

COMMONWEALTH OF KENTUCKY  
OLDHAM COUNTY  
ORDINANCE NO. 21-520-257

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

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**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 wrecker service for the removal of such vehicles involved in such collisions, lockouts, winch-outs, off roads, motorist assist, tire change is necessary to achieve public health, safety, and general welfare; and,

**WHEREAS**, the Oldham County Fiscal Court deems it in the public's interest to create and install a system of such available wreckers;

**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 wrecker 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 and lockouts, winch-outs, off roads, motorist assist, tire change which a sworn peace officer or a County official may request. The ordinance does not apply to consent tows from public or private property 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 the purpose of this ordinance, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**Application.** The written application form approved by the County and all required documentation and all applicable fees.

**Auxiliary Tow Lights.** A set of lamps, connected to the wrecker, which are attached to the rear of the towed vehicle and, when lit, will signal stops and turn movements of the towed vehicle.

**Business Enterprise.** The operating name of a company, as opposed to the legal name of the company.

**Consent Tow.** Any tow of a motor vehicle in which the wrecker truck is summoned by the owner or operator of the vehicle or by a person who has possession, custody, or control of the vehicle.

**Conviction.** A finding of guilt by a judge or jury, or any plea of guilty or nolo contendere, unless such conviction has been held invalid by the courts or the proceedings against the defendant have been dismissed and the defendant discharged by the court.

**County** shall refer to the Oldham County Police Department and or their designee.

**County Official.** Any other employee of the County designated by the County Judge Executive authorized to tow vehicles.

**Emergency Lights.** Flashing, rotating or strobe lights that are mounted above the roofline of the wrecker. The lights shall be mounted as high and as wide as possible and visible in all directions when activated. **Emergency Lights** shall only be amber in color. A rearward facing directional arrow panel, mounted contiguous with the **Emergency Lights**, which is a red or amber light, is permitted.

**Heavy Duty Wrecker.** A wrecker having a chassis rated at five tons or greater by the vehicle manufacturer equipped with a winch capable of lifting a minimum of 30,000 pounds as rated by the winch manufacturer, air brakes, and tandem axles, or the towing or removal of a vehicle with a gross weight of ten thousand pounds (10,000 or more).

**Incident.** An unplanned randomly occurring event that adversely affects normal traffic operations or a police investigative crime scene.

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

**Investigative Crime Scene.** A crime scene in the County that requires the response of a law enforcement agency.

**Law Enforcement Officer.** A sworn peace officer for a law enforcement agency located in the county or state.

**Law Enforcement Scene.** The scene of a crime, collision or custodial arrest, or the location of a vehicle that is a traffic hazard, a recovered stolen or an abandoned vehicle.

**Non-Consent Tow.** A tow that is not a consent tow, including an incident management tow;

**Operator.** Any person operating a wrecker, regardless whether the person is the owner.

**Owner.** Any person who holds the legal title of the motor vehicle or who has the legal right of possession thereof.

**Pass.** When the County Dispatcher telephones a wrecker company on the rotation list to perform an Incident Management tow and is unable to contact the wrecker company after three (3) attempts or the wrecker 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., the Oldham County Sheriff’s Office, the Pewee Valley Police Dept, and Kentucky State Police.

**Public Roadway.** A public street, alley, road, right-of-way, or other public way, including paved and unpaved portions of the right-of-way.

**Private Property.** Any property that is not part of the public roadway.

**Recovery.** The moving of a vehicle which is off the roadway or partially on the roadway, due to whatever reason, and maneuvering it back onto the roadway to be driven, towed or hauled away, and takes an hour or more to complete.

**Tow.** The movement of a motor vehicle by a wrecker.

**Wrecker Company.** Individual, association, corporation, or other legal entity that controls, operates, or directs the operation of wreckers.

**Vehicle.** A device in, on, or by which a person or property may be transported on a public roadway. The term includes, but not limited to, an operable or inoperable automobile, truck, motorcycle, recreational vehicle, golf cart, and trailer.

**Vehicle Owner.** The motor vehicle’s legal or registered owner, or such owner’s authorized representative who is physically present at the incident.

**Vehicle Storage Facility.** A vehicle storage facility that is operated by a person who owns the wrecker company. Exceptions to this would be an instance whereby a law enforcement agency has a vehicle towed to their storage facility due to investigate purposes.

**Vehicle Storage Facility Owner.** An individual, partnership, corporation or any other association (other than a governmental entity) that is engaged in the business of operating a garage, parking lot, storage lot or any type of facility to store motor vehicles subject to Incident Management Tows under this ordinance.

**Wrecker.** A commercial motor vehicle equipped with, or used in combination with a mechanical device which is adapted or used to tow, winch or otherwise move a motor vehicle, which together with the towed vehicle has a gross vehicular weight, or actual weight of 26,000 pounds or less.

**Wrecker Permit or License.** A tag issued by the County authorizing a specific wrecker to perform Incident Management Tows and is renewed annually.

**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 wrecker company to participate in the wrecker rotation list, an application shall be filed with the County Police Department. The application shall contain the following information:

- (1) Year and make of the wrecker(s) to which the permit(s) will apply;
- (2) Vehicle identification number (VIN) of the wrecker(s) and copy of state certificate of title;
- (3) Current state license plate number for the wrecker(s);
- (4) Full business name, address and telephone number for the true wrecker title owner.
- (5) Full business name, address and telephone number for the wrecker company (if different from title owner).
- (6) A copy of the State operator's driver license for each operator;
- (7) A copy of all wrecker operator's license or permits, issued by the state.
- (8) The name of the insurance company, the policy number and the insurance agent's name and telephone number;
- (9) Copy of the individual wrecker's DOT numbers
- (10) A valid vehicle storage facility address within the County boundaries, the 24 hour phone number of the vehicle storage facility owner posted, and such lot shall be fenced to prevent unauthorized entry and shall have video surveillance with a 7 day look back; only one wrecker company per vehicle storage facility shall be allowed;
- (11) The applicant's original signature;
- (12) Tax ID number for the wrecker company (for business identification purposes only);
- (14) Working phone number(s) listed for wrecker company with contact information of said wrecker company in the County up to four (4) phone numbers; and,

- (15) Wrecker shall be owned or leased by the wrecker company. If the wrecker is leased, a copy of the lease agreement shall be provided. The lease agreement shall cover the full period of the permit. Leased wreckers shall only be used by the wrecker company making application for that wrecker. The same wrecker shall not be used by another wrecker company on rotation

**B. Accompaniments.** The written application form shall be accompanied by:

- (1) Copy of the wrecker's registration.
- (2) Copy of Wrecker Company DBA, partnership agreement or articles of incorporation, if applicable;
- (3) Proof from the County Tax Office that all county taxes on all property, real and personal, used in connection with the applicants business has been paid in full for all previous years.
- (4) A copy of the current CVE inspection, indicating proof inspection was passed;
- (5) Copy of a wrecker company's recent (within the last 30 calendar days) wrecker invoice with charges and fees;
- (6) Current original business card for the wrecker company which shall include the full business name, business phone number and all addresses and phone numbers of storage lots to be used by the wrecker company;
- (7) Proof of insurance with the limits described in G1.
- (8) The application shall be submitted to the Oldham County Police Department by hand delivery through the United States Postal Service, any private courier service or hand delivery during normal business hours. When renewing a license, such delivery shall be at least 30 days before expiration. Applications or supporting documentation shall not be submitted by facsimile or electronic mail.
- (9) An applicant for a wrecker rotation permit shall submit the application and fee to the Oldham County Police Department.
- (10) Provide a background check on all employees to include but not limited to driving history and any criminal activities; and
- (11) A copy of the vehicle storage facility deed or lease.

**C. Maximum number of permits/licenses issued and placed on the rotation lists.** The county will issue no other vehicle wrecker service permits/licenses until and unless the number of licensed wrecker companies on the county incident management wrecker rotation list is less than five (5). Should a vacancy occur, the county will consider filling the vacancy if it is deemed necessary.

**(D) Issuance.** If the County determines the applicant has satisfied all requirements under this ordinance, a permit/license shall be issued.

**(E) Expiration of permit/license.** Valid for 12 months from the date the rotation approval is issued. Wrecker permit applications shall be submitted at least 30 days prior to expiration.

- (1) A wrecker company that fails to renew the permit before it expires shall be removed from the incident management wrecker rotation list for a period of one (1) year.
- (2) Operating a wrecker with an expired license/permit constitutes a violation of this ordinance.
- (3) Licenses/Permits shall be granted to the original applicant only and are non-transferable. Sale of a business shall require the new business to apply for a new permit.
- (4) An applicant that fails to meet any requirement will be denied. Such denial and the reasons therefore shall be provided in writing, accompanied by a statement informing the applicant of the right of appeal within 45 days.
- (5) An applicant shall not own, manage, or otherwise control the operations of another company on the rotation list.

**(G) Insurance requirements.**

- (1) Applicants shall provide a current certificate of insurance for vehicle liability in the amounts of \$1,000,000/\$3,000,000
- (2) The required insurance policies shall be in the licensee's name and shall not be a blanket policy covering any other businesses. The insurance policies shall contain a provision that at least ten (10) days prior notice of cancellation of said insurance shall be given to the County.
- (3) A wrecker company shall maintain insurance for all vehicles it owns or operates which meets the requirements of all other applicable statutes in addition to meeting the insurance requirements set forth in this ordinance. A law enforcement officer may request proof of insurance from the owner/operator.
- (4) A wrecker company shall not perform any incident management tows if it fails to provide the required insurance coverage.

**(H) Application Inspection Fees.** All application and inspection fees shall be remitted at the time of submission of the application. These fees are nonrefundable.,.

- (1) The original application fee of two hundred fifty dollars (\$250.00) shall cover all expenses – such as – wrecker inspections, paper work and verification of documents;
- (2) Additional wreckers added will be assessed an additional \$50.00 fee per wrecker that includes the wrecker inspection;
- (3) Re-inspections following a failed initial inspection will be assessed an amount of \$100.00.

**REQUIRED IDENTIFICATION ON WRECKERS.**

Each wrecker company that has been approved for the wrecker rotation list shall maintain the license/permit on each wrecker. The County will issue a window sticker for each wrecker that has been approved.

**QUALIFICATION FOR PLACEMENT ON INCIDENT MANAGEMENT WRECKER ROTATION LIST.**

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

- (A) Have submitted and been issued a wrecker license/permit under the provisions of this ordinance;
- (B) A valid vehicle storage facility address within the County boundaries, the 24 hour phone number of the vehicle storage facility owner phone number posted, such lot shall be fenced to prevent unauthorized entry and shall have video surveillance with a 7 day look back; only one wrecker company per vehicle storage facility shall be allowed.
- (C) Maintain a liability policy covering fire, theft, and explosion for the vehicle storage facility in the amounts of \$1,000,000/\$3,000,000.
- (D) Maintain a 24-hour, 7 days a week wrecker service for towing.
- (E) Must be available to respond within 30 minutes to an incident.
- (F) Must maintain the required towing equipment on all company wreckers.

## **INCIDENT MANAGEMENT WRECKER ROTATION LIST OPERATION.**

- (A) Should the owner of a vehicle involved in a collision fail or refuse to designate a wrecker company, or has specifically designated no preference, the on scene officer shall notify County Dispatcher to call the first wrecker company on the wrecker rotation list to tow and remove the disabled vehicle. After three (3) attempts, if a wrecker company does not respond to the request, the next wrecker company on the Incident Management rotation list shall be called (Pass).
- (B) Once a wrecker company has been Passed, that wrecker company will be placed at the bottom of the rotation list.
- (C) The County reserves the right to cancel the notified wrecker as warranted by the situation on the scene. If the County cancels the notified wrecker, for any reason other than the company's failure to arrive within the allocated time limit, or if the equipment is not adequate for the situation, the company shall be placed on top of the rotation list and shall receive the subsequent next call out.
- (D) *If the notified wrecker on the scene cannot complete the job with the wrecker company's own vehicles, it shall be considered a pass, and the next notified wrecker shall be called. What if the wrecker calls for another company to help?*
- (E) The County reserves the right to notify a wrecker company not on the rotation list should the incident require specialized equipment or a heavy duty wrecker or weather conditions require additional services. What about if officer asked to haul more than one.

## **RECORDS: removal of vehicles; contents and retention period; inspection by police; audits.**

- (A) **Records of removal of vehicles required.** Every wrecker 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 wrecker company shall contain the following information:
    - (a) Make, model, 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 driver or owner.*
- (2) Records shall be preserved by the wrecker 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 wrecker company at any reasonable time 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 site or at the location of an accident 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 management, no other wrecker operators shall arrive at the location for the purpose of soliciting business. County Dispatch, upon notification from the on-scene police or firefighter will call the first wrecker company on the rotation list. No other calls are permissible. Talk to Chief about
3. No wrecker company shall follow a police car, fire truck, or ambulance to the incident scene, unless directed to do so by a police officer.
4. All wrecker drivers arriving at any law enforcement scene shall obey all orders given them by any police officer or firefighter.
5. Except as provided in this ordinance, a wrecker company or its employees or wrecker trucks shall not enter an accident, collision scene, crime 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 truck arrives shall not constitute an exception to any requirement of this ordinance. It is the duty of the wrecker driver to await the arrival of the police and the completion of their investigation prior to the removal or attaching to any vehicle involved.
7. Any towed vehicle can only be stored at the wrecker company's approved storage facility and must be available to the owner during normal business hours seven (7) days a week.
8. Any towed vehicle with a hold placed on it by a law enforcement agency, can only be released by that law enforcement agency all fees are the responsibility of the vehicle owner of record.

## **WRECKER SERVICE REQUIREMENTS AND OPERATING PROCEDURES**

No person shall participate in an incident management tow unless the following operation and safety requirements are met.

- (A) The wrecker being used shall be equipped as follows:
- (1) Brakes that meet braking performance requirements under all loading conditions according to manufactures standards;
  - (2) A power winch, winch line and boom, with factory-rated lifted cap of not less than 8,000 pounds single line cap or a hydraulic and mechanical wheel lift with a lifting cap of not less than 3,000 pounds and cable length of not less than 60 feet;
  - (3) A tow sling or hydraulic lift sufficient to prevent swinging of any equipment and/or vehicle being transported and/or towed. This shall not apply to a vehicle carrier or rollback unless the wheels of a vehicle being towed are in contact with the ground.
  - (4) Three-eighths inch highest steel chains or their equivalent for wreckers with a gross vehicle weight over 10,000 pounds. The gross vehicle weight rating (GVWR) of the wrecker truck shall not be less than ten thousand (10,000) pounds as rated by the manufacturer or certifying laboratory (one-ton truck), and the wrecker truck shall have been manufactured with dual or tandem rear wheels and tires. All such equipment shall be maintained in good condition;
  - (5) A ten-pound 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 most recent edition of NFPA 10 the Standard for Portable Fire Extinguishers established by the *National Fire Protection Association (NFPA)*, and shall be labeled by a recognized national testing laboratory;
  - (6) One crowbar or wrecking bar that is not less than 36 inches in length with a wedge head;
  - (7) One broom of a type designed for pushing with an 18-inch head, and a handle of not less than 36 inches;
  - (8) One flat-edge shovel of at least nine inches, with a handle of not less than 36 inches;
  - (9) A box or bucket to carry glass and/or debris removed from collision/accident scenes;
  - (10) Means suitable for securing doors, hoods, trunks, etc.
  - (11) A functioning spotlight or flashlight and rear facing work lights;
  - (12) Outside rearview mirrors on both sides of the truck;
  - (13) Permanently mounted emergency light bar according to KRS 189;

- (14) Three portable red emergency triangle reflectors, flares, cones or other moveable lighted object that be placed in the lane leading up to the tow truck;
  - (15) Auxiliary tow lights;
  - (16) All lights in working order. This would include all headlights, taillights, turn signals, brake lights, and back-up lights.
  - (17) Bolt Cutters
  - (18) Jumper cables or other means to jump start a car.
  - (19) Reflective vest that meet ANSI standards or a reflective uniform.
- (B) Shall arrive at the incident scene within 30 minutes after being notified by the County dispatcher, absent exigent circumstances. (traffic congestion, weather conditions) Failure to do so shall be considered a “pass”.
  - (C) Before leaving the site, ensure that all debris has been remove from the site of an accident all wreckage and debris. This duty specifically includes the removal of broken glass and metal fragments and the spilled load of any vehicle. Such debris shall be disposed of in a manner which shall keep it out of gutters, storm sewers, streams, public rights-of-way, and property not owned by the wrecker truck operator.
  - (D) Wrecker truck operators shall use reasonable care in towing and in the storage of vehicles so as to minimize any possibility of further damage or theft.
  - (E) Wrecker truck operators shall comply with all federal and state laws, all rules and regulations pursuant to federal and state laws, and all County ordinances.
  - (F) No person shall use or operate a wrecker to tow a motor vehicle without using auxiliary tow lights unless the towed vehicle is loaded on a rollback wrecker.
  - (G) No person shall equip a permitted wrecker with a two-way radio or with any two-way radio capable of transmitting on any law enforcement frequency or tow using a wrecker equipped with any such devices. Any operator or wrecker company found transmitting on any law enforcement frequency shall be subject to suspension or revocation. Except as is allowed under KRS 432.570(4)(c), a radio, which receives radio transmissions only, may be used. WILL WE issues radios?
  - (H) No person shall perform any tow without using safety chains.
  - (I) No person shall use a permitted wrecker to lift more than its factory-rated lifting capacity allows.
  - (J) No operator shall possess nor allow any prohibited weapon, firearm or alcoholic beverage in or around a wrecker when operating the wrecker. This provision does not prohibit a person from legally possessing or carrying a firearm while operating or riding in a wrecker.

- (K) An operator shall ensure that while lifting or moving a vehicle, all non-essential people are at a safe distance from the wrecker and motor vehicle. It is the duty of the wrecker operator to know the safe distance.
- (L) If a wrecker or motor vehicle to be towed is in a lane of traffic, the operator shall ensure that the flow of traffic is diverted. An operator shall not place or operate a wrecker cable across a lane or lanes of traffic, unless the traffic is stopped or diverted by a law enforcement officer to permit safe winching or lifting of the motor vehicle to be towed.
- (M) A wrecker company operating permitted wreckers and operators of such wreckers shall maintain and keep in good working order all safety mechanisms of the wrecker, including; but not limited to, all headlights, tail lights, turn signals, brakes, brake lights, hazard lights, flashing warning lights, windshield wipers, wiper blades, door handles, and tires.
- (N) All permitted wreckers shall operate within the applicable recommended towed vehicle manufacturer's safety policies and procedures.
- (O) Each permitted wrecker shall meet the safety requirements of all other applicable statutes in addition to meeting the safety requirements of this ordinance.
- (P) Incident management towed vehicles from any law enforcement scene shall be taken to an approved vehicle storage facility prior to the loading of any other vehicle. Unless directed by the Police Officer on scene they may take an additional vehicle.
- (Q) If at the scene of the tow, the wrecker truck is found by a police officer to be in a condition that does not comply with this ordinance, the police officer shall notify Dispatch to contact the next wrecker on the rotation list. The police officer shall not allow the wrecker to tow the vehicle.
- (R) All wreckers on the rotation list will be inspected annually by the Oldham County Police.

**DISPATCH PROCEDURES:**

- (A) For the next incident, Dispatch shall call the first wrecker on the rotation list. Dispatch will make three (3) attempts to contact the wrecker service. If the wrecker company fails to answer, this wrecker company will be passed and placed at the bottom of the rotation list. Dispatch then will contact the next wrecker service on the rotation list. It is the responsibility of the wrecker company to supply Dispatch with valid numbers.
- (B) When summoned by Dispatch, the wrecker company shall accept the call or pass.
- (C) Upon receiving a call from the Dispatch, if the wrecker company elects not to respond or fails to respond, the company shall be removed from the top of the rotation list and placed at the bottom of the list.
- (D) Upon accepting a call for service from Dispatch, the wrecker company shall be allowed a maximum of thirty (30) minutes to arrive at the scene from the time the

dispatcher called the company. If the company does not arrive at the scene within the maximum time allowed, the dispatcher shall cancel the call and the wrecker company shall be placed on the bottom of the list, and the next on the rotation list shall be called.

## **CONDUCT OF OPERATORS AND FORMALIZED COMPLAINT SYSTEM**

The County shall establish and maintain a formal complaint system to be used by members of the public, police agency, fire departments, or County officials wishing to file a formal complaint on a tow truck/wrecker company or driver. The creation, maintenance, and investigation of these complaints lie within the authority of the County. In addition, all permitted wrecker company shall notify the County, in writing, of any and all complaints received within five business days of receiving the complaint.

Upon receiving a complaint from any source claiming over charging, unauthorized service, damages, loss to a vehicle, or its contents while being towed or stored by a wrecker operator, the operator or owner shall submit a written report to the County within five business days of receipt of the complaint. These reports shall contain all facts pertinent to the claim or complaint presented. 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 wrecker company or any wrecker driver employed by the wrecker company.

If an owner and/or driver of a wrecker company has any felony criminal charges filed against him or her during the previous year, then he or she shall not be eligible for a wrecker permit the following year, unless the charges have since been dismissed or resulted in a verdict of not guilty.

## **SUSPENSION OR REVOCATION FROM ROTATION LIST**

(A) For suspension:

- (1) The County may suspend a wrecker company from the rotation list if the County determines a company or his employee has:
  - (a) Allowed a person to operate a wrecker truck engaged in vehicle wrecker service rotation tows in the county without a valid wrecker truck driver's license. This may result in a pass for the wrecker truck licensee and a one-week removal from rotation;
  - (b) Operated a wrecker which has not been registered with the County for rotation tows; this may result in a pass for the wrecker truck licensee and a one-week removal from rotation;
  - (c) Failed to release a vehicle within sixty (60) minutes during normal business hours of a request by the owner or operator of a vehicle which has been obtained due to an incident management tow. This may result in a one-week removal from rotation;

- (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. This may result in a one-week removal from rotation;
- (e) Failed to provide the owner or operator of the vehicle with a written receipt for towing and storage charges, the date and time of removal, the date and time of return. This may result in a one-week removal from rotation;
- (f) Charged more than the maximum fee allowed by this ordinance. This shall result in a 14 day removal from rotation list and a full refund of the over charge to the vehicle owner;
- (g) Failed to clean the street of any broken glass or other debris resulting from a collision. If more than one (1) wrecker truck is summoned, each driver shall bear equal responsibility for the cleanup. This may result in a one-week removal from rotation;
- (h) Allowed an employee to tow a vehicle to a vehicle storage facility other than the licensee's vehicle storage facility unless, at the direction of the towed vehicles owner or operator. This may result in a one-week removal from rotation;
- (i) 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. The removal from the county's rotation list will be for twice the period of time that no insurance or less insurance was not in full force as required by this ordinance;
- (j) Passed on the rotation list more than two (2) times within the approved period (12 months of being approved for the rotation list). This may result in a one-week removal from rotation; what is OCD doing today.
- (k) Failed to allow a vehicle owner access to retrieve personal items from a stored vehicle within one (1) hour of having been notified. This may result in a one-week removal from rotation.
- (l) Failed to allow the owner to retrieve personal items due to not paying the tow charges if authorized by the Police. This shall result in a one week suspension.
- (m) Any unsafe towing practices. This shall result in an immediate suspension by the officer on the scene.

(B) For Revocation:

- (1) The County may revoke and remove a wrecker company from a rotation list if the County determines that the licensee has:
  - (a) Made a false statement in the application for the license;
  - (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 wrecker company of the rotation list;
  - (e) Failed to pay an application fee at the time it was due;
  - (f) Failed to maintain a vehicle storage facility within the county;
  - (g) Two (2) or more suspension violations within a one-year period;
  - (h) Passed three (3) tows while on the rotation list during an application period;
  - (i) Failed to maintain, or provide access to business records, or altered business records.
  - (j) Failed to obey directions from the on scene police officer.
  - (k) Two actual or attempted occasions overcharging on fees.
  - (l) Failed the audit or failed to comply with the audit.
- (2) If the County determines that a wrecker company should be revoked, the County shall notify them in writing that their participation is revoked and include in the notice the reason and the duration for revocation.

**APPEALS: SUSPENSION and REVOCATION PROCESS**

- (A) Within ten (10) days from the date of the suspension or revocation, the wrecker 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 wrecker company’s objection to an oversight committee composed of a member from law enforcement, Dispatch, fire department, the County Attorney’s Office, and the County Judge Executive or their designee for their review. A suspension will cease upon notification of an appeal, and until such time that the appeal is final. Within ten (10) days of the review, unless circumstances demand a longer response time, the Oversight Committee shall provide a written response to the wrecker company detailing their decision.
- (C) Mechanical failure suspensions:
- (1) If an approved wrecker company has a mechanical failure and is unable to respond to calls for service, the owner is required to notify Dispatch at which point they shall be removed from the rotation list for the reasonable amount of time necessary to perform the repairs.
  - (2) Prior to being reinstated, the owner shall show proof in writing that the mechanical failure has been corrected (a letter attesting to the repairs by the wrecker owner) to the County before they are placed back on rotation.

**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 \_\_\_\_\_, 20\_\_\_, from and after its adoption and publication in accordance with law.

\_\_\_\_\_  
David Voegele  
Oldham County Judge Executive

\_\_\_\_\_  
Denise Clark  
Oldham County Fiscal Court Clerk