

COMMONWEALTH OF KENTUCKY
OLDHAM COUNTY
ORDINANCE NO. KOC-22-340-317

AN ORDINANCE ESTABLISHING REGULATION OF WRECKER SERVICES WITHIN THE COUNTY WHICH ARE PROVIDED BY OLDHAM COUNTY FISCAL COURT TO INCLUDE APPLICATION, RULES, REGULATIONS, REQUIRED EQUIPMENT, REQUIRED OPERATIONAL PROCEDURES, FEES AND PENALTIES.

WHEREAS the Oldham County Fiscal Court seeks to promote the public health, safety, and general welfare of the county and the safe and orderly movement of vehicular traffic on roadways within the county; and,

WHEREAS the Oldham County Fiscal Court recognizes that collisions on any of the roadways within Oldham County presents a hazard to the public health, safety, and general welfare, it is determined that an available towing service for the removal of such vehicles involved in such collisions, is necessary to achieve public health, safety, and general welfare.

WHEREAS the Oldham County Fiscal Court deems it in the public's interest to create and install a system of such available towing companies.

THEREFORE, BE IT ENACTED AND ORDAINED BY THE FISCAL COURT OF OLDHAM COUNTY, KENTUCKY, THAT THE FOLLOWING IS NOW ADOPTED AS THE LAW WITHIN OLDHAM COUNTY, KENTUCKY.

PURPOSE and SCOPE.

This ordinance shall be known and may be cited as the "Wrecker Rotation Ordinance".

- (A) The County, pursuant to the authority granted by state law, in order to protect the public, to protect the rights of persons whose vehicles may be towed, to maintain safe and efficient operating rules, and to regulate the towing services, hereby engages in the approval and regulation of business enterprises engaged in the incident management towing, removing, and storing of motor vehicles within Oldham County, KY, by creating a wrecker rotation list. The purpose and intent of this ordinance is to regulate incident management tows initiated by a sworn peace officer or a county official. The ordinance does not apply to private property towing or tows initiated at the request of a vehicle owner or operator within the County.
- (B) Participation in the wrecker rotation list system shall be considered personal to the approved business enterprise and only to that definite legal entity operating an approved wrecker.

- (C) Furthermore, participation in the wrecker rotation list shall not constitute a property interest or a franchise, but rather a mere approved license/permit of participation and can be canceled at any time, with or without cause.
- (D) Any established law enforcement agency operating within Oldham County is authorized to enforce this ordinance.

DEFINITIONS.

For this ordinance, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Consent tow. Means any tow initiated at the request of a vehicle owner or operator.

Incident Management Tow. Means any tow of a vehicle in which the towing company is summoned to the scene of a traffic collision or to an incident, including the removal of a vehicle, commercial cargo, and debris from a collision or incident scene.

Pass. When the County Dispatcher telephones a towing company on the rotation list to perform an Incident Management tow and is unable to contact the towing company or the towing company refuses or declines to accept the telephone call or fails to show up at the scene within 30 minutes, that service is “passed”, and the next service is called.

Police. Any established law enforcement agency in the County, specifically; the Oldham County Police Dept., the LaGrange Police Dept., and the Oldham County Sheriff’s Office, and the Pewee Valley Police Dept.

Towing Company. Individual, association, corporation, or other legal entity that controls, operates, or directs the operation of tow trucks.

Vehicle Storage Facility. A properly zoned vehicle storage facility that is operated by a person who owns the towing company.

Wrecker. A truck specially equipped with winches and hoist mechanisms for freeing stuck vehicles and towing wrecked or disabled vehicles. Also commonly referred to as a tow truck or recovery vehicle.

Wrecker Rotation List. The County maintained master list of all wrecker companies to be utilized in the event of an incident management tow.

APPLICATION PROCESS.

- (A) To obtain approval for any towing company to participate in the wrecker rotation list, an application, OCPD form 142, shall be fully completed and filed with the County Police Department.
- (B) Accompaniments. The written application form shall be accompanied by:
 - (1) Copy of the wrecker’s registration.
 - (2) Copy of towing company DBA, partnership agreement or articles of incorporation.

- (3) A copy of the current annual vehicle inspection report, indicating proof the inspection was passed.
 - (4) Copy of the original certificate of insurance for the towing company.
 - (5) A copy of the vehicle storage facility deed or lease.
 - (6) A copy of wrecker operator's National Traffic Incident Management (TIM) Training Certificates.
- (C) Maximum number of permits/licenses issued and placed on the rotation lists. The County will allow 6 towing companies on the rotation list. Should a vacancy occur, the county will consider filling the vacancy if it is deemed necessary.
- (D) An applicant that fails to meet any requirement will be denied.
- (E) Application Inspection Fees. An nonrefundable application of fee \$250.00 per company shall be remitted at the time of submission of the application.

QUALIFICATION FOR PLACEMENT ON THE WRECKER ROTATION LIST.

Only those towing companies meeting the following annual requirements shall be placed on the incident management wrecker rotation list:

- (A) Have submitted a completed OCPD form 142,
- (B) Own a properly zoned vehicle storage facility within the County limits,
- (C) Maintain a liability insurance policy,
- (D) Maintain a 24-hour, 7 days a week wrecker service,
- (E) Maintain a telephone number answered 24 hours a day,
- (F) Must be available to respond within 45 minutes to an incident scene,
- (G) Must maintain the required towing equipment on all company wreckers, and
- (H) All towing company wrecker operators must possess a National Traffic Incident Management (TIM) Training Certificate.
- (I) A copy of the current annual vehicle inspection report, indicating proof the inspection was passed.

INCIDENT MANAGEMENT WRECKER ROTATION LIST OPERATION.

- (A) Answer a Dispatch call within (2) attempts. Failure to answer will result in the towing company being passed and placed last on the rotation list.

- (B) The County reserves the right to cancel the notified towing company as warranted by the situation on the scene. Should this occur, the company shall be placed on top of the rotation list and shall receive the next call out.
- (C) If the notified wrecker on the scene cannot complete the job with the towing company's own vehicles it may request additional resources as long as those resources can respond in a reasonable timeframe if not it may be considered a pass, and the next towing company on the rotation list shall be called.
- (D) The County reserves the right to notify a towing company not on the rotation list should the incident require specialized equipment, a heavy-duty wrecker, or weather conditions require additional services.

RECORDS: Removal of vehicles; contents and retention period; inspection by police; audits.

- (A) Records of removal of vehicles required. Every towing company approved for the wrecker rotation list and subsequently called by Dispatch to respond shall maintain records of all such vehicles towed.
- (B) Contents, retention, inspections, audits.
 - (1) The records required to be kept by the towing company shall contain the following information:
 - (a) Make, model, color, and Vehicle Identification Number (VIN) of the disabled automobile towed by the company,
 - (b) Location from which the disabled vehicle was removed and date and time of removal,
 - (c) Total amount charged for towing,
 - (d) Storage rate per day,
 - (e) Name and phone number of the towing company.
 - (f) Comply with KRS 281.928 Required notice to owner and lien holder – Contents – Holding and retrieval period for towed vehicles.
 - (2) Records shall be preserved by the towing company for at least twenty-four months after the date of the tow.
 - (3) Inspection by the police. The records required to be kept by this ordinance in the above subsection shall be made available to the Police by the towing company within one business day upon notification via email upon request.
 - (4) Audits. Once annually, the police will conduct random audits of tows generated through the incident wrecker management rotation list.

OPERATIONAL REQUIREMENTS.

1. The officer in charge at an incident scene, or at the location of a collision or disabled vehicle on a public roadway may, if the safety of the public requires it, take any steps needed to ensure public safety.
2. Only County dispatched wreckers will respond to the incident scene. No other wrecker operators shall arrive at the location for the purpose of soliciting business.
3. No wrecker shall follow a police vehicle, fire apparatus, ambulance, or other emergency vehicle to the incident scene, unless directed to do so by a police officer.
4. All wrecker operators arriving at any incident scene shall obey all orders given them by any emergency responder.
5. Except as provided in this ordinance, a towing company, its employees, or wreckers shall not enter an incident scene, or other site under an officer's control without the permission of the investigating officer.
6. The fact that no police officer is present at an incident scene when a wrecker arrives shall not constitute an exception to any requirement of this ordinance
7. Any towed vehicle can only be stored at the towing company's properly zoned storage facility and must be available to the vehicle owner dawn to dusk with an additional fee if outside of normal business hours and by appointment.
8. Any towed vehicle with a hold placed on it by a law enforcement agency, can only be released by that law enforcement agency.

CONDUCT OF OPERATORS AND COMPLAINTS.

The County shall establish and maintain a formal complaint system to be used by members of the public, police agencies, fire departments, or County officials wishing to file a formal complaint on a towing company or their employee.

The County will review each complaint and recommend action if sustained.

The County shall be notified in writing within 48 hours of any arrest or criminal conviction of the owner of a towing company, or any wrecker operator employed by the towing company.

SUSPENSION OR REVOCATION FROM ROTATION LIST.

- (A) For suspension:
- (1) The County may suspend a towing company from the rotation list if the County determines a company or their employee has:

- (a) Allowed a person to operate a wrecker engaged in an incident management tow in the county without a valid Class D driver's license, or when applicable, a valid commercial driver's license (CDL) of the appropriate class and endorsement,
- (b) Operated a wrecker which has not been registered with the County for incident management tows,
- (c) Failed to release a vehicle dawn to dusk with an additional fee if outside of normal business hours and by appointment. as request by the owner or operator of a vehicle,
- (d) Imposed or attempts to impose any condition for release of any motor vehicle which had been towed to their vehicle storage facility, other than proof of ownership, identification of the person claiming the vehicle and the payment for towing and storage,
- (e) Failed to provide the owner or operator of the vehicle with a written receipt for towing and storage charges,
- (f) Charged more than the maximum fee allowed by the fee resolution,
- (g) Failed to clean the street of any debris resulting from a collision,
- (h) Failed to provide written notification to the County that the company's insurance has been canceled, or is no longer in force for any reasons, or the amounts of insurance have been reduced,
- (i) Passed on the rotation list more than two (2) unexcused times within 6 months of being approved for the rotation list,
- (j) Failed to allow a vehicle owner access to retrieve personal items from a stored vehicle within one (1) hour of having been notified,
- (k) Failed to allow the owner to retrieve personal items due to not paying the tow charges,
- (l) Any unsafe towing practices.

(B) For Revocation:

- (1) The County may revoke and remove a towing company from a rotation list if the County has determined that:
 - (a) Made a false statement in the application process,
 - (b) Failed to comply with applicable provisions of this ordinance,
 - (c) Failed to comply with conditions and limitations of the ordinance,
 - (d) Been convicted or received deferred adjudication for any felony offense while an approved towing company of the rotation list,
 - (e) Failed to maintain a vehicle storage facility within the county,
 - (f) Two (2) or more suspension violations within a one-year period,

- (g) Passed two (2) unexcused tows while on the rotation list in a twelve (12) month period,
 - (h) Failed to maintain, or provide access to business records, or altered business records,
 - (i) Failed to obey directions from the on-scene emergency first responder,
 - (j) Actual or attempted occasions overcharging on fees, or
 - (k) Failed the audit or failed to comply with the audit.
- (2) If the County determines that a towing company should be revoked, the department shall notify them in writing that their participation is revoked and include in the notice the reason for revocation.

APPEALS: SUSPENSION and REVOCATION PROCESS.

- (A) Within ten (10) days from the date of the suspension or revocation, the towing company may appeal to the Oldham County Chief of Police by a written sworn notarized letter stating their objections and reasons in detail.
- (B) The Chief of Police shall forward a report detailing the cause of the recommended suspension or revocation and the towing company's objection to the County Judge Executive or their designee for their review. Once reviewed by the County Judge Executive or their designee a copy shall be sent to the Public Safety Jail Committee.
- (C) The County Judge Executive or their designee, may decide the issue or refer it to the County Attorney.

FEES AND CHARGES.

All fees and charges related to the recovery, towing, inventory, storage, and other additional costs of any vehicle towed under this ordinance will be assessed and set by resolution by Oldham County Fiscal Court at the beginning of each fiscal year.

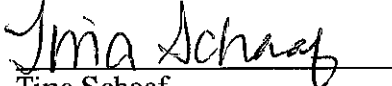
SEVERABILITY.

It is hereby declared to be the intention of the Oldham County Fiscal Court that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable and, if any phrase, clause, sentence, paragraph, or section of this Ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance.

EFFECTIVE DATE: This Ordinance shall be and become effective on December 6, 2022, from and after its adoption and publication in accordance with law.



David Voegelé
Oldham County Judge Executive



Tina Schaaf
Oldham County Fiscal Court Clerk

**COMMONWEALTH OF KENTUCKY
COUNTY OF OLDHAM**

RESOLUTION NO. 01-12-08-22

A RESOLUTION OF THE COUNTY OF OLDHAM, KENTUCKY AUTHORIZING THE TOWING FEES AS RELATED TO WRECKER SERVICES.

WHEREAS, it would be beneficial to the citizens of Oldham County to establish towing fees of:

Hook up Fee	\$110.00
Mileage	\$4.25 per mile
Hourly Rate	\$115 per hour
Storage	\$40 per day
Off Hours pickup (customer)	\$50.00

NOW, THEREFORE, BE IT RESOLVED BY THE FISCAL COURT OF OLDHAM COUNTY, COMMONWEALTH OF KENTUCKY AS FOLLOWS:

That Oldham County adopts the towing fees as listed and permitted by Ordinance KOC-22-340-317, an ordinance establishing regulation of wrecker services within the county.

This resolution shall become effective upon its passage according to law.

Dated this 8th day of December, 2022

Signed:

David Voegele
Oldham County Judge/Executive

Attest:

Tina Schaaf
Oldham County Fiscal Court Clerk