

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, AMENDING CHAPTER 70 OF THE CODE OF ORDINANCES ENTITLED "WRECKERS AND TOWING SERVICE"; BY AMENDING SECTION 70-654 TO CLARIFY REQUIRED WRECKERS AND EQUIPMENT FOR THE CITY TOW ROTATION LIST; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, it is the intent of the City Commission for the City of Key West to provide for the general health, safety and welfare of its citizens and visitors by providing for further consumer and industry protections regarding tow companies that operate on the city's tow rotation list; and

WHEREAS, there exist some ambiguity regarding the type of required wrecker and equipment necessary to participate in the City's tow rotation system;

WHEREAS, it is the intent of the City Commission for the City of Key West to provide for a clear process and defined criteria in administering the city tow rotation list.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF KEY WEST, FLORIDA:

Section 1: That Section 70-654 of the Code of Ordinances is hereby amended as follows*:

Sec. 70-654. - Wrecker classification; ~~and~~ required and optional equipment.

A. Wrecker classification and equipment required for placement and retention on the City's rotating call list.

(1) Each tow truck owned or maintained by a wrecker operator shall be commercially manufactured and shall conform to all other requirements of this section, as indicated.

(2) All tow trucks shall be equipped with a business-type communication radio or mobile telephone or cellular telephone. There shall be one radio or phone for each truck. The equipment shall be licensed and approved by the Federal Communications Commission. The mobile radio or telephone shall enable the wrecker operator to communicate with his trucks within his usual area of operation. A citizens band radio does not meet the requirements of this subsection.

(3) In order to be eligible for the City's rotating call list, an operator must possess the following specified wrecker classifications Specifications and required equipment shall be as follows:

(a) All wreckers (all classifications) shall include the following:

I. A cradle, tow plate or tow sling to pick up motor vehicles. The cradle, tow plate or tow sling shall be equipped with safety

*(Coding: Added language is underlined; deleted language is struck through.)

chains and constructed in such a manner that it will not damage the motor vehicle to be towed.

- II. Dual rear wheels.
- III. Clearance and marker lights and all other equipment as required by Florida Statutes Chapter 316.
- IV. A rotor beam or strobe-type light, amber in color, mounted on the wrecker in such a manner that it can be seen from the front, rear, and both sides.
- V. The name, address and telephone number of the wrecker operator shall be painted or permanently affixed in a conspicuous place on both sides of the trucks as required by Florida Statutes Section 713.78(2).
- VI. At least one heavy duty push broom with a minimum width of 24 inches.
- VII. One square shovel.
- VIII. One ax.
- IX. One crowbar or pry-bar with a minimum length of 30 inches.
- X. Minimum of one five-pound CO₂ or dry chemical fire extinguisher or equivalent. Must be approved type and have a current inspection tag attached.
- XI. One pair of bolt cutters with a minimum opening of one-half inch.
- XII. One set of jumper cables.
- XIII. One four-way lug wrench.
- XIV. One flashlight.
- XV. Five 30-minute fuses.
- XVI. One snatch block for each winch with manufacturer's rating to match winch.
- XVII. Extra towing chain six to eight feet in length with hooks.
- XVIII. At least three safety cones or triangle reflectors.

XIX. Fifty pounds of sand or petroleum absorbent.

(b) Class "A" wreckers (for the removal of cars and light duty trucks and vehicles weighing 10,000 pounds gross vehicle weight or less): Specifications and equipment in addition to requirements outlined in subsection (3) (a) of this section, shall be as follows:

- I. A truck chassis with a manufacturer's rated capacity of at least 10,000 pounds gross vehicle weight. A complete, commercially manufactured boom and at least one winch having a manufacturer's combined rating of at least four tons must be mounted on the chassis. Hand crank winches do not satisfy these requirements and will not be approved.
- II. A minimum of 100 feet of three-eighths-inch cable.
- III. Dollies.
- IV. Flood lights on the hoist.
- V. Vehicles which are equipped with wheel lifts or the equivalent may also qualify as class "A" tow trucks so long as they are equipped with a boom and all other applicable requirements are met. Wheel lifts shall be rated at a minimum of 3,000 pounds lift capacity and must utilize wheel safety straps when lifting vehicles by the wheels only.
- VI. Operators who wish to remove cars and light trucks may have, in addition to the criteria described in this subsection A(3) (b), or as an alternative to, a roll-back or slide-back carrier truck/trailer with specifications and the equipment as provided in subsection A (3) (c) of this section.

(c) As an alternative to the Class "A" wrecker described in subsection A(3)(b) above, an operator may have Class "A" roll-back or slide-back wreckers (for the removal of cars and light duty trucks and vehicles weighing 10,000 pounds gross vehicle weight or less): Specifications and equipment for roll-back or slide-back carriers in addition to the requirements outlined in subsection A(3)(a) of this section shall include the following:

- I. A truck chassis with a manufacturer's rated capacity of at least 10,000 pounds gross vehicle weight with a minimum of a 16-foot bed, dual rear wheels and a winch with at least 8,000 pounds capacity.
- II. A minimum of 50 feet of three-eighths-inch cable.
- III. A minimum of two safety tie-down chains of at least ten feet each in length.
- IV. Two spot (flood) lights mounted on the rear of the carrier.
- V. A roll-back or slide-back carrier trailer shall meet the following requirements:
 - A. A commercially manufactured carrier trailer with a rated capacity of at least 8,000 pounds gross vehicle weight with a minimum 16-foot bed equipped with a winch with at least 8,000 pounds lifting/pulling capacity.
 - B. A minimum of 50 feet of three-eighths-inch cable.
 - C. Brakes and trailer lights which meet the minimum statutory requirements of Florida law.
 - D. Safety chains.
 - E. Must be towed by and used in conjunction with an approved wrecker that meets or exceeds

the class of the vehicle to be towed.

- (d) Class "B" wreckers (for removal of medium duty trucks or vehicles weighing 20,000 pounds gross vehicle weight or less): Specifications and equipment in addition to the requirements outlined in (3)(a) of this section, shall be as follows:

- I. A truck chassis with a manufacturer's rated capacity of at least 20,000 pounds gross vehicle weight. A complete, twin-winch, commercially manufactured boom and winches having a manufacturer's combined rating of at least ten-ton capacity mounted on the chassis.
- II. A minimum of 100 feet of at least one-half-inch cable on each drum.
- III. One set of scotch blocks for wheels or hydraulic rear-extendable scotch blocks.
- IV. Flood lights on the hoist.

- (e) Class "C" wreckers (for removal of heavy duty trucks, house trailers, buses, etc., weighing over 20,000 pounds gross vehicle weight): Specifications and equipment in addition to the requirements outlined in (3)(a) of this section, shall be as follows:

- I. A truck chassis with a manufacturer's rated capacity of at least 30,000 pounds gross vehicle weight and 30,000 pounds gross vehicle weight for tandem axle trucks. A complete, twin-winch, commercially manufactured boom and winches having a manufacturer's combined rating of at least 25-ton capacity mounted on the chassis.
- II. A minimum of 200 feet of at least five-eighths-inch cable on each drum.

- III. Air brakes so constructed as to lock the rear wheels automatically upon failure.
- IV. External air hookup and hoses, to supply air to disabled vehicles.
- V. One set of scotch blocks for wheels or hydraulic rear-extendable scotch blocks.
- VI. Flood lights on the hoist.

B. Optional wrecker classification and required equipment

In additional to wreckers and equipment described in subsection A above, an operator may elect to enhance its operation and towing capabilities by having the optional equipment described below. However, the only wreckers and equipment required for participation in the City's rotating call list is as described in section A above.

- (f) Class D wrecker. The requirements for a class "D" wrecker are as follows:
 - I. Commercially manufactured unit, with a rated capacity of not less than 52,000 pounds, GVW, according to the manufacturer's identification plate. Any modification to increase GVW must be documented by the dealer or manufacturer.
 - II. Cab to bogey dimension of not less than 180 inches.
 - III. Commercially manufactured boom or booms with a minimum total capacity of 70,000 pounds.
 - IV. Hydraulically operated winch or winches with a minimum total winching capacity of 70,000 pounds.
 - V. Two hundred feet of three-fourths-inch steel core cable per winch.
 - VI. Hydraulically operated under reach with a retracted rating of not less than 45,000 pounds and an

extended rating of not less than 12,000 pounds.

- VII. Rear support jacks or outriggers.
- VIII. Two one-half-inch alloy safety chains.
- IX. Tow bar or tow-sling equipped.
- X. External air hookup and minimum hoses to supply air to disabled vehicles.
- XI. Two snatch blocks, minimum 24,000-pound capacity for each.
- XII. Spring brake-air lock.
- XIII. Two scotch blocks.
- XIV. Six to eight feet of extra towing chain with hoods, minimum 4,000-pound capacity.

C. ~~(4)~~ This section only applies to wrecker operators providing towing services to law enforcement agencies pursuant to the City's rotating call list.

D. Operators actively providing services pursuant to the City's rotating call list shall ensure all required wreckers and equipment are available to timely respond to calls for service in accordance with this Division.

Section 2: If any section, provision, clause, phrase, or application of this Ordinance is held invalid or unconstitutional for any reason by any court of competent jurisdiction, the remaining provisions of this Ordinance shall be deemed severable therefrom and shall be construed as reasonable and necessary to achieve the lawful purposes of this Ordinance.

Section 3: All Ordinances or parts of Ordinances of said City in conflict with the provisions of this Ordinance are hereby superseded to the extent of such conflict.

Section 4: This Ordinance shall go into effect immediately upon its passage and adoption and authentication by the signature of the presiding officer and the Clerk of the Commission.

Read and passed on first reading at a regular meeting held this 1 day of May , 2012.

Read and passed on final reading at a regular meeting held this 15 day of May , 2012.

Authenticated by the presiding officer and Clerk of the Commission on 16 day of May , 2012.

Filed with the Clerk May 16 , 2012.


CRAIG CATES, MAYOR

ATTEST:


CHERYL SMITH, CITY CLERK



SHAWN D. SMITH
LARRY ERSKINE
RON RAMSINGH

Office of the City Attorney

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Memorandum

TO: Mayor & Commissioners
FROM: Shawn D. Smith, City Attorney
RE: City's rotating call list
DATE: 23 April 2012

Mayor and Commissioners

Attached are proposed revisions to the City's rotating tow list ordinance as a result of the City Commission's determination made at the April 3, 2012 meeting. At that meeting the Commission determined that the intent of the ordinance was to require an operator to have class A, B and C wreckers to respond to calls from the City. This ordinance applies, for example, when a police officer needs a wrecker to clear an accident scene. This section only applies to police initiated tows and does not address the non-consent tows from private property that you recently reviewed.

Upon the Commission's clarification of intent, the Key West Police Department continued a previous review of each operator to ensure they had the required equipment and otherwise complied with the applicable ordinances. Despite some operator's representations that they possessed all classes of wreckers, the preliminary investigation revealed that there was not a single operator who possessed all the requirements. However, before any operator is removed from the rotating call list they are entitled to a hearing before the City Manager to review all factual issues. It is anticipated that hearings will be scheduled in May for a final determination.

Please keep in mind that the majority of the attached ordinance is already in place. Additions are noted by underlined language. Deletions are noted by a ~~strike through~~. I encourage you to contact me with any questions or comments.

A handwritten signature in black ink, appearing to be "Shawn D. Smith", is written over a white background.

Shawn D. Smith

Donald J. Lee, Jr.

Chief of Police



Key West

POLICE DEPARTMENT

TO: Chief Donald Lee

FROM: Lieutenant J.R. Torres

DATE: April 20, 2012

RE: 2012 Towing Inspections

As directed, Officer Randall Hartle conducted inspections of all towing companies that are currently on our tow rotation to determine if they are in compliance with the current City Ordinance which governs them. The following is a summary of the inspections:

Alex's Towing

Meets all of the requirements of the ordinance with the exception of having a Class C or D Wrecker.

Arnold's Towing

Meets all of the requirements of the ordinance with the exception of having a Class C Wrecker.

A1A Towing

Meets all of the requirements of the ordinance with the exception of having a Class B, C or D Wrecker.

Key West Towing

Meets all of the requirements of the ordinance with the exception of having a Class C or D Wrecker.

Scott Brother's Towing

Meets all of the requirements of the ordinance with the exception of having a Class C or D Wrecker.

Anchor Towing

Meets all of the requirements of the ordinance with the exception of having a Class A Wrecker and having the inside storage at the same facility where the office/place of business and outside storage are located.

If there is anything else you need, please let me know. Thanks.



RESPECT - INTEGRITY - FAIRNESS

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