

ORDINANCE NO. 84-4

AN ORDINANCE REGULATING TOWING AND STORAGE OF VEHICLES WITHIN THE CITY OF GALENA, KANSAS; ESTABLISHING CERTAIN REGULATIONS AND REQUIREMENTS; AND AUTHORIZING THE CITY OF GALENA TO ESTABLISH AND MAINTAIN A STORAGE LOT.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF GALENA:

SECTION 1: TOW TRUCKS.

(a) Recommendation of Police Officer prohibited. Any police officer making an accident or disabled vehicle investigation or otherwise in a position to recommend a tow truck company to any person shall absolutely refrain from making any such recommendation. The prescribed procedure shall be to ask the owner or person in charge of the motor vehicle to designate which tow truck service he desires. The request of the owner or person in charge shall be complied with if such request is within reason. In the absence of such designation by the owner or person in charge of the vehicle, whether on account of incapacity, unavailability or for any other reason the police officer shall so notify the dispatcher of the Galena Police Department.

(b) Dispatch of next-up town company. Whenever the aforementioned dispatcher receives a request from a police officer that a tow truck be dispatched to a scene of an accident or disabled motor vehicle, or any other time when requested by a police officer, the dispatcher shall notify the tow truck next in line from a rotating file kept for such purpose. In the event that the police officer requests a certain tow truck, the dispatcher shall log the same and notify that specific tow truck. The police officer at the scene of the request shall then direct the driver of the tow truck to remove the said vehicle to a location determined by the police officer.

(c) List of tow truck companies; how compiled. The Chief of Police shall compile the list of tow truck companies referred to in this section. He shall place all qualified tow truck companies which request such placement on said list. Placement upon such list shall represent the rotary placement of the said company. So long as such company complies with the requirements herein it shall have the privilege of all such referrals made within the rotation in which it takes its turn based upon the list so compiled. Qualified companies shall mean those companies which have met the requirements set forth in this ordinance. If at any time subsequent to the placing of a tow truck company on a list, that tow truck company fails to meet any of the requirements set forth in this ordinance, the Chief of Police shall give written notice to that tow company of the nature of the default and that if the said default is not corrected within five (5) days the tow company shall be removed from the list.

(d) Requirements for tow truck companies which must be met before being placed on the list authorized by subsection (b). Such tow truck companies shall:

1. Operate at least one tow truck which is:
 - a. Equipped with one belt type sling.
 - b. Equipped with one set of towing dollies.
 - c. Based in the City of Galena, Kansas.
2. Indicate only two telephone numbers to call when requesting the dispatching of a tow truck.
3. Indicate whether or not they have and operate ~~two~~ trucks of a greater capacity than that usually required.
4. Carry insurance on the aforementioned tow truck in at least the following kinds and amounts:
 - a. Liability insurance:
 - (1) Three Hundred Thousand dollars (\$300,000.00) for personal injury any one accident.
 - (2) One Hundred Thousand dollars (\$100,000.00) for property damage any one accident.
 - b. Car and custody insurance to include fire, theft of the entire vehicle, riot and civil commotion, vandalism and malicious mischief in at least the amount of Fifty Thousand (\$50,000.00).

*Section 1 (D) 4
Repealed
8-20-85
85-3*

SECTION 2: ESTABLISHING AN IMPOUND LOCATION. The City of Galena is hereby authorized to establish and maintain and place under the direct control of the Police Department, a suitable and secure location, designating said location as an impound lot for motor vehicles.

SECTION 3: IMPOUNDING PROCEDURES. Vehicles which are authorized to be impounded in any of the provisions of this ordinance may be impounded without notice to the owner or lawful custodian of such vehicle only in the following instances:

- a. Whenever any vehicle is left unattended upon any highway, bridge or causeway or in any tunnel in such position or under such circumstances as to obstruct the normal movement of traffic.
- b. When a stolen vehicle has been recovered and the owner and or agent cannot be contacted at that time.
- c. Where the driver of a vehicle is arrested, except the vehicle may be released to the custody of another person present upon the authority of the arrestee and or driver.
- d. Accident cases where the driver is injured and is unable to designate to the Police officer the disposition of such vehicle.
- e. Whenever any vehicle is parked, left unattended which is in violation of any ordinance of this City which are made and provided.

SECTION 4: RELEASING PROCEDURES. Upon any motor vehicle being impounded under this ordinance, such motor vehicle shall be surrendered to the duly identified owner upon the payment of storage charges and towing fees which have been incurred in the removal and impounding of such motor vehicle. The impounding fees and costs herein provided for shall be cumulative of any and all their penalties that are provided for in this ordinance.

SECTION 5: STORAGE AND ADMINISTRATIVE FEE TO BE COLLECTED BY THE POLICE DEPARTMENT. Whenever a motor vehicle is placed in the custody of the City of Galena by the Police Department of said City, a storage fee in the amount of Two dollars (\$2.00) shall be assessed against said vehicle per day that said motor vehicle is stored by the City of Galena, Kansas. In addition, an administration fee of Five Dollars (\$5.00) shall be assessed on a one time basis, per incident. Said storage fees shall be collected by the Police Department of the City and shall be forwarded to the Office of the City Clerk during the next working day that the said City Clerk's Office is open for regular business.

SECTION 6: PAYMENT OF TOW CHARGES. The payment of all tow charges that are being or have been assessed against any motor vehicle which is or has been authorized to be towed by the Police Department of the City of Galena, Kansas, shall be paid directly to the towing company performing said service. Upon payment of the towing charges, the owner of said motor vehicle shall furnish the Police Department with a copy of the receipt showing the payment of said charges in full before the said motor vehicle shall be released.

SECTION 7: SEVERABILITY. In the event that any part of this ordinance should be found in fault it shall not be so construed as to invalidate the entire ordinance.

SECTION 8: This ordinance shall take effect from and after its publication in the official City newspaper, The Galena Sentinel-Times.

PASSED BY THE GOVERNING BODY THIS 17th DAY OF April, 1984

APPROVED BY THE MAYOR:

James Bankson
James Bankson

ATTEST:

Barbara Wilkins
Barbara Wilkins, City Clerk

(SEAL)