

ORDINANCE NO. 0-77- 7

AN ORDINANCE ESTABLISHING A FRANCHISE FOR THE OPERATION OF WRECKER SERVICE IN THE CITY OF CONWAY, ARKANSAS: DECLARING AN EMERGENCY AND FOR ALL OTHER PURPOSES.

Section 1: That the Franchise for the operation of the wrecker service for the City of Conway will be awarded to the wrecker service submitting the highest franchise bid, that is, each applicant or bidder must bid an annual fee to be paid to the City of Conway for the right to be the Franchisee, and the one bidding the highest or largest dollar amount to be paid to the City shall be the Franchisee for a one (1) year period.

The sealed bid will be submitted to the City Clerk who will deliver said bids to the Mayor's office on the 1st day of April of each year. The bids will be reviewed by the Mayor and the Police Committee of the City Council, and a recommendation as to the highest bidder will be made to the City Council as a whole at the first regularly scheduled City Council meeting occurring after the 1st day of April. The Franchise contract will be awarded by the City Council prior to the 1st day of May with said Franchise to commence on the 1st day of May of each year.

Section 2: The Franchisee shall be required to provide and perform the following services:

A. The Franchisee shall provide a base of operations and storage inside the City limits and with easy accessibility to the public. The said storage area must provide security for vehicles stored. The Franchisee must, at a minimum, enclose the said storage area with a suitable fence at least six (6) feet in height with lockable gate(s).

B. The Franchisee will be required to sweep and haul away all debris, glass, and metal parts of automobiles damaged at the scene of an accident.

C. The Franchisee shall maintain service 24 hours per day each day during the term of the Franchise, holidays not excepted, throughout all the City.

D. The Franchisee and all his employees while providing contract services will be subject to the supervision of the City Police Department and its patrolmen who will inspect the area after any accident to see that the Franchisee has performed his services satisfactorily.

E. Franchisee and his employees will be required to provide services authorized in the Franchisee courteously and with the attitude that their service is an extension of City government and that their dealings with the public will be carried out with the utmost respect for the citizens with whom they come in contact.

When the City of Conway has an official hold on a vehicle, the agent or owner will have to secure a release from the Conway Police Department. At the time of receiving the release, the City of Conway will provide a list of charges authorized by this franchise to each motorist. The Franchisee shall not release such a held vehicle until a properly executed official release shall have been presented to the Franchisee.

When the City of Conway has no official hold on the cars in custody of the Franchisee, the Franchisee shall provide a copy of the list of permissible and actual charges to the owner or agent of the owner of the car in custody upon vehicle redemption. This list will have a space in which the agent or owner of the car in custody will sign that he has read the list. Copies of these forms will be submitted monthly to the Police Chief of the City of Conway.

F. The list of charges provided by the Police Department or by the Franchisee shall contain a request to the effect that any complaints concerning the services provided by the Franchisee should be made to the Office of the Police Chief in the Conway Municipal Building, telephone number 327-7711.

The Franchisee acting as the Agent of the City will be required to dispose of all vehicles held for a period longer than 90 days at public sale and must agree to waive any lien which the Franchisee might have on said vehicles. The Franchisee must agree to accept as payment for all towing and storage charges the collective amount received from the sale of all automobiles at said sale less any expenses incurred by the City of Conway in preparing and advertising and handling said vehicles for sale. Franchisee must further agree that in the event the total amount received is less than the storage, towing, advertising, and handling fees that said lesser amount will be accepted as full, final, and complete payment for all charges. In the event said sale produces more funds than charges against said vehicles, said excess funds shall be turned over to the City of Conway for deposit in the City General Fund.

G. The Franchisee herein granted will be subject to cancellation at any time by the Franchisee or the City of Conway upon written notice within 60 days prior to the effective date of said cancellation; provided that, the Franchise automatically will expire one (1) year from its date of adoption.

H. The Franchisee will be required to have or to have available radio-controlled equipment of the following specification:

- 1 - 16-ton rated wrecker
- 2 - 4-ton rated wreckers

In addition, the Franchisee will be required to have the following emergency equipment items:

- 1 each - Tin Snips, Heavy duty, Aircraft type
- 1 each - Goggles, Heavy duty, Anti-fog
- 1 each - Carpet knife, curved blade
- 2 each - Hay Hooks
- 1 each - Sledge Hammer, 8 pound
- 1 each - Hack Saw, Adjustable w/ 12 extra Carbon Blades
- 1 each - Hydraulic Jack, 5 ton, capable of jacking in any angle
- 1 each - Bolt Cutters, 36 inch
- 2 each - Rescue Chains, 6 foot, Case hardened
- 1 each - BLACKHAWK, The Extricator, Porto-Power

This equipment will be certified to be available at the time of awarding the Franchise. The equipment will be specified to be either owned or under contract and evidence will be provided that the equipment is available and on call at all times.

The equipment will be in compliance with all state, federal, and local laws applicable. All radios and wrecker equipment are subject to inspection at any time by the Police Department. Each will certify as frequently as is necessary that the equipment is in good working order for safety and the public convenience.

I. This Franchise provides for the removal of cars from public and private areas inside the city limits of Conway, Arkansas.

Cars to be officially held

In this category of cars, the Franchisee is functioning as a governmental entity and so shall meticulously follow the terms and conditions of the Franchise,

taking care to do so with the spirit of public service and courtesy.

Cars Hauled by not officially held

Cars serviced by the Franchisee in this category are to be treated as customers or clients of the government and the Franchisee. By virtue of this Franchise, cars are towed or serviced by the Franchisee by mere fact of the owner of the car not having indicated a preference as to what wrecker service to use and/or the car needed to be towed. But there is no official claim on cars in this category.

Inasmuch as the City lends its faith and image to the Franchisee in calling the contract wrecker, the Franchisee shall charge no more than the amounts provided in the Franchise.

Junk Cars

Cars that are unable to be moved from private property and ordered by the City to be moved by the Franchisee will be handled as officially held cars.

CHARGES:

The following will be the fees allowed to be charged for service. No charges for services beyond those specified is allowed. If services are performed for which no charges are provided, such will be considered the cost of doing business in the public sector.

(a) All passenger vehicles shall be charged no more than the total of \$15.00.

(b) All trucks with a rating of less than one (1) ton and/or not having a dual wheel arrangement shall be charged no more than a total of \$15.00.

(c) All trucks having a rating of one (1) ton or more and/or having dual wheel arrangement shall be charged no more than a total of \$25.00.

(d) All trucks consisting of tractor and trailer arrangements shall be charged no more than a total of \$40.00.

In the event the Franchisee is required to remain at the site of the tow origination for a period which exceeds thirty (30) minutes from the time of wrecker truck arrival, an additional maximum charge of \$15.00 per hour may be assessed for class A, B, and C as vehicles previously described. If the vehicle is class D in nature as previously described, the said additional maximum charge allowed to be assessed shall be \$35.00 per hour. These allowable charges will be pro-rated in quarter hour increments in the event of partial said hours.

The aforementioned maximum rates will apply to each vehicle tow from one location in the City of Conway to any other location in the City of Conway.

STORAGE:

(a) A maximum of \$2.50 per 24 hour day on all vehicles, except tractor-trailers, or any part thereof for outdoor storage. If indoor storage is requested by the owner of said vehicle or any appropriate law enforcement personnel, a maximum of \$3.50 per 24 hour day charge on all vehicles, except tractor-trailers, or any part thereof may be assessed.

(b) Tractor-trailers shall be stored for \$7.00 per 24 hour day, or any part thereof.

After a vehicle has been placed in the storage area, the Franchisee may charge a maximum of \$15.00 to release said vehicle if said release occurs between the hours of 5:00 p.m. and 8:00 a.m.

All wrecker calls for the City owned vehicles shall be directed to the Franchisee with a maximum allowable charge as being previously outlined.

J. Disputes on cars held herein shall be resolved with due consideration for the purpose of the original hold and applicable concepts of public service. Disputes will be avoided wherever possible.

Disputes should not occur except for items not covered in this Franchise. When such is identified, it should be presented to the City after having resolved the situation.

K. The Franchisee agrees to hold the City of Conway harmless from any damages claims or liability arising out of this Franchise. In addition, the Franchisee agrees to provide a certificate of liability insurance to the City Clerk of the City of Conway, Arkansas.

Section 3: It being necessary for the protection of the public, an emergency is hereby declared to exist and this ordinance shall take effect immediately upon and after its passage.

PASSED: This 22nd day of March, 1977.

APPROVED:


Jim A. Hogard, Mayor

ATTEST:


Doris Nunn, Clerk-Treasurer

