

PRESENT: Greg Benton, Livingston District  
Kevin W. Marshall, Berkeley District  
David Ross, Courtland District  
Gary F. Skinner, Lee Hill District  
Paul D. Trampe, Salem District  
Chris Yakabouski, Battlefield District

ABSENT: Timothy J. McLaughlin, Chancellor District

STAFF PRESENT: Mark B. Taylor, County Administrator  
Ed Petrovitch, Deputy County Administrator  
Karl Holsten, County Attorney  
Aimee R. Mann, Deputy Clerk

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Mr. Benton called the meeting to order at 6:00 p.m. Mr. Ross led the Pledge of Allegiance and Dr. Trampe gave the invocation.

### **APPROVAL OF AGENDA**

On a motion by Mr. Marshall and passed 6 to 0 with Mr. McLaughlin absent, the Board approved the agenda with the following addition:

- Appointment of Hamza Atif to the Rappahannock Area Youth Services and Group Home Commission.

#### **VOTE:**

Ayes:	6	Mr. Benton, Mr. Marshall, Mr. Ross, Mr. Skinner, Dr. Trampe and Mr. Yakabouski
Nays:	0	
Absent:	1	Mr. McLaughlin
Abstain:	0	

### **PUBLIC PRESENTATIONS**

Emmitt Marshall asked for anyone in the audience opposed to any changes to the retirees' health benefits to please stand.

### **APPROVAL OF THE CONSENT AGENDA**

The County Administrator read the synopsis as a brief preview of these agenda items for the public.

The following items were removed for separate consideration:

- Appointment of Lisa Phelps to the Transportation Committee as the School Representative
- Appointment of Hamza Atif to the Rappahannock Area Youth Services and Group Home Commission
- Commendation Recognizing Spotsylvania High School Baseball Team – State Championship

On a motion by Mr. Yakabouski and passed 6 to 0 with Mr. McLaughlin absent, the Board approved the amended Consent Agenda as follows:

1. Approval of the Minutes of the May 22, 29 and June 12, 2018 Board of Supervisors Meetings;
2. Acceptance of Budget Adjustment and Appropriation for the FY2019 Virginia Department of Criminal Justice Services Edward Byrne Justice Assistance Grant for Social Media Policy and Training as follows:

VOTE:

Ayes:	6	Mr. Benton, Mr. Marshall, Mr. Ross, Mr. Skinner, Dr. Trampe and Mr. Yakabouski
Nays:	0	
Absent:	1	Mr. McLaughlin
Abstain:	0	

### **RESOLUTION NO. 2018-82**

#### **Approving Grant Award Agreement, Designation of Authorized Agents in the Execution and Administration of the Grant Award and Acceptance and Appropriation of FY 2019 Funds**

**WHEREAS**, Spotsylvania County has applied for and received approval for a federal pass through grant from the Department of Criminal Justice Services in the amount of \$10,458 to be utilized by the Spotsylvania County Sheriff's Office for the development of a social media policy and associated training; and

**WHEREAS**, the County is not required to provide a local match for the grant award; and

**WHEREAS**, the County and the Sheriff's Office will administer the grant in accordance with the terms as set forth in the grant award agreement.

**NOW, THEREFORE, BE IT RESOLVED** by the Spotsylvania County Board of Supervisors, that the grant award agreement between Spotsylvania County and the Department of Criminal Justice Services is approved; and

**BE IT FURTHER RESOLVED** by the Spotsylvania County Board of Supervisors that the following individuals are hereby designated as authorized agents any of whom may act in the execution and administration of the grant award agreement: Mark B. Taylor, County Administrator; Mark Cole, Deputy County Administrator; Edward Petrovitch, Deputy County Administrator; and Annette B. D'Alessandro, Grants Manager; and

**BE IT FURTHER RESOLVED** by the Spotsylvania County Board of Supervisors that the grant in the amount of \$10,458 is accepted and that the General Fund budget is hereby amended to reflect the increase in funds associated with the grant award; and

**BE IT FURTHER RESOLVED** by the Spotsylvania County Board of Supervisors that the following appropriations be, and the same hereby are, made for the fiscal year beginning July 1, 2018, for expenditures in the amount of \$10,458 to be utilized only for the development of a social media policy and associated training for the Spotsylvania County Sheriff's Office to be expended only by order of the Board of Supervisors as follows:

**GENERAL FUND: \$ 10,458**

3. Adjustment to FY2018 Revenue Budgets to Match to Third-Quarter Projections;
4. Approval of Contract to Superion, LLC for Public Safety System;
5. Approval of Contract Modification for Renewal with Telephone Answering Service, Inc. d/b/a Hilldrup Taxi and Virginia Cab for Transportation Services;
6. Approval of Award of Contracts to Six (6) Vendors for Wastewater Treatment Chemicals;
7. Approval of Contract Modification for Renewal to Welch, Graham & Ogden Insurance, Inc. for Property, Liability, Accident and Disability Insurance Services for FREM Volunteer Personnel;
8. Approval of Purchase Order to Musco Sports Lighting, LLC for Lighting Installation Services for Marshall Park;
9. Authorization of the Sale of 2018 Bonds and of Related Public Hearing as follows:

**VOTE:**

Ayes:	6	Mr. Benton, Mr. Marshall, Mr. Ross, Mr. Skinner, Dr. Trampe and Mr. Yakabouski
Nays:	0	
Absent:	1	Mr. McLaughlin
Abstain:	0	

**RESOLUTION NO. 2018-83**

**RESOLUTION PROVIDING FOR THE ISSUANCE, SALE AND AWARD  
OF SPOTSYLVANIA COUNTY, VIRGINIA, GENERAL OBLIGATION  
PUBLIC IMPROVEMENT BONDS, SERIES 2018, IN THE MAXIMUM**

**AGGREGATE PRINCIPAL AMOUNT OF \$38,000,000, AND PROVIDING  
FOR THE FORM, DETAILS AND PAYMENT THEREOF**

**WHEREAS**, the issuance of \$241,422,467 in general obligation public improvement bonds of the County was authorized by a resolution adopted by the Board on July 8, 2014, and was approved by the qualified voters of the County at an election held on November 4, 2014 (the “2014 Referendum”), of which \$141,724,876 was authorized for the financing of school projects, \$36,388,641 was authorized for public safety projects, and \$63,308,950 was authorized for transportation projects;

**WHEREAS**, under the 2014 Referendum, (1) \$95,451,960 in principal amount of bonds authorized for public school projects remains authorized and unissued on the date hereof, (2) \$27,238,641 in principal amount of bonds authorized for public safety projects remains authorized and unissued on the date hereof, and (3) \$62,373,950 in principal amount of bonds authorized for transportation projects remains authorized and unissued on the date hereof;

**WHEREAS**, County administration, in consultation with the County's Financial Advisor, has recommended to the Board a plan of finance under which the County would issue and sell general obligation public improvement bonds in the maximum aggregate principal amount of \$38,000,000 pursuant to the above-described authority given in the 2014 Referendum, including (a) up to \$31,250,000 in general obligation public improvement bonds to finance or reimburse the County for costs associated with public school projects in the County, (b) up to \$1,000,000 in general obligation public improvement bonds to finance or reimburse the County for costs associated with public safety projects in the County (collectively, the “Plan of Finance”), and (c) up to \$5,750,000 in general obligation public improvement bonds to finance or reimburse the County for costs associated with transportation projects in the County; and

**WHEREAS**, the Board has determined that it would benefit the County to issue and sell such bonds and that the County Administrator should be authorized to implement the Plan of Finance and to finalize and approve the final terms of the bonds;

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS  
OF SPOTSYLVANIA COUNTY, VIRGINIA:**

**1. Issuance of Bonds.** There shall be issued and sold, pursuant to the Constitution and statutes of the Commonwealth of Virginia, including the Public Finance Act of 1991, general obligation public improvement bonds of the County in the maximum aggregate principal amount of \$38,000,000 (the “Bonds”) to provide funds to pay all or a portion of the costs of the Plan of Finance and the costs of issuing the Bonds.

**2. Bond Details.** The Bonds shall be designated as “General Obligation Public Improvement Bonds, Series 2018,” with such series or subseries designations as may be determined to be advisable by the County Administrator or the Director of Finance, shall be in registered form, shall be dated such date as may be determined by the County Administrator or the Director of Finance, shall be in denominations of \$5,000 and integral multiples thereof, and

shall be numbered R-1 upward. Subject to the provisions of Section 8, the issuance and sale of the Bonds are authorized on terms as shall be satisfactory to the County Administrator or the Director of Finance; provided, however, that the Bonds (a) shall have a “true” or “Canadian” interest cost not to exceed 4.50% per annum, taking into account any original issue discount or premium, (b) shall be sold at a price not less than 98% of the original aggregated principal amount thereof, excluding any original issue discount and (c) shall mature, or be subject to mandatory sinking fund redemption, in annual installments beginning no later than December 31, 2019 and ending no later than December 31, 2038.

Each Bond shall bear interest from its date at such rate as shall be determined at the time of sale, calculated on the basis of a 360-day year of twelve 30-day months, and payable semiannually on dates determined by the County Administrator. Principal and premium, if any, shall be payable to the registered owners upon surrender of Bonds as they become due at the office of the Registrar (as defined in Section 7 hereof). Interest shall be payable by check or draft mailed to the registered owners at their addresses as they appear on the registration books kept by the Registrar on the date 15 days prior to each interest payment date (the “Record Date”) or as otherwise determined by the County Administrator. Principal, premium, if any, and interest shall be payable in lawful money of the United States of America.

Initially, one Bond certificate for each maturity of the Bonds shall be issued to and registered in the name of The Depository Trust Company, New York, New York (“DTC”), or its nominee. The County has heretofore entered into a Letter of Representations relating to a book-entry system to be maintained by DTC with respect to the Bonds. “Securities Depository” shall mean DTC or any other securities depository for the Bonds appointed pursuant to this Section. In the event that the Bonds are sold by direct private placement with one or more financial institutions, the Bonds shall be issued to and registered in the name of such institution(s) at the request of such institution(s).

In the event that (a) the Securities Depository determines not to continue to act as the securities depository for the Bonds by giving notice to the Registrar, and the County discharges its responsibilities hereunder, or (b) the County in its sole discretion determines (i) that beneficial owners of Bonds shall be able to obtain certificated Bonds or (ii) to select a new Securities Depository, then the Director of Finance of the County shall, at the direction of the County, attempt to locate another qualified securities depository to serve as Securities Depository and authenticate and deliver certificated Bonds to the new Securities Depository or its nominee, or authenticate and deliver certificated Bonds to the beneficial owners or to the Securities Depository participants on behalf of beneficial owners substantially in the form provided for in Section 5; provided, however, that such form shall provide for interest on the Bonds to be payable (A) from the date of the Bonds if they are authenticated prior to the first interest payment date, or (B) otherwise from the interest payment date that is or immediately precedes the date on which the Bonds are authenticated (unless payment of interest thereon is in default, in which case interest on such Bonds shall be payable from the date to which interest has been paid). In delivering certificated Bonds, the Director of Finance shall be entitled to rely on the records of the Securities Depository as to the beneficial owners or the records of the Securities Depository participants acting on behalf of beneficial owners. Such certificated Bonds will then be registrable, transferable and exchangeable as set forth in Section 7.

So long as there is a Securities Depository for the Bonds (1) it or its nominee shall be the registered owner of the Bonds, (2) notwithstanding anything to the contrary in this Resolution, determinations of persons entitled to payment of principal, premium, if any, and interest transfers of ownership and exchanges and receipt of notices shall be the responsibility of the Securities Depository and shall be effected pursuant to rules and procedures established by such Securities Depository, (3) the Registrar and the County shall not be responsible or liable for maintaining, supervising or reviewing the records maintained by the Securities Depository, its participants or persons acting through such participants, (4) references in this Resolution to registered owners of the Bonds shall mean such Securities Depository or its nominee and shall not mean the beneficial owners of the Bonds, and (5) in the event of any inconsistency between the provisions of this Resolution and the provisions of the above-referenced Letter of Representations such provisions of the Letter of Representations, except to the extent set forth in this paragraph and the next preceding paragraph, shall control.

**3. Redemption Provisions.** The Bonds may be subject to redemption prior to maturity at the option of the County on or after the dates, if any, determined by the County Administrator or the Director of Finance, in whole or in part (in \$5,000 integrals) at any time, at a redemption price equal to the principal amount of the Bonds, together with any interest accrued to the redemption date, plus a redemption premium not to exceed 2% of the principal amount of the Bonds, such redemption premium to be determined by the County Administrator or his the Director of Finance.

Any Bonds designated and sold as term bonds may be subject to mandatory sinking fund redemption upon terms determined by the County Administrator or the Director of Finance.

If less than all of the Bonds are called for redemption, the maturities of the Bonds to be redeemed shall be selected by the Director of Finance of the County in such manner as she may determine to be in the best interests of the County. If less than all the Bonds of a particular maturity are called for redemption, the Bonds within such maturity to be redeemed shall be selected by the Securities Depository pursuant to its rules and procedures or, if the book-entry system is discontinued, shall be selected by the Registrar by lot in such manner as the Registrar in its discretion may determine. In either case, (a) the portion of any Bond to be redeemed shall be in the principal amount of \$5,000 or some integral multiple thereof and (b) in selecting Bonds for redemption, each Bond shall be considered as representing that number of Bonds that is obtained by dividing the principal amount of such Bond by \$5,000. The County shall cause notice of the call for redemption identifying the Bonds or portions thereof to be redeemed to be sent by facsimile or electronic transmission, registered or certified mail or overnight express delivery, not less than 30 nor more than 60 days prior to the redemption date, to the registered owner of the Bonds. The County shall not be responsible for giving notice of redemption to anyone other than DTC or another qualified securities depository then serving or its nominee unless no qualified securities depository is the registered owner of the Bonds. If no qualified securities depository is the registered owner of the Bonds, notice of redemption shall be mailed to the registered owners of the Bonds. If a portion of a Bond is called for redemption, a new Bond in principal amount equal to the unredeemed portion thereof will be issued to the registered owner upon the surrender thereof.

In the case of an optional redemption, the notice may state that (1) it is conditioned upon the deposit of moneys, in an amount equal to the amount necessary to effect the redemption, no later than the redemption date or (2) the County retains the right to rescind such notice on or prior to the scheduled redemption date (in either case, a "Conditional Redemption"), and such notice and optional redemption shall be of no effect if such moneys are not so deposited or if the notice is rescinded as described herein. Any Conditional Redemption may be rescinded at any time. The County shall give prompt notice of such rescission to the affected Bondholders. Any Bonds subject to Conditional Redemption where redemption has been rescinded shall remain outstanding, and the rescission shall not constitute an event of default. Further, in the case of a Conditional Redemption, the failure of the County to make funds available on or before the redemption date shall not constitute an event of default, and the County shall give immediate notice to all organizations registered with the Securities and Exchange Commission as securities depositories or the affected Bondholders that the redemption did not occur and that the Bonds called for redemption and not so paid remain outstanding.

**4. Execution and Authentication.** The Bonds shall be signed by the manual or facsimile signature of the Chairman or Vice Chairman of the Board, shall be countersigned by the manual or facsimile signature of the Clerk or Deputy Clerk of the Board and the Board's seal shall be affixed thereto or a facsimile thereof printed thereon; provided, however, that if both of such signatures are facsimiles, no Bond shall be valid until it has been authenticated by the manual signature of an authorized officer or employee of the Registrar and the date of authentication noted thereon.

**5. Bond Form.** The Bonds shall be in substantially the form attached hereto, and incorporated herein by this reference, as Exhibit A, with such completions, omissions, insertions and changes not inconsistent with this Resolution as may be approved by the officers signing the Bonds, whose approval shall be evidenced conclusively by the execution and delivery of the Bonds.

**6. Pledge of Full Faith and Credit.** The full faith and credit of the County are irrevocably pledged for the payment of principal of and premium, if any, and interest on the Bonds. Unless other funds are lawfully available and appropriated for timely payment of the Bonds, the Board shall levy and collect an annual ad valorem tax, over and above all other taxes authorized or limited by law and without limitation as to rate or amount, on all locally taxable property in the County sufficient to pay when due the principal of and premium, if any, and interest on the Bonds.

**7. Registration, Transfer and Owners of Bonds.** In the event that the Bonds are sold by competitive or negotiated public sale, U.S. Bank National Association, Richmond, Virginia, shall be and is hereby appointed as paying agent and registrar for the Bonds (the "Registrar"). The County may at any time replace the Registrar with another qualified bank or trust company. The Registrar shall maintain registration books for the registration and registration of transfers of Bonds. Upon presentation and surrender of any Bonds at the corporate trust office of the Registrar, together with an assignment duly executed by the registered owner or his duly authorized attorney or legal representative in such form as shall be satisfactory to the Registrar, the County shall execute and the Registrar shall authenticate, if required by Section 4,

and deliver in exchange, a new Bond or Bonds having an equal aggregate principal amount, in authorized denominations, of the same form, right of redemption and maturity, bearing interest at the same rate, and registered in names as requested by the then registered owner or his duly authorized attorney or legal representative. Any such exchange shall be at the expense of the County, except that the Registrar may charge the person requesting such exchange the amount of any tax or other governmental charge required to be paid with respect thereto.

The Registrar shall treat the registered owner as the person exclusively entitled to payment of principal, premium, if any, and interest and the exercise of all other rights and powers of the owner, except that interest payments shall be made to the person shown as owner on the registration books on the Record Date.

In the event that the Bonds are sold by direct, private placement with one or more financial institutions, the Treasurer of the County is hereby appointed to serve as paying agent and registrar for the Bonds.

**8. Sale of Bonds.** The Board authorizes the sale of the Bonds upon the following terms. The Bonds may be sold by competitive bid, by negotiated sale, or by direct private placement with one or more financial institutions, as the County Administrator or the Director of Finance, in collaboration with the Financial Advisor, determines to be in the best interests of the County. The County Administrator or the Director of Finance, in collaboration with the Financial Advisor, is authorized and directed to determine (a) the aggregate principal amount of the Bonds, subject to the limitations set forth in Section 1, (b) the maturity dates, interest rates and purchase prices of the Bonds, subject to the limitations set forth in Section 2, (c) the redemption provisions of the Bonds, subject to the limitations set forth in Section 3, and (d) the dated date, the principal and interest payment dates and the Record Date of the Bonds, all as the County Administrator or the Director of Finance determines to be in the best interests of the County.

If the County Administrator determines to sell the Bonds by competitive bid, the County Administrator shall receive bids for the Bonds and award the Bonds to the bidder providing the lowest "True" or "Canadian" interest cost, subject to the limitations set forth in Section 2. Following a competitive sale of the Bonds, the County Administrator, as Clerk of the Board, shall file a certificate setting forth the final terms of the Bonds with the County's permanent records. The actions of the County Administrator in selling the Bonds by competitive sale shall be conclusive, and no further action with respect to the sale and issuance of the Bonds shall be necessary on the part of the Board.

If the County Administrator determines to sell the Bonds by negotiated sale, the County Administrator is authorized, in collaboration with the Financial Advisor, to choose any investment bank or firm to serve as underwriter for the Bonds and to execute and deliver to each such underwriter a bond purchase agreement (the "Bond Purchase Agreement") in a form approved by the County Administrator or the Director of Finance to reflect the final terms of the Bonds, and as approved as to form and correctness by the County Attorney. The execution thereof by the County Administrator shall constitute conclusive evidence of his approval of the final form of the Bond Purchase Agreement. Following a negotiated sale, the County



Administrator, as Clerk of the Board, shall file a copy of the Bond Purchase Agreement with the County's permanent records. The actions of the County Administrator in selling the Bonds by negotiated sale to any underwriter shall be conclusive, and no further action with respect to the sale and issuance of the Bonds shall be necessary on the part of the Board.

If the County Administrator determines to sell the Bonds through a direct private placement with one or more financial institutions, the County Administrator shall file a certificate setting forth the final terms of the Bonds with the County's permanent records. The actions of the County Administrator in selling the Bonds by direct, private placement with one or more financial institutions shall be conclusive, and no further action with respect to the sale and issuance of the Bonds shall be necessary on the part of the Board.

**9. Notice of Sale; RFP for Private Placement of Bonds.** If the Bonds are sold by competitive sale, the County Administrator, in collaboration with the Financial Advisor, is authorized and directed to take all proper steps to advertise the Bonds for sale substantially in accordance with the form of Notice of Sale, a draft of which has been provided to the members of the Board, which is hereby approved; provided that the County Administrator, in collaboration with the Financial Advisor, may make such changes in the Notice of Sale not inconsistent with the provisions of this Resolution as he may consider to be in the best interests of the County. The distribution of the Notice of Sale shall constitute conclusive evidence of the approval of the County Administrator of any such changes.

If the Bonds are sold by direct private placement with one or more financial institutions, the County Administrator, in collaboration with the County's Financial Advisor, is authorized and directed to take all proper steps to solicit proposals from qualified financial institutions for the purchase of the Bonds through a request for proposals or other process to be instituted by the County's Financial Advisor on behalf of the County.

**10. Official Statement.** The form of Preliminary Official Statement describing the Bonds, a draft of which has been provided to the members of the Board, is approved as the form of the Preliminary Official Statement by which the Bonds will be offered for sale, with such completions, omissions, insertions and changes not inconsistent with this Resolution as the County Administrator, in collaboration with the Financial Advisor, may consider appropriate, including changes as necessary to reflect a competitive sale or a negotiated sale. After the Bonds have been sold, the County Administrator, in collaboration with the Financial Advisor, shall make such completions, omissions, insertions and changes in the Preliminary Official Statement not inconsistent with this Resolution as are necessary or desirable to complete it as a final Official Statement, execution thereof by the County Administrator to constitute conclusive evidence of his approval of any such completions, omissions, insertions and changes. The County shall arrange for the delivery to the underwriters of the Bonds of a reasonable number of copies of the final Official Statement, within seven business days after the Bonds have been sold, for delivery to each potential investor requesting a copy of the Official Statement and to each person to whom the underwriters initially sell Bonds.

**11. Official Statement Deemed Final.** The County Administrator is authorized, on behalf of the County, to deem the Preliminary Official Statement and the Official Statement in

final form to be final as of their dates within the meaning of Rule 15c2-12, as amended (the “Rule”), of the Securities and Exchange Commission, except for the omission from the Preliminary Official Statement of certain pricing and other information permitted to be omitted pursuant to the Rule. The distribution of the Preliminary Official Statement and the Official Statement in final form shall be conclusive evidence that each has been deemed final as of its date by the County, except for the omission in the Preliminary Official Statement of such pricing and other information permitted to be omitted pursuant to the Rule.

**12. Preparation and Delivery of Bonds.** After the Bonds have been awarded, the Chairman or Vice Chairman and the Clerk or Deputy Clerk of the Board are authorized and directed to take all proper steps to have the Bonds prepared and executed in accordance with their terms and to deliver the Bonds to the purchasers thereof upon payment therefor.

**13. Deposit of Bond Proceeds.** The County Treasurer is authorized and directed to provide for the deposit of the proceeds of the Bonds in one or more special accounts to be used to pay or reimburse the County for the costs of the public-school projects, public safety projects, and road transportation projects to be financed with such proceeds of the Bonds, and to pay the costs of issuing the Bonds.

**14. Arbitrage Covenants.** The County covenants that it shall not take or omit to take any action the taking or omission of which will cause the Bonds to be “arbitrage bonds” within the meaning of Section 148 of the Internal Revenue Code of 1986, as amended, and the regulations issued pursuant thereto (the “Code”), or otherwise cause interest on the Bonds to be includable in the gross income of the registered owners thereof under existing law. Without limiting the generality of the foregoing, the County shall comply with any provision of law which may require the County at any time to rebate to the United States any part of the earnings derived from the investment of the gross proceeds of the Bonds, unless the County receives an opinion of nationally recognized bond counsel that such compliance is not required to prevent interest on the Bonds from being includable in the gross income of the registered owners thereof under existing law. The County shall pay any such required rebate from its legally available funds.

**15. Non-Arbitrage Certificate and Elections.** Such officers of the County as may be requested are authorized and directed to execute an appropriate certificate setting forth the expected use and investment of the proceeds of the Bonds in order to show that such expected use and investment will not violate the provisions of Section 148 of the Code, and any elections such officers deem desirable regarding rebate of earnings to the United States for purposes of complying with Section 148 of the Code. Such certificate and elections shall be in such form as may be requested by bond counsel for the County.

**16. Limitation on Private Use.** The County covenants that it shall not permit the proceeds of the Bonds or the facilities financed or refinanced with the proceeds of the Bonds to be used in any manner that would result in (a) 5% or more of such proceeds or the facilities financed or refinanced with such proceeds being used in a trade or business carried on by any person other than a governmental unit, as provided in Section 141(b) of the Code, (b) 5% or more of such proceeds or the facilities financed or refinanced with such proceeds being used

with respect to any output facility (other than a facility for the furnishing of water), within the meaning of Section 141(b)(4) of the Code, or (c) 5% or more of such proceeds being used directly or indirectly to make or finance loans to any persons other than a governmental unit, as provided in Section 141(c) of the Code; provided, however, that if the County receives an opinion of nationally recognized bond counsel that any such covenants need not be complied with to prevent the interest on the Bonds from being includable in the gross income for federal income tax purposes of the registered owners thereof under existing law, the County need not comply with such covenants.

**17. Continuing Disclosure Agreement.** The Chairman or Vice Chairman of the Board and the County Administrator and such officer or officers of the County as either may designate are hereby authorized and directed to execute a continuing disclosure agreement (the “Continuing Disclosure Agreement”) setting forth the reports and notices to be filed by the County and containing such covenants as may be necessary to assist the purchasers of the Bonds in complying with the provisions of the Rule. The Continuing Disclosure Agreement shall be substantially in the form attached as Appendix D to the draft Preliminary Official Statement circulated to the Board prior to this meeting, with such completions, omissions, insertions and changes that are not inconsistent with this Resolution.

**18. SNAP Investment Authorization.** The Board has previously received and reviewed an Information Statement describing the State Non-Arbitrage Program of the Commonwealth of Virginia (“SNAP”) and the Contract Creating the State Non-Arbitrage Program Pool I (the “Contract”), and the Board has determined to authorize the County Treasurer to utilize SNAP in connection with the investment of the proceeds of the Bonds, if the County Administrator determines that the utilization of SNAP is in the best interests of the County. The Board acknowledges that the Treasury Board of the Commonwealth of Virginia is not, and shall not be, in any way liable to the County in connection with SNAP, except as otherwise provided in the Contract.

**19. Official Intent.** The County intends that the adoption of this resolution be considered as “official intent” within the meaning of the Treasury Regulations, Section 1.150-2, promulgated under the Code.

**20. Other Actions.** All other actions of officers of the County and the Board in conformity with the purposes and intent of this Resolution and in furtherance of the issuance and sale of the Bonds are approved and confirmed. The officers of the County are authorized and directed to execute and deliver all certificates and instruments and to take all such further action as may be considered necessary or desirable in connection with the issuance, sale and delivery of the Bonds.

**21. Repeal of Conflicting Resolutions.** All resolutions or parts of resolutions in conflict herewith are hereby repealed.

**22. Filing of Resolution with Circuit Court.** The County Administrator is hereby directed to file a certified copy of this Resolution with the Circuit Court of Spotsylvania County, Virginia, promptly following its adoption.

**23. Effective Date.** This Resolution shall take effect immediately.

10. Partial Appropriation of the FY2019 Adopted Budget.

VOTE:

Ayes:	6	Mr. Benton, Mr. Marshall, Mr. Ross, Mr. Skinner, Dr. Trampe and Mr. Yakabouski
Nays:	0	
Absent:	1	Mr. McLaughlin
Abstain:	0	

**RESOLUTION NO. 2018-84**

A RESOLUTION TO PARTIALLY APPROPRIATE  
THE FISCAL YEAR (FY) 2019 BUDGET

WHEREAS, it is the responsibility of the Spotsylvania County Board of Supervisors to approve and control the County's fiscal plan for FY 2019; and

WHEREAS, the Board of Supervisors adopted the FY 2019 County Budget on April 12, 2018; and

WHEREAS, due to late adoption by the Virginia General Assembly of the State's FY 2019 budget, there is uncertainty about the level of State funding that the County will receive in FY 2019; and

WHEREAS, it is the intent of the Board of Supervisors that departments and agencies shall adhere to the funds appropriated in accordance with departmental budgets presented by the County Administrator and adjusted by the Board of Supervisors; be it

RESOLVED, by the Spotsylvania County Board of Supervisors this 28th day of June, 2018, that partial appropriations for FY 2019 be, and are hereby approved effective July 1, 2018, as set forth below; and, be it

RESOLVED FURTHER, that as part of the \$8.2 million Transportation Fund appropriation, the Board does hereby appropriate the FY 2019 PRTC subsidy of \$118,700, the FY 2019 VRE subsidy of \$1,632,635, and does hereby authorize the payment of these subsidies during FY 2019 from the County's motor fuels tax revenue account; and, be it

RESOLVED FINALLY, that all financial activities, purchases, travel, personnel actions, etc., shall be in accordance with the policies and procedures established by the Board of Supervisors and administered by the County Administrator.

General Fund	\$128,213,733
Capital Projects Fund	\$15,920,062
Economic Development Opportunities Fund	\$1,280,113
Code Compliance Fund	\$4,284,767
Transportation Fund	\$8,232,778
Joint Fleet Maintenance Fund	\$2,820,282
School Operating Fund	\$284,970,055
School Food Service Fund	\$11,322,972
School Capital Projects Fund	\$30,799,918
Utilities Operating Fund	\$32,370,945
Utilities Capital Projects Fund	\$9,948,451
Total	<u>\$530,164,076</u>

Appointment of Lisa Phelps to the Transportation Committee as the School Representative

Mr. Ross made a motion to approve the appointment of Lisa Phelps to the Transportation Committee as the school representative. Mr. Skinner made a substitute motion to table for 30 days to allow for input from the School Board. The motion failed 2 to 4 with Mr. Benton, Mr. Marshall, Mr. Ross and Dr. Trampe opposed and Mr. McLaughlin absent.

VOTE:

Ayes:	2	Mr. Skinner, Mr. Yakabouski
Nays:	4	Mr. Benton, Mr. Marshall, Mr. Ross and Dr. Trampe
Absent:	1	Mr. McLaughlin
Abstain:	0	

Due to the failure of the substitute motion, Mr. Ross made a motion to approve the appointment of Lisa Phelps to the Transportation Committee as the school representative. The motion passed 4 to 2 with Mr. Skinner and Mr. Yakabouski opposed and Mr. McLaughlin absent.

VOTE:

Ayes:	4	Mr. Benton, Mr. Marshall, Mr. Ross, Dr. Trampe
Nays:	2	Mr. Skinner and Mr. Yakabouski
Absent:	1	Mr. McLaughlin
Abstain:	0	

Appointment of Hamza Atif to the Rappahannock Area Youth Services and Group Home Commission

Dr. Trampe made a motion to approve the appointment of Hamza Atif to the Rappahannock Area Youth Services and Group Home Commission. The motion passed 6 to 0 with Mr. McLaughlin absent.

VOTE:

Ayes:	6	Mr. Benton, Mr. Marshall, Mr. Ross, Mr. Skinner, Dr. Trampe and Mr. Yakabouski
Nays:	0	
Absent:	1	Mr. McLaughlin
Abstain:	0	

Commendation Recognizing Spotsylvania High School Baseball Team – State Championship

On a motion by Mr. Marshall and passed 6 to 0 with Mr. McLaughlin absent, the Board read and approved the commendation as follows:

VOTE:

Ayes:	6	Mr. Benton, Mr. Marshall, Mr. Ross, Mr. Skinner, Dr. Trampe and Mr. Yakabouski
Nays:	0	
Absent:	1	Mr. McLaughlin
Abstain:	0	

**COMMENDATION**

**2018 Virginia High School League Class 3 State Boys Baseball Champions**

WHEREAS, the Spotsylvania High School baseball team completed an outstanding season by winning the 2018 Virginia High School League Class 3 state boys baseball championship; and

WHEREAS, the Spotsylvania High School Knights varsity baseball team is comprised of 18 players and 3 coaches; and

WHEREAS, the Knights defeated Hopewell High School in the state quarterfinals (5-2) and Brentsville District High School in the state semifinals (8-6) to advance to the state finals; and

WHEREAS, the Knights defeated Abingdon High School 13 to 8 in extra innings at Salem Memorial Stadium in Salem, Virginia, June 9, 2018 to win the state championship title; and

WHEREAS, the Abingdon Falcons were ranked 5<sup>th</sup> in the state and the Spotsylvania Knights were ranked 51<sup>st</sup>; and

WHEREAS, the Knights finished the season with a 21-5 record, bringing home the first state baseball championship title in Spotsylvania High School's history; and

NOW THEREFORE BE IT RESOLVED, that the Spotsylvania County Board of Supervisors commends and recognizes all 18 players and 3 coaches, and expresses its pride and appreciation for their excellence and achievement.

### **BOARD OF SUPERVISORS REPORTS**

Mr. Skinner mentioned the road work on Mine Road to Benchmark Road was scheduled to be completed by Monday.

Dr. Trampe said there was flooding behind Chancellor Middle and Elementary schools and asked who is responsible for the relief pipe.

Mr. Yakabouski made a motion to direct the Citizen Budget Review Committee to look at individual county departments, using state and federal mandates as a baseline and compare to our peer counties. The motion passed 6 to 0 with Mr. McLaughlin absent.

#### **VOTE:**

Ayes:	6	Mr. Benton, Mr. Marshall, Mr. Ross, Mr. Skinner, Dr. Trampe and Mr. Yakabouski
Nays:	0	
Absent:	1	Mr. McLaughlin
Abstain:	0	

Mr. Yakabouski asked if the members of FAMPO could find out if the super ramp project was dead to VDOT and if not, why they were doing something outside of the plan the county already invested money in.

Mr. Ross thanked Pat Martin for her help on working with constituents and getting signs placed. Mr. Ross announced the Stars and Stripes events being held this Saturday from 3:00 p.m. to 11:00 p.m.

### **PUBLIC HEARINGS**

#### **Public Hearing Regarding Proposed Amendments to County Code Chapter 12, Article VII (Towing Ordinance)**

Mr. Bryner presented.

Mr. Benton declared the public hearing opened.

The following citizens spoke with concerns or in opposition: Chris Shanks and Darlene Grim.

Mr. Benton closed the public hearing.

On a motion by Mr. Marshall and passed 6 to 0 with Mr. McLaughlin absent, the Board approved the ordinance as follows:

VOTE:

Ayes:	6	Mr. Benton, Mr. Marshall, Mr. Ross, Mr. Skinner, Dr. Trampe and Mr. Yakabowski
Nays:	0	
Absent:	1	Mr. McLaughlin
Abstain:	0	

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, 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 reposessions 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. Subsection (a) 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 complainee 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: June 28, 2018

**WHEREAS**, staff has reviewed the code amendments and recommends approval as stated in the executive summary dated June 28, 2018; and

**WHEREAS**, the Spotsylvania Board of Supervisors held a public hearing, duly advertised in a local newspaper for a period of two weeks, on June 15 and 22, 2018, 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; Ord. No. 12-55, 6-28-18)

**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 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 Towing business which meets the requirements of the Towing ordinance and has entered into a Towing service agreement to provide Towing services and/or Heavy-duty towing at the request of the Sheriff's office or other 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, snowstorm, 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 Sheriff of those Authorized heavy-duty towers meeting the requirements of subsection 12-232(b) herein, who are authorized to respond county-wide to the Sheriff's or other Law enforcement personnel's requests for 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 Vehicles Towed by an Authorized tower or Authorized heavy-duty tower at the request of the Sheriff's office or other Law enforcement personnel, which shall be maintained by each Authorized tower or Authorized heavy-duty tower.

*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 Vehicles 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 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.

*Towing advisory board* means the Spotsylvania County towing advisory board.

*Towing business* means 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 County for a minimum of one (1) year, along with meeting all of the requirements set forth in section 12-230(b).

*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 Sheriff of those Towers authorized to respond in each Zone of operation to the Sheriff's or other Law enforcement personnel's requests for the Towing of Vehicles. The Towing advisory board may recommend and the board of supervisors may determine, by resolution, how many Authorized towers shall be on the list. However, in no event shall the Sheriff remove existing Authorized towers on the list due to more restrictive limits on the number of Authorized towers set by the board of supervisors.

*Towing service agreement* is the written contract between the Sheriff's office and an Authorized tower or Authorized heavy-duty tower regarding Towing services and/or Heavy-duty towing services. Only one (1) Towing service agreement shall be executed by any one (1) Towing business, which shall encompass all of the 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 County as designated from time to time by the Sheriff or his designee as operating areas for Authorized towers and Authorized Heavy-duty towers within the County.

(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, 6-28-18)

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

#### Application Requirements.

- (1) Any Tower and/or Heavy-duty tower desiring qualification as an Authorized tower and/or Authorized heavy-duty tower shall submit the required "Application for Towing service", in duplicate, to the Sheriff. The Application shall be accompanied by an

Application fee in the amount of one hundred dollars (\$100.00) which will be paid to the County Treasurer prior to the processing of said Application. A new Application shall be submitted annually.

- (2) Applicant may not make any changes in the information submitted in the “Application for Towing service” without first notifying the Sheriff. Violation of this section may 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 Application shall be submitted on forms provided by the Sheriff and include the following information:
  - a. The name of the 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 Towing business, and the length of time at the business address.
  - c. The name under which the Tower or Heavy-duty tower does business (e.g.: T/A trading as).
  - d. The location of the Storage site on which the Towed vehicles and/or Heavy-duty towed vehicles will be stored. The Storage site and office shall be located within the same Zone of operation in which the applicant, if approved, would operate.
  - e. The location (either office, Vehicle Storage site, or other specified address) to which the public must go in order to claim stored Vehicles, which shall also be within the applicant’s proposed Zone of operation.
  - f. A statement of availability to perform 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 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 Sheriff. This information shall include the amount of coverage limits and shall include worker’s compensation, if applicable.
  - i. A statement that the applicant accepts reasonable responsibility for a Towed Vehicle and/or Heavy-duty towed vehicle from the time hookup starts until the Vehicle reaches its intended destination. A statement that the applicant accepts reasonable responsibility for any personal property left in Towed and stored 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 Towed and stored Vehicles.
  - j. 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 County treasurer’s office that neither the applicant nor any of the principals of the applicant’s business entity as identified pursuant to subsection (3)(a) & (b) herein has outstanding debt to the County.
  - l. A statement that the applicant shall provide Law enforcement requested towing in accordance with this article, as directed by the Sheriff or other Law enforcement

personnel, in the Zone of operation to which the 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, 6-28-18)

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

- (a) Applicant must provide the Sheriff with evidence of the following insurance coverage for the duration of the requested Towing services Agreement by an insurance company or companies licensed to do business in the Commonwealth.
  - (1) Applications seeking to perform standard Towing services 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. 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 acts or incurred in the operation of the applicant's Towing equipment and Towing vehicles pursuant to the Towing services 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) Applicant shall name the Sheriff, the Virginia State Police and the County as additional named insureds on its policy and provide the Sheriff with a certificate of insurance showing same to the 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, 6-28-18)

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

- (a) The Sheriff shall conduct an investigation to determine the accuracy of the information contained in the Application and shall inspect the Towing equipment to be utilized and the Storage site to be used.

- (b) Upon completion of the investigation, the Sheriff shall determine whether, based on the information provided in the Application and verified through the investigation, the applicant meets the requirements for a Towing business:
  - (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 rotation list in a rotating order in the Zone of operation where such Towing business (including its Storage site) is located or, as appropriate, on the Heavy-duty tow rotation list as an Authorized heavy-duty tower. However, if the board of supervisors imposes limits on the number of Authorized towers and/or Authorized heavy-duty towers, the Sheriff shall not approve more Authorized towed and/or Authorized heavy-duty towers than has been authorized by the board of supervisors. Except as otherwise provided herein, the only modification to the Towing service agreement shall be as to the type of Towing vehicles the Authorized tower or Authorized heavy-duty tower will supply.
- (e) If the Sheriff finds the applicant unqualified, he shall indicate the reasons, in writing, and return the Application to the applicant. If the Tow applicant disagrees with the decision, he or she may appeal to the Towing advisory board within ten (10) days of receipt of the notice from the Sheriff by notifying the Sheriff in writing of the decision to appeal.

(Ord. No. 12-23, 6-23-98; Ord. No. 12-50, 1-22-13; Ord. No. 12-52, 6-10-14; Ord. No. 12-55, 6-28-18)

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

- (a) Authorized towers and Authorized heavy-duty towers shall, at the request of, and as directed by, the Sheriff's office or other Law enforcement personnel, Tow vehicles in the County in a manner that is damage-free to the Towed vehicle or Heavy-duty towed vehicle and by the most safe and direct route.

- (b) Authorized towers and Authorized heavy-duty towers shall comply with all applicable federal, state and local laws, including but not limited to, the securing of all necessary federal, state and local licenses and registration fees. All Authorized towers and Authorized heavy-duty towers shall display a tag (Tow truck for hire) or a Virginia-apportioned tag. All Authorized towers and Authorized heavy-duty towers must remain current in all financial obligations to the County.
- (c) All Authorized towers and Authorized heavy-duty towers shall provide service twenty-four (24) hours/day, three hundred sixty-five (365) days/year.
- (d) Authorized towers and Authorized heavy-duty towers shall have available sufficient qualified personnel to receive calls and execute all requested Towing and/or Heavy-duty towing at all times.
- (e) Authorized towers shall have at least one (1) Tow truck and one (1) Rollback to perform Towing services under this article.
- (f) Authorized towers and Authorized heavy-duty towers shall give the Sheriff twenty-four (24) hours-notice prior to a change in their phone number and/or address. No beepers or voice transfer devices will be allowed.
- (g) Time is of the essence in the performance of Towing services. The Authorized tower shall arrive at the Law enforcement requested towing scene within thirty (30) minutes of receiving a call, with a grace period of ten (10) minutes if the Tower contacts the requesting Law enforcement agency within the first twenty-five (25) minutes 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 tower and service from the first Authorized 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 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 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) 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 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 Sheriff and other Law enforcement personnel may recommend to the Towing advisory board that the Authorized tower or Authorized heavy-duty tower be suspended/terminated from the 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 Towing and/or Heavy-duty towing using only their own Towing vehicles, equipment and personnel. Calls shall not be passed on to another Tower or Heavy-duty tower, including an Authorized tower or Authorized Heavy-duty tower, except by a Law enforcement agency pursuant to this article.

- (j) If a Towing vehicle is not available or the Authorized tower or Authorized Heavy duty tower cannot, for whatever reason, respond within the time required by this article, that Authorized 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 Authorized tower or Authorized heavy-duty tower on the Towing rotation list or Heavy-duty tow rotation list for that Zone 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 Sheriff's deputy or other Law enforcement personnel to notify his or her 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 Towing equipment from another Towing business, regardless of ownership, is prohibited. The initial Authorized tower or Authorized heavy-duty tower may, however contract with another Authorized tower or Authorized heavy-duty tower to assist at the scene if specialized Towing equipment not normally owned by a 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 Authorized 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 Sheriff's office or any other Law enforcement agency pursuant to § 46.2-920.1 of the Code of Virginia.
- (o) All Authorized towers and Authorized heavy-duty towers shall have the Towing business' name, address (as required by state law), and telephone number printed on both sides of the 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 may use any Towing equipment they own to assist them at the scene and to Tow the Vehicle as long as the Authorized Tower or Authorized heavy-duty tower is initially on the scene within the allotted time frame.
- (q) All Authorized towers and Authorized heavy-duty towers shall have business cards which contain the following information: name of the Towing business, address of business (no P.O. Box numbers), a telephone number, and an after-hours telephone number if necessary. All Tow vehicles shall be stocked with a supply of such business cards sufficient to ensure that cards are available for distribution to citizens whose Vehicles are Towed and to other interested parties.
- (r) All Tow 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 Tow vehicle and its equipment. Authorized towers shall ensure that all of their employees meet these requirements.
- (s) Fifty (50) percent of the Tow truck operators of every Towing business for Authorized towers and Authorized heavy-duty towers will be required to attend a nationally accredited Towing course, which may be taken online, within one (1) year of initial acceptance to the Towing rotation list and/or Heavy-duty tow rotation list, and maintain all of their current Towing certifications. Authorized heavy-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 is 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 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, 6-28-18)

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

**Sec. 12-232.** - Required Vehicles and equipment of Authorized towers and Authorized heavy-duty towers

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

- (1) One (1) Tow truck, also known as a Regular wrecker, equipped with a wrecker crane capable of lifting a minimum of seven thousand five hundred (7,500) pounds and capable of Towing at least seven thousand five hundred (7,500) pounds. Each 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, with at least an eight thousand (8,000) pound Winch and a Deck rating of a minimum of eight thousand (8,000) pounds.

- (b) Requirements for Authorized 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 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 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 Towing vehicles enumerated above shall be standard Vehicles originally designed and built as Tow trucks or Heavy-duty tow trucks and shall not be Pickup trucks with Tow slings in the body. An exception to the above, allows a Pickup truck or like Vehicle designed to retrieve a Vehicle from “off road”, such as rugged terrain, woods, etc., to be utilized for this purpose. This exception only applies in recovery of the Vehicle in moving it to a location where it can be safely Towed by a Regular wrecker, Rollback, or a Heavy-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, 6-28-18)

**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 Authorized towers and Authorized heavy-duty towers

- (a) All Authorized towers and Authorized heavy-duty towers shall have a secured Storage site for storage of Vehicles Towed under this article. The Storage site and Towing business shall be located within the Authorized tower or Authorized heavy-duty tower's Zone of operation as determined by the Sheriff upon their Application approval. Towed vehicles and/or Heavy-duty towed vehicles shall be stored at all times in said Storage site.
- (b) The Storage site shall have a sign posted in a conspicuous place identifying the Towing business' name and telephone number.
- (c) An outside Storage site shall have a graveled or paved surface.
- (d) The Storage lot available for each Authorized tower and/or Authorized Heavy-duty tower shall be a minimum of one thousand five hundred (1,500) square feet.
- (e) If an Authorized tower or Authorized heavy-duty tower is a Towing business which is located in an adjacent locality or municipality, that Authorized tower or Authorized heavy-duty tower may also have a secured Storage 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, 6-28-18)

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

- (a) To ensure full compliance with the requirements set out in this article, all required Towing vehicles, equipment, and Towed vehicle Storage sites shall be inspected and approved by the Sheriff or his designee prior to use by Authorized towers and/or Authorized heavy-duty towers. The Sheriff or his designee may periodically inspect any Towing vehicles, Towing equipment, Storage sites utilized pursuant to this article. The Towing vehicle inspection shall take place at a location designated by the Sheriff or his designee. If a Towing vehicle passes inspection, a Sheriff's Office inspection sticker will be placed thereon. There will be at least two (2) annual inspections of all Towing vehicles, equipment, and Storage sites utilized by Authorized towers and/or Authorized heavy-duty towers under their Towing service agreements. 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 they were not on the Towing rotation list or the Heavy-duty tow rotation list prior to the current Application period.
- (b) The Sheriff shall give the affected Authorized tower or Authorized heavy-duty tower written notice if its Towing vehicle, Towing equipment, or Storage site 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 vehicles, Towing equipment and/or storage sites shall not be used by an Authorized tower or Authorized heavy-duty tower in the performance of its obligations under 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 Sheriff 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 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, 6-28-18)

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

- (a) If an Owner or Lienholder 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 until one (1) of the following events occurs:
  - (1) The Vehicle is delivered to a location specified by the Owner or a person authorized in a written and signed statement from the Owner.
  - (2) The Vehicle and its contents are released to and accepted by the Owner, Lienholder or a person authorized in a written and signed statement from the Owner or Lienholder, in the same condition as originally Towed. A facsimile of the written and signed authorization shall be acceptable as a form of release from the 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 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 Sheriff 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 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 Towed vehicles from Storage sites. After hours, Authorized towers, Authorized heavy-duty towers or Storage site attendants

must be available by telephone, as well as available twenty-four (24) hours a day each day of the year to go to the Storage site for the purpose of releasing Towed vehicles.

- (e) Authorized towers and/or Authorized heavy-duty towers, upon receiving a request to release or permit an inspection of a Towed vehicle from the Owner, Operator, Lienholder or a person authorized in a written and signed statement from the Owner or Lienholder, shall release that Vehicle to the 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 Towed vehicle by an Owner, Lienholder or 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.
- (g) Authorized towers and/or Authorized heavy-duty towers shall not release any Vehicle designated as “seized” or “seized for forfeiture” by the Sheriff’s office or other 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, 6-28-18)

**Sec. 12-236. - Compensation to 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 Owner or Lienholder of the Towed and stored Vehicle or 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 rates set 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:

- a. Basic Law enforcement tow (accident and clean up). \$275.00/Day  
Includes, but not limited to, sweeping up and removing glass and Vehicle and its parts from Roadway. \$300.00/After Hours
- b. Basic Law enforcement tow (non-accident). Requires Vehicle to be towed to Tower’s Storage site. \$200.00/Day  
\$225.00/After Hours
- c. Law enforcement required second tow (Vehicle is towed to Law enforcement agency, then released to Authorized tower to Tow to their Storage site). \$75.00
- d. Disabled Vehicles. \$150.00/Day

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

(2) Heavy-duty towing fees:

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

- (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.
- (d) An itemized numbered receipt for payment shall be issued to the Owner, Owner-authorized Operator, Lienholder, or 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.
- (e) 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; Ord. No. 12-55, 6-28-18)

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

**(a) 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.

(b) 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. 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 County laws and ordinances. Violators are subject to arrest, and penalties authorized by law, including the suspension or revocation of any.

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. At any Law enforcement requested towing scene, any Law enforcement officer may inspect any Towing vehicle and Towing equipment for violations of this article.

11. 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, 6-28-18)

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

- (a) The Sheriff and his designees shall ensure that Authorized towers are called on a rotating basis according to the Towing rotation list for the Zones of operation to which they are assigned. When Heavy-duty towing is required, the Sheriff or his designees shall ensure that Authorized heavy-duty towers are called on a rotating basis according to the Heavy-duty tow rotation list, which applies County-wide.
- (b) The Owner or Operator of a Vehicle to be towed shall be allowed to specify the Tower or Heavy-duty tower of his or her choice, whether or not the Tower or Heavy-duty tower is an Authorized tower or Authorized heavy-duty tower, unless the Vehicle to be towed constitutes a traffic hazard and the requested Tower or Heavy-duty tower will have an unacceptable response time.
- (c) The Sheriff or other Law enforcement personnel shall not call a Tower or Heavy-duty tower who does not have a Towing service agreement with the Sheriff's office unless all Authorized towers on the Towing 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 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 Towers and Heavy-duty towers who are randomly used at the request of a Law enforcement officers, during suspensions of either list, must be reported to the Sheriff's Office communications office for record purposes. In the event an Authorized tower or Authorized heavy-duty tower responding to a Law enforcement tow is not used, for reasons not the fault of the Authorized tower or Authorized heavy-duty tower, that Authorized tower or Authorized heavy-duty tower will be placed back on top of their respective list.
- (e) The Law enforcement personnel at a Law enforcement requested towing scene may reject the services of the Authorized tower or Authorized heavy-duty tower dispatched if the Tow 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, and/or operation by personnel who, due to

obvious signs of intoxication or other incapacity, are not able to perform the Tow or Heavy-duty tow safely. In the event that the Tow truck operator is determined to be unfit, 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 Sheriff. Any representation of an Authorized tower or Authorized heavy-duty tower who Law enforcement personnel deems 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 be suspended or terminated pursuant to sections 12-240 through 12-243 of this article.

- (f) The Sheriff's 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 again.

(Ord. No. 12-23, 6-23-98; Ord. No. 12-52, 6-10-14; Ord. No. 12-55, 6-28-18)

**Sec. 12-239.** - Solicitation of business by Authorized 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 Vehicles unless specifically called there by the Sheriff's office, other Law enforcement personnel or 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 Class 3 misdemeanors.
- (b) Law enforcement personnel may direct an Authorized tower to provide necessary Towing services in such instances when immediate assistance is necessary to protect persons or property.
- (c) Authorized towers and authorized heavy-duty towers are prohibited from soliciting Towing business at the scene of accidents; however, Authorized towers and Authorized heavy-duty towers 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, 6-28-18)

**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 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 a call for a Law enforcement tow;
- (2) Securing a Towing service agreement by fraud or concealment of a material fact which, if known, would cause disapproval of the Application;
- (3) Violation of the 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 standard Tow calls and fifty (50) percent of 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 the "Application for Towing service";
  - f. Fraudulent acts with respect to this article; and/or
  - g. Failure to comply with the rules, regulations and requirements of this article.
- (b) All Towing businesses added to the 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 Towing advisory board by the Sheriff or his designee. Any substantiated violation may result in termination.

(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, 6-28-18)

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

- (a) Any Authorized tower or Authorized heavy-duty tower who believes he or she has been unfairly treated by any Law enforcement personnel may file a written complaint against that person. Such complaint shall be in writing and directed to the executive head of the relevant Law enforcement agency.
- (b) Any person who believes a violation of this article has occurred by any Authorized tower or Authorized heavy-duty tower may file a complaint against them. The complaint shall be in writing and directed to the Sheriff. The complaint shall be investigated by the Sheriff or his designee.
- (c) After an investigation of the complaint, the Sheriff or his designee shall notify the complainant and the Towing advisory board of the results.

(Ord. No. 12-23, 6-23-98; Ord. No. 12-52, 6-10-14; Ord. No. 12-55, 6-28-18)

**Sec. 12-242. - Suspension or termination of Authorized towers and Authorized heavy-duty towers.**

The Sheriff or his designee, upon investigation of the facts in connection with an alleged violation of this article or complaint against 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.

If the Sheriff believes the Authorized tower or Authorized heavy-duty tower has committed a violation of this article that affects public safety, the Sheriff may administratively suspend the Authorized tower or Authorized heavy-duty tower until the towing advisory board can conduct its hearing.

(Ord. No. 12-23, 6-23-98; Ord. No. 12-52, 6-10-14; Ord. No. 12-55, 6-28-18)

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

- (a) In the event that a member of the Towing advisory board is the complainant against an Authorized tower or Authorized heavy-duty tower, that member shall be excused from the hearing in that matter and may not participate.
- (b) The Sheriff or his designee shall be responsible for presenting the allegations against the complaine to the Towing advisory board members, may call witnesses, and may ask questions of any witness. In the case of an appeal of the Sheriff's denial of an Application made pursuant to this article, the Sheriff or his designee shall present to the Towing advisory board, the Application and the basis upon which such application was denied.
- (c) The Authorized complaine will be allowed to present evidence/testimony supporting his or her case to the towing advisory board.
- (d) The complaine 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 complaine 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 complaine. The complaine, 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 complaine in writing of the Towing advisory board's decision. A copy of the decision will be sent to the Sheriff.

When an Authorized tower or Authorized heavy-duty 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 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. 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, 6-28-18)

**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 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, 6-28-18)

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

## **PRESENTATIONS/REPORTS BY STAFF**

### **Retirees' Health Benefits Discussion**

Staff gave an overview of considerations for Medicare-eligible only health insurance options.

Mr. Skinner requested to know how many people were eligible to retire in the next 10 years and the effects of grandfathering in these individuals. Dr. Trampe requested looking at the possibility of adding a position to the human resources department to help with benefits temporarily. Staff will bring the information back to Board at the July meeting.

### **Presentation of Draft Amendments to the Board of Supervisor's Bylaws Related to Special Meeting Agendas and Public Presentations at Special Meetings**

The draft amendments presented were requested by Supervisor Skinner at the Board's meeting on June 12, 2018 to address agenda items which the Board may or may not consider at special meetings of the Board and whether to include a public presentation period during special meetings of the Board.

### **Corrections and Follow-Up to Comments from Board of Supervisors & School Board Joint Work Session**

On a motion by Mr. Ross and passed 6 to 0 with Mr. McLaughlin absent, the Board tabled discussion until the next joint meeting with the School Board.

VOTE:

Ayes:	6	Mr. Benton, Mr. Marshall, Mr. Ross, Mr. Skinner, Dr. Trampe and Mr. Yakabouski
Nays:	0	
Absent:	1	Mr. McLaughlin
Abstain:	0	

**NEW BUSINESS**

Mr. Ross left at 8:47 p.m.

On a motion by Mr. Yakabouski and passed 5 to 0 with Mr. McLaughlin and Mr. Ross absent, the Board approved the performance agreement dated June 28, 2018 between the County of Spotsylvania, Virginia and Patriot 3, Inc.

VOTE:

Ayes:	5	Mr. Benton, Mr. Marshall, Mr. Skinner, Dr. Trampe, Mr. Yakabouski
Nays:	0	
Absent:	2	Mr. McLaughlin and Mr. Ross
Abstain:	0	

**ADJOURNMENT**

On a motion by Mr. Benton and passed 5 to 0 with Mr. McLaughlin and Mr. Ross absent, the Board adjourned its meeting at 8:49 p.m.

VOTE:

Ayes:	5	Mr. Benton, Mr. Marshall, Mr. Skinner, Dr. Trampe, Mr. Yakabouski
Nays:	0	
Absent:	2	Mr. McLaughlin and Mr. Ross
Abstain:	0	

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Mark B. Taylor  
Clerk to the Board of Supervisors