

**CITY OF DAPHNE
ORDINANCE 2024-04**

**AN ORDINANCE AMENDING THE CITY OF DAPHNE'S TOWING AND RECOVERY
ROTATION SERVICES ORDINANCE NO. 2017-09,
AS CODIFIED IN CHAPTER 21, ARTICLE II, DAPHNE CODE OF ORDINANCES**

WHEREAS, Ordinance No. 2017-09 established regulations governing towing and recovery rotation services for the City of Daphne (the "City"); and

WHEREAS, Ordinance No. 2017-09 has been codified as Chapter 21, Article II, of the Daphne Code of Ordinances; and

WHEREAS, the City Council of the City is aware of the increase in costs associated with towing, cleanup, and recovery services provided by tow truck or wrecker services within the City and, after due consideration, believes it to be in the best interest of public safety and for the benefit of its citizens to amend Ordinance No. 2017-09 to adjust the maximum allowable towing and storage fees for tow truck services performed in response to wrecker rotation calls made by a police dispatcher.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, as follows:

SECTION 1. AMENDMENT TO SECTION 16 (CHAPTER 21, ARTICLE II, SEC. 21-36)

Section 16 of Ordinance 2017-09, as codified at Section 21-36 of Article II, Chapter 21 of the Daphne Code of Ordinances, is hereby repealed and replaced in its entirety with the following:

No tow truck service business on the Daphne Police Department's wrecker rotation call list may charge a fee in excess of amounts set forth herein for tow truck services performed in response to wrecker rotation calls made by a police dispatcher. In addition to the fee caps set forth and provided herein, no other fees may be charged by the tow truck service business that are not expressly set forth by this ordinance.

- (1) The tow truck service business may not charge more than two hundred dollars (\$200.00) for each vehicle towed as the result of an arrest or an abandoned, dismantled, or inoperative vehicle from one point in the Daphne city limits and police jurisdiction to another point therein, for any vehicle with a gross vehicle weight rating (GVWR) of 10,000 pounds or less.
 - a. If any vehicle requires a dolly, tire change, or removal of a dislodged drive shaft there may be an additional charge up to thirty-five dollars (\$35.00).
 - b. No additional added towing charges will be allowed for moving the towed vehicle to any destination required by the owner within the Daphne city limits and police jurisdiction.

- (2) The tow truck service business may not charge more than two hundred dollars (\$200.00) for each vehicle towed as the result of an accident from one point in the Daphne city limits and police jurisdiction to another point therein, for any vehicle with a gross vehicle weight rating (GVWR) of 10,000 pounds or less. In addition to the up to two hundred dollar (\$200.00) charge for towing each vehicle, any service call which requires more than one (1) hour on scene shall be permitted an additional charge up to two hundred dollars (\$200.00) per hour, calculated in fifteen minute increments.
- (3) The tow truck service business may not charge more than five hundred dollars (\$500.00) for each vehicle towed from one point in the City or police jurisdiction to another point therein, for any vehicle with a gross vehicle weight rating (GVWR) of 10,001 pounds or more. In addition to the charge up to five hundred dollars (\$500.00) for towing each vehicle, any service call which requires more than one (1) hour on scene shall be permitted an additional charge up to five hundred dollars (\$500.00) per hour, calculated in fifteen minute increments.
 - a. No additional added towing charges will be allowed for moving the towed vehicle to any destination required by the owner within the Daphne city limits and police jurisdiction.
- (4) A tow truck service business may charge a maximum of an additional one hundred fifty dollars (\$150.00) for the actual use of any additional equipment not required by this chapter, when such use is requested by or consented to by the police officer in charge of the scene or the hazardous materials incident supervisor, for any vehicle with a gross vehicle weight rating (GVWR) of 10,000 pounds or less. The need or request for the use of a “flatbed,” “roll-back,” or “slide-back” wrecker shall not be considered additional equipment under this section.
- (5) A tow truck service business may charge additional fees pursuant to the Fee Schedule incorporated herein as Appendix A for the actual use of any additional equipment not required by this Ordinance, when such use is requested by or consented to by the police officer in charge of the scene or the hazardous materials incident supervisor, for any vehicle with a gross vehicle weight rating (GVWR) of 10,000 pounds or more. A tow truck service driver on the City’s rotation list shall keep a copy of Appendix A with him or her at all times and present Appendix A upon request to any person to whom towing services were provided, their agent, or any City police officer or hazardous materials incident supervisor in charge of the scene or incident.
- (6) Storage Fees may be charged as follows:
 - a. Up to forty dollars (\$40.00) per day for each vehicle with up to one ton gross weight.
 - b. Up to seventy-five dollars (\$75.00) per day for each vehicle over one ton in gross weight or for each vehicle that requires inside storage.
 - c. Up to one hundred fifteen dollars (\$115.00) per day for each vehicle that can be powered by an electric motor that draws electricity from a battery

and is capable of being charged from an external source, including fully electric vehicles and plug-in hybrid electric vehicles.

SECTION 2. AMENDMENT TO ORDINANCE 2017-09, APPENDIX A.

Appendix A to Ordinance 2017-09 is hereby repealed and replaced in its entirety with Appendix A hereto.

SECTION 3. SEVERABILITY.

If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions hereof.

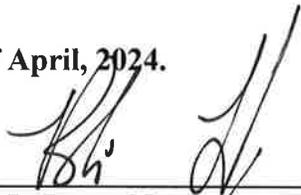
SECTION 4: REPEALER.

All other provisions of Ordinance No. 2017-09 not amended by this Ordinance remain in full effect. All other City Ordinances or parts thereof in conflict with the provisions of this Ordinance, in so far as they conflict, are hereby repealed to the extent of conflict.

SECTION 5: EFFECTIVE DATE.

This Ordinance shall be effective as of May 1, 2024, upon its due adoption by the City Council and publication as required by law.

ADOPTED AND APPROVED on this 1st day of April, 2024.



Robin LeJeune, Mayor

ATTEST:


Candace G. Antinarella, MMC, City Clerk

APPENDIX A
CITY OF DAPHNE TOWING AND RECOVERY ROTATION SERVICES ORDINANCE

ADDITIONAL FEE SCHEDULE

<u>ADDITIONAL FEE SCHEDULE</u>	<u>FEES</u>
Absorbent Pads	\$6.25 /ea
Absorbent Socks	\$12.50 /ea
Absorbent Disposal	\$43.75 per 5 gls.
Bale of Hay	\$31.25 /ea
Chainsaw	\$118.75 /per job
Crash Wrap	\$31.25 /per window
Debris Disposal	\$93.75 /per load
Drill	\$56.25 /per job
Drip Pan	\$12.50 /ea
Dump Truck	\$243.75 /hr
Emergency Response Unit	\$312.50 /hr (2-hr minimum)
Equipment Trailer	\$93.75 /hr
Forklift	\$218.75 /hr
Gate Fee	\$93.75
Grass Seed	\$12.50 /lb
Hazardous Material Supervisor	\$156.25 /hr
Light Duty Dollies	\$56.25
Lowboy Trailer	\$312.50 /hr
Metal Cutting Saw	\$156.25 /per job
Micro-blaze	\$56.25 /per tank
Oil Dry	\$31.25 per 5 gls. (after 1st bag)
Oil Dry Disposal	\$43.75 per 5 gls. (after 1st bag)
Pallet Wrap	\$31.25 /roll
Pallet	\$43.75 /ea
Pallet Jack	\$62.50 /ea
Pickup Truck	\$93.75 /hr
Portable Pressure Washer	\$93.75 /per job
Reefer Trailer	\$312.50 /hr
Rotator	\$937.50 /hr (4-hr minimum)
Scene Lighting	\$218.75
Skid Steer	\$281.25 /hr
Skid Steer Attachment	\$62.50 /ea
Slide Axle Trailer	\$312.50 /hr
Spreader Bars	\$156.25 /ea
State Administration Fee	\$93.75
Street Sweeper	\$406.25 /per job
Tarp	\$62.50 /ea
Torch/Welder	\$118.75 /hr
Tractor Only	\$218.75 /hr

Traffic Cones	\$11.25 /ea
Traffic Information Sign	\$25.00 /ea
Trailer Dolly	\$625.00 /per job
Trimmer	\$118.75 /per job
Waders	\$62.50 /ea
Wreck Master Supervisor	\$93.75 /hr

- 50% Flammable High Flash Point Surcharge**
- 100% Flammable Low Flash Point Surcharge**
- 200% Class B Explosives or Chemicals Surcharge**
- 300 % Class A Explosives or Chemicals Surcharge**
- 500% Radioactive or Nuclear Loads Surcharge**