

## **ARTICLE III. VEHICLE TOWING AND IMPOUNDMENT**

### *DIVISION 1. GENERALLY*

**Secs. 74-46—74-60. Reserved.**

### *DIVISION 2. TOWING ON ORDER OF POLICE*

**Sec. 74-61. Purpose and intent of division.**

This division is enacted to promote the health, safety and general welfare of the inhabitants of the city by regulating the towing and storage of motor vehicles that have been ordered towed and stored by the city police department.

(Code 1976, § 6.42(1)(A))

**Sec. 74-62. Scope of division.**

The towing and storage of motor vehicles at the request of the city police, within the city, shall be in conformity with the provisions of this division.

(Code 1976, § 6.42(2))

**Sec. 74-63. Contracting for towing/storage services.**

*Operator requirements.* The city shall contract for police requested towing and storage of motor vehicles services only upon the following conditions:

- (1) *Availability of facility.* The towing and storage facility shall be available upon the request of the city police department at all times on every day of the year.
- (2) *Outside and inside storage.* The storage facility shall include outside storage and inside storage. The outside storage shall be for at least 30 cars and shall be surrounded by a six-foot high fence, and shall be secured and locked at all times. The inside storage shall be for at least six cars. Any storage facility under this division shall be located within a distance of no more than one-half mile of the city limits.
- (3) *Insurance provisions.* The towing operator must carry, at his own expense, premises, general liability, automobile combined single limit and garage keepers' liability insurance with an approved reliable insurance company licensed to do business in the state, and which insurance shall include the city as an additional named insured and contain coverage in amounts of not less than the following: general liability coverage, \$1,000,000.00; automobile combined single limit coverage \$500,000.00; and \$50,000.00 garage keepers' insurance. The operator shall furnish and file with the city clerk a policy or a certificate of such insurance of the insurer which shall contain a clause providing for a ten-day notice to the city before cancellation. If any policy of insurance required in this subsection is cancelled, the towing operator before the date of cancellation shall furnish and file a similar new certificate. Failure to

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comply with the provisions of this subsection shall automatically suspend the agreement as of the date of the cessation of any such insurance coverage. Insurance provisions shall apply and are effective after January 1, 2014.

- (4) *Impounding, towing and release.* The operator shall take immediate possession of any vehicle duly ordered impounded and ticketed for any traffic or parking violation and shall tow such vehicle to the car pound. No such vehicle shall thereafter be released without authorization by the director of public safety or other duly authorized city official.
- (5) *Storage of impounded vehicles.* Any vehicle directed to be towed and impounded as provided in this section, from the time it is taken possession of by the operator to the owner as provided in this section, shall be considered to be in the custody of the law, and no work shall be done thereon, except the impounding and storage of such vehicle, of the employee or the agent until such car has been released to the owner. All such cars, when ordered released by the city police department, shall be released to the owner by the operator without charge. The operator during the time the vehicle is impounded shall not permit the owner or any other person to take or remove from the vehicle any parts, or change or repair any parts.
- (6) *Release form.* At the time of return of the vehicle, the towing operator shall release the vehicle upon written copy of the release form by the police department. Of such two copies the city police department shall deliver one to the director of finance of the city.
- (7) *Rate regulation for towing and storage.* The towing operator shall set the towing and storage rates pursuant to a competitive bidding process. A two-year contract shall be awarded by the city to the lowest responsible bidder pursuant to city procedures. The city shall pay towing and storage fees pursuant to the contract entered into between the operator and city.
- (8) *Towing operator and employees.* Towing operators and employees must maintain proper licensure to operate motor vehicles in the state at all times throughout the terms of the contract to be awarded by the city. The towing operator shall sign the appropriate releases so as to authorize criminal background check as deemed necessary and appropriate by public service director. The city hereby reserves the right to reject a bid or rescind an agreement if criminal background check reveals relevant criminal offenses which would reflect negatively upon the towing operator's ability to provide appropriate towing service for the city. For example, if towing operator is convicted of vehicle theft charge, or theft by swindle, or other fraud conviction, city reserves the right to reject bids or rescind agreement.

(Ord. No. 647, § 1, 12-27-2011; Ord. No. 723 2nd Series, § 1, 8-8-2017)

Editor's note(s)—Ord. No. 647, § 1, adopted December 27, 2011, amended section 74-63 in its entirety to read as herein set out. Formerly, section 74-63 pertained to the licensing of tow trucks and derived from the Code of 1976, § 6.42(3)—(6).

Cross reference(s)—Business licenses, § 22-21 et seq.

### **Sec. 74-64. Notice of impoundment to owner.**

The department of public safety shall give notice of the impounding of any such vehicle to the owner thereof, as shown upon or in records of the state motor vehicle department of the secretary of state, by telephone immediately upon the receipt of notice of such impounding, if possible, and if it is not possible, shall notify such owner by certified mail, addressed as indicated in the records of the state department of motor vehicles, within 72 hours after receipt of such notice.

(Code 1976, § 6.42(7))

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**Sec. 74-65. Impoundment and sale.**

After any motor vehicle has been towed and stored and unclaimed for a period of three weeks, the city clerk may immediately proceed to have a sale of such vehicle in the same process as abandoned vehicles under Minn. Stat. ch. 168B.

(Code 1976, § 6.42(8); Ord. No. 723 2nd Series, § 1, 8-8-2017)

**Secs. 74-66—74-85. Reserved.**