

PRESENT: Chairman Larry Dixon, Commissioners C. K. Curry, Ronald E. Dempsey, Lorraine Dusenbury, Alton L. Wooten and Ronald Young.

ALSO PRESENT: Administrator Roy E. Brogdon and Attorney Thomas J. Lee.

Chairman Dixon advised that a called meeting was needed to set qualifying fees for County Offices for the 1980 elections and to adopt final draft of a Wrecker Ordinance.

Commissioner Curry concurred with the need for such a meeting and moved to convene same. Commissioner Young seconded the motion and it was unanimously adopted.

Setting of Qualifying Fees.

Commissioner Dusenbury made a motion to set qualifying fees for elective county offices for the 1980 election at three percent (3%) of the respective salaries. Commissioner Curry seconded the motion and it was unanimously adopted.

Adoption of Wrecker Ordinance.

Motion was made by Commissioner Dusenbury and seconded by Commissioner Wooten to adopt the following ordinance which was approved in preliminary form at the March 20 meeting:

AN ORDINANCE TO REPEAL
AN ORDINANCE APPROVED FEBRUARY 5,
1976 DEALING WITH WRECKER SERVICE
IN ITS' ENTIRETY; TO CREATE A NEW
ORDINANCE PROVIDING FOR THE CONTROL
OF WRECKER SERVICE AND WRECKER
OPERATION IN THE UNINCORPORATED AREAS
OF GLYNN COUNTY; TO ESTABLISH A
VOLUNTARY ROTATION CALL LIST FOR
WRECKER SERVICE TO BE USED BY THE
GLYNN COUNTY POLICE DEPARTMENT; TO
PROVIDE FOR THE ENFORCEMENT OF THIS
ORDINANCE; AND FOR OTHER PURPOSES.

BE IT ENACTED, and it is hereby enacted by the Board of Commissioners of Glynn County, that the following Articles and Sections shall be applicable to the unincorporated areas of Glynn County.

ARTICLE I

SHORT TITLE

This Ordinance shall be known and may be cited as "The Glynn County Wrecker Ordinance."

ARTICLE II

DEFINITIONS USED IN THIS ORDINANCE

Section 2.01 "Wrecker" defined.

The term "wrecker" as used in this Ordinance, means an automobile vehicle with hoisting apparatus and equipment for towing wrecked or disabled automobiles or other vehicles. The term "wrecker" also includes any vehicle otherwise equipped and used for the purpose of towing wrecked or disabled automobiles or vehicles.

Section 2.02 "Light-Duty Wrecker" defined.

A light duty wrecker is defined as one of 8,500 pounds minimum G.V.W. with

a 5,000 pound power winch, crane and boom and with dual wheels.

Section 2.03 "Heavy-Duty Wrecker" defined.

A heavy duty wrecker is defined as one of 10,000 to 30,000 pounds minimum G.V.W. with a 10,000 to 30,000 pound power winch, crane and boom and with dual wheels.

Section 2.04 "Wrecker Service" defined.

The term "Wrecker Service" shall include persons, firms, company partnership, and corporation, who on a regular basis engages in the business of towing wrecked or disabled vehicles for monetary gain.

ARTICLE III

GENERAL PROVISIONS

Section 3.01 Compliance with Ordinance.

It shall be unlawful and a violation of this Ordinance for any person, firm or corporation, either as principal, agent or employee, to use or operate upon any street or public road of the unincorporated area of Glynn County any wrecker or towing car without first complying with the provisions of this Ordinance.

Section 3.02 License and Registration with Glynn County Police Department Required; Required Information For Registration.

It shall be unlawful for any person, firm or corporation, either as principal, agent or employee, to use or operate upon any road or street which is a part of the Glynn County Road System any wrecker as defined in this Ordinance without first having obtained a business license to do so and having filed a registration statement on each such vehicle in use by the wrecker service with the Glynn County Police Department, upon a form to be provided by the Glynn County Police Department. The Registration Statement shall contain the following information: (a) Complete home and business address and telephone number of the owner of any wrecker; (b) Title certificate number and date of issue; (c) Description of the wrecker to be registered to include the make, model and manufacturer's serial number in service as a wrecker; and business license number. A registration form shall be filed for each wrecker owner or operated by a wrecker service. The Registration Statement issued pursuant to this Ordinance shall not be assignable to any other person, firm, corporation or other entity.

Section 3.03 Registration Fee; Expiration and Renewal Dates of Registration.

The annual registration fee shall be Twenty-Five (\$25.00) Dollars per wrecker, unless the application is made after July first, in which event it shall be one half of the regular registration fee for each wrecker. All registration shall expire on December 31 and shall be renewed between the dates of November fifteenth and December fifteenth.

Section 3.04 Required Information to be Printed on Side of Vehicle.

It shall be unlawful and a violation of this Ordinance for any person, firm, or corporation, either as principal, agent or employee, to use or operate upon any of the streets or road of the unincorporated area of Glynn County any wrecker as defined in this Ordinance unless such vehicle shall have lettered in permanent paint on each side in plain view the following information:

The name of the person, firm or corporation owning and causing such wrecker to operate on the streets of the unincorporated area of Glynn County, the address from which such wrecker is operating, the telephone number, and the following identification: "Glynn County Permit No. _____", the blank to be filled with the actual number of the permit assigned the vehicle. Such lettering shall be in a contrasting color to the color of the wrecker and shall be at least two and one-half inches in height. Temporary or removable magnetic signs shall not be permitted.

Section 3.05 Call to Scene of Accident by Certain Persons Only.

It shall be unlawful and a violation of this Ordinance for the owner of any wrecker, or his agent, representative or employee, to go to any place where an accident has occurred unless called to the scene by the driver or the owner of the disabled vehicle, or by the police department dispatcher. It shall be unlawful and a violation of this Ordinance for the owner of any wrecker, or his agent, representative or employee, to go to the place of a wreck by reason of information received by monitoring the radio transmissions of the Glynn County Police Department.

Section 3.06 Monitoring Police Calls.

It shall be unlawful and a violation of this Ordinance for the operator of any wrecker or any person in behalf of a wrecker operator, to monitor the Glynn County Police Department's radio transmissions.

Section 3.07 Solicitation for Business by County Employee Prohibited

It shall be unlawful for any county employee to solicit towing business for or in behalf of any wrecker owner or operator.

Section 3.08 Cruising or Parking for Purpose of Soliciting Towing Work.

It shall be unlawful and a violation of this Ordinance for any driver of a wrecker wrecker to cruise or park on any street or bridge in a wrecker or otherwise, for purpose of soliciting towing of wrecked vehicles. For the purpose of this Ordinance, it shall be presumed that if a wrecker is parked within one hundred yards of the scene of an accident without having received a call to the scene of an accident by the Glynn County Police Department that the operator thereof intended to violate the provision of this Section.

Section 3.09 Scene of an Accident.

The operator of a wrecker shall at all times obey the orders and directions of members of the Glynn County Police Department. No operator of a wrecker shall drive his vehicle within one hundred yards of any vehicle involved in an accident, unless (a) such action is necessary to render first aid or assistance to a motorist or passenger of the vehicle involved in a wreck when the wrecker arrives at the scene of an accident first, or (b) the wrecker operator is requested to remove the vehicle or render assistance by a Glynn County Police Officer or a member of the Glynn County Emergency Rescue Squad.

ARTICLE IV

INFORMATION TO BE FURNISHED BY WRECKER SERVICE

Section 4.01 Notification of Police Department Upon Removal of Vehicles at Request of any Person Other Than Active Duty Police Officer.

The operator of any wrecker removing a private motor vehicle from another person having possession of such motor vehicle at the request of any person other

than a Glynn County Police officer on duty shall report such action to the Glynn County Police Department along with the following information: the location where the vehicle is located, a description of the vehicle to include the tag number and vehicle identification number. This report shall be made by the wrecker operator by telephonic communication to the Glynn County Police Department within one hour after the removal of the vehicle by towing to any area. The operator shall also safeguard and promptly deliver to the Glynn County Police Department all valuables found in towed and/or stored vehicles.

Section 4.02 Records.

Each wrecker Service shall maintain a daily list of all vehicles towed and/or stored. Said list shall contain details as to the make, year, model, color, vehicle identification number, name of owner, and purpose for towing, removing and/or storing the vehicle. The records kept pursuant to the provision of this Section will be retained for a period of four (4) years and will be made available to the Glynn County Police Department for inspection and copying during reasonable hours.

ARTICLE V

ROTATIONAL CALL LIST

Section 5.01 Rotational Call List.

The Chief of Police, or his designate agent, shall prepare and maintain a Rotational Call List of qualified Wrecker Services who are engaged in the towing business in Glynn County on a regular basis and who meet the qualifications, standards and requirements enumerated in this Ordinance. Such Call List shall be maintained and administered by the Glynn County Police Department dispatcher.

Section 5.02 Use of Rotational Call List.

If, for any reason, it shall become necessary for the Glynn County Police Department to remove any vehicle from the public right-of-ways or from other public places in Glynn County, the radio dispatcher then on duty shall contact one of the Wrecker Services who have previously qualified for the Rotational Call List. All such calls shall be in alphabetical order and in rotational sequence by name of the Wrecker Service, provided, however, that if the owner or person in possession of a vehicle about to be removed designates a Wrecker Service to be used, it shall be the duty of the investigating officer to inform the radio dispatcher of this request, and radio dispatcher shall then attempt to comply with this request before dispatching a wrecker belonging to another Wrecker Service to the scene. If person in charge of the vehicle to be towed makes such a request or states such a preference, the radio dispatcher will call the requested wrecker service, regardless of whether or not the wrecker service requested is listed on the Rotational Call List. In the event a wrecker service on the Rotational Call List is requested by owner or other person in possession of a vehicle, such designation shall not be construed as interrupting that member's normal rotation position on the list for calls initiated by the Glynn County Police Department. In no event shall an investigating officer undertake to call directly for a Wrecker Service, but all such calls shall be made solely by the Police radio dispatcher.

Section 5.03 Qualification, Duties, Etc.

In order for any Wrecker Service to be placed on the Rotational Call List administered by the Glynn County Police Department, each Wrecker Service must agree in writing on a form to be furnished by the Glynn County Police Department to maintain and comply with the following qualifications, standards and requirements at all times.

(a) The Wrecker Service shall have at least one light duty or one heavy duty wrecker in good operable working condition at all times. Each Wrecker Service shall notify the police radio dispatcher whenever said service does not have a wrecker available for call or whenever said service does not have heavy duty wrecker equipment to handle a particular type call requiring a heavy duty wrecker.

(b) Each wrecker shall carry at all times when in service or use, a full complement of service items to include a fire extinguisher, chains, dollies, proper emergency lighting or flares, and other equipment needed for lifting, extricating, or righting wrecked vehicles and the removal of said vehicles from the thoroughfare by towing or carting.

(c) The wrecker service shall have access to secured area where any towed vehicle may be safely stored. The parking (storage) area shall be secured at all times, and must in addition at all times comply with all applicable provisions of the Glynn County Zoning Ordinance pertaining to junk yards and storage areas. In the event any participating wrecker service does not have adequate space, it will be incumbent upon that service to provide storage space at another location meeting established criteria.

(d) The wrecker service shall have at least one (1) wrecker driver on duty for call at all times.

(e) The wrecker service shall at all times maintain at least one (1) phone line in service to receive calls from the Glynn County Police Department.

(f) In order to be placed on the Rotational Call List, a Wrecker Service shall not have any interest, financial or otherwise, in a wrecker owned, leased to or by any other Wrecker Service.

(g) Wrecker Services shall maintain in full force and effect at all times the following types and amounts of insurance:

<u>TYPE OF INSURANCE</u>	<u>PER PERSON</u>	<u>PER ACCIDENT</u>
(i) Bodily injury	\$100,000	\$300,000
(ii) Property damage	\$ 50,000	\$100,000

Wrecker Service shall furnish a copy of the insurance certificate showing the amount and expiration date of the policy to the Glynn County Police Department at the time a wrecker is registered under this Ordinance.

(h) Each of the wreckers must be equipped with an emergency amber light as required by applicable provisions of the Laws of the State of Georgia.

(i) Each Wrecker Service must maintain some form of mobile communications with its wreckers while a wrecker is away from the premises of the Wrecker Service.

(j) The Wrecker Services shall agree in writing as condition precedent to being placed on the Rotational Call List not to monitor any one of the Police Department's radio channels (frequencies) for purposes of monetary gain (U.S. Code, Title 47, Section 605 - Secrecy of Communications).

(k) The Wrecker Service shall agree to accept only those requests for assistance from the Glynn County Police Department, which can be answered by the Wrecker Service within 20 minutes, at posted speed limit.

(l) The Wrecker Service shall agree to make any and all of its wreckers available for inspection by the Glynn County Police Department at reasonable times during normal business hours.

(m) All wrecker operators will agree that after being called to the scene of an accident for the purpose of removing a damaged vehicle, they shall clean all debris caused by the accident from the street and right of way before they leave. That, in the event two or more wreckers are called to the same accident scene, they shall be equally responsible for cleaning.

(n) Each wrecker while in service shall be equipped with a broom, shovel and other necessary equipment to accomplish this purpose.

ARTICLE VI

ENFORCEMENT

Section 6.01 Removal from Rotational Call List.

(a) Any Wrecker Service violating the provisions of this Ordinance may be removed or suspended from the Rotational Call List by the Chief of Police, Glynn County Police Department. Any Wrecker Service whose name has been removed from the Rotational Call List or suspended for a period of time in excess of thirty days may file an appeal from said decision to the Board of Commissioners of Glynn County within ten days from the date the Wrecker Service is advised of the decision of the Chief of Police removing or suspending its name from the Rotational Call List. During such time as the appeal is pending the removal or suspension shall be stayed and the party appealing will be allowed to continue on the Rotational Call List pending a final decision by the Board of Commissioners. The Board of Commissioners shall give the Wrecker Service at least ten days notice in advance of the date of the public hearing for the purpose of determining whether or not the name of the Wrecker Service will remain off the Rotational Call List or the suspension upheld. Upon hearing the facts the Board of Commissioners may affirm, reverse, vacate or modify the decision of the Chief of Police.

(b) In lieu of removing the Wrecker Service from the Rotational Call List for minor violations of the provision of the Ordinance, the Chief of Police may suspend the Wrecker Service for a period not to exceed thirty (30) days, during which period of time, the Wrecker Service under suspension shall not receive calls from the police dispatcher. At the end of this suspension period, the Wrecker Service shall be placed at the bottom of the Rotational Call List as it then exists.

Section 6.02 Revocation of Business License.

(a) The Chief of Police after a thorough investigation, may petition the Board of Commissioners to revoke the business license of any wrecker, owner or operator who the Chief of Police has found to be in violation of any terms of Section 3.02; Section 3.05; Section 3.06; Section 3.08; and Section 3.09 of this Ordinance. Prior to the revocation of the business license of any wrecker owner

or operator, the Board of Commissioners shall conduct a public hearing within thirty days from the date of decision of the Chief of Police to recommend the revocation of said business license. The wrecker owner or operator shall be given at least ten days notice of the date of the Public Hearing, together with a detailed list of all violations alleged against the wrecker owner or operator by the Chief of Police. Upon hearing the facts in which the wrecker owner or operator may present evidence, the Board of Commissioners may find that the alleged violation or violations have not been proven, in which event no further action will be taken by the Board of Commissioners. In the event the Board of Commissioners is convinced of the alleged violations did occur, the Board of Commissioners may suspend for a period of time the business license of wrecker owner or operator, or may revoke the business license.

(b) Such revocation shall terminate all authority and permission granted by the business license to the wrecker owner. Any person whose business license has been revoked shall not be eligible to again apply for a license for a period of one year from the date of the issuance of the original license.

ARTICLE VII

Section 7.01 Severability.

If any provision of this Ordinance shall be held by a Court of competent jurisdiction to be invalid or unenforceable, the validity and enforceability of the remaining provisions of this Ordinance shall not be effected thereby.

Section 7.02 Repeal.


The provisions of any ordinance or regulation or parts thereof in conflict herewith are hereby repealed.

Section 7.03 Effective Date.


This Ordinance shall take effect on and be in force as of the 20th day of February, 1980.

Unanimously adopted.

BOARD OF COMMISSIONERS,
GLYNN COUNTY, GEORGIA


Larry Dixon, Chairman

ATTEST:


Roy E. Brogdon, Clerk

Prepared by Martha Kiff
Deputy Clerk