

WRECKERS AND VEHICLE TOWING ORDINANCE

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(An Ordinance relating to Town-requested/ordered towing)

**Ordinance enacted 2/2/88
Effective date 3/3/88
Amended 3/8/95
Amended 4/2/96**

I. PURPOSE

In order to protect persons who operate motor vehicles within the town limits, to insure that the streets, public ways and public property of the Town of Gorham remain open and free of hazard to the public and to further effectuate the efficient enforcement of the town's traffic, parking, snow removal, and other regulatory ordinances, it is deemed necessary to register and regulate businesses engaged in vehicle wrecker or towing services when said services are performed for the Town of Gorham. The following regulations are promulgated by the Chief of Police for that purpose, consistent with the powers vested in him by State and Municipal Law.

II. DEFINITIONS

A. "Towing List" means a list maintained by the Gorham Police Department containing the names of those wreckers registered by the Town to respond to requests for the towing of vehicles made by the Gorham Police Department.

B. "Wrecker" means a business engaged in, or offering the services of a vehicle wrecker or towing services, whereby motor vehicles are or may be towed or otherwise removed from one place to another by the use of a motor vehicle specifically adapted to and designed for that purpose.

C. "Principal Place of Business" means the one location where the main business activities of the wrecker company are headquartered as evidenced by its office space, auto storage space, wrecker storage space, payment of wrecker excise taxes and identification as such on official business filings with the Secretary of State, State Treasurer and Internal Revenue Service.

III. REGULATIONS

The following minimum regulations must be met on a continuous basis by a registered wrecker:

A. Each registrant shall be a legally organized business, having its principal place of business within the Town of Gorham.

B. Each registrant shall own and operate its own wrecker(s) and shall supply to the Chief of Police satisfactory evidence, including vehicle registration and title, to show ownership by the resident wrecker.

C. Each wrecker shall maintain satisfactory and secure storage facilities within the Town of Gorham for those vehicles towed.

D. Each wrecker shall maintain Comprehensive and Liability Insurance policies and valid Road Service Liability Policies of at least \$300,000 or greater in accordance with the limitation on damages established in Title 14, Section 8105 M.R.S.A. as subsequently amended. The intent of this section is that the minimum amount of insurance required will at a minimum equal the limitation of damages in Title 14, Section 8105 M.R.S.A. as amended. Each operator must offer proof of appropriate insurance coverage upon registration.

E. In registering, a wrecker shall hold the Town of Gorham harmless from all claims for damages to property and injuries to persons resulting from wrecker's negligence in the towing of or storage of vehicles pursuant hereto.

F. Upon registering, a wrecker shall submit a schedule of its towing fees to the Chief of Police and shall notify him immediately upon changing any of said charges.

G. Each wrecker shall maintain such records as hereinafter may be required by the Chief of Police and shall permit their inspection during normal business hours. Among these records will be receipts for towing and storage of vehicles towed at the request of the Gorham Police Department; and that all receipts indicate the place of vehicle storage and any damage sustained during or after the towing operation.

H. Each registrant shall permit the Chief of Police or his designee to conduct inspections of each towing vehicle and of each storage area during normal business hours.

I. Licensees shall arrive on the scene within (30) minutes of receipt of a request for service from the Gorham Police Department.

J. Vehicles must be towed/carried, not driven, to storage sites.

K. No vehicle will be towed outside of Gorham town lines unless requested by the vehicle owner or a Gorham Police officer.

L. At the request of the Police, a wrecker shall clean the accident area of any debris resulting from the accident.

M. The licensee must be available 24 hours a day to respond to police requests.

N. Three (3) refusals to respond to a police department request to remove a vehicle shall constitute elimination from said wrecker list for one (1) calendar year, at which time application can be made to resume wrecker duties for the Town of Gorham.

O. Licensees' wreckers shall have that equipment on board which would enable the removal of a vehicle regardless of the amount of damage sustained during or after the towing operation.

P. Licensees' wreckers shall have an amber light(s) which is visible at 360 degrees per Title 29-A, Section 2054, subsection 2, C, (2) M.R.S.A.

IV. WRECKER SELECTION PROCEDURE

A. Those wreckers wishing to be placed on the towing list shall complete a prescribed registration form at the Gorham Police Station and shall submit other required documents to the satisfaction of the Chief of Police or his designee.

B. Upon satisfactorily meeting the registration requirements as herein set forth, the wrecker name and the phone number shall be placed on the towing list, which shall be utilized in all cases in which a vehicle is to be towed from a public way or public property or from any private property at the request or direction of the Gorham Police Department.

C. When a request for towing a vehicle is received at the Gorham Police Department, the dispatcher or his/her supervisor shall select the name of a wrecker from the towing list. Names shall be selected on a rotating basis; that is, the name shall be selected which next succeeds the last wrecker called for towing services. The selections shall proceed in a manner until the end of the list is reached, at which point a wrecker shall be selected from the top of the list, and so on, consecutively.

D. In the event that a wrecker does not respond to a phone call from the Gorham Police Department or if it does not respond to the scene in the prescribed thirty (30) minute time span, the next name on the towing list shall be called until its name appears in the rotation.

E. Those wreckers maintaining more than one towing vehicle shall be selected only once during each rotation of the towing list.

F. "Preference calls" shall have no impact on the rotation list. A separate list will be kept by the dispatcher when a preference call is indicated.

G. When a request for AAA towing is received by the Gorham Police Department, the dispatcher, or his/her supervisor shall select the name of an AAA wrecker from the AAA Wrecker List that is maintained in the dispatcher center. Names shall be selected on a rotating basis; that is, the name shall be selected which next succeeds the last wrecker called for towing services. In the event all the AAA wreckers on the Gorham Police Department list are unavailable, the dispatcher will contact the local AAA office and request an AAA wrecker.

V. OTHER WRECKER SELECTION

No wrecker shall respond to the scene of an accident or other emergency unless specifically called there by the police or the person involved in the accident or emergency. It is intended that no wrecker owner, his agent, or employee solicit towing contracts at the scene. However, nothing in this section shall be construed as prohibiting a towing service from privately contracting with any person.

A. At his discretion, the Chief of Police or his designee may select a wrecker that does not appear on the towing list sequence when warranted by the requirement for special equipment and procedures or when due to the location or unusual circumstances surround vehicle removal.

VI. NON-DISCRIMINATION

Nothing in these regulations should be construed as creating vested exclusive rights of a towing list wrecker to be called, or selected for a towing operation requested by an employee or official of the Town of Gorham. Neither are the provisions contained herein designed or intended to restrain the course of free trade nor restrict the number of qualified registrants on the towing list.

VII. REMOVAL

The Chief of Police may remove or suspend any registrant from the towing list when the Chief finds:

A. That the towing list registration was secured by fraud or by concealment of a material fact by the wrecker owner and such fact, if known, would have caused disqualification.

B. That the wrecker owner has violated any of the requirements or regulations established herein.

C. That the Chief of Police is not satisfied with general services of the wrecker or its employees or with the cooperation it has received when services are rendered.