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**City of Conway, Arkansas  
Ordinance No. O-14-118**

**AN ORDINANCE AMENDING SECTION 4.56 OF THE CONWAY MUNICIPAL CODE, REPEALING IN THEIR ENTIRETY ORDINANCE NO'S. O-09-140, O-04-122, O-04-85, O-04-61, O-04-49 AND O-00-139; DECLARING AN EMERGENCY; AND ALL OTHER PURPOSES**

**Whereas**, the City of Conway ("City") desires to have access to quality wrecker and towing services for the public utilizing the streets within the corporate limits of the City when circumstances require the City to initiate a call for such services.

**Whereas**, the City intends to provide a uniform process for wrecker and towing operations based in Conway to meet the needs of the City.

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

**Section 1. Definitions:**

As used in this Ordinance, the listed terms are defined as follows:

1. *Application Period*: The initial period will begin upon the adoption of this Ordinance and run for a period of three weeks. Thereafter, the period of time beginning on October 1<sup>st</sup> and ending November 30<sup>th</sup> every year during which time the City accepts application packets from wrecker or towing companies who either wish to remain on or be placed on the list of Providers.
2. *Company*: Wrecker or towing company submitting an application to be placed on the rotational list of qualified wrecker or towing service providers being used by the City.
3. *Provider*: Wrecker or towing company selected from the pool of Company applicants meeting the requirements and conditions set forth herein and placed in the rotation for use by the City after a random draw.
4. *Rotation*: List of Providers selected by random draw. The order in which the Provider is selected will determine its place and corresponding month to be on-call for the City
5. *Rotational Term*: The period of time it takes to sequentially cycle through the list of Providers once. After the last Provider completes its on-call month, the next on-call month will be first Provider on the list and the Rotation will begin again.
6. *Service(s)*: Wrecker or towing services requested by the City
7. *Towed vehicle*: Any vehicle towed at the request of the City.
8. *Light Duty Vehicle*: All vehicles having a Gross Vehicle Weight Rating (GVWR) of up to one (1) ton.
9. *Medium Duty Vehicle*: All vehicles having a GVWR of more than one (1) ton and not exceeding two and a half (2 ½) tons.
10. *Heavy Duty Vehicle*: All vehicles having a GVWR of more than two and a half (2 ½) tons.
11. Any other words are to be defined by industry standard, common usage or plain meaning.

**Section 2. Application Procedure:**

Any Company with a base of operations in the City limits or extraterritorial jurisdiction of the City that wishes to provide Services must submit an application packet after adoption of this Ordinance.

An application packet will also be required for current Providers wanting to maintain their place in the Rotation.

Companies and Providers must submit a complete application packet during the Application Period. Any incomplete application packets will not be considered. It is the responsibility of the Companies and Providers to provide a complete application. Once the Application Period is closed no other applications will be accepted by the City.

Required documents and information in the application packet:

1. Letter of Interest that identifies:
  - a. Company's owner(s).
  - b. Company's physical location.
  - c. Storage area(s) location if different from physical location.
  - d. Company's contact information to include phone number and email address.
  - e. Any and all licenses and copies of current Approved Tow Vehicle Safety Equipment Inspection Forms for each tow vehicle to be used while providing Services to the City with the permit number referenced for consensual and non-consensual towing as required by the Arkansas Towing and Recovery Board.
  - f. Any disciplinary action taken against Company by Arkansas Towing and Recovery Board for within (5) years prior to the current application packet being submitted.
  
2. Proof of ownership or lease showing Company has legal possession the following: (a) 2 – One (1) ton light duty wreckers (b) 1 – Twenty five (25) ton rated wrecker with tandem rear axles (c) 1 – One and one half (1.5) ton or heavier rollback (flatbed).  
  
Ownership or lease must be maintained at all times on all tow vehicles used to provide Service for the City while in the Rotation.
  
3. Proof Company is covered by general liability insurance of at least \$750,000 or the minimum amount required by the Arkansas Towing and Recovery Board, whichever is higher.
  
4. Company must have the following insurance coverage for on-hook vehicles or Arkansas Towing and Recovery Board required minimum, whichever is higher.
  - a. Light Duty - \$50,000 limit
  - b. Medium Duty - \$100,000 limit
  - c. Heavy Duty - \$200,000 limit

All Companies meeting the requirements and conditions set forth herein will be placed in the random draw for a place in the Rotation. Once a Company is selected from the random draw it will become a Provider and be placed on the Rotation until such time it is voluntarily or involuntarily removed or fails to reapply. The order of the Rotation is determine by the order in which a Provider is drawn. To hold its spot in the Rotation a Provider must reapply every Application Period. After the initial Rotation is determined and new Providers are added as a result of subsequent Application Periods and drawings, those new Providers will be placed at the end of the current Rotation.

**Section 3: Requirements of Providers**

To achieve and maintain Provider status, Company/Provider:

- A. Shall provide a base of operations and secured storage area within the City limits or extraterritorial jurisdiction of the City and be accessible to the public.

- B. Must have a secure storage area with a suitable fence at least six (6) feet in height with two (2) feet barbed or razor wire on top and lockable gate(s). Storage area must be monitored by continuous video surveillance. Video surveillance video must be kept for a minimum of 30 days and be made available to City upon request.
- C. Be prepared to provide Services whenever the City calls for Service. If the Provider is nonresponsive or fails to arrive within twenty (20) minutes from City's initial call for Services (except for Monday through Friday 7:30 a.m. to 8:30 a.m. and 5:00 p.m. to 6:00 p.m.), then the next Provider in the Rotation will be contacted for Service.
- D. Be subject to the supervision of the Conway Police Department and its patrolmen who will inspect the area after any accident to see Provider has performed its services satisfactorily.
- E. Be required to provide Services with courtesy and professionalism.
- F. Clearly and prominently inform on any invoice, list of fees or related documents made available to a citizen that a complaint concerning Services provided should be made to the office of the Conway Police Chief, telephone number 501-450-6126.
- G. List the City as a Certificate Holder on insurance Certificate(s) and provide proof of such. All insurance coverage must meet or exceed the limits required by this Ordinance. If required insurance is terminated for any reason, Provider will be immediately removed from the Rotation and must cease all Services provided to the City until further notice.
- H. Shall be in full compliance with all state and local license requirements, A.C.A §27-50-1101, the Conway Code, and be properly licensed and permitted and in good standing with the Arkansas Towing and Recovery Board. Provider must report any change in status immediately to the City.

**Section 4. Towing, Storage and Other Allowable Fees.**

- 1. Light Duty Vehicles:
  - a. In town tow charge will not exceed \$85.00.
  - b. Winch fee per ½ hour (if needed) will not exceed \$20.00.
  - c. On-scene time fee will not exceed \$40.00 per hour. On scene time for purposes of fee charged, begins after the first 30 minutes and is charged per vehicle on scene, not per franchisee' employees on scene.
  - d. Storage per 24 hour period (outside) will not exceed \$25.00.
  - e. Storage per 24 hour period (inside) will not exceed \$50.00.
  - f. Storage fee per any 24 hour period (combination of inside and outside) will not exceed \$50.00.
  - g. Provider will be required to sweep and haul away all debris, glass, and metal parts of automobiles damaged at the scene of an accident. Clean up fees if needed will never exceed \$20.00 per call and a \$10.00 charge if oil dry is used.
- 2. Medium Duty Vehicles:
  - a. In town tow charge will not exceed \$115.00.
  - b. Winch fee per ½ hour (if needed) will not exceed \$50.00.
  - c. On-scene time fee will not exceed \$125.00 per hour. On scene time for purpose of fee charged, begins after the first 30 minutes and is charged per vehicle on scene, not per franchisee' employees on scene.
  - d. Storage per 24 hour period (outside) will not exceed \$25.00.
  - e. Provider will be required to sweep and haul away all debris, glass, and metal parts of automobiles damaged at the scene of an accident and any cargo that has spilled onto the roadway. Clean up fees if needed will never exceed \$20.00 per call unless there is cargo spillage and an itemized bill will be prepared detailing the cost to the customer. An additional \$10.00 per bag may be charged if oil dry is required for fluid clean-up.

3. Heavy Duty Vehicles:
  - a. In town tow charges will not exceed \$386.00
  - b. Winch fee per ½ hour (if needed) will not exceed \$150.00
  - c. On-scene time fee will not exceed \$125.00. On scene time begins after the first 30 minutes and is charged per vehicle on scene, not per franchisee' employees on scene.
  - d. Storage per 24 hour period (outside) will not exceed \$50.00 for semi-tractor
  - e. Storage per 24 hour period (outside) will not exceed \$50.00 for semi-trailer.
  - f. Provider will be required to sweep and haul away all debris, glass, and metal parts of automobiles damaged at the scene of an accident and any cargo that has spilled onto the roadway. Clean up fees if needed will never exceed \$50.00 per hour per employee needed for cleanup. An additional \$10.00 per bag may be charged if oil dry is required for fluid clean-up. If specialized equipment is needed for clean-up of cargo, an itemized bill will be prepared for customers to show charges.
  
4. Releasing of Vehicles:

After a vehicle has been placed in the storage area, Provider may charge an additional fee of no more than \$30.00 to release the vehicle between the hours of 6:00 p.m. and 8:00 a.m. or on Sundays or federally recognized holidays where federal employees are not scheduled to work. No additional fees may be charged to release vehicles during periods other than those stated above.
  
5. Administration Fee:

Any administration fee charged shall not exceed \$25.00 per tow.
  
6. Notification Fee:

Any notification (letter) fee charged will be in accordance with the Arkansas Towing and Recovery Board rules and regulations.
  
7. Crash wraps or tarp:

Wraps or tarp charges will not exceed \$10.00 for any class of vehicle. Provider will note on tow slip the name of City employee or citizen who requested tarp or wrap.
  
8. City-Owned Vehicles:

When Services are performed within the City limits involving City-owned light vehicles, Services will be at no charge to the City. Charges and fees will apply for Services performed on City-owned medium and heavy vehicles or City-owned light vehicles outside the City limits.

**Section 5. Vehicle Holds:**

When the City places official hold on a vehicle, the agent or owner must secure a written release from the Conway Police Department. The storage fee for vehicles held for forfeiture by the City will be \$1.00 per day. Provider shall not release such a held vehicle without a properly executed, official release from the Conway Police Department.

When the City has no official hold on the a vehicle towed by request of the City and held in custody of the Provider, the Provider shall provide a copy of the list of permissible and actual charges to the owner or agent of the vehicle custody upon vehicle redemption. This list will have a space in which the agent or owner of the vehicle in custody will sign that she/he has read the list.

**Section 6. Inspections:**

All tow slips and related documents will be available for inspection by the City for any tow related complaint by the public from provided Services. Provider shall submit to a random inspection of tow documents and storage area for inspection to ensure compliance with this Ordinance. Companies and Providers will be subject to inspection of storage areas to ensure compliance with this Ordinance both during submission of initial application, renewal application or random inspection.

**Section 7. Penalties:**

Provider's place in the Rotation is subject to suspension or cancellation at any time by the City. Any Provider that is found to have violated any provision of this Ordinance may be removed from the Rotation and banned from reapplying to be placed back in the Rotation or future Rotations.

Violations shall be determine by the Conway Police Department designee. The designee will also determine the consequence of the violation(s). The decision of the designee may be reviewed by the Conway Chief of Police if a review is requested in writing by the Provider within five (5) business days of the decision of the designee. The decision of the Conway Chief of Police upon review shall be final.

**Section 8.** With adoption of this Ordinance, Ordinance No's. O-09-140, O-04-122, O-04-85, O-04-61, O-04-49, & O-00-139 are hereby repealed in their entirety.

**Section 9.** Resolution No. R-04-20 and Resolution No. R-04-29 are hereby repealed in their entirety.

**Section 10.** That this Ordinance is necessary for the protection of the peace, health and safety of the citizens of Conway, and therefore, an emergency is declared to exist, and this ordinance shall go into effect from and after its passage and approval.

**PASSED** this 23rd day of December, 2014.

**Approved:**

  
**Mayor Tab Townsell**

**Attest:**

  
**Michael O. Garrett**  
**City Clerk/Treasurer**

