

**ORDINANCE NO. 2024-\_\_\_\_\_**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONTGOMERY, TEXAS, AMENDING CHAPTER 86, TRAFFIC AND VEHICLES, ARTICLE VII, TOWING SERVICES, TO UPDATE THE DEFINITIONS, FEE SCHEDULE, WRECKER SERVICE ROTATION LIST GUIDELINES; REPEALING CONFLICTING ORDINANCES; PROVIDING A SAVINGS CLAUSE; PROVIDING AN ENFORCEMENT CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION AND OPEN MEETING; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR OTHER RELATED MATTERS.**

**WHEREAS**, the City of Montgomery, Texas (“City) is a Type A General Law Municipality; and,

**WHEREAS**, the State of Texas, Occupations Code Chapter 2308 authorizes a municipality to regulate private operators of a tow truck engaged in the practice of vehicle towing and booting within the areas regulated by the municipality for traffic and parking; and,

**WHEREAS**, the City Council of the City of Montgomery, Texas (“City Council”) previously adopted Ordinance No. 2011-13 establishing towing services rules and regulations; and then adopted Ordinance No. 2021-09 amending the rotation guidelines and definitions; and,

**WHEREAS**, the City Police Department seeks to further update the City’s towing services regulations in the City’s Code of Ordinances to address necessary updates in definitions, fees, guidelines, and related matters; and,

**WHEREAS**, the provisions herein are necessary to preserve consumer protection, fair pricing, safe operations and uniform fairness in the operation of towing services within the City’s jurisdiction, and to protect the public’s interest; and,

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MONTGOMERY, TEXAS:**

SECTION 1. Findings Incorporated. The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2. Amendment to the City of Montgomery Code of Ordinances. In accordance with Chapter 1 of the City of Montgomery Code of Ordinances the following provision is hereby amended in its entirety to read as follows:

Article VII. – TOWING SERVICES

Sec. 86-236. - Definitions.

The following words, terms, and phrases, when used in this article, shall have meanings ascribed to them in this section, except where the context clearly indicates a different meaning. Words used in the present tense include the future tense. Words used in the plural number include the singular, and words in the singular include the plural. The word "shall" is always mandatory. The word "herein" means in this article. The word "person" means any human being or legal entity and includes a corporation, a partnership, and an incorporated or unincorporated association. Definitions or terms not set out below are defined in 16 Tex. Admin. Code 85.10 and 86.10 (2018).

*Abandoned motor vehicle* has the same meaning as assigned by Section 683.002, Texas Transportation Code.

*City* means the City of Montgomery, Texas.

*Consent tow* means any tow of a motor vehicle initiated by the owner or operator of the vehicle or by a person who has possession, custody, or control of the vehicle. The term does not include a tow of a motor vehicle initiated by a peace officer investigating a traffic accident or an incident management tow, a traffic incident that involves the vehicle or a private property tow.

*Driver's license* has the same meaning as assigned by Section 521.001, Texas Transportation Code.

*Incident management tow* means any tow of a vehicle in which the wrecker is summoned to the scene of a traffic accident or incident, including the removal of a vehicle, commercial cargo, and commercial debris from a collision or incident scene.

*Junked vehicle* has the same meaning as assigned by Section 683.071, Texas Transportation Code.

*Nonconsent tow* means any tow of a motor vehicle that is not a consent tow, including an incident management tow, and a private property tow. Examples include, but are not limited to, vehicles involved in traffic crashes, traffic hazards, arrests, vehicles of evidentiary value, and abandoned vehicles on public or private property.

*Private property tow* means any tow of a vehicle authorized by a parking facility owner without the consent of the owner or operator of the vehicle.

*Public roadway* means a public street, alley, road, right-of-way, or other public way, including paved and unpaved portions of the right-of-way.

*Special circumstance tow* means a rotation tow that is a result of an incident lead by a City of Montgomery Peace Officer, such as a pursuit or a vehicle recovery beyond the city's boundaries. The tow may result in extensive tow miles or special tools/equipment required for recovery.

*TDLR* means the Texas Department of Licensing and Regulation.

*Tow truck* means a motor vehicle, including a wrecker, equipped with a mechanical device used to tow, winch, or otherwise move another motor vehicle. The term tow truck does not include vehicles defined by Section 2308.002 (11) of the Texas Occupations Code.

*Vehicle Storage Facility (VSF)* means a garage, parking lot, or other facility owned or operated by a person other than a governmental entity for storing or parking 10 or more vehicles per year without the consent of the vehicle owner.

*Wrecker service* means an individual, association, corporation, or other legal entity that controls, operates, or directs the operation of one or more tow trucks over a public roadway in the State of Texas.

Sec. 86-237. – Wrecker service rotation list guidelines.

The City Council, in collaboration with the City Police Chief, hereby adopts and establishes guidelines specifically for wrecker services that have voluntarily requested and agreed to be included in the city's

voluntary wrecker service rotation list. These guidelines exclusively apply to the voluntary wrecker service rotation list and are appended to the ordinance from which this section originates, labeled as exhibit 'A,' and incorporated herein by reference for all purposes. A current copy of these guidelines will be maintained on file in the office of the City Secretary and the office of the Chief of Police. Any individual desiring participation in the voluntary wrecker service rotation list must submit an application packet (which includes fees and supplemental required documentation) to the City Police Department, expressing their intent to be placed on the voluntary rotation list, and must fully adhere to all terms and conditions outlined in the guidelines.

Sec. 86-238. – Offenses.

A person, firm, or corporation commits an offense if:

- (1) a person intentionally or knowingly solicits a non-consent tow in any manner, directly or indirectly, on the streets of the city involving any motor vehicle that is damaged as the result of a collision on a public street; or,
- (2) a person, firm, or corporation arrives at the scene or enters the scene of a traffic collision, traffic incident or other area under the control of a peace officer without the permission of the peace officer, to perform a nonconsent tow of a motor vehicle without first being contacted by the city police department; or,
- (3) a person, firm, or corporation directly or indirectly solicits, on streets located in the city, towing services, including towing, removing, repairing, wrecking, storing, trading, selling, or purchasing related to a vehicle that has been damaged in a collision to the extent that it cannot be normally and safely driven.

Sec. 86-239. Affirmative defense.

It is an affirmative defense to prosecution under any provision of this article that:

- (1) the tow truck is owned by the motor vehicle owner of the vehicle being towed, carried, or otherwise transported by the tow truck; or,
- (2) the motor vehicle being towed, carried or otherwise transported by the tow truck was originally picked up or loaded onto the tow truck at a specific location within the city; or,
- (3) the motor vehicle was being towed by the tow truck pursuant to a request by the lien holder of the motor vehicle; that the towing was incidental to a lawful repossession of the vehicle; and that the tow truck driver has complied with all requirements of this section which would be applicable if the lien holder were the vehicle owner of the vehicle being towed.
- (4) the motor vehicle was not disabled as a result of a collision.

Sec. 86.240. – Violation; penalties.

In any prosecution for a violation of this article, proof that the tow truck was present at the scene of an accident shall constitute prima facie evidence that the tow truck driver was operating or causing to be operated the tow truck to solicit business, but the person charged shall have the right to introduce evidence to prove that the motor vehicle owner requested a tow truck to come to the scene or that a police officer requested the tow truck for the vehicle owner.

Any person, firm, or corporation violating any provision of this article or failing to comply with any requirement of this article will be guilty of a misdemeanor, and subject to a fine as provided in the City of Montgomery Code of Ordinance Chapter 1, Section 1-13.

SECTION 3. Severability clause. If any section, subsection, sentence, clause, phrase or portion of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, such portion shall

be deemed a separate, distinct, and independent provision, and such holding shall not affect any of the remaining provisions of this ordinance.

SECTION 4. Repealing clause. All other ordinances and parts of ordinances in conflict with the provisions of this ordinance are hereby repealed; provided, however, that such repeal shall be only to the extent of such inconsistency and in all other respects this ordinance shall be cumulative of other ordinances regulating and governing the subject matter covered by this ordinance on all ordinances or sections of the City Code not specifically amended or repealed shall remain in full force and effect.

SECTION 5. Effective date. Because this ordinance has a penalty for violation, it shall become effective upon its publication in the newspaper as provided by Texas Local Government Code §52.011 (Type A), which date is expected to be \_\_\_\_\_.

**PASSED AND APPROVED** by the City Council of the City of Montgomery, Texas, on this \_\_\_\_\_th day of \_\_\_\_\_, 2024.

**CITY OF MONTGOMERY, TEXAS**

\_\_\_\_\_  
Sara Countryman, Mayor

ATTEST:

\_\_\_\_\_  
\_\_\_\_\_, City Secretary

APPROVED AS TO FORM:

\_\_\_\_\_  
Alan P. Petrov, City Attorney

## EXHIBIT A

### CITY OF MONTGOMERY (TEXAS) POLICE DEPARTMENT VOLUNTARY WRECKER SERVICE ROTATION LIST GUIDELINES

The following guidelines apply to wrecker services voluntarily requesting placement on the City of Montgomery Police Department Voluntary Wrecker Service Rotation List ("Rotation List"). These guidelines pertain exclusively to the Rotation List.

These guidelines may be amended at any time, for any reason, at the sole discretion of the City of Montgomery Chief of Police. Current participants on the Rotation List will receive fifteen (15) days' notice via regular mail to the address listed on their application.

#### I. Definitions.

The following words, terms, and phrases, when used in this article, shall have meanings ascribed to them in this section, except where the context clearly indicates a different meaning. Words used in the present tense include the future tense. Words used in the plural number include the singular, and words in the singular include the plural. The word "shall" is always mandatory. The word "herein" means in this article. The word "person" means any human being or legal entity and includes a corporation, a partnership, and an incorporated or unincorporated association. Definitions or terms not set out below are defined in 16 Tex. Admin. Code 85.10 and 86.10 (2018).

*Abandoned motor vehicle* has the same meaning as assigned by Section 683.002, Texas Transportation Code.

*City* means the City of Montgomery, Texas.

*Consent tow* means any tow of a motor vehicle initiated by the owner or operator of the vehicle or by a person who has possession, custody, or control of the vehicle. The term does not include a tow of a motor vehicle initiated by a peace officer investigating a traffic accident or an incident management tow, a traffic incident that involves the vehicle or a private property tow.

*Driver's license* has the same meaning as assigned by Section 521.001, Texas Transportation Code.

*Impoundment* means if doors, windows, convertible tops, hatchbacks, sunroofs, trunks, or hoods are broken or inoperative, materials such as plastic or canvas tarpaulins must be used to ensure the protection of the stored car. To charge the impoundment fee, the vehicle storage facility (VSF) must also do at least one of the following:

- conduct a written inventory of any unsecured personal property contained in the car; or
- remove and store all such property for which safekeeping is necessary, and specifies such removal and storage on the written inventory; or
- obtain the motor car registration information for the car from the Texas Department of Motor Vehicles or analogous state agency.

*Incident management tow* means any tow of a vehicle in which the wrecker is summoned to the scene of a traffic accident or incident, including the removal of a vehicle, commercial cargo, and commercial debris from a collision or incident scene.

*Junked vehicle* has the same meaning as assigned by Section 683.071, Texas Transportation Code.

*Nonconsent tow* means any tow of a motor vehicle that is not a consent tow, including an incident management tow, and a private property tow. Examples include, but are not limited to, vehicles involved in traffic crashes, traffic hazards, arrests, vehicles of evidentiary value, and abandoned vehicles on public or private property.

*Private property tow* means any tow of a vehicle authorized by a parking facility owner without the consent of the owner or operator of the vehicle.

*Public roadway* means a public street, alley, road, right-of-way, or other public way, including paved and unpaved portions of the right-of-way.

*Special circumstance tow* means a rotation tow that is a result of an incident lead by a City of Montgomery Peace Officer, such as a pursuit or a vehicle recovery beyond the city's boundaries. The tow may result in extensive tow miles or special tools/equipment required for recovery.

*TDLR* means the Texas Department of Licensing and Regulation.

*Tow truck* means a motor vehicle, including a wrecker, equipped with a mechanical device used to tow, winch, or otherwise move another motor vehicle. The term tow truck does not include vehicles defined by Section 2308.002 (11) of the Texas Occupations Code.

*Vehicle Storage Facility (VSF)* means a garage, parking lot, or other facility owned or operated by a person other than a governmental entity for storing or parking 10 or more vehicles per year without the consent of the vehicle owner.

*Wrecker service* means an individual, association, corporation, or other legal entity that controls, operates, or directs the operation of one or more tow trucks over a public roadway in the State of Texas.

## **II. Wrecker service provider qualifications.**

- A. Any wrecker service provider requesting to be added to the Rotation List must have an established wrecker service with its primary business office and vehicle storage facility located within the city limits of the City of Montgomery or its extra territorial jurisdiction.
- B. Two or more wrecker service providers sharing common ownership may not appear more than once on the Rotation List. For this purpose, two or more wrecker service providers are considered to be under common ownership if: 1) one wrecker service provider is a wholly owned subsidiary of the other; or 2) the wrecker service provider shares a common place of business within the city and/or have one or more common owners.
- C. All wrecker service providers must own and/or operate a licensed vehicle storage facility (VSF) to be placed on the Rotation List and may not "share" a storage lot with other wrecker service providers resulting in more than one wrecker service provider storing vehicles in a common location.

- D. Any vehicle being towed as a result of the Rotation List will be towed to a City approved VSF and may not be moved from that VSF.
- E. Wrecker service must provide 24-hour service, 7 days a week.
- F. Wrecker service must have a phone number that will be answered 24 hours a day, 7 days a week.

### **III. Wrecker service provider application packet; procedure.**

A person or other legal entity interested in participating on the Rotation List within the city must submit a written application to the Montgomery Police Department. The application form is attached hereto. The application form provided by the Montgomery Police Department must be completed and signed by the applicant or the legal representative of the wrecker service. The application must be accompanied by all required documentation and fees as specified herein.

By submitting an application to the Montgomery Police Department for inclusion on the Rotation List, a wrecker service provider agrees to participate in the Rotation List established in these guidelines, adhere to all federal, state, and local laws, and uphold the terms and conditions outlined herein, as well as comply with Title 16, Chapters 85 and 86 of the Texas Administrative Code and the guidelines set forth in Chapter 2308 of the Texas Occupations Code.

- A. Submit a completed and signed Voluntary Wrecker Service Rotation List application packet. A complete packet must include the following:
  - 1. Voluntary Wrecker Service Rotation List application, including but not limited to the following supplemental information:
    - Proof of State of Texas license to operate a vehicle storage facility at the address listed on the application.
    - Statement: storage lot will maintain twenty-four-hour-on-duty service for the release of motor vehicles
    - Proof of either Worker's Compensation or Occupational Insurance for each wrecker service driver.
  - 2. Wrecker Service Vehicle application, including but not limited to the following supplemental information:
    - Nonrefundable, nonproratable application fee of \$100 for each wrecker service vehicle to be used in the City. This shall constitute a registration of the specific vehicle and no other vehicle may be used without the written approval of the Montgomery Police Department.
    - Present proof of ownership of each vehicle(s).
    - Present proof of State of Texas Certificate of registration of each vehicle(s).
    - Present proof of public liability and property damage policy or certificate of insurance issued by a casualty insurance company authorized to do business in the state of Texas and the form approved by the board of insurance commissioners of the state of Texas with the coverage provision insuring the public from loss or damage that may arise for any person or property by reason of the operation of a wrecker of such company and providing that the amount of recovery of each wrecker shall be in limits of not less than the following sums:
      - o \$300,000 For damages arising out of bodily injury to or death of one person in any one accident.
      - o \$100,000 for injury to or destruction of property in any one accident

3. Wrecker Service Driver application, including but not limited to the following supplemental information:
  - Nonrefundable, nonproratable application fee of \$15 for each wrecker service driver.
  - Proof of current Texas Driver's License.
  - Criminal background check.
  - Fingerprint card for each applicant.
  - Two (2) current photos for each applicant (front and profile).

- B. Every year, a new Rotation List will be opened for ALL current participants and those requesting to participate must submit a new application with supporting documents and fees during the enrollment period. The enrollment period for the new Rotation List will be from January 2nd to February 2nd of the enrollment year. (The initial enrollment year was January 2012.)

All application packets are due within the enrollment period for possible participation on the Rotation List for the year term. Application packets submitted after the enrollment period will not be accepted.

- C. A participant's position and placement on the Rotation List is not transferrable.
- D. The Rotation List shall include a maximum of five (5) wrecker services.
- E. In the event the wrecker service desires to change, replace or add a vehicle(s) during the enrollment year, a new Wrecker Service Vehicle application packet must be completed (including fee).
- F. In the event the wrecker service desires to change, replace, or add a driver during the enrollment year, a new Wrecker Service Driver application must be completed (including fee).

#### **IV. Wrecker service provider; duties and responsibilities.**

- A. Each approved Rotation List wrecker service provider has a duty to respond to the scene within twenty (20) minutes from the first call from the City of Montgomery Police Department.
- B. A Rotation List wrecker service provider who is summoned and fails to respond to the scene within twenty (20) minutes from the first call placed by the City of Montgomery Police Department, at the discretion of the requesting City of Montgomery Police Officer, will be passed over and the next Rotation List wrecker service provider will be summoned.
- C. It is a violation of these guidelines if another wrecker service attempts to substitute and to perform the duties of the originally summoned wrecker service.
- D. If a Rotation List wrecker service provider who is summoned and fails to respond (up to 4 times within a 30-day period) to the scene within twenty (20) minutes, the violating wrecker service provider may be stricken from the Rotation List for a term to be determined by the Chief of Police or his designee.
- E. All vehicles towed as a result of a rotation call will be towed to the City of Montgomery approved VSF for that wrecker service on file with Montgomery Police Department.



- F. At the discretion of the City of Montgomery Police Officer on scene and with the exception of those vehicles which are part of an ongoing law enforcement investigation, a vehicle owner may request a particular tow location. The Rotation List wrecker service driver will agree to take the vehicle to that location designated by the vehicle owner. The address where the vehicle is taken must match the address on the Montgomery Police Department Tow Slip. If the location where the vehicle owner requests the vehicle towed is closed, the vehicle will be taken to the city approved VSF.
- G. It is the responsibility of the Rotation List wrecker service provider to ensure the City of Montgomery Police Officer is provided with the most current and accurate detailed information regarding a towed vehicle's location.
- H. Before any towed vehicle is transferred/transported from one location to another, the wrecker service must give the owner or owner's representative notice of the fee to be charged for such transfer. Any removal/transfer of a vehicle from a vehicle storage facility must be done in compliance with Title 16, §85.710 of the Texas Administrative Code.
- I. A wrecker service summoned from the Rotation List to remove a junked vehicle, as set forth by municipal court order will submit the fee to the city of Montgomery. The fee will be in accordance with the fees set forth herein. The junked vehicle will be delivered to a salvage yard or other location for destruction as provided by the municipal court order and state law and the wrecker driver is required to notify Montgomery Police Department of what location the vehicle was taken. If the wrecker service chooses to take the junked vehicle to a salvage yard with no charge billed for the service to the City, the wrecker service waives said tow fee, the wrecker service will remain next on the voluntary wrecker rotation list. In order to do so, the wrecker service will notify the requesting Montgomery Police Officer of this election.
- J. All vehicle storage facilities (VSF) will comply with the guidelines and laws set forth by the Texas Department of Licensing and Regulation, Title 16, Chapter 85 of the Texas Administrative Code, by voluntarily participating on the Rotation List, all participants hereby authorize a duly authorized representative of the Chief of Police to inspect their VSF. All VSF facilities are required to have all signs posted in accordance with §85.706 of the Texas Administrative Code.
- K. For safety and efficiency reasons, all wrecker services participating on the Rotation List are required to have the following safety devices and tools on each truck: 5 lb fire extinguisher, size appropriate shovel, broom, size appropriate bucket, and appropriate amount of sand. By participating on the Rotation List all participants hereby authorize any member of the Montgomery Police Department to inspect the tow trucks used for the required safety devices and tools.
- L. Any wrecker service, by voluntarily requesting to participate on Rotation List hereby authorizes the Chief of Police or his designee to review all tow slips and receipts pertaining to the tows initiated by the use of the Rotation List. Upon notice, the wrecker service will provide the tow slips and receipts for inspection to the Montgomery Police Department within ten (10) days.
- M. Each wrecker service will notify dispatch if they will not be responding to a scene or will be out of service for any extended length of time.

**V. Voluntary Wrecker Rotation List**

The Chief of Police, or his designee will maintain the Rotation List consisting of eligible wrecker services having requested in writing and by application, inclusion on the list and as approved by the Chief of Police. The Rotation List will be maintained in alphabetical order. When a tow truck is needed, a tow truck will be summoned from the first wrecker service on the Rotation List. Thereafter, a tow truck from the next wrecker service on the alphabetical list will be summoned in like fashion, advancing through the Rotation List.

#### **VI. Wrecker service vehicle; technical requirements.**

In accordance with 16 Tex. Admin. Code §86.1000 –

- (a) Each tow truck shall:
  - (1) have a legible manufacturer's data plate indicating the capacity of the boom, the winch or the carry mechanism; or
  - (2) have a document in the truck from the manufacturer stating the capacity of the boom, the winch and the carry mechanism.
- (b) Every hydraulic line on each tow truck must be free of leaks and be in good working condition free of defects.
- (c) The winch must not exceed the capacity of the boom or leak oil.
- (d) The cables must be as specified by the manufacturer and be in good condition, within manufacturer guidelines.

In accordance with 16 Tex. Admin. Code §86.701 –

- (a) A tow truck TDLR permit holder must display on each TDLR permitted tow truck:
  - (1) the TDLR permit holder's name;
  - (2) the TDLR permit holder's publicly listed telephone number;
  - (3) the city and state where the TDLR permit holder is located; and
  - (4) the TDLR permit number for the tow truck.
- (b) The information required to be displayed must be:
  - (1) printed in letters and numbers that are at least two inches high and in a color that contrasts with the color of the background surface; and
  - (2) permanently affixed in conspicuous places on both sides of the tow truck.

#### **VII. Wrecker service driver; City permit.**

A City of Montgomery Wrecker Driver identification card will be issued at the discretion of the Chief of Police or his designee after a review of the driver application, including the supporting documents and the applicant's criminal background check.

Upon approval, the City of Montgomery Wrecker Driver identification card must be worn and visible at all times when operating in the City of Montgomery.

A City of Montgomery Wrecker Driver identification card may be revoked by the Chief of Police or his designee for any violation of the law, the Rotation List guidelines, driver misconduct, or any other action or inaction deemed inappropriate by the Chief of Police or his designee.

#### **VIII. Wrecker service driver; technical requirements.**

In accordance with 16 Tex. Admin. Code §86.1001 –

- (a) Towing operators, as a condition of their TDLR license must comply with the protective clothing policy.
- (b) Towing operators must wear a reflective vest, shirt, or reflective jacket at all times while working outside the tow truck; the reflective vest, shirt, or reflective jacket must meet the ANSI/ISEA requirements for high visibility safety apparel at all times when using or assisting in the use or operation of a licensed tow truck on a road or road related area.
- (c) When performing towing operations, all tow truck operators must carry and openly display the appropriate TDLR issued original towing operator license.

**IX. Towing fees; other charges.**

An approved wrecker service provider summoned from the Rotation List is authorized to collect a maximum fee from the motor vehicle owner. Such maximum fee is applicable regardless of whether or not the vehicle is towed from public or private property and shall be considered complete compensation for all services rendered in connection with the performance of the tow, cleanup, and removal of wreckage debris resulting from an accident involving the towed vehicle. No additional fees, charges, costs, etc. may be attached to the towing of the vehicle.

- A. Light duty motor vehicle tow for an accident-related incident - \$250.00
- B. Light duty motor vehicle tow for an arrest-related incident - \$200.00
- C. Fuel surcharge will not be charged by the wrecker service unless the cost of fuel exceeds \$4.00 per gallon (in the City of Montgomery, Texas) for a period of thirty (30) days at which time the City of Montgomery Chief of Police or his designee MAY issue written authorization to the wrecker services on the Rotation List for a fuel surcharge.
- D. If a motor vehicle owner requests for a specific wrecker service provider, it will be at the discretion of the on-scene police officer. The vehicle owner requesting a specific wrecker service provider is responsible for all fees incurred.
- E. If a motor vehicle owner requests a Rotation List wrecker service provider to tow their vehicle to a location other than the City approved VSF (except for those vehicles involved in an ongoing law enforcement investigation), the tow fee is \$250.00 (accident related incident) or \$200.00 (arrest related incident). The Rotation List wrecker service provider may assess a fuel charge not to exceed \$5.00 per mile for towed miles outside the City of Montgomery limits.
- F. Daily storage fee. Per the 2023 biennial adjustment, the maximum amount that a VSF may charge for a daily storage fee is as follows:
  - (1) Vehicle that is 25 feet or less in length: \$22.85.
  - (2) Vehicle that exceeds 25 feet in length: \$39.99.
- G. Impoundment fee. Per the 2023 biennial adjustment, the maximum amount that a VSF may charge for an impoundment fee is \$22.85. If the VSF charges a fee for impoundment, the written bill for services must specify the exact services performed for that fee and the dates those services were performed.

**X. Special circumstances.**

If a tow requires special circumstances in and/or for towing the vehicle, the driver will provide whatever services are required and the wrecker service owner will call the Chief of Police designee the next day and explain the special circumstances to request additional charges which may be approved solely at the discretion of the designee of the Chief of Police.

## **XI. Compliance**

If it is found that a wrecker service has violated any term of this agreement, the wrecker service may be penalized from participation on the Rotation List. Such penalization may include written warning, suspension, or removal from such Rotation List. The Montgomery Police Department will provide the violating wrecker service notice of such penalties, and the violating wrecker service will have 10 days to submit written request to appeal the Police Department decision before the City Council. If a hearing is not requested, after the passage of the 10-day period, the penalty will immediately go into effect.