in this article, qualifies to be named an authorized tower, and meets the requirements of this article. If he finds the applicant qualified, he shall approve the application and sign the standard towing service agreement and the qualified applicant's name shall be placed on the tow rotation list in a rotating order in the zone of operation where such towing business (including its storage lot) is located or, as appropriate, on the heavy duty tow rotation list as an authorized tower. However, if the board of supervisors imposes limits on the number of authorized towers, the sheriff shall not approve more authorized towers than has been authorized by the board of supervisors. Except as otherwise provided herein, the only modification to the standard agreement shall be as to the type of towing vehicles the authorized tower will supply.~~
  - (1) Applicant has conducted Towing operation(s) from at least one (1) location within the County for a minimum of ninety (90) days;
  - (2) Applicant owns or leases, controls and maintains its own Towed vehicle Storage site;
  - (3) Applicant owns or leases, controls and maintains its Tow trucks and/or Heavy-duty tow trucks, lettered with the applicant's single name, address, and phone number, in the manner set forth by subsection 12-231(o) herein;
  - (4) Applicant owns or leases, controls and maintains its all Towing equipment as required by this article and shall have its own employees, business license and insurance;
  - (5) At a minimum, applicant's business office has an attendant available to take calls and release vehicles between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday.
  - (6) Applicant shall be in compliance with all federal, state and local laws, including all County zoning laws and building code compliance regulations.
- (c) For purposes of this article, multiple corporations, partnerships, sole proprietorships or other legal entities owned or controlled by one (1) or more members of a single household are deemed to constitute a single Towing business.
- (d) If the Sheriff finds the applicant qualified, the Sheriff shall approve the Application and sign the Towing service agreement, and the qualified applicant's name shall be placed on the Tow



(ee) If the ~~s~~Sheriff finds the applicant unqualified, he shall indicate the reasons, in writing, and return the ~~a~~Application to the applicant. ~~If Tthe fTower~~ applicant disagrees with the decision, he or she then has to follow the appeals process if it is in disagreement with the sheriff. The tower may appeal to the ~~f~~Towing advisory board within ten (10) days of receipt of the notice from the ~~s~~Sheriff by notifying the ~~s~~Sheriff in writing of his desire the decision to appeal.

**Sec. 12-231.** - Duties and requirements of ~~a~~Authorized towers and Authorized heavy-duty towers.

- Page 16

such time limit is not met, the ~~s~~Sheriff's office or any other ~~H~~Law enforcement personnel will notify a second ~~a~~Authorized tower and service from the first Authorized tower is considered canceled. Neither the ~~s~~Sheriff's office, other ~~H~~Law enforcement personnel, nor the ~~v~~Vehicle ~~o~~Owner shall be liable for any payment to the first Authorized tower notified. Authorized Heavy-duty towers are exempt from the thirty (30) minute time limit, so long as they contact the requesting Law enforcement agency within the first twenty-five (25) minutes of receiving the call and they arrive on the scene in a reasonable and timely manner within one hour after receiving the call. If such time limit is not met, the Sheriff's office or any other Law enforcement personnel will notify a second Authorized heavy-duty tower and service from the first Authorized heavy-duty tower is considered canceled. Neither the Sheriff's office, other Law enforcement personnel, nor the Vehicle Owner shall be liable for any payment to the first Authorized heavy-duty tower notified.

- (h) ~~The a~~Authorized tower or Authorized heavy-duty tower will not be held responsible for unavoidable delays caused by circumstances beyond its control such as natural disasters or acts of God. However, ~~if in the judgment of the sheriff, if~~ excessive delays are caused by circumstances within the Authorized tower or Authorized heavy-duty tower's control such as negligence, lack of manpower, poorly conditioned equipment, etc., the ~~s~~Sheriff and other Law enforcement personnel may recommend to the ~~t~~Towing advisory board that the Authorized tower or Authorized heavy-duty tower be suspended/terminated from the ~~list~~Towing rotation list and/or Heavy-duty tow rotation list. Such matters shall be decided by the Towing advisory board pursuant to the provisions of sections 12-240 through 12-243 of this article.
- (i) Authorized towers and Authorized heavy-duty towers shall respond to calls for ~~t~~Towing and/or Heavy-duty towing using only their own Towing vehicles, equipment and personnel. Calls shall not be passed on to another ~~t~~Tower or Heavy-duty tower, including an Authorized tower or Authorized Heavy-duty tower, -except by a ~~H~~Law enforcement agency pursuant to this article.
- (j) If a ~~t~~Towing vehicle~~truck~~ is not available or the ~~a~~Authorized tower or Authorized Heavy duty tower cannot, for whatever reason, respond within the time required by this article, ~~that~~ tAuthorized tower or Authorized heavy-duty tower shall immediately indicate to the dispatcher that they cannot respond and the reason why. The dispatcher shall then notify the next ~~a~~Authorized tower or Authorized heavy-duty tower on the Towing rotation list or Heavy-duty tow rotation list for ~~that~~ the zZone of operation.
- (k) If upon arrival at the Law enforcement requested towing scene, the Authorized tower or Authorized heavy-duty tower determines that the Towing equipment he has brought will not be sufficient, he or she will be permitted by the ~~s~~Sheriff's deputy or other ~~H~~Law enforcement personnel to notify his or her ~~t~~Towing business to get the necessary additional Towing equipment, which shall arrive at the scene within thirty (30) minutes of his or her call.
- (l) Initial response to calls for ~~t~~Towing equipment from another ~~t~~Towing business~~firm~~, regardless of ownership, is prohibited. The initial ~~t~~Authorized tower or Authorized heavy-duty tower may, however contract with another ~~a~~Authorized tower or Authorized heavy-duty tower to assist at the scene if specialized Towing equipment not normally owned by a ~~t~~Towing company is needed, and he or she reasonably believes that additional assistance is necessary in order to effectuate a safe and damage-free Tow or Heavy-duty tow.

- (m) All Towing equipment used by ~~A~~authorized ~~t~~towers and Authorized heavy-duty towers must be in good working order.
- (n) Authorized towers and Authorized heavy-duty towers may use crossovers located on the interstate only when directed to do so by the ~~s~~Sheriff's office or any other ~~L~~aw enforcement agency pursuant to § 46.2-920.1 of the Code of Virginia.
- (o) All ~~a~~Authorized towers and Authorized heavy-duty towers shall have the ~~t~~Towing business' name, address (as required by state law), and telephone number printed on both sides of the ~~t~~Towing vehicle in letters and numbers of such size, shape and color as to be readily legible during daylight hours from a distance of fifty (50) feet while the Towing vehicle is not in motion.
- (p) Authorized towers and Authorized heavy-duty towers ~~can~~may use any Towing equipment they own to assist them at the scene and to ~~t~~Tow the ~~v~~Vehicle as long as the ~~A~~authorized ~~t~~Tower or Authorized heavy-duty tower is initially on the scene within the allotted time frame.
- (q) All ~~a~~Authorized towers and Authorized heavy-duty towers shall have ~~a~~business cards which contain the following information: name of the ~~t~~Towing business, address of business (no P.O. Box numbers), a telephone number, and an after-hours telephone number if necessary. All ~~t~~Tow vehicles shall be stocked with a supply of such business cards sufficient to ensure that cards are available for distribution to citizens whose ~~v~~Vehicles are ~~t~~Towed and to other interested parties.
- (r) All ~~t~~Towing truck operators shall possess a valid Virginia driver's license or commercial driver's license (as may be required by law) and shall be qualified to operate the ~~t~~Tow vehicle and its equipment. Authorized towers shall ensure that all of their employees meet these requirements.
- (s) ~~Fifty-Seventy-Five (5075)~~ percent of the ~~t~~Towersing operators truck operators of every ~~t~~Towing business for Authorized towers and Authorized heavy-duty towers will be required to attend a nationally accredited ~~towing~~ Towing course, which may be taken online, within one (1) year of initial acceptance to the ~~tow~~ Towing rotation list and/or Heavy-duty tow rotation list, and ~~every two (2) years thereafter~~ maintain all of their current Towing certifications. Authorized Heavy-hHeavy-duty towers must additionally be certified in all services they provide (i.e. hazardous materials, heavy recovery, etc.). In addition, all Authorized towers and Authorized heavy-duty towers registered with the County after July 1, 2018 will be required to attend SHRP2 (Strategic Highway Research Program 2) training. SHRP 2 training is traffic incident management responder training, which if offered free of charge by the Virginia State Police.
- (t) Authorized towers and Authorized heavy-duty towers shall remove all litter, glass and debris caused by the incident which necessitated ~~t~~Towing and/or Heavy-duty towing.

(Ord. No. 12-23, 6-23-98; Ord. No. 12-37, 5-10-05; Ord. No. 12-41, 1-10-06; Ord. No. 12-52, 6-10-14; Ord. No. 12-55, \_\_\_\_\_)

**Editor's note**— Ord. No. 12-41 provided for an effective date of January 1, 2007.

**Sec. 12-232. - Required ~~vehicles~~ Vehicles and equipment of ~~a~~ Authorized towers and Authorized heavy-duty towers:-**

- (a) Requirements for Authorized towers: Pursuant to the towing service agreement, the ~~a~~ Authorized towers shall make available, the following ~~motor~~ Towing vehicles, which shall be maintained in good condition with ~~the~~ Virginia license plates, current Virginia inspection stickers, and ~~an~~ SCC licenses:-

- (1) One (1) Tow truck, also known as a ~~Regular~~ Regular wrecker, equipped with a wrecker crane capable of lifting a minimum of ~~eight~~ seven thousand ~~five~~ hundred (8,000~~7,500~~) pounds and capable of ~~t~~ Towing at least ~~eight~~ seven thousand ~~five~~ hundred (8,000~~7,500~~) pounds ~~and up to a maximum of ten thousand (10,000) pounds.~~ Each ~~t~~ Tow truck must also be equipped with a wheel lift capable of lifting a minimum of one thousand five hundred (1,500) pounds.
- (2) A ~~rollback~~ Rollback, with at least an eight thousand (8,000) pound ~~w~~ Winch and a ~~d~~ Deck rating of a minimum of ~~seven~~ eight thousand (~~7~~ 8,000) pounds.

**(b) Requirements for Authorized ~~h~~ Heavy-duty towers**

- (1) Along with the requirements for a Towing business set forth in subsection 12-230(b), Heavy-duty towers who desire to be on the Heavy-duty tow rotation list shall own or lease ~~purchase~~ a minimum of two (2) Heavy-duty towing & recovery trucks and one (1) Heavy-duty road tractor. One shall have a minimum 50-ton (100,000 lbs.) Rotator, and that unit shall have Winches rated a minimum of 40,000 lbs. Another Heavy-duty towing & recovery unit~~it~~ shall have a minimum 25-ton (50,000 lbs.) fixed Boom, and it shall have Winches rated at a minimum of twenty-five thousand (25,000) pounds. The total combined rating of the three (3) required units is a minimum of 75 tons (150,000 lbs.). All Heavy-duty towing & recovery trucks have a minimum towing capacity of 80,000 lbs.
- (2) In addition to the above requirements, to be considered for inclusion on the Heavy-duty tow rotation list, a Heavy-duty tower shall own, lease or have a written agreement, up-to-date and readily available for inspection, with a subcontractor to provide the following Towing equipment within thirty (30) days from the date of the Heavy-duty tower's request for consideration:
  - a. A hydraulic--operated Trailer with a minimum length of forty-five (45) feet, capable of transporting a wrecked or disabled Road tractor and/or debris.
  - b. A Trailer forty-five-foot or longer Box trailer.
  - c. A Dump truck, Dump trailer or Dump container.
  - d. A Skid steer loader, Forklift or Wheel loader capable of moving cargo and/or debris from the ~~H~~ highway.
  - e. Adequate personnel to off-load cargo.

- (3) All equipment used by Heavy-duty towers must be maintained in good working order along with all Towing equipment required by this article. Additionally:
- a. All loads shall be secured with Two-wheeled straps or Safety chains.
  - b. Each Heavy-duty tower must be equipped with all lighting required by law and other safety equipment to protect the public, and such equipment must be in proper working order.
- (c) Each of the ~~motor~~-Towing vehicles enumerated above shall be standard ~~v~~Vehicles originally designed and built as ~~t~~Tow trucks or Heavy-duty tow trucks and shall not be ~~p~~Pickup trucks with ~~t~~Tow slings in the body. An exception to the above, allows a Pickup truck or like ~~v~~Vehicle designed to retrieve a ~~vehiele~~-Vehicle from “off road”, such as rugged terrain, woods, etc., to be utilized for this purpose. This exception only applies in recovery of the ~~v~~Vehicle in moving it to a location where it can be safely Towed by a ~~r~~Regular wrecker, ~~r~~Rollback, or a ~~h~~Hheavy-duty wrecker.
- (d) Each of the required Towing vehicles listed above, unless otherwise specified, shall be equipped with the following items as a minimum requirement:
- (1) A chassis rated with sufficient Gross Vehicle Weight to match the maximum capacity of the crane mounted thereon.
  - (2) One (1) five (5) pound ABC or one (1) ten (10) pound ABC fire extinguisher.
  - (3) Two (2) operable amber revolving or flashing emergency lights, mounted on the highest part of the vehicle and visible from all sides.
  - (4) One (1) heavy duty street broom and one (1) shovel.
  - (5) Liquid absorbent source/stay dry for small cleanups.
- (~~e~~) Authorized towers and Authorized heavy-duty towers shall provide and continually update and maintain a list of the Towing equipment, its size and capacity. Authorized towers and Authorized heavy-duty towers shall also maintain and register all Towing vehicles per County requirements. A copy of the County’s property taxes showing taxes paid on Towing vehicles and Towing equipment garaged and kept, respectively, within the County, along with each Towing vehicle’s registration, must be submitted, on an annual basis, with the Application or reapplication.

(Ord. No. 12-23, 6-23-98; Ord. No. 12-37, 5-10-05; Ord. No. 12-41, 1-10-06; Ord. No. 12-52, 6-10-14; Ord. No. 12-55, )

**Editor’s note**— Ord. No. 12-41 provided for an effective date of January 1, 2007.

**Sec. 12-233.** - Storage sites and security of Towed and stored vehicles by ~~a~~Authorized towers and Authorized heavy-duty towers.

- (a) All ~~a~~Authorized towers and Authorized heavy-duty towers shall have a ~~secured~~-secured Storage lot-site for storage of ~~v~~Vehicles ~~towed~~-Towed under this article. The ~~s~~SStorage ~~lotsite~~



and ~~the~~ Towing business shall be located within ~~the~~ Authorized tower or Authorized heavy-duty tower's zone ~~Zone~~ of ~~operation~~ Operation as determined by the ~~s~~ Sheriff ~~in the course of upon their a~~ Application approval. ~~V~~ Towed vehicles and/or Heavy-duty towed vehicles shall be stored at all times in said ~~s~~ Storage site ~~lot, storage facility or building or an adjacent service bay. A storage facility may also consist of a building dedicated to the inside storage of vehicles.~~

- (b) The ~~s~~ Storage lot ~~site~~ shall have a sign posted in a conspicuous place identifying the Towing business' name and telephone number.
- (c) ~~The~~ An outside sStorage lot site shall have a graveled or paved surface, ~~unless it's an inside storage facility.~~
- (d) The ~~s~~ Storage lot available for each ~~t~~ Authorized tower and/or Authorized Heavy-duty tower shall be a minimum of one thousand five hundred (1,500) square feet.
- (e) If, ~~in the sole discretion of the sheriff,~~ an ~~a~~ Authorized tower or Authorized heavy-duty tower is a Towing business which is located in an adjacent surrounding locality or municipality, that ~~a~~ Authorized tower or Authorized heavy-duty tower may also, ~~in the sole discretion of the sheriff,~~ have a secured Storage lot for storage of vehicles site located in the same locality or municipality as his or her business. Such Towing business must also comply with the requirements set forth in subsection (a).

(Ord. No. 12-23, 6-23-98; Ord. No. 12-52, 6-10-14; Ord. No. 12-55, )

**Sec. 12-234. - Inspections of ~~a~~ Authorized towers and Authorized heavy-duty towers.**

- (a) To ensure full compliance with the requirements set out in this article, a ~~All of the required~~ Towing vehicles, required equipment, and Towed vehicle Storage sites storage facilities shall be inspected and approved by the ~~s~~ Sheriff or his designee prior to use by Authorized towers and/or Authorized heavy-duty towers. The ~~s~~ Sheriff or his designee may periodically inspect any ~~t~~ Towing vehicles, trucks, Towing equipment, and sStorage sites facilities utilized under pursuant to this article. The ~~t~~ Towing vehicle truck inspection shall take place at a location designated by the ~~s~~ Sheriff or his designee. If ~~the a Towing truck vehicle~~ passes inspection, a ~~s~~ Sheriff's ~~o~~ Office inspection sticker will be placed thereon, the tow truck. There will be at least two (2) annual inspections of all ~~t~~ Towing vehicle trucks, equipment, and Sstorage sites facilities utilized utilized by Authorized towers and/or Authorized heavy-duty towers under their Towing service agreements under this article. One (1) annual fee of fifty dollars (\$50.00) will be charged for each Towing vehicle inspected. Each Towing vehicle must be inspected before an Authorized tower or Authorized heavy-duty tower may begin Towing or Heavy-duty towing at the request of Law enforcement personnel, if ~~that Tower was they were not on the Towing rotation list or the Heavy-duty tow rotation list did not tow at the request of law enforcement~~ prior to the current ~~a~~ Application period.
- (b) The ~~s~~ Sheriff shall give the ~~affected tower~~ Authorized tower or Authorized heavy-duty tower written notice ~~when the if its Towing vehicle, Towing equipment,~~ is found to be unacceptable based upon findings during an annual inspection that Authorized tower or Authorized heavy-duty tower failed to meet the requirements set forth in this article or any other federal, state or local law.

- (c) Unacceptable ~~†Towing trucks~~vehicles, ~~and Towing~~ equipment ~~and/or storage sites-facilities~~ shall not be used by an Authorized tower or Authorized heavy-duty tower in the performance of its obligations under ~~at the- †Towing~~ service agreement until replaced, repaired, or otherwise brought into compliance by the Authorized tower or Authorized heavy-duty tower –and approved by the sSheriff or his designee.
- (d) Failure to comply with any of the conditions stated above in subsections (a), (b) and (c), shall result in the automatic suspension of the ~~†Authorized tower or Authorized heavy-duty tower~~ from the Towing rotation list and/or Heavy-duty tow rotation list until the corrections have been made. If the corrections are not made within fifteen (15) days to maintain the minimum requirements, the ~~†Authorized tower or Authorized heavy-duty tower~~ shall be automatically terminated from the ~~towing-applicable~~ list(s) with the right to appeal pursuant to the provisions of Section 12-243.:

(Ord. No. 12-23, 6-23-98; Ord. No. 12-52, 6-10-14; Ord. No. 12-55, \_\_\_\_\_)

**Sec. 12-235.** - Responsibilities and records of ~~a~~Authorized towers and Authorized heavy-duty towers and Sheriff's office.

- (a) If an ~~o~~Owner or Lien-holder fails to claim any ~~†~~†Vehicle; or if an Authorized tower or Authorized heavy-duty tower wants to satisfy any lien which it has on a ~~†~~†Vehicle, it shall be the ~~†Authorized tower or Authorized heavy-duty tower~~'s responsibility to dispose of or sell the ~~†~~†Vehicle in compliance with the Virginia Code.
- (b) ~~†Authorized tower or Authorized heavy-duty tower~~ shall be reasonably responsible for ~~†~~†Vehicle(s) Towed and any contents from the time the ~~†~~†Vehicle is ~~towed~~Towed until one (1) of the following events occurs:
  - (1) The ~~†~~†Vehicle is delivered to a location specified by the ~~o~~Owner or a person authorized in a written and signed statement from the Owner, other authorized person.
  - (2) The ~~†~~†Vehicle and its contents ~~is-are~~ released to and accepted by the ~~o~~Owner, Lienholder or ~~authorized person-a person authorized in a written and signed statement from the Owner or Lienholder,~~ in the same condition as originally ~~towed~~Towed. A facsimile of the written and signed authorization shall be acceptable as a form of release from the ~~o~~Owner or Lienholder of the ~~†~~†Vehicle along with a photocopy of the Owner's or Lienholder's and authorized person's photo identifications.
  - (3) The ~~†~~†Vehicle is otherwise disposed of according to law.
- (c) The ~~towing-business~~ Authorized tower and/or Authorized heavy-duty tower shall keep records of all ~~†~~†Vehicles which have been Towed pursuant to the ~~†Towing~~ service agreement. These records shall include, at a minimum, the date and time of the ~~†Tow or Heavy-duty tow,~~ the ~~†~~†Vehicle's license plate number and state of issue, the model and color of the ~~†~~†Vehicle, the location from which it was Towed, the charges for ~~†Towing or Heavy-duty towing~~ and storage, the disposition of the †Vehicle, and date of disposition.
  - (1) Such records shall be available for inspection by the sSheriff or his designee during the †Authorized tower and/or Authorized heavy-duty tower's normal business hours.



- (2) The ~~†~~Towing business shall retain a copy of these records for at least twelve (12) months from the date of ~~†~~Tow or Heavy-duty tow.
- (d) Authorized †towers and/or Authorized heavy-duty towers shall promptly arrange for the release of ~~‡~~Vehicles ~~towed~~Towed or stored pursuant to this article. There must be an attendant on duty from the hours of 8:00 a.m. through 5:00 p.m., except on weekends and state holidays, for the purpose of permitting inspection or release of ~~stored~~Towed vehicles from Storage sites. After hours, ~~the owner~~Authorized towers, Authorized heavy-duty towers or an Storage site attendants must be available by telephone, as well as available. The owner or attendant must be available twenty-four (24) hours a day each day of the year to go to the Storage site for the purpose of releasing ~~stored~~Towed ‡vehicles.
- (e) Authorized †towers and/or Authorized heavy-duty towerss, upon receiving a request to release or permit an inspection of a ~~stored or seized~~Towed ‡vehicle from the ~~œ~~Owner, ~~œ~~Operator, Lienholder or ~~other authorized person~~a person authorized in a written and signed statement from the Owner or Lienholder, shall release that ~~‡~~Vehicle to the ~~œ~~Owner, Lienholder or other authorized person between the hours of 8:00 a.m. and 5:00 p.m. upon full payment being paid to the Authorized tower or Authorized heavy-duty tower.
- (f) Authorized †towers and/or Authorized heavy-duty towers, upon receiving a request to release or permit an inspection of a ~~stored~~Towed vehicle by an ~~œ~~Owner, Lienholder or ~~authorized person~~a person authorized in a written and signed statement from the Owner or Lienholder during non-business hours, shall allow and otherwise require two (2) hours-notice for the release of such ~~‡~~Vehicle. ~~All fees charged for any after hours release/inspection shall be reasonable in light of those charged by other towers in the county for comparable service.~~
- (g) Authorized †towers and/or Authorized heavy-duty towers shall not release any ~~‡~~Vehicle designated as “seized” or “seized for forfeiture” by the ~~s~~Sheriff’s office or other ~~H~~Law enforcement agency until the †Authorized tower or Authorized heavy-duty tower obtains permission from the requesting agency. The †Authorized tower or Authorized heavy-duty tower shall bill the requesting agency for the cost of the ~~†~~Tow, or Heavy-duty tow, and storage.

(Ord. No. 12-23, 6-23-98; Ord. No. 12-37, 5-10-05; Ord. No. 12-52, 6-10-14; Ord. No. 12-55,  
\_\_\_\_\_)

**Sec. 12-236.** - Compensation to ~~a~~Authorized towers and Authorized heavy-duty towers.

- (a) All costs incident to ~~†~~Towing and storage shall be paid to the †Authorized tower and Authorized Heavy-duty tower by the ~~œ~~Owner or Lienholder of the ~~towed~~Towed and stored ~~‡~~Vehicle or ~~other authorized person.~~a person authorized in a written and signed statement from the Owner or Lienholder.
- (b) The ~~†~~Towing and storage fees charged by the Authorized tower or Authorized heavy-duty tower shall comply with its ~~†~~Towing service agreement and shall not exceed the maximum ~~amount rates as set by resolution of the board of supervisors.~~forth below. There shall be no additional charges for mileage within a single zone. Storage charges shall be charged daily after the Towed vehicle had been at the Storage site a minimum of twenty-four (24) hours, based on a twenty-four (24) hour period, with day hours being Monday through Friday, from

8:00 a.m. to 5:00 p.m., and after hours from 5:00 p.m. to 7:59 a.m. every day, and all day on weekends and holidays:-

(1) Standard towing fees: (Proposed - TBD at meeting)

<u>a.</u>	<u>Basic Law enforcement tow (accident and clean up).</u> <u>Includes, but not limited to, sweeping up and removing glass and Vehicle and its parts from Roadway.</u>	<u>\$275.00/Day</u> <u>\$300.00/After Hours</u>
<u>b.</u>	<u>Basic Law enforcement tow (non-accident). Requires Vehicle to be towed to Tower's Storage site.</u>	<u>\$200.00/Day</u> <u>\$225.00/After Hours</u>
<u>c.</u>	<u>Law enforcement required second tow (Vehicle is towed to Law enforcement agency, then released to Authorized tower to Tow to their Storage site).</u>	<u>\$75.00</u>
<u>d.</u>	<u>Disabled Vehicles.</u>	<u>\$150.00/Day</u> <u>\$175.00/After Hours</u>
<u>e.</u>	<u>Additional clean up.</u> <u>Including but not limited to, a need for more than five gallons of absorbent, or removal of trees or other excessively large items.</u>	<u>\$25.00</u> <u>Per Extra Five Gallons.</u>
<u>f.</u>	<u>After hours release/gate fee.</u>	<u>\$45.00</u>
<u>g.</u>	<u>Third/subsequent visit to Vehicle (first two free).</u>	<u>\$20.00 Per Visit</u>
<u>h.</u>	<u>Second Tow truck required.</u> <u>Exception: second Tow truck is for a second Vehicle requiring an additional VSA-41.</u>	<u>\$100.00/Day</u> <u>\$200.00/After Hours</u>
<u>i.</u>	<u>Daily Vehicle storage fee, calculated per 24-hour period</u>  <u>-No charge if pick up within 24 hrs of arrival at Storage site.</u>	<u>\$50.00 Per Unit</u>
<u>j.</u>	<u>Cutting off locks (Boat/Trailer).</u>	<u>\$25.00</u>
<u>k.</u>	<u>Tarp Fee.</u>	<u>\$35.00</u>
<u>l.</u>	<u>Administrative Fees - (after 3<sup>rd</sup> business day with proof of work</u>	<u>\$150.00</u>
<u>m.</u>	<u>Winching/Recovery Fees:</u>	
	<u>1. Winching/Recovery 20-74 Feet:</u>	<u>\$85.00</u>
	<u>2. Advanced Winching/Recovery 75 feet and up.</u> <u>(Overturned Vehicles/Cutting of Trees)</u>	<u>\$150.00</u>
<u>n.</u>	<u>Law enforcement out-of-zone Towing mileage</u> <u>(from border of assigned zone to drop-off point).</u>	<u>\$3.50 Per Mile</u>
<u>o.</u>	<u>Standby Fee (after first hour).</u>	<u>\$75.00 Per Hour</u> <u>(\$300.00 Max)</u>
<u>p.</u>	<u>Off-road Recovery Fee</u> <u>(prices set at reasonable rate compared to other local Towers)</u>	<u>TBD</u>

(2) Heavy-duty towing fees: (Proposed – TBD at meeting)

a.	<u>Basic Law enforcement Heavy-duty tow (HDT)</u>	
-	<u>First two hours</u>	<u>\$450.00</u>
-	<u>Each subsequent hour (same HDT vehicle)</u>	<u>\$200.00</u>
-	<u>Each subsequent hour, per HDT vehicle (when multiple)</u>	<u>\$125.00</u>
b.	<u>Daily Vehicle Storage Fee -Calculated per 24-hour period and no charge if picked up within 24 hours of arrival at storage site.</u>	<u>\$75.00</u>
c.	<u>Administrative Fees (after third business day with proof of work).</u>	<u>\$150.00</u>
d.	<u>After hours release/gate fee. Fee begins when gate opens.</u>	<u>\$45.00 Per Hour</u>
e.	<u>Brake caging fee.</u>	<u>\$65.00</u>
f.	<u>Extra manpower (laborer) recovery (per non-operator employee):</u>	<u>\$65.00 Per Hour</u>
g.	<u>Air bags -Authorized tower may sub-contract but not exceed maximum rate.</u>	<u>\$1,200.00 Max</u>
h.	<u>Land-all style trailer fee.</u>	<u>\$450.00 Per Hour</u>
i.	<u>Other equipment standby fee.</u>	<u>\$150.00 Per Hour</u>
j.	<u>Recovery unit (HDT) standby fee (not to be charged for first two hours).</u>	<u>\$150.00 Per Hour</u>
k.	<u>Recovery price per pound.</u>	<u>Based on acceptable industry standards.</u>
l.	<u>Specialized equipment.</u>	<u>Based on acceptable industry standards.</u>

(c) Authorized towers and Authorized heavy-duty towers may charge a fee for the use of credit cards which complies with federal and Virginia law.

(ed) An itemized numbered receipt for payment shall be issued to the ~~Owner~~, ~~Owner-authorized Operator~~, Lienholder, or ~~other authorized person~~-a person authorized in a written and signed statement from the Owner or Lienholder making payment. Said receipt shall also include a signature line for the ~~Owner~~, ~~Owner-authorized Operator~~, Lienholder or other Owner or Lienholder-authorized person acknowledging receipt of the ~~Vehicle~~.

(fe) Additional fees may be charged for extraordinary conditions, including when there is a declared state of Emergency for the County. All additional fees must be documented.

(Ord. No. 12-23, 6-23-98; Ord. No. 12-37, 5-10-05; Ord. No. 12-52, 6-10-14)

**Sec. 12-237. - Law enforcement tow requirements**

(a) Tower identification cards (Tower ID cards):

1. To participate in Law enforcement tows within the County, every Tower, Heavy-duty tower and Tow truck operator who performs Tows and/or Heavy-duty tows for any Authorized tower and/or Authorized heavy-duty tower shall have a current Tower identification card (Tower ID card).
2. No Authorized tower, Authorized heavy-duty tower, Towing business, ~~or~~ Law enforcement agency, or Law enforcement personnel shall allow, permit, or cause any person to drive or operate any Towing vehicle at a Law enforcement requested towing scene unless he or she has a current Tower ID card issued by the Sheriff.
3. All Towers, Heavy-duty towers and Tow truck operators shall carry their Tower ID cards with them at all times when operating Towing vehicles and performing Tows or Heavy-duty tows in the County.
4. To obtain a Tower ID card, the applicant Tower/Heavy-duty tower/Tow truck operator shall submit a "Tower ID card application" form furnished by the Sheriff. The "Tower ID card application" shall provide all of the following:
  - a. Name and address;
  - b. Date of birth;
  - c. Height, weight, hair color, eye color, gender, race;
  - d. Employer or sponsoring Towing business; (All Towers/Heavy-duty towers/Tow truck operators must be sponsored by an Authorized tower and/or Authorized heavy-duty tower);
  - e. Whether applicant has been convicted of, or is pending adjudication for, any of the following crimes:
    - 1) Any crime for which applicant is required to register as a sex offender as provided in Virginia Code § 9.1-901 or in a substantially similar law of any other state, the United States, or any foreign jurisdiction;
    - 2) A violent crime as defined in subsection C of Virginia Code § 17.1-805; or
    - 3) Any crime involving the driving of a tow truck, including drug or alcohol offenses, but not including minor traffic infraction convictions. A conviction for any of the crimes listed in this subsection may result in the denial of the application as well as disclosure of all Tower identification card application information to the Department of Criminal Justice Services.
    - 4) Any crime for which the Applicant's driver's license, CDL, or Towing credentials have been suspended by the Virginia Department of Motor Vehicles, or any other authorized federal, state or local agency.
  - f. Applicant's signature.

5. Fee and Issuance:

- a. Applicant shall not be required to pay a fee to submit a “Tower identification card application.”
- b. If application is approved, upon approval and prior to issuance of the Tower ID card, applicant shall pay a fee of Five U.S. Dollars (\$5.00).
- c. The Sheriff’s Office will issue the Tower ID card only if and after applicant satisfies the requirements of this section, including payment of the applicable fee.

6. Requirement to report charges for certain criminal offenses:

- a. Any Tower/Heavy-duty tower/Tow truck operator issued a Tower ID card pursuant to this section shall report to the Sheriff, within 10 days of the date of offense or arrest, whichever is later, any warrant, indictment or charge against him or her for any crime listed in subsection 4(e) of this section. This includes crimes specified in Subsection (4)(c)(3) which may involve, upon conviction, mandatory suspension or restriction of any of a defendant’s driving privileges.
- b. Failure to report such charges in the required time shall result in the automatic termination of the charged individual’s Tower ID card pursuant to subsection 8 of this section.
- c. Subsequent conviction for any crime listed in subsection 4(e) shall result in the automatic termination of the charged individual’s Tower ID card pursuant to subsection 8 of this section and disclosure of all Tower identification card application information and known conviction information to the Department of Criminal Justice Services

7. Expiration; renewal /replacement of lost or destroyed Tower ID card:

- a. Each Tower ID card shall expire two (2) years from the date of issue.
- b. There is no renewal process. Towers/Heavy-duty towers/Tow truck operators must go through the Tower ID card application process, and pay the required fee, every two (2) years.
- c. If their Tower ID card is lost, stolen or destroyed, a Tower/Heavy-duty Tower/Tow truck operator may obtain a replacement by:
  - 1) Filing, with the Sheriff’s Office, a sworn affidavit stating that their Tower ID card was lost, -stolen or destroyed and describing in detail how it happened ; and
  - 2) Paying a replacement fee of five dollars (\$5.00).

8. Denial, Refusal to Renew, Suspension, or Revocation:

- a. The Sheriff’s Office reserves the right to deny, refuse to renew, suspend, or revoke any Tower ID Card issued under this section if a Tower/Heavy-duty tower/Tow truck operator fails to meet or no longer meets the requirements of this article.
- b. In the event of a termination of a Tower/Heavy-duty tower/Tow truck operator by an Authorized tower or Authorized heavy-duty tower, the latter is required

to notify the Sheriff's Office within seven (7) days of the former's termination and that Tower/Heavy-duty tower/Tow truck operator's Tower ID card shall be returned to the Sheriff's Office.

(b) Safety Requirements:

1. No Authorized tower, Authorized heavy-duty tower or Tow truck operator shall participate in a Law enforcement tow unless the Towing vehicle being used is equipped with the following equipment:

- a. A power Winch, Winch line, and Boom, with factory-rated lifted capacity of not less than eight thousand (8,000) pounds, single line capacity or a Hydraulic wheel-lift with a lifting capacity of not less than 2,500 pounds;
- b. A hydraulic lift sufficient to prevent swinging of any Towing equipment and/or Vehicle being transported and/or Towed. This subsection does not apply to a Rollback unless the wheels of a Towed vehicle are in contact with the ground. In the event that a self-contained non-propelled Towing device, or some other form of auxiliary device is used, the Vehicle to which that device is attached and which is providing the motive and braking forces, does not need to provide this equipment;
- c. 5/16-inch link steel Safety chains for Towing a Vehicle with a Gross vehicle weight of 10,000 pounds or less and 3/8-inch highest steel chains or their equivalent for Towing Vehicles with a gross vehicle weight over 10,000 pounds. These link sizes are minimums.
- d. One (1) 5 pound ABC fire extinguisher. All fire extinguishers shall be properly filled, operable, and located so as to be readily accessible for use. Fire extinguishers shall meet the minimum requirements of the National Fire Protection Handbook 10, and shall be so labeled;
- e. One crowbar or wrecking bar that is not less than thirty-six (36) inches in length with a wedge head;
- f. One broom of a type designed for pushing with an eighteen (18) inch head, and a handle of not less than thirty-six (36) inches;
- g. One flat-edged shovel of at least nine (9) inches, with a handle of not less than thirty-six (36) inches;
- h. A box or bucket to carry glass and/or debris removed from accident scenes;
- i. Rope or wire suitable for securing doors, hoods, trunks, etc.;
- j. A functioning spotlight or flashlight;
- k. Outside rearview mirrors on both sides of the Towing vehicle;
- l. Emergency lights;
- m. Three portable red emergency triangle reflectors, orange cones at least 18" tall, or flares;
- n. Auxiliary tow lights;
- o. A high mounted stop lamp shall be mounted on any Towing -vehicle if its overall width is less than 80 inches, or its GVWR is 10,000 pounds or less and is manufactured on or after September 1, 1993; and
- p. Work lights shall be wired to a separate switch and shall not be illuminated



when the Towing vehicle is in motion. These lights must be steady burning white lights that project light to the rear of the Towing vehicle.

2. No Authorized tower, Heavy-duty tower or Tow truck operator shall use or operate a Towing -vehicle to Tow a Vehicle without using Auxiliary tow lights unless the Towed vehicle or Heavy-duty towed vehicle is loaded on a Rollback.

3. No Authorized tower or Tow truck operator shall equip a Towing vehicle with a two-way radio or scanner, -any two-way radio that can transmit on any law enforcement frequency, or any other such devices. Any Authorized tower or Authorized heavy-duty tower found transmitting on any law enforcement frequency shall be subject to suspension or revocation in accordance with this article.

4. No Authorized tower, Authorized heavy-duty tower or Tow truck operator shall equip a Towing vehicle with any device designed to detect or monitor radar, laser, or any other speed-measuring instrument or perform a Law enforcement tow using a Towing vehicle so equipped.

5. No Authorized tower, Authorized heavy-duty tower or Tow truck operator shall perform a Law enforcement tow without using Safety chains or 2 Wheeled straps per recommended guidelines from the manufacturer of the Towing vehicle or equipment.

6. No Authorized tower, Authorized heavy-duty tower or Tow truck operator shall use a Towing vehicle to lift more than its factory-rated lifting capacity allows.

7. An Authorized tower, Authorized heavy-duty tower or Tow truck operator shall ensure that while lifting a Vehicle in preparation for a Law enforcement tow, all nonessential persons are a safe distance from the Towing vehicle and Towed vehicle. A safe distance is at least twice the distance between the end of the Boom and the point of hook-up on the Vehicle being Winched or twice the distance the Vehicle is being lifted, whichever is greater. If a hydraulic lift is being used, a safe distance is twice the distance to which the Lift arm is extended. A Tow truck operator is responsible for maintaining safe conditions around the Towing Vehicle during any preparation for Towing and Winching of the Vehicle.

8. If a Towing vehicle or Towed vehicle or Heavy-duty towed vehicle is in a lane of traffic, the Tow truck operator shall ensure that the flow of traffic is diverted. A Tow truck operator shall not place or operate a Towing vehicle cable across a lane or lanes of traffic, unless the traffic is stopped or diverted by Law enforcement personnel, or in the event Law enforcement personnel have not yet arrived on scene and there is imminent danger or actual risk of fire or explosion, the Fire Chief or Fire Officer in charge of the scene, in person or by deputy, may permit safe Winching or lifting of the Vehicle to be Towed.

9. An Authorized tower, Authorized heavy-duty tower and Tow truck operators shall maintain and keep in good working order all safety mechanisms of the Towing vehicles they own and operate, respectively, including, but not limited to, all headlights, tail lights,



turn signals, brakes, brake lights, hazard lights, flashing warning lights, windshield wipers, wiper blades, handles opening doors and windows, and tires.

10. All Towing vehicles shall operate within the applicable recommended Towed vehicle and Heavy-duty towed vehicle manufacturer's safety policies and procedures.

11. Each Towing vehicles shall meet the safety requirements of all other applicable statutes in addition to meeting the safety requirements of this article.

(c) Law enforcement requested towing scenes:

The following rules apply to Law enforcement requested towing scenes:

1. Except in an emergency or at the direction of a Law enforcement officer, Tow truck operators shall park all Towing vehicles at least 100 feet from any Law enforcement scene. A Tow truck operator may only use beacon lights as directed by state law.

2. The Tow truck operator shall park the Towing vehicle on the same side of the road as the Vehicle to be Towed.

3. The Tow truck operators of the Authorized tower(s) and or Authorized heavy-duty tower(s) selected to perform the Law enforcement tow shall remove all debris from the Law enforcement requested towing scene, and taking care to avoid any areas which contain evidence pertinent to an investigation as directed by Law enforcement officers.

4. Any Tow truck operator soliciting a Vehicle Operator at the scene after Law enforcement officers arrive, or soliciting any injured Operator at any time, shall not be allowed to perform the Law enforcement tow, and may be subject to suspension or revocation of their Tower identification card in accordance with this article. An injured party will be defined as a person who has visible injuries or who claims injuries.

5. The Owner and/or Operator of a Vehicle to be Towed will be allowed to determine who will Tow the Vehicle and, if any, the Trailer connected to same and the load thereon and therein to safety from a Law enforcement requested towing scene, except if the Owner and/or Operator is under arrest or the Vehicle is an immediate traffic hazard.

6. No person shall operate a Towing vehicle at a Law enforcement requested towing scene if not in possession of a valid Tower ID card issued by the Sheriff, unless specifically requested to do so by the Owner of a Vehicle to be Towed. For consent to be valid, the Owner must be physically present at the time of the authorization.

7. All Towing vehicles are subject to on-scene inspections by any Law enforcement officer designated as Towing vehicle inspector, any Motor carrier inspector, or any Sheriff's Office designee.

8. Authorized towers, Authorized heavy-duty towers and Tow truck operators shall obey all federal, state, and Ceounty laws and ordinances. Violators are subject to arrest, and penalties authorized by law, including the suspension or revocation of any permit and/or Tower identification card.

9. Once a Towed vehicle or Heavy-duty towed vehicle has been fully hooked up and a Law enforcement tow has been initiated, the Authorized tower or Authorized heavy-duty tower may charge for the Tow or Heavy-duty tow only as authorized pursuant to this article.

10. No Tow truck operator without a Tower identification card shall be allowed to Tow a Vehicle for a Law enforcement tow.

11. When required by a Law enforcement officer at a Law enforcement scene, a Tow truck operator shall present his or her Sheriff's Office issued Tower identification card. At any Law enforcement requested towing scene, any Law enforcement officer may inspect any Towing vehicle and Towing equipment, along with the Tower identification card of any Tow truck operator, for violations of this article.

12. Unless otherwise directed by a Law enforcement officer, Vehicles Towed from Law enforcement scenes shall be taken directly to the Storage site for the Authorized tower or Authorized heavy-duty tower with whom the Tow truck operator is employed or sponsored.

(Ord. No. 12-55, \_\_\_\_\_)

#### **Sec. 12-238. - Rotation system.**

- (a) The ~~s~~Sheriff ~~and his designees~~ shall ensure that Authorized towers are called on a rotating basis according to the ~~t~~Towing rotation list for the ~~z~~Zones of operation to which they are assigned. When ~~h~~Heavy-duty towing is required, the ~~s~~Sheriff ~~or his designess~~ shall ensure that Authorized heavy-duty towers are called on a rotating basis according to the ~~h~~Heavy-duty tow rotation list, which applies ~~e~~County-wide.
- (b) The ~~e~~Owner or ~~e~~Operator of a ~~v~~Vehicle to be towed shall be allowed to specify the ~~t~~Tower ~~or Heavy-duty tower~~ of his~~/~~ or her choice, whether or not the Tower or Heavy-duty tower is an aAuthorized tower or Authorized heavy-duty tower, by the sheriff or other law enforcement personnel, unless the ~~v~~Vehicle to be towed constitutes a traffic hazard and the requested ~~t~~Tower ~~or Heavy-duty tower~~ will have an unacceptable response time.
- (c) The ~~s~~Sheriff or other ~~H~~Law enforcement personnel shall not call a ~~t~~Tower ~~or Heavy-duty tower~~ who does not have a ~~t~~Towing service agreement with the ~~s~~Sheriff's office unless all Authorized towers on the tTowing rotation list or, if Heavy-duty towing is needed, Authorized heavy-duty towers on the Heavy-duty tow rotation list are unavailable or an emergency exists.
- (d) The senior patrol supervisor on duty may temporarily suspend the ~~t~~Towing rotation list and/or Heavy-duty tow rotation list for reasons such as, but not limited to, bad weather and any emergency events. However, any ~~t~~Towers ~~which~~ and Heavy-duty towers ~~-who~~ are randomly used at the request of a ~~deputy or other~~ ~~H~~Law enforcement officers ~~personnel~~, during

suspensions of ~~the either~~ list, must be reported to the Sheriff's Office communications office for record purposes. In the event ~~that an Authorized tower or Authorized heavy-duty tower~~ responding to a Law enforcement tow call is not used, for reasons not the fault of the Authorized tower or Authorized heavy-duty tower, ~~the that Authorized tower or Authorized heavy-duty tower~~ will be placed back on top of their tow rotation respective list.

- (e) The ~~deputy or other~~ Law enforcement personnel at ~~the a Law enforcement requested towing~~ scene may reject the services of the Authorized tower or Authorized heavy-duty tower dispatched ~~when said tower if Tow the truck operator~~ arrives unfit to perform the Tow. Unfitness shall include, but is not limited to, possession of an improper or inadequate Towing vehicle or equipment according to provisions and requirements of this article, to perform the tow and/or operation by personnel who, due to apparent obvious signs of intoxication or other incapacity, are not able to perform the Tow or Heavy-duty tow safely. In the event that the ~~tower Tow truck operator~~ is determined to be unfit, ~~the deputy or other~~ Law enforcement personnel shall notify the Sheriff's Office communications office to dispatch the next Authorized tower or Authorized heavy-duty tower on the appropriate list, shall report said decision to the senior patrol supervisor on duty, and shall file a written report with the sSheriff. Any representation of an Authorized tower or Authorized heavy-duty tower who Law enforcement personnel deems responds to a call with inadequate equipment and/or is otherwise unfit to perform the tow, will, at a minimum, cause the Authorized tower or Authorized heavy-duty tower to lose that turn in the rotation, and fall to the bottom of their respective list. Additional violations may cause the Tow truck operator and Authorized tower or Authorized heavy-duty tower to and may be suspended or terminated pursuant to sections 12-240 through 12-243 of this article.
- (f) The sSheriff's ~~o~~Office or other Law enforcement personnel will call another Authorized tower or Authorized heavy-duty tower if the first Authorized tower or Authorized heavy-duty tower fails to answer the telephone or a busy signal is received after two (2) attempts within five (5) minutes.
- (g) This is an equal call system, giving each Authorized tower in a zone, and each Authorized heavy-duty tower in the County, equal opportunity to respond. If an Authorized tower or Authorized heavy-duty tower does not answer his/her telephone or refuses the call, that Authorized tower or Authorized heavy-duty tower loses that turn in rotation, falls to the bottom of their respective list, and will not be called until their list rotates to his name again.

(Ord. No. 12-23, 6-23-98; Ord. No. 12-52, 6-10-14; Ord. No. 12-55, \_\_\_\_\_)

**Sec. 12-239.** - Solicitation of business by aAuthorized towers or Authorized heavy-duty towers.

- (a) No Authorized tower or Authorized heavy-duty tower shall respond to an accident scene for the purpose of Towing the involved ~~v~~ehicles unless specifically called there by the sSheriff's office, other Law enforcement personnel or ~~the a~~ person involved in the accident or emergency. Violation of this section shall result in suspension from the Towing rotation list and/or Heavy-duty tow rotation list for thirty (30) days for the first offense, sixty (60) days for the second offense, and termination from the Towing rotation list and/or Heavy-duty tow rotation list for a third offense. Violations of this section shall be punishable as aClass 3 misdemeanor.

- (b) ~~The deputy or other IL~~ Law enforcement personnel may direct ~~the~~ an Authorized tower to provide necessary Towing services in such instances when immediate assistance is necessary to protect persons or property.
- (c) Authorized Ttowers and authorized heavy-duty towers are prohibited from soliciting Towing business at the scene of accidents; however, ~~a~~Authorized towers and Authorized heavy-duty towers ~~is~~are not otherwise prohibited from contracting with any person, firm or corporation.

(Ord. No. 12-23, 6-23-98; Ord. No. 12-52, 6-10-14; Ord. No. 12-55, \_\_\_\_\_)

**Sec. 12-240. - Prohibited acts.**

- (a) Violation of any provision of this article may subject the offending Authorized tower or Authorized heavy-duty tower to suspension or termination from the ~~towing~~Towing rotation list and/or Heavy-duty towing rotation list. Violations shall include, but are not limited to, the following:
  - (1) Deliberate failure of an Authorized tower or Authorized heavy-duty tower to respond to a call, after accepting ~~the a~~ call ~~from the county and/or state~~for a Law enforcement tow;
  - (2) Securing a ~~t~~Towing service agreement by fraud or concealment of a material fact which, if known, would cause disapproval of the ~~a~~Application;
  - (3) Violation of the ~~t~~Towing service agreement;
  - (4) Chronic or repeated violations, even if minor in nature, of this article; and/or
  - (5) A single serious violation of this article, including but not limited to:
    - a. Running vehicular accidents;
    - b. Overcharges;
    - c. Alcohol or drug use;
    - d. Failure to take a call/tardiness for more than twenty (20) percent of ~~light-duty~~standard Tow calls and fifty (50) percent of ~~h~~Heavy-duty tow calls in a six (6) month period;
    - e. Failure to notify the Sheriff with immediate changes regarding insurance or taking on a new partner(s), owner(s), agent(s), or corporate officer(s), or any other changes regarding ~~anything listed in~~ the "~~a~~Application for ~~t~~Towing service";
    - f. Fraudulent acts with respect to this article; and/or
    - g. Failure to comply with the rules, ~~and~~ regulations and requirements of this article, ~~etc.~~;
- (b) All ~~t~~Towing businesses added to the ~~t~~Towing rotation list and/or Heavy-duty tow rotation list for the first time shall be on a one (1) year probationary period, during which all alleged violations will be brought to the ~~t~~Towing advisory board by the ~~s~~Sheriff or his designee. Any substantiated violation ~~can~~ may result in termination.

**Sec. 12-241. - Complaints.**

- (Ord. No. 12-23, 6-23-98; Ord. No. 12-52, 6-10-14; **Ord. No. 12-55, \_\_\_\_\_**)

The ~~s~~Sheriff or his designee, upon investigation of the facts in connection with an alleged violation of this article or complaint against an ~~an~~ Authorized tower or Authorized heavy-duty tower, may recommend their suspension or termination from the ~~€~~Towing rotation list and/or Heavy-duty tow rotation list by the ~~€~~Towing advisory board.

(Ord. No. 12-23, 6-23-98; Ord. No. 12-52, 6-10-14; **Ord. No. 12-55,** )

**Sec. 12-243.** - Hearing and appeals process.

- Page 34

- (c) The ~~Authorized tower/complainant~~complainee will be allowed to present evidence/testimony supporting his/~~or~~ her case to the towing advisory board.
- (d) The ~~accused tower (owner/manager)~~complainee shall be given at least fifteen (15) days' notice of the hearing, and shall be allowed an opportunity to attend the hearing and bring any witness(es). When the complainee is a Towing business, notice shall be sent to the owner or manager, who shall assume the role of, and have the same hearing rights as, an individual complainee. The complainee, owner or manager may make an opening statement, ask witness(es) questions and make a closing statement.
- (e) The chairman presiding over the hearing shall notify the ~~accused tower~~complainee in writing of the ~~€~~Towing advisory board's decision. A copy of the decision will be sent to the ~~s~~Sheriff.

When an ~~€~~Authorized tower or Authorized heavy-duty ~~t~~tower is terminated from the ~~€~~Towing rotation list and/or Heavy-duty tow rotation list by the decision of the ~~€~~Towing advisory board, he ~~or~~ /she may, within ten (10) days of the notification of such decision, appeal the decision to the board of supervisors (the "board"). Such appeal shall be made in writing to the ~~s~~Sheriff and shall state the specific act (or failure to act) and/or the specifics for the appeal.

Upon an appeal under this section, the board shall consider whether the decision of the ~~€~~Towing advisory board, based on the record before the ~~€~~Towing advisory board, was based on reasonable application of the prescribed standards. If the board finds the ~~€~~Towing advisory board's decision reasonable, the board shall affirm; if unreasonable, the board may modify and affirm or may reverse the decision.

The board shall act upon any appeal filed under this section within twenty-one (21) days, unless there is no meeting scheduled prior to the twenty-one (21) day period in which case the board shall act at its next regular meeting following expiration of the twenty-one (21) day period. ~~expires.~~ Failure of the board to act within this time shall be deemed approval of the ~~€~~Towing advisory board's decision.

The decision of the board, in an appeal under this section, shall be final.

(Ord. No. 12-23, 6-23-98; Ord. No. 12-52, 6-10-14; Ord. No. 12-55, \_\_\_\_\_)

**Editor's note**— Ord. No. 12-52, adopted June 10, 2014, changed the title of section 12-243 from "Appeals process and hearing" to "Hearing and appeals process." The historical notation has been preserved for reference purposes.

#### **Sec. 12-244.** - Amendments to ordinance.

- (a) The ~~€~~Towing advisory board is hereby authorized to recommend revisions to this article.
- (b) All proposed revisions shall be discussed with the ~~towing~~Towing advisory board and their input will be considered in each proposed revision.
- (c) Revisions shall be in effect from the date on which they are adopted by the board of supervisors.

(Ord. No. 12-23, 6-23-98; Ord. No. 12-52, 6-10-14; Ord. No. 12-55, \_\_\_\_\_)

§ 2. This ordinance shall be in force and effect upon adoption.