

TRANSPORTATION

CHAPTER 19

Sec. 19-1 to 19-90. Reserved. (Ord. of 6-25-96)

Article 5. Vehicles for Hire

Division 1. In General

Sec. 19-91 to 19-99. Reserved.

Division 2. Ambulances

Sec. 19-100. Definitions.

The following words and phrases are defined as follows for the purpose of this chapter:

- (A) Emergency ambulance service. The unscheduled transfer of persons who are injured or critically ill, and it is apparent that such persons will suffer serious harm unless medical attention is received at the earliest possible time.
- (B) Transfer ambulance service. The scheduled or routine transfer of sick persons which does not require the use of sirens, red lights or does not require the exceeding of the speed limit.
- (C) Ambulance operator. A person, partnership or corporation who is engaged in any form of transporting the injured or ill for hire on the streets of the City of Big Spring.
- (D) Ambulance transfer permit. A permit issued by the city limiting the transfer of persons for hire by ambulance on the public streets of the City of Big Spring.
- (E) Emergency ambulance service permit. A permit issued by the city authorizing an ambulance operator to transport for hire injured or ill persons on the streets of the city of Big Spring, under emergency conditions and including, but not limited to, the use of red lights, sirens and other emergency equipment, and in addition thereto to exceed the speed limits and proceed through stop intersections under conditions set out therein.
- (F) Public convenience and necessity. The term "public convenience and necessity" shall mean that the area from which the ambulance service is proposed to be operated will be located in such a manner and in an area that will benefit the citizens of Big Spring from the service and that existing ambulance service within the city will not be adversely affected so as to lower the standards of existing service in the city. (Ord. of 12-13-66, §1)

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Sec. 19-101. Permit required.

No person, firm partnership, association or corporation shall operate or cause to be operated within the City of Big Spring, any ambulance, public or private, or other vehicle commonly used for the transportation or conveyance of the sick or injured without first having secured a permit therefor from the city council or their duly authorized agent, as hereinafter provided. Application for an ambulance operator's permit shall be filed with the city manager and such application shall be submitted upon a form or forms to be furnished by the city manager and the applicant shall furnish the following proof and information with the application:

- (A) That the applicant or applicants have not been convicted of a felony or of a misdemeanor involving moral turpitude within the last ten (10) years; that applicant or applicants will not employ any driver for an ambulance authorized under this chapter who has been convicted of a felony or a misdemeanor involving moral turpitude within the last ten (10) years; that failure to comply with the provisions of this sub-paragraph will be grounds for revocation or suspension of the ambulance operator's permit under the provisions for suspension and revocation below.
- (B) A statement that the applicant has obtained or will obtain liability insurance in accordance with the requirements hereinafter provided before commencing ambulance service in the event that the city council determines that an ambulance service operator's permit should be granted. No ambulance operator's permit will be issued until such insurance is in effect.
- (C) A statement that the applicant has been issued a permit by the State Board of Health pursuant to authorization of Article 459b of the Texas Civil Statutes. No ambulance permit will be issued unless the applicant has obtained such a permit.
- (D) The application shall set out the number of emergency ambulances which the applicant proposes to operate and the make, model, motor number and correct state license number of each vehicle shall be listed. If the application is made before one or more of such ambulances have been acquired by the applicant, then such information shall be furnished to the city manager before issuance of a permit for such vehicle. At each renewal date the operator shall furnish an amended list of vehicles showing the vehicle which has been removed from service and giving all the information required above on the new vehicle which has replaced the vehicle removed from service. Such application shall be subscribed and sworn to before a Notary Public. (Ord. of 12-13-66, §1; Ord. of 2-14-67, §1)

Sec. 19-102. Hearing.

The city council shall hold a public hearing at the time and place specified in the published notice. The applicant shall not be granted an ambulance operator's permit unless the city council finds and determines that the public convenience and necessity will be served by the issuance of such permit.

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The council shall hear all of the relevant and material evidence presented by applicant and his witnesses, and by any persons who appear in opposition to the application. The council shall also have the right to call any other witnesses that it may deem necessary or appropriate. In all such hearings the burden of proof shall be upon the applicant to establish by clear and convincing evidence that the public convenience and necessity will be served by the granting of the ambulance operator's permit. (Ord. of 12-13-66, §1)

Sec. 19-103. Granting or denial of permit.

The city council shall make a determination as to the existence or nonexistence of public convenience and necessity within fifteen (15) days from the date of the conclusion of such hearing, and it shall notify the applicant and the parties who appeared in opposition in writing within a thirty (30) day period that the application has been either granted or denied. (Ord. of 12-13-66, §1)

Sec. 19-104. Permit Fees; Termination.

The initial fee for an ambulance permit shall be Two-Hundred Fifty Dollars (\$250.00) and shall terminate one (1) year from the date of issuance. Such permits may be renewed by paying a permit/renewal fee of One-Hundred Fifty Dollars (\$150.00), if such fee is paid before the termination date. The holder of an ambulance permit shall immediately cease operations of ambulance services if a permit is allowed to terminate. An ambulance operator may seek to re-instate a permit without re-application if such action is taken within thirty (30) days of termination and upon paying a permit/re-instatement fee of Three-Hundred Dollars (\$300.00). If the termination of the permit exceeds thirty (30) days, a new application and public hearing is required. The city shall furnish appropriate ambulance permits and the same shall be prominently displayed on the vehicle. (Ord. of 12-13-66, §1; Ord. of 4-12-16)

Sec. 19-105. Changes in partnership or officers of corporation; city's right to inspect books.

All changes in the partnership or in the officers of the corporation which hold an ambulance permit shall be reported to the city manager within ten (10) days after such change and the new partners or officers shall individually file applications certifying to their individual qualifications within such time. Failure to do so shall be cause for suspension of the operator's permit during that time such partners or officers fail to comply with the requirement.

The books and records of the holder of an operator's permit shall be open for inspection by the city manager at reasonable hours. (Ord. of 12-13-66, §1)

Sec. 19-106 to 19-111. Reserved.

Sec. 19-112. Condition of ambulance and supplies required.

No emergency ambulance shall be operated on the public streets of the City of Big Spring unless it complies with the following requirements and contains the below listed equipment:

- (A) Type 1 ambulance as described on page 34 of the Federal Specifications for Ambulances No. KKK-A-1822:
 - (1) The ambulance must be free of structural defects;
 - (2) No impairment of any safety feature resulting from an accident or other event;

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- (3) Red emergency warning lights clearly visible from a 360 degree coverage mounted on the vehicle;
 - (4) A siren of an approved type and signal;
 - (5) A fire extinguisher of an approved type and size;
- (B) Oxygen:
- (1) Each ambulance shall have a hospital-type piped oxygen system, capable of storing and supplying a minimum of 3,000 liters of medical oxygen. (See KKK, sec. 3.12.2)
 - (2) Each ambulance shall have a portable oxygen unit of at least 300 liter capacity (size D cylinder) and shall have a yoke, pressure gauge, flow-meter (not gravity dependent), delivery tube and oxygen mask(s) and be located near a patient compartment door. (See KKK, sec. 3.12.2)
- (C) Suction:
- (1) An engine vacuum-operated or electrically powered suction aspirator system powerful enough to provide an air flow of at least 30 liters per minute at the end of the delivery tube, and a vacuum of at least 300 milligrams of mercury to be reached within four seconds after the tube is clamped.
 - (2) A portable self-contained battery or manual suction unit shall be provided, having at least 12 inches mercury negative pressure. (See KKK, sec. 3.12.3)
- (D) Patient area: The patient's compartment shall provide, but is not limited to, a minimum of 300 cubic feet of space, less ten percent (10%) deviation for cabinets, while complying with the following:
- (1) Length - measured from the partition to the inside edge of the rear-loading doors at the floors, shall be at least 116 inches in length.
 - (2) Width - the compartment after cabinet and cot installation shall provide at least 18 inches of clear walkway between cots, and at least 25 inches of kneeling space alongside the primary cot.
 - (3) Height - minimum 60 inches. The patient compartment shall provide at least 60 inches height over the patient area, measured from the floor to the ceiling exclusive of cabinets or equipment. (See KKK, sec. 3.10.4)
- (E) Stretchers:
- (1) Each emergency ambulance shall have at least one folding stretcher with a minimal length of 73-1/2 inches, a minimal width of 19 inches, and a maximum bed height of 8-1/4 inches. (See KKK, sec. 2.10)
 - (2) Must be maintained with clean linens, blankets and a sanitary mattress cover.

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- (F) Environmental Systems: All emergency ambulances shall be equipped with a complete environmental system to supply and maintain clean air conditions and comfortable level of inside temperature in both driver and patient compartments. (See KKK, sec. 3.13.1)
- (G) Communications: Ambulances will be equipped with two-way radios, intercom, public address, and electric siren.
- (H) 110 Volt AC electric power: An AC power source to provide the following: Continuous 1,000 watts, single phase, constant 60 cycle - 110 volt power output at all engine speeds to operate big-medical electronics and patient care equipment to be furnished.
- (I) All ambulances shall be equipped with the equipment required by Article 4447O section 2 of Vernon's Texas Civil Statutes. An itemized list of this equipment can be found in the State Permit Requirements for Ambulances as set forth by the Texas Department of Human Resources.
- (J) Every emergency ambulance will be staffed with a minimum of:
 - (1) One Certified Texas Emergency Medical Technician (Basic)
 - (2) One Emergency Care Attendant Driver.
- (K) Transfer ambulance service vehicles shall be equipped with:
 - (1) Ambulance stretcher with clean linens, two blankets and a sanitary mattress cover.
 - (2) One oxygen therapy unit with at least one thousand (1,000) pounds of oxygen in the tank. (Ord. of 12-14-66, 51; Ord. of 1-10-78)

Sec. 19-113. Inspection of ambulances.

Every emergency ambulance may be inspected as frequently as once a month without notification of time and date of inspection. The inspection is to include:

- (A) Medical condition of the vehicle. Inspection will be done by a person appointed by the Emergency Medical Service Advisory Council and such a person may be a qualified mechanic.
- (B) There will be a maximum of ten (10) days for deficiencies to be corrected.
- (C) Driver and Attendant qualifications and driving records will be subject to inspection. Copies of these records will also be given to the Advisory Council. (Ord. of 1-10-78)

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Sec. 19-114. Public liability insurance required.

Before an emergency ambulance operator's permit is granted to an applicant, or before any renewal thereof, the applicant or the operator seeking renewal shall provide evidence to the city manager that he has in full force and effect a public liability insurance policy on each ambulance, such insurance policy to be issued by an insurance company licensed to do business in the State of Texas, or by an insurance company which is not legally prohibited from doing business in the State of Texas. Such insurance policy or policies shall provide liability insurance for an amount of not less than fifty thousand dollars (\$50,000) for any one accident and not less than twenty-five thousand dollars (\$25,000) for injury to any one person. (Ord. of 12-13-66, §1)

Sec. 19-115. Suspension or revocation of permit.

If any operator, his agent, servant or employee, violates any provision of this chapter, the city manager may suspend or revoke the ambulance operator's permit. The city manager shall notify the operator of the violation which has caused the revocation or suspension of such permit. Such revocation or suspension shall become final unless the operator files written notice of appeal to the city council within ten (10) days after the date of revocation or suspension. (Ord. of 12-13-66, §1)

Sec. 19-116. Continuous emergency service required.

No emergency ambulance service operator's permit shall be issued unless the applicant states, in writing, that he is willing and able to provide emergency ambulance service on a continuous twenty-four (24) hour basis. In addition, the applicant for an emergency ambulance service permit shall furnish proof to the city council of his intent and ability to provide continuous twenty-four (24) hour emergency ambulance service. Failure to provide such continuous emergency service shall constitute grounds for denial, revocation or suspension of the emergency ambulance service operator's permit. (Ord. of 12-13-66, §1)

Sec. 19-117. Exceeding posted speed limit.

The holder of an emergency ambulance service operator's permit shall be permitted to operate his ambulances under emergency conditions at a speed of ten (10) miles per hour in excess of the posted speed limit, so long as the operator does not endanger life or property. In addition such permit holder shall also be permitted, under emergency conditions, to proceed through red lights and stop intersections, after slowing down as necessary for safe operation, if in his opinion such action will aid in the preservation of human life. The foregoing exemptions shall apply only when the ambulance is making use of the audible and visual signals required by state law. (Ord. of 12-13-66, §1)

Sec. 19-118. Appeal to city council.

Any ambulance operator aggrieved by the action of the city manager or his agent in revoking or suspending an ambulance permit shall have the right to appeal to the city council by filing written notice of such appeal with the city secretary within ten (10) days after such notice or revocation. After receipt of such notice of appeal, if timely filed, the city council within thirty (30) days shall hold a public hearing to determine whether or not the action of the city manager or his agent should be sustained. After hearing all evidence the city council shall then affirm or reverse the decision of the city manager or his

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agent concerning such revocation or appeal. Such appeal to the city council shall abate the action of the city manager until such time a final determination is made by the city council. (Ord. of 12-13-66, §1)

Sec. 19-119. Penalty.

Any person, firm or corporation violating any of the provisions of this chapter, or causing the same to be violated shall be deemed guilty of a misdemeanor and upon conviction shall be fined in any sum not to exceed two hundred dollars (\$200.00) for such offense. Each day's violation shall constitute a separate offense. (Ord. of 12-13-66, §1)

Sec. 19-120 to 19-138. Reserved.

Article 6. Wreckers.

Sec. 19-139. Definitions.

For the purposes of this article, the following words and phrases shall have the meanings herein ascribed to them:

- (A) Motor Vehicle. The term “motor vehicle” includes every vehicle which is self-propelled.
- (B) Vehicle. The term “vehicle” includes every device in or by which any person or property is or may be transported or drawn upon a public highway, except devices moved only by human power or used exclusively upon stationary rails or trucks, including trailers and semi-trailers.
- (C) Chief of Police. The chief of the Big Spring Police Department or his appointed representative.
- (D) Police Department. The police department of the City of Big Spring.
- (E) Wrecked. The status of any vehicle that has been damaged as a result of an accident so as to reasonably require that such vehicle be removed by a wrecker.
- (F) Non-Consent Tows. A tow initiated by the police department by contacting the City’s contracted wrecker if applicable, or a wrecker company from the Wrecker Rotation List to remove a wrecked or disabled vehicle, when the driver is absent, incapable of or refuses to indicate a choice of wrecker company.
- (G) Wrecker Rotation List. The list maintained by the police department of wrecker companies with a valid Wrecker Rotation Permit.

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- (H) Wrecker Business. The business of towing or removing abandoned, disabled or wrecked motor vehicles from the public streets, regardless of whether the purpose of towing is to remove, repair, wreck, store, trade or purchase such disabled or wrecked vehicles.
- (I) Wrecker company. A company, firm or person engaged in the wrecker business. (Ord. of 9-12-61, §1; Ord. of 3-12-85, Ord. 3-13-12).

Sec. 19-140. Contracted Wrecker Service.

The City may contract with a wrecker company to provide wrecker services for the City under such terms and conditions as the City Manager deems necessary and appropriate. Such contract may provide terms and rates for wrecker services to be provided to the City for City owned or operated vehicles. If the contracted wrecker is to perform non-consent tows in lieu of a wrecker rotation list the contract must also require that the contracted wrecker at a minimum will meet all conditions required for a wrecker rotation permit and such additional requirements as the City deems necessary and appropriate. (Ord. of 3-12-85, Ord. of 3-13-12)

Sec. 19-141. Wrecker Selection Process.

- (A) Designation of Wrecker Company. When a police officer investigating an accident collision determines that any vehicle which has been involved in a collision or accident upon a public street is unable to proceed safely under its own power, or when the owner or operator of a vehicle is physically unable to drive such vehicle or if a vehicle in safe condition must be removed from a public highway, such officer shall request the owner or operator to designate in writing or while being recorded, the person or wrecker company the owner or operator desires to remove the vehicle. When the owner has designated the wrecker company desired, the police officer shall communicate that fact to dispatch and the person receiving the communication at the police department shall call the designated company to send a wrecker to the scene of the accident, collision or arrest.
- (B) Recommendation by City Employee Prohibited. No City of Big Spring employee including a police officer investigating or present at the scene of any wreck, accident or collision on a public street, or in any other situation where a vehicle needs to be towed, shall directly or indirectly, either by word, gesture, sign or otherwise recommend to any person the name of any particular person or company engaged in the wrecker service or repair business; nor shall any such employee influence or attempt to influence in any manner the decision of any person in choosing or selecting a wrecker or repair service. Provided that, if a police officer observes a window sticker or other written material on or about the vehicle which purports to indicate the owner or operator's preference for a specific wrecker company, the police officer may ask the owner or operator of the vehicle if the sticker or other written material indicates such person's choice of wrecker company, however the police officer shall not be obligated to do so. It is further provided that any police officer, in the exercise of official discretion, may direct that any

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vehicle shall be taken by the driver of the wrecker towing the vehicle directly to the police station or to any other place the officer may designate, to be held by the City of Big Spring for any lawful purpose.

- (C) Solicitation of wrecker business prohibited on public streets. No person shall solicit in any manner, directly or indirectly on the public streets of Big Spring, wrecker business involving a vehicle wrecked on said streets. This prohibition applies regardless of whether the solicitation is for the business of towing, repairing, wrecking, towing, trading, selling or purchasing said wrecked vehicle. The presence of a wrecker at the scene of a collision or arrest or abandoned vehicle when such wrecker was not called by the City of Big Spring or a party to the collision or arrest, shall be prima facie proof of violation of this section.

- (D) Failure or Inability to Designate a Wrecker Company or Arrested Driver. In the event the owner or operator of a vehicle involved in an accident or collision is physically unable to designate the wrecker company desired, or refuses to designate one, the investigating officer shall communicate the fact immediately to the Police Department headquarters. The officer also has discretion to call for a non-consent tow if the driver of the vehicle is taken into police custody. The Police Department shall then contact the City's contracted wrecker if there is a current contract for non-consent tows pursuant to Section 19-140 above, or the wrecker company currently at the top of the wrecker rotation list.

- (E) Response Times. In the event that a wrecker company designated by the owner of the vehicle or called by the police department from the City's contract or the wrecker rotation list is contacted to respond to a scene, the wrecker company shall proceed immediately to the scene where it is directed and, absent extenuating circumstances, shall be given a period of twenty-five (25) minutes in which to reach the location. If the company answering the call has not reached the location within twenty-five (25) minutes, the officer at the scene has discretion to call the contracted or rotation list wrecker if the original wrecker was designated by the owner or to call the next wrecker company on the wrecker rotation list if the originally called wrecker was at the top of the wrecker rotation list. The second called wrecker company shall then have priority over the call. Failure to comply with these response times may result in removal of a company from the wrecker rotation list or be considered a breach of contract for the City's contracted wrecker. An exception may be made where the called wrecker company advised the officer requesting the wrecker service that they will be unable to take the call or in the case of a delay beyond the control of the wrecker company or its employees.

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- (F) Discretion of Police Department. In order to protect the public health and safety, a police officer on scene at any situation necessitating wrecker service shall at all times retain the sole discretion to determine the type (standard or heavy duty) of wrecker suitable and/or the need for any other specialized wrecker for any particular situation.

- (G) Cleanup and Removal of Debris. Any wrecker company called to the site of an accident shall completely remove all broken glass and debris from the public street before leaving the accident scene. All accident debris shall be disposed of in accordance with state and local sanitation laws and shall not be disposed of in a manner that will allow it to reach the gutters or storm sewers or to remain on the public right of way or any property not belonging to the wrecker company unless lawfully disposed of with the consent of the property owner.

Sec. 19-142. Wrecker Rotation List.

If the City does not have a current contract with a wrecker company to perform all non-consent tows pursuant to Section 19-140 above, the Police Department shall maintain a wrecker rotation list for use when non-consent tows are necessary. The list shall contain the name and address of each wrecker company that has been issued a wrecker rotation permit by the Police Department. Each wrecker company on the list will be utilized as the “on call” wrecker for rotating periods of tow (2) weeks. Each wrecker company on the list is responsible for keeping contact information up to date.

- (A) Application for Wrecker Rotation Permit. Any wrecker company desiring to be placed on the wrecker rotation list shall make application for a wrecker rotation permit with the Chief of Police. The application shall:
 - 1. Be in writing and signed and sworn to by the owner;
 - 2. State the company’s qualifications and experience;
 - 3. Include a schedule of charges, rates and fees which may not exceed the rates set forth in this section;
 - 4. List the equipment the company has for providing said service and provide a statement that the company has all equipment required under the Texas Occupations Code; and
 - 5. Include a photocopy of the applicant’s and its employees’ towing licenses issued under the Texas Occupations Code.

If the applicant has a valid wrecker license and complies with the requirements of this article, the Chief of Police will issue a wrecker rotation permit to the applicant which must be renewed annually. If the permit requirements are not met, the Chief of Police will notify the applicant in writing that the permit is denied and state the reasons for denial of the permit.

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- (B) Permit Fee. The application must be accompanied by a permit fee of One-Hundred Dollars (\$100.00) per year. All permits issued hereunder shall expire September 30th of each year and shall not be prorated unless the City cancels all permits and changes to a contracted wrecker service.
- (C) Liability Insurance. All wrecker companies with a wrecker rotation permit must carry standard liability insurance for each wrecker in limits of not less than the amounts required by the Texas Occupations Code.
- (D) Maximum Towing Fees Authorized.(Ord. of 9-12-61, §3; Ord. of 3-12-85)
1. Vehicles with GVWR under 10,001 lbs

Towing Fee	\$100.00 plus mileage
Drop Fee	\$ 50.00 plus mileage
Work Time	\$125.00 per hour (first 15 min. free)
Mileage	\$ 4.00 operated mile

 2. Vehicles with GVWR over 10,001 and less than 26,001 lbs

Hook-up Fee	\$150.00
Drop Fee	\$ 75.00
Working Time	\$350.00 per hour (4 hr min.)
Waiting Time	\$150.00 per hour
Mileage	\$ 5.00 per operated mile

 3. Vehicles with GVWR over 26,001 lbs

Hook-up Fee	\$350.00
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 4. Special Equipment

Dolly for Cars	\$ 50.00 plus \$2.00 per one way mile
Dolly for Truck/Trailer	\$100.00 per hour
Light Power Plant	\$ 50.00 per hour
Air Cushions	\$200.00 per cushion per hour
Recovery Van	\$150.00 plus \$4.00 per one way mile
Arrow Board	\$ 50.00 per strap
Nylon Lifting Straps	\$ 50.00 per strap
Replacement Vehicle	Will be charged base fee no mileage charge

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5. Extra Labor

\$50.00 per hour per person – Time will be computed from the time such help leaves terminal point of dispatch until they return to terminal or point of dispatch after completing work.

6. Fork Lift #311

\$100.00 per hour with operator time will be computed from the time unit arrives on location until unit leaves location. Normal delivery fee charged by specific delivery truck.

7. Pay Out Fees

At the option of the carrier charges or expense for payout fees or special services for the account of the shipper may be advanced by MWS. Such advance charges shall be in addition to other applicable rates or changes. MWS will assess carrying charge of twenty-five (25%) of said payout fees.

8. Private Property Tow Fee Schedule

Light Duty Towing Fee	\$250.00	Drop Fee	\$125.00
Medium Duty Towing Fee	\$350.00	Drop Fee	\$175.00
Heavy Duty Tow Fee (per unit)	\$450.00	Drop Fee	\$225.00
MAX Heavy Duty Tow Fee	\$900.00		

(E) Yards and Storage Areas. Each wrecker company on the police wrecker rotation list must own or contract with a licensed Vehicle Storage Facility within five (5) miles of the city limits of the City of Big Spring.

(F) Yards and Storage Areas. All yards and storage areas for damaged or impounded vehicles which are towed by wrecker companies on the wrecker rotation list shall be fenced or enclosed in order to provide protection for the vehicles in their custody.

(G) Suspension, Cancellation or revocation of Wrecker Rotation Permit.

1. After an administrative hearing, the Chief of Police may suspend, cancel or revoke a wrecker license granted under Section 19-141 for any of the following grounds:

a. If the wrecker company violates any provision of this article or any other ordinances or any state law regulating vehicular traffic.

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- b. If the wrecker company fails to protect vehicles in its care as a result of wrecker pull or fails to prevent parts, accessories, and personal belongings from being removed from the vehicle except as may be necessary to protect said items from theft.
 - c. If at any time it is determined that the wrecker company fails to meet the minimum requirements for a licensed wrecker under this article.
- 2. The Chief of Police shall give ten (10) days notice of the time and place for the administrative hearing concerning suspension, cancellation, or revocation of a wrecker rotation permit as provided above and is hereby empowered to administer oaths to witnesses and to conduct the hearing as otherwise provided by law.
 - 3. Finding the Chief of Police in his written order of suspension, cancellation or revocation of wrecker license shall terminate all authority and permission previously granted. The period of suspension, revocation or cancellation of a wrecker license shall not exceed one year.
 - 4. Any order of the Chief of Police may be appealed to the City Council within ten (10) days from the date the permit holder receives written notice of the suspension, cancellation, or revocation. The City Council shall have authority to reverse, affirm, vacate or modify the order of the Chief of Police; provided, however, in the event the City Council affirms the order, the suspension, revocation or cancellation shall commence on the date of action by the City Council. (Ord. of 9-12-61, §6; Ord. of 3-12-85, Ord. of 3-13-12)

Sec. 19-143. Required equipment.

All wreckers or towing equipment used in the City of Big Spring shall have the following minimum equipment:

- (A) A Class A wrecker shall be mounted on a minimum one (1) ton capacity chassis and shall be equipped with a power or hand operated winch, boom and line with a factory-rated capacity of not less than five thousand (5,000) pounds single line capacity.
- (B) A Class B wrecker shall be mounted on a two-and-one-half (2-1/2) ton minimum chassis and shall be equipped with a power operated winch, boom and line with a factory-rated lift capacity of not less than ten thousand (10,000) pounds single line capacity.

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- (C) All towing units or wreckers shall be equipped with a dolly, winch, line, booster brakes, axe, tow bar, spare chains, blinker lights, emergency lights, working light, broom, flares, wheel chocks, hydraulic jack and fire extinguishers, in addition to the other standard equipment on wreckers. Each wrecker company on the police rotation list shall have a two-way radio with emergency law enforcement frequency. (Ord. of 8-12-61, §4; Ord. of 3-12-85)

Sec. 19-144. Liability insurance.

All wrecker companies shall carry standard liability insurance for each wrecker in limits of not less than the following sums:

- (A) For damages arising out of bodily injury to or death of one person in any accident, one hundred thousand dollars (\$100,000).
- (B) For damages arising out of bodily injury to or death of two (2) or more persons in any one accident, three hundred thousand dollars (\$300,000).
- (C) For injury to or destruction of property in any one accident, one hundred thousand dollars (\$100,000). (Ord. of 9-12-61, §5; Ord. of 3-12-85)

Sec 19-145. Theft and vandalism insurance.

Each wrecker company on the police wrecker rotation list shall have a storage yard and shall carry a minimum of fifty thousand dollars (\$50,000) theft insurance and a minimum of fifty thousand dollars (\$50,000) vandalism coverage for said yard. (Ord. of 9-12-61, §5; Ord. of 3-12-85)

Sec. 19-146. Yards and storage areas to be fenced.

All yards and storage areas for damaged or impounded vehicles which are towed by wrecker companies on the rotation list shall be fenced or enclosed in order to provide protection for the vehicles in their custody. All yards and storage areas of all wrecker companies shall be located within five (5) miles of the city limits of Big Spring, Texas. (Ord. of 9-12-61, §6; Ord. of 3-12-85)

Sec. 19-147. Wrecker selection process/rotation.

- (A) When a police officer investigating an accident determines that any vehicle which has been involved in a collision or accident upon a public street is unable to proceed safely under its own power or that the owner thereof is physically unable to drive said vehicle and does not designate in writing another person to remove said vehicle, or the owner does not sign a release in the case of a vehicle which is legally parked, then the officer shall request the owner to designate in writing another person to remove said vehicle, or, if the vehicle is legally parked, the owner does not sign a release, then the officer shall request the owner to designate the wrecker company which the owner desires to remove the vehicle. Said wrecker company must have a valid wrecker license issued under section 19-140 and a valid rotation permit issued under section 19-142. If the company does not have said valid license and permit issued under this article, the owner shall be so informed and given an opportunity to designate another company from a list

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of licensed wrecker companies which have valid rotation permits. The officer in charge at the scene of any accident or arrest may authorize use of a company licensed under section 19-140 but which does not have a valid rotation permit issued under section 19-142 if requested by the owner of the vehicle and it will result in no unnecessary delay in clearing the scene of the accident or arrest and if the owner signs a written release which releases the Police Department and the City of Big Spring from all liability for use of a company which does not have a valid rotation permit issued under section 19-142. When the owner has designated the wrecker company desired, the police officer shall communicate that fact immediately to police department headquarters and it shall be the duty of the officer receiving the information at headquarters to call the designated company to send a wrecker to the scene of the accident or collision or arrest.

- (B) In the event the owner of a vehicle described in section 19-148(a) above is physically unable to designate the wrecker company desired or refuses to designate one, or in the case of an abandoned motor vehicle as defined in Section 5.01 of Article 4477-9a of the Texas Revised Civil Statutes (the procedure for handling abandoned motor vehicles shall be governed by said statute in addition to the provisions of this ordinance), the investigating officer shall communicate that fact immediately to police department headquarters. The police department shall maintain a wrecker rotation list in alphabetical order, which shall contain the name and address of each wrecker company that has been issued a permit under section 19-142 in order that said company may be called upon for wrecker service by the police department. The police officer receiving a call at police headquarters for wrecker service shall call the first wrecker company on the list to tow said vehicle or move the same from the public streets of the city. After the company at the top of the list has received calls for a period of two (2) weeks, then the company's name shall be placed at the bottom of the list and the next company shall be moved to the top of the list and it shall receive calls for two weeks. This process shall be repeated until each company providing wrecker service under the provisions of this article has received calls for two weeks and then this process shall be started over again. The police department shall notify each wrecker company in sufficient time before it renders wrecker service so the company can adequately provide the necessary personnel and equipment to answer said calls.
- (C) In the event the wrecker company is requested by the police department to make a call and, the company agrees to make the call, then the company shall proceed immediately to the scene where it is directed and shall be given a period of fifteen (15) minutes in which to reach the location. If the wrecker company answering the call has not reached the location within fifteen (15) minutes, the officer at the scene may proceed to call the next wrecker company on the list and that company shall have priority over that particular call. In the event a wrecker company fails to comply with the provisions of this subsection by proceeding to the designated place within the time specified above, said company shall be removed from the top of the list and placed at the bottom of the list. This subsection shall not apply where the company's name at the top of the list is

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called and they advise the officer requesting the wrecker service that they will be unable to make the call, nor will it apply where there has been a delay caused by some act or omission of another person other than of the wrecker company or its employees or caused by an act of God. (Ord. of 9-12-61, §§7-9; Ord. of 3-12-85)

Sec. 19-148. Solicitation of wrecker business prohibited on public streets.

No person shall solicit in any manner, directly or indirectly, on the public streets of Big Spring, wrecker business involving a vehicle wrecked on said streets. This prohibition applies regardless of whether the solicitation is for the business of towing, repairing, wrecking, storing, trading selling or purchasing said wrecked vehicle. The presence of a wrecker at the scene of a collision or arrest or abandoned vehicle, which wrecker was not called by the Big Spring Police

Department or a party to the collision or arrest, shall be prima facie proof of solicitation as is hereby prohibited. (Ord. of 9-12-61. §10: Ord. of 3-12-85)

Sec. 19-149. Recommendation of wrecker service.

No employee of the City of Big Spring shall recommend to any person, in any manner, the name of any repair, wrecker or towing business nor shall any city employee influence or attempt to influence in any manner the decision of any person in choosing or selecting a repair, wrecker service or towing business. (Ord. of 3-12-85)

Sec. 19-150. Sub-contracting.

No wrecker company may subcontract its two (2) week rotation to another wrecker service. (Ord. of 3-12-85)

Sec. 19-151. Discretion of police department.

Due to the emergency nature of wrecker service, the following matters are determined to be necessarily within the discretion of the police department:

- (A) The police department shall have the responsibility for calling for the type (standard or heavy duty) wrecker deemed suitable for any particular situation necessitating wrecker service.
- (B) The police department shall have the discretion to determine the need for any other specialized heavy duty wrecker as may be needed for a particular situation regardless of the rotation call list. (Ord. of 3-12-85)

Sec. 19-152. Cleanup responsibility.

Each wrecker company called to the site of an accident shall completely remove all broken glass and debris from the public street before leaving the accident scene. Debris shall be disposed of in a manner which will keep it out of gutters, storm sewers, public right-of-way and property not belonging to the wrecker company unless done with the consent of the property owner. (Ord. of 3-12-85)

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Sec. 19-153. Availability of service.

Each wrecker company on the rotation call list shall be available to provide 24 hour service. Each wrecker company on the rotation list must have its office open for business during normal business hours. (Ord. of 3-12-85)

Sec. 19-154. Inspection of equipment.

The chief of police shall have the right to inspect the equipment and facilities of companies approved to provide wrecker service under the provisions of this chapter. Inspection shall be made at any and all reasonable hours and places. (Ord. of 9-12-61, §3; Ord. of 3-12-85)

Sec. 19-155. Rates and fees; itemized receipt.

The fees to be charged for towing, repair or storage by a wrecker company responding to calls for "police pulls" will be decided by an agreement of the majority of the companies on the police rotating call list and with the approval of the chief of police. This agreement will be in writing and signed by the owner or representative of the company. The above stated fee agreement will be required of all companies on the approval rotation call list. Each wrecker company on the wrecker rotation list which makes a "police pull" shall furnish an itemized receipt to the person who picks up the vehicle and pays said fees. (Ord. of 3-12-85)

Sec. 19-156. Grounds for suspension or removal.

(A) After an administrative hearing the chief of police may suspend or remove any wrecker company from the rotation list for any of the following grounds:

- (1) If the place on the wrecker rotation list was procured by fraudulent conduct, concealment of, or false statement of a material fact concerning applicant at the time of his making application.
- (2) If the wrecker company violates any provisions of this article or any other ordinance or any state law regulating vehicular traffic.
- (3) If the wrecker company fails to protect vehicles in its care as a result of a wrecker pull or fails to prevent parts, accessories and personal belongings from being removed from the vehicle except as may be necessary to protect said items from theft.
- (4) If the wrecker company is repeatedly tardy in arriving after being called to the scene of an accident by the police department for a police pull.
- (5) If the wrecker company charges fees in excess of limits set out in rate agreement.
- (6) If at any time it is determined that the wrecker company fails to meet the minimum requirements for selection to the approval rotation list.

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- (B) The chief of police shall give ten (10) days notice of the time and place for the administrative hearing concerning suspension, cancellation or removal as provided above and is hereby empowered to administer oaths to witnesses and to conduct the hearing as otherwise provided by law.
- (C) Findings of the chief of police and his written order of suspension or removal from the rotation list shall terminate all authority and permission theretofore granted. The period of removal or suspension from the rotation list shall not exceed one year.
- (D) Any order of the chief of police may be appealed to the city council within ten (10) days from the date of suspension or removal. The city council shall have authority to reverse, affirm, vacate or modify the order of the chief of police; provided, that in the event of affirmance of the order, the suspension shall commence upon the date of action by the city council. (Ord. of 9-12-61, §3; Ord. of 3-12-85)

Sec. 19-157. Penalties.

Violations of any of the provisions of this article shall be subject to the administrative action set out herein and in addition shall be subject to a fine not to exceed two hundred dollars (\$200.00) upon conviction. (Ord. of 3-12-85)

Sec. 19-158. License and permit fees.

To cover the cost of any expenses incurred by the City of Big Spring police department in the processing of applications and other administrative services under this article, each wrecker company shall pay a license fee of fifty dollars (\$50.00) per year and each wrecker company which applies for a rotation permit shall pay a permit fee of one hundred dollars (\$100.00) per year. All licenses and permits issued hereunder shall expire September 30 of each year and shall not be prorated. (Ord. of 3-12-85)

Sec. 19-159. Suspension, cancellation, or revocation of wrecker license.

(A) After an administrative hearing the chief of police may suspend, cancel or revoke a wrecker license granted under section 19-140 for any of the following grounds:

- (1) If the wrecker company violates any provision of this article or any other ordinance or any state law regulating vehicular traffic; provided, however, the provisions of this article regarding a wrecker company which has obtained a permit to be included on the approved rotation list shall not apply to a licensed wrecker company which does not also hold a permit to be included on the approved rotation call list as provided in section 19-142.
- (2) If the wrecker company fails to protect vehicles in its care as a result of a wrecker pull or fails to prevent parts, accessories, and personal belongings from being removed from the vehicle except as may be necessary to protect said items from theft.

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- (3) If at any time it is determined that the wrecker company fails to meet the minimum requirements for a licensed wrecker under this article.
- (B) The chief of police shall give ten (10) days notice of the time and place for the administrative hearing concerning suspension, cancellation, or revocation of a wrecker license as provided above and is hereby empowered to administer oaths to witnesses and to conduct the hearing as otherwise provided by law.
- (C) Findings of the chief of police in his written order of suspension, cancellation, or revocation of wrecker license shall terminate all authority and permission theretofore granted. The period of suspension, revocation or cancellation of a wrecker license shall not exceed one year.
- (D) Any order of the chief of police may be appealed to the city council within ten (10) days from the date of suspension, cancellation, or revocation. The city council shall have authority to reverse, affirm, vacate or modify the order of the chief of police; provided, however, in the event of affirmance of the order, the suspension, revocation or cancellation shall commence on the date of action by the city council. (Ord. of 3-12-85)

Sec. 19-160 to 19-170. Reserved.