

PROPOSED
ORDINANCE NO. 26.21

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AN ORDINANCE REPEALING SECTION 7-8-5(f) OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA; ELIMINATING MAXIMUM CHARGES FOR TOWING INOPERABLE VEHICLES WITHIN THE CITY; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY OF PENSACOLA, FLORIDA:

SECTION 1. Section 7-8-5(f) of the Code of the City of Pensacola, Florida, is hereby repealed:

Sec. 7-8-5. - Wrecker rotation lists.

- (a) If the owner of a vehicle involved in an accident or collision is physically unable to designate the wrecker company desired or refuses to designate one, the investigating officer shall communicate that fact immediately to police department headquarters. The police department shall keep separate master wrecker rotation lists for general use, bridge rotation, and heavy-duty rotation. The wrecker rotation lists will be in numerical inspection order and will include all wrecker companies which:
 - (1) Have been issued a vehicle permit and inspection permit;
 - (2) Have applied to be on such lists;
 - (3) Maintain 24-hour wrecker service with wreckers;
 - (4) Meet all special and minimum requirements as herein established.
- (b) General wrecker rotation list requirements. All minimum requirements for the general-duty wreckers and equipment will apply.
- (c) Heavy-duty wrecker rotation list requirements. All minimum requirements for wreckers qualified, as defined in section 7-8-3(a)(2), to tow heavy-duty trucks and vehicles, and equipment requirements will apply.
- (d) Bridge rotation list requirements. Due to unusual circumstances arising from Pensacola Bay Bridge traffic and restraints, wrecker companies desiring to be on the bridge rotation list must be able to conform to the special requirements as follows:

- (1) Maintain a response time to all calls within 15 minutes from the location of the wrecker business to the Pensacola Bay Bridge on a 24-hour basis. Response time will be measured from the time the wrecker company receives the call from police communications until the wrecker arrives on the scene.
 - (2) Maintain a place of business, as defined in section 7-8-12, within five miles of the Pensacola Bay Bridge.
 - (3) Comply with all other provisions of this chapter and as stated for the general rotation list.
- (e) On receiving the first communication, the dispatcher receiving the communication at police headquarters shall call the first wrecker company on the list to tow the disabled vehicle and remove the same from the public streets of the city. If a wrecker belonging to the wrecker company receiving the communication fails to arrive at the scene of the accident within 30 minutes for general wrecker rotation and heavy-duty or 15 minutes for a bridge rotation call, the investigating officer shall notify police headquarters. The first wrecker called shall be canceled and the next wrecker on the rotation list called. The wrecker whose call was canceled shall be placed in the last position on the rotation list. In each succeeding communication of the inability or refusal of the owner to designate a wrecker, the next company on the list shall be called, and proper notation of each call shall be made on the individual master wrecker card.
- ~~(f) When responding to a rotation call, each business shall charge as a wrecker towing fee an amount that is fair and reasonable, but in no instance to exceed \$85.00 for towing disabled vehicles on the streets of the city, when the vehicle requires only the normal wrecker services. In addition, companies required to store vehicles at their facilities shall charge as a storage fee an amount that is fair and reasonable, but in no instance to exceed \$10.00 per day. Failure to comply will cause the wrecker business to be removed from the master wrecker rotation lists kept at police headquarters.~~
- ~~(g)~~(f) Requests for voluntary removal from any of the wrecker rotation lists require a written statement to be submitted to the police department before removal from any of the lists.

SECTION 2. If any word, phrase, clause, paragraph, section or provision of this ordinance or the application thereof to any person or circumstance is held invalid or unconstitutional, such finding shall not affect the other provision or application of the ordinance which can be given effect without the invalid or unconstitutional provisions or application, and to this end the provisions of this ordinance are declared severable.

SECTION 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 4. This ordinance shall take effect on the fifth business day after adoption, unless otherwise provided pursuant to Section 4.03(d) of the City Charter of the City of Pensacola.

Adopted: _____

Approved: _____
President of City Council

Attest:

City Clerk