

## ORDINANCE O-04-61

### AN ORDINANCE ESTABLISHING NEW WRECKER FRANCHISE RELATED RATES AND REQUIREMENTS FOR THE CITY OF CONWAY; DECLARING AN EMERGENCY, AND FOR OTHER PURPOSES

WHEREAS, the current wrecker franchise procedures as amended by the city council has failed to produce a franchisee(s) for the City of Conway, and

WHEREAS, it is important to implement a wrecker franchise which is fair and equitable enough to attract qualified bidders who willing and able to abide by the rules governing the wrecker franchisee(s) herein described.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CONWAY, ARKANSAS:**

SECTION 1. That Section 4.56.01 of the Conway Municipal Code is hereby amended to read as follows:

*"The franchise for the operation of the wrecker service for the City of Conway will be divided into two separate categories. Those categories will be "Small Tows" and "Large Tows." All tows involving vehicles up to one ton or less (classified in this ordinance under "4.56.02, Charges: Section A.") shall be classified as "Small Tows" and all tows involving a vehicle one ton or more (classified in this ordinance under "4.56.02, Charges: Section B, C, & D.") shall be classified as a "Large Tow." Single incidents or circumstances which involve both large tow(s) and small tow(s) shall be deemed a "Large Tow."*

*Separate exclusive franchises will be awarded in each of the two categories to the wrecker service submitting the highest franchise bid in each category. That is, each applicant or bidder must submit an annual fee to be paid to the City of Conway for the right to be the Franchisee in each category, and the one bidding the highest amount to be paid to the city in each category shall be the Franchisee in that category for a one (1) year period. The determination of the highest bid will also include ascertaining that all bid specifications have been met and the applicant or bidder has performed satisfactory service to the city in any previous service as a wrecker Franchisee.*

*The sealed bid will be submitted to the Mayor's Office by 10:00 a.m. on the twentieth day of June of each year or the next business day after that day if the twentieth of June is not a business day. The bids will be reviewed by the mayor who will make a recommendation to the city council at the next regularly scheduled meeting following the bid letting. Following the approval of the city council and the signing of a contract for the franchise, the Franchisees in each category shall commence their franchise at 12:01 a.m., July 1 of each year.*

Provided, That nothing herein shall preclude the mayor and City Council from rejecting any and all bids or waiving bids and entering into alternative agreements for the delivery of wrecker services to the City of Conway.”

SECTION 2. That the first paragraph of Section 4.56.02 of the Conway municipal Code is hereby amended to read as follows:

“4.56.02 Duties of Franchisee and rates for service. The Franchisee *in each category* shall be required to provide and perform the following Services:”

SECTION 3. That Section 4.56.02, (A), of the Conway Municipal Code is hereby amended to read as follows:

“A. The Franchisee shall provide a base of operations and storage inside the *territorial jurisdiction of the City of Conway* 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) with two (2) feet barbed wire *on top* or razor wire on top”.

SECTION 4. That Section 4.56.02, (H), is hereby amended to read as follows:

“H. *The Franchisee(s) will be required to have or to have available radio dispatched equipment of the following specifications for each category:*

*Small Tow Franchise:*

*1 – One (1) ton light duty wrecker*

*1 – One and one half (1.5) ton or heavier rollback (flatbed)*

*Large Tow Franchise:*

*1 – Twenty-five (25) ton rated wrecker with tandem rear axles*

*1 – One and one half (1.5) ton or heavier rollback (flatbed)*

*The equipment shall be in compliance with all state, federal, and local laws applicable and will be 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.”*

SECTION 5. That the second paragraph of Section 4.56.02, CHARGES, (D), is hereby amended to read as follows:

(D) 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 the wrecker truck arrival, an additional maximum charge of \$40.00 per hour may be assessed for a class (A) and (B) vehicles as previously described. If the vehicle is class (C) or (D) as previously described, the said additional maximum charge allowed to be assessed may be \$125.00 per hour.

SECTION 6. That Section 4.56.02, STORAGE, is hereby amended by the striking from the code of the second and third paragraphs of Section B. and the inclusion of a new Section C. to read as follows:

“STORAGE:

*C. After a vehicle has been placed in the storage area, the Franchisee(s) may charge a maximum of \$25.00 to release said vehicle if said release occurs between the hours of 6:00 p.m. and 8:00 a.m. or is said release occurs on holidays.*

*All wrecker calls for city owned vehicles shall be directed to the Franchisee(s) and shall be handled by the Franchisee(s) free of charge”.*

SECTION 7. That all ordinances or parts of ordinances in conflict with this ordinance are repealed to extent of that conflict.

SECTION 8. That an emergency is declared and this ordinance shall be in full force and effect from the date of passage and publication.

PASSED this 8<sup>th</sup> day of June, 2004

APPROVED:

  
Mayor Tab Townsell

ATTEST:

  
City Clerk Mike Garrett