

CITY OF MARYSVILLE
Marysville, Washington

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MARYSVILLE,
WASHINGTON, AMENDING CHAPTER 11.37 OF THE MUNICIPAL CODE
REGARDING QUALIFICATIONS FOR TOW TRUCK OPERATORS.**

WHEREAS, chapter 11.37 of the municipal code is to provide for impartial referral of city business to tow truck operators who are best qualified to serve the interests of persons within the city limits; and

WHEREAS, Washington State Patrol also regulates tow truck operators; and

WHEREAS, the Washington State Patrol suspends tow truck operators that violate its regulations; and

WHEREAS, public health, safety, and welfare would benefit if the City concurrently suspended tow truck operators who had been suspended by the Washington State Patrol.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MARYSVILLE,
WASHINGTON, DO ORDAIN AS FOLLOWS:

SECTION 1. Amendment of Municipal Code. The municipal code is amended as set forth in Exhibit "A" by amending section 11.37.050 and adding a new section 11.37.055.

SECTION 2. Severability. If any section, subsection, sentence, clause, phrase or word of this ordinance is to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other section, subsection, sentence, clause, phrase or word of this ordinance.

SECTION 3. Effective Date. This ordinance shall become effective five days after the date of its publication by summary.

PASSED by the City Council and APPROVED by the Mayor this _____ day of _____, 2017.

CITY OF MARYSVILLE

By _____

JON NEHRING, MAYOR

Attest:

By _____

APRIL O'BRIEN, DEPUTY CITY CLERK

Approved as to form:

By _____

JON WALKER, CITY ATTORNEY

Date of publication: _____

Effective Date (5 days after publication): _____

EXHIBIT A

11.37.050 Practices and procedures.

In order to continue its qualified status on the police department's list, a tow truck operator shall comply with the following practices and procedures with respect to all business obtained through police department calls or referrals:

(1) The tow truck operator must consistently abide by the fee schedule filed with the Department of Licensing and there shall be no supplemental fees or additional charges which do not appear on the schedule.

(2) The response time between the initial telephone call from the police department to a tow truck operator, and the arrival of the tow truck at the location of a vehicle within the city, shall not exceed 30 minutes. If for any reason a tow truck operator is unable, or fails, to respond within such time limits, it may forfeit its turn on the rotation list and the police department may contact another tow truck operator. Consistent refusal or failure to respond to calls from the police department may result in suspension or removal from the list.

(3) A tow truck operator shall advise the police department when it receives a private call for a tow and the circumstances indicate that the tow is for a vehicle which has been involved in an accident or other such incident on a public roadway, or when an accident or incident on private property has resulted in bodily injury or death.

(4) A tow truck operator will notify the police department before moving any vehicle involved in an accident or incident on a public highway, or where it appears that the driver of the vehicle to be moved is under the influence of intoxicants or drugs or is otherwise incapacitated.

(5) When the police department is in charge of an accident scene or other such incident, a tow truck operator shall not respond to such scene unless its services have been specifically requested by the police department or by the driver/owner or his agent.

(6) The tow truck operator shall be available 24 hours a day for the purpose of receiving calls and releasing vehicles.

(7) The tow truck operator shall notify the police department of the release of impounded vehicles within 24 hours after the release of such vehicles. Notification to the police department will be made in such manner as is prescribed by the chief of police.

(8) The interiors of the tow trucks will be reasonably clean.

(9) Tow truck drivers will clean accident/incident scenes of all glass and debris.

(10) All equipment used in conjunction with a tow truck must be in compliance with the manufacturer's basic boom rating.

(11) The tow truck operator shall be in good standing with the Washington State Patrol.

11.37.055 Suspension by Washington State Patrol.

(1) A tow truck operator suspended by the Washington State Patrol is not qualified to operate in the city during the period of suspension. There is no right to appeal a suspension by the Washington State Patrol to the police chief under this chapter.

(2) A tow truck operator suspended by the Washington State Patrol must notify the City of the suspension by delivering a copy of the suspension to the police chief or his or her designee within 24 hours of the suspension taking effect. A tow truck operator that fails to comply with this subsection may be suspended by the police chief for up to ten days. Such suspension will be in addition to the period of non-qualification that results from the Washington State Patrol's suspension. The police chief's determination to suspend a tow truck operator under this subsection may be appealed as provided in this chapter.