

**First Published in The Wichita Eagle on May 16,2008**

OCA #082305

04/07/2008

ORDINANCE NO.47-884

AN ORDINANCE AMENDING SECTIONS 3.49.040, AND 3.49.130 OF THE CODE OF THE CITY OF WICHITA, KANSAS, PERTAINING TO WRECKER SERVICES AND REPEALING THE ORIGINALS OF SAID SECTIONS.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

Section 1. Section 3.49.040 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

"License – Issuance -- Inspection sticker -- Storage facilities. The city's licensing agent shall, after approval from the chief of police, issue a license to participate in the emergency wrecker service to applicants complying with the provisions of this chapter and shall issue an emergency wrecker inspection sticker approving each vehicle. The emergency wrecker inspection sticker must be affixed securely to the inside upper left-hand corner of the windshield of the inspected wrecker. No license authorizing participation in the emergency wrecker service and no inspection sticker approving the operation of an emergency

wrecker on the streets of the city shall be issued unless the following requirements are met:

(1) Vehicles. Each applicant, in order to secure a license under this chapter, must own and/or lease the following vehicles in the following numbers and be equipped as follows:

(a) Five wreckers; each wrecker shall not be less than one ton in size, shall be equipped with a power-operated winch line and boom with a factory-rated lifting capacity of not less than five thousand pounds, single line capacity, shall carry as standard equipment a two-way radio or mobile or cellular phone, dolly, cycle sling or trailer, tow bar, safety chains, fire extinguisher, wrecking bar, broom and shovel, and shall be clearly and permanently marked with the name and address of the licensee on each side of the vehicle;

(b) One wrecker, not less than two and one-half tons in size, equipped with a power winch, winch line and boom, having twelve to sixteen ton single or double line capacity, in addition to the equipment listed in subsection (a) of this section.

(c) Wreckers shall not be leased from other wrecking companies which participate in the emergency wrecker rotation list.

(2) Storage Facilities. Each applicant, in order to be licensed under this chapter, must own and/or lease facilities for the storage of vehicles having the following space and equipment requirements:

(a) Primary Storage. Vehicle storage space must be provided at a location which is within the corporate limits of the city and in compliance with applicable zoning ordinances. Such space must have a capacity for storing at least thirty-five vehicles excluding bicycles and motorcycles. This storage space must be fenced and secured from unauthorized entry. This space must also be kept accessible to vehicles, in conformance with all health and zoning ordinances and lighted in accordance with the requirements of the police department. This storage space must be available for receiving towed vehicles on a twenty-four-hour, seven-day-per-week basis, however, the licensee shall not be required to release vehicles from the storage area between the hours of seven p.m. and seven a.m.;

(b) Secondary Storage. Additional vehicle storage space must be provided for two hundred vehicles at a location or locations within one mile of the limits of the city. Such location or locations must be in compliance with applicable zoning ordinances and will be lighted in accordance with the requirements of the police department. This space must further be kept fenced and secured from unauthorized entry, in conformance with all health ordinances and accessible to vehicles. Secondary storage as required in this section may be at the same location as the primary storage, it being the intent of this chapter that space be provided for a total of two hundred thirty-five vehicles, excluding bicycles

and motorcycles and that storage for thirty-five of such vehicles be in the corporate limits of the city.

(3) In order to be licensed under this chapter, each licensee shall maintain and pay the premiums for the following insurance policy or policies:

(a) Public liability insurance indemnifying the public generally against damages arising out of the operation of emergency wrecker service. The licensee shall be responsible for entering the city on such policy or policies of insurance as a named insured. Such policy or policies of insurance shall be in an amount of at least five hundred thousand dollars for one person, five hundred thousand dollars for one accident, and five hundred thousand dollars property damage, and a minimum aggregate limit of one million dollars. This coverage can be provided as a combined single limit. In the insurance certificate, the insurance company must state that the city will be given written notice if the policy is canceled or changed within ten days prior to the effective date thereof. The applicant shall file certificates of insurance with the city clerk;

(b) Garage keeper's minimum liability policy covering fire, theft or damage to or loss of property while in tow or otherwise in the care, custody and control of the licensee. The licensee shall be responsible for entering the city on such policy or policies of insurance as a named insured. Such policy or policies of insurance shall be in an amount of at least one hundred thousand dollars for each individual claim up to a maximum aggregate limit of two hundred thousand dollars per occurrence.

In the insurance certificate, the insurance company must state that the city will be given written notice if the policy is canceled or changed within ten days prior to the effective date thereof. The applicant shall file certificates of insurance with the city clerk.

(c) Each policy required herein shall contain an endorsement providing for ten (10) days written notice to the Chief of Police of the City prior to any material change therein or cancellation thereof.”

SECTION 2. Section 3.49.140 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

**"Fees for emergency wrecker service.** (a) Licensed emergency wrecker companies shall charge the following fees for services rendered under this chapter:

(1) Towage. Where a wrecker that is less than two and one-half tons is requested, there shall be a maximum charge of eighty dollars per wrecker for towing a vehicle from one point to another location within the corporate limits of the city, as designated by the owner of the vehicle or by the police department at the place where the tow originated. Where a two-and-one-half-ton wrecker or larger is requested, the maximum charge shall be one hundred and twenty dollars per wrecker. For towing combination vehicles, the maximum charge shall be two hundred and twenty dollars per wrecker. In addition, mileage at the rate of three dollars and fifty cents per mile from the point of hookup for each mile any vehicle is towed within the city may be charged, except that where a two-and-one-

half-ton wrecker is requested, a rate of five dollars and fifteen cents per mile may be charged. Mileage for heavy duty towing, as set out in subsections 5, 6 and 7 shall be allowed at a rate of five dollars and fifteen cents per mile. Towing shall be by way of the most reasonable direct route between the point of the tow's origination and its destination.

Any additional charges for winching, dollies, wheel lift or rollbacks or other services not normally incident to towing wrecked or disabled vehicles shall be allowed only when the additional charge is:

(1) Reasonably necessary to retrieve a wrecked vehicle which is off the road or overturned;

(2) to protect the wrecked or disabled vehicle from reasonably foreseeable additional damage should the device not be used; or

(3) at the request of or permission of the owner or operator.

(2) **Waiting Time.** Waiting time, when required by a police officer in charge at the scene of an accident, shall be eighteen dollars per quarter hour or any part thereof after the wrecker has been at the scene of the accident thirty minutes.

(3) **Specialized Towing.** For up righting any overturned vehicle other than a motorcycle or bicycle, the maximum charge shall be forty-three dollars.

(4) **Dolly Services:** For dolly use in towing wrecked motor vehicles: the maximum charge is forty-three dollars in addition to the tow service charge. A dolly fee may only be charged if a dolly is necessary and actually used to tow the vehicle.

(5) **Winching.** An additional charge of twenty-five dollars for each quarter hour or any part thereof may be charged when a wrecker that is less than two and one-half tons is used for winching. An additional thirty-five dollars for each quarter hour or any part thereof may be charged when a wrecker that is two and one-half tons or larger is used for winching.

(6) **Heavy Duty Towing:** When requested by a law enforcement officer, when a 2 ton or greater tractor is necessary for towing, the towage fee shall be one hundred twenty-five dollars (\$125.00). An additional fee of one hundred twenty-five dollars (\$125.00) per hour may be charged for winching.

(7) **Heavy Duty Towing/Tractor and Trailer.** When requested by a law enforcement officer, when a tractor and trailer is necessary for towing, the towage fee shall be two hundred fifty dollars (\$250.00). An additional fee of two hundred dollars (\$200.00) per hour may be charged if a car hauler is used. An additional fee of two hundred fifty (\$250.00) may be charged for winching of the vehicle.

(8) **Heavy Duty Towing Landoll Specialized Trailer.** When requested by a law enforcement officer, when a Landoll Specialized Trailer under 28,000 pounds is necessary for towing, the towage fee shall be one hundred twenty-five dollars (\$125.00). For a Landoll Specialized Trailer over 28,000 pounds the towage fee shall be one hundred fifty dollars (\$150.00). For large motor coaches and tour busses, the towage fee shall be One hundred seventy-five (\$175.00).

(9) **Processing Fee.** A fee of fifteen dollars per vehicle shall be assessed to offset costs of notification to vehicle owners of released vehicles by the Wichita Police Department. Such fee shall be collected by the wrecker service and paid to the Wichita Police Department.

(10) **Fuel Surcharge.** A fee of seven percent (7%) of the towing fee set forth in (a)(1), excluding fees for mileage, may be assessed to offset increased cost of fuel. The fuel surcharge provisions and mileage shall be reviewed annually by the Chief of Police. Such review shall occur during January of each year. Any recommended increase or decrease in the fee by the Chief of Police must be approved by the City Manager.

(11) **Lot Fee.** A fee of fifteen dollars (\$15.00) per vehicle may be charged by the wrecker company to offset costs of releasing vehicles.

(12) A twelve dollar (\$12.00) one time fee may be charged for tarping a vehicle with broken windows or a vehicle otherwise open to the weather.

(13) No other charges are to be levied against vehicles towed under this section without the written authorization of the chief of police, or at the request of the vehicle's owner.

(14) Licensees shall provide to each owner or other authorized person an itemized bill indicating the amount for each service provided.

(b) With the exception of the first twenty-four hours a vehicle is on a licensee's lot, the licensee shall be paid twenty dollars for each twenty-four-hour period or portion thereof, for storage at the licensee's facility. Subject to the availability of space, vehicles which are towed by the licensee and which are operable shall be stored at the licensee's primary facility for a period of twenty-four hours. Vehicles which because of particular damage or because of their condition may be further damaged by exposure to inclement weather must be covered with a waterproof protective covering so that damage from inclement weather is minimized. Vehicles which have been rendered inoperable may be taken directly to the licensee's secondary storage at the discretion of the licensee.

SECTION 3. The originals of Sections 3.49.040 and 3.49.130 of the Code of the City of Wichita, Kansas, are hereby repealed.

SECTION 4. This ordinance shall be included in the Code of the City of Wichita, Kansas, and shall be effective upon its passage and publication once in the official city paper.

PASSED by the governing body of the City of Wichita, Kansas, this 13<sup>th</sup> day of May,  
2008.

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Carl Brewer, Mayor

ATTEST:

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Karen Sublett, City Clerk

Approved as to Form:

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Gary E. Rebenstorf  
Director of Law