

R. FRANK NICHOLS
CHIEF OF POLICE



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STARKVILLE POLICE DEPARTMENT
101 E. LAMPKIN STREET, STARKVILLE, MS 39759

**FIRST AMENDED POLICY FOR THE STARKVILLE POLICE
DEPARTMENT TO ASSIST MOTORISTS WITH PROCURING
WRECKER SERVICES**

THIS REPLACES ORDINANCE 1992-2 IN FULL

WHEREAS, it shall be the policy of the Starkville Police Department to assist motorists with procuring required wrecker service from the scene of an accident or other traffic incident; and

WHEREAS, if the motorist has a preference, the preferred wrecker service will be contacted; if the motorist has no preference, departmental personnel will request wrecker service from a Wrecker Service Rotation List which meets the standards stated in this policy.

NOW, THEREFORE, the Mayor and Board of Aldermen of the City of Starkville, Mississippi, adopt the following procedures for the procurement of wrecker services.

SECTION 1: Rotation Wrecker Services Established

There is hereby established a rotation call list to be maintained and kept on file by the Starkville Police Department and Oktibbeha County EMA/911. Any wrecker service desiring to be placed on the Wrecker Service Rotation List must meet the following standards, in addition to any other state or federal regulation which may apply:

1. Must provide twenty-four hour-per-day wrecker service from a properly zoned location and be licensed by the City of Starkville.
2. Must provide a secure place of storage within 5 miles of the city limits for vehicles towed or hauled by the wrecker service. A secure place of storage is considered an area surrounded by a six (6) foot chain link fence and capable of being locked to prevent casual access. The storage facility must be marked with no less than company name, phone number, and hours of operation.

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3. Must provide wrecker vehicles and equipment to meet the following minimum requirements, whether obtaining permits for one (1) or more of said wreckers:
 - a. Light-duty wreckers: having a rating of eight thousand (8,000) lbs. or more and mounted on a truck chassis with a minimum of ten thousand (10,000) lbs. GVWR. Light-duty wreckers must be equipped with a wheel-lift.
 - b. Medium-duty wreckers: having a rating of between ten (10) and twenty-five (25) tons and mounted on a truck chassis with a minimum of twenty thousand (20,000) lbs. GVWR.

SECTION 2: Need for Heavy-Duty Wreckers

In the absence of a wrecker service in the City of Starkville that can provide a heavy-duty wrecker when needed, police department personnel will be responsible for requesting a heavy-duty wrecker from the nearest available location. Request of heavy-duty wrecker will not impact the Wrecker Service Rotation List. Heavy-duty wreckers must maintain the following minimum equipment:

1. Air control valve to provide braking capability for the vehicle being towed/removed.
2. Air brakes so constructed as to lock the rear wheels automatically upon failure and to supply air to disabled vehicles.
3. External air hookups and hoses, hydraulic spade (outriggers) or two (2) metal chock blocks to prevent rolling or slippage of wrecker (chock blocks should be as wide as the dual wheels of the wrecker and must be capable of being tied to the wrecker).
4. A minimum of two-hundred (200) feet of cable at least 5/8-inch diameter on each drum, or 3/4-inch diameter cable on a single drum.
5. One pair of bolt cutters with a minimum 1/2-inch opening.
6. Two fire extinguishers mounted in an accessible location.

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SECTION 3: Minimum Equipment

Wheel locks are not allowed for use on rotation calls. To be placed on the rotation list, a wrecker must maintain the following minimum equipment:

1. A fire extinguisher mounted in an accessible location.
2. Warning devices (reflective triangles).
3. Axe and wrecking bars.
4. Bolt cutters.
5. Dolly, shovel, brooms, and fifty (50) pounds of sand or suitable equivalent.
6. Safety chains.
7. Wheel chocks.
8. At least one winch with one-hundred (100) feet of 3/8 inch cable.
9. Flashing amber light affixed above the top of the wrecker cab.
10. Name, address, and telephone number permanently affixed and displayed in letters clearly visible from one-hundred (100) feet on both sides.

SECTION 4: City License with Proof of Insurance required for Wrecker Service Rotation List

Any person, owner, or operator of a wrecker service desiring a city license shall make application therefor to the city. The information required for such license shall be the name of the wrecker's make, model, and license tag number for the current year. It shall be unlawful for any person to own or operate any wrecker which is subject to a call for service by any city department or any agent within the city, unless the wrecker service is licensed by the city.

SECTION 5: Liability Insurance or Bond Prerequisite to Operate; Amount, Conditions

The owner or operator of any wrecker to be used as a rotation wrecker shall, before operating the same, present to the City Clerk a public liability insurance policy, policies, or bonds written by an insurance or bonding company authorized to do business in the State of Mississippi for each wrecker operated on the rotation

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list; and there shall be an insurance policy, policies, or bonds presented to the City Clerk for coverage of property damage or loss to or from any vehicle while being towed or stored by the wrecker owner or operator.

Such insurance policy, policies, or bond shall be conditioned for the payment of any final judgement against said wrecker owner or operator for personal injury, property damage, or loss resulting from or arising out of the use, maintenance, operation, or any related action of the wrecker owner or operator while towing or storing said vehicles. The amount of the public liability policy or bond required on any rotation wrecker shall in no case be less than one million dollars (1,000,000.00) combined single limit automobile liability coverage.

All insurance policies or bond shall contain a provision or endorsement to the effect that the same shall not be canceled for any cause by either party thereto unless or until thirty (30) days written notice thereof shall be given to the City Clerk by registered mail.

The City Clerk shall retain a copy of the public liability insurance policies or bond for the operation of said wrecker or wreckers.

SECTION 6: Inspection for all Wreckers on Rotation List

The Chief of Police, or his or her designee, may from time to time inspect the mechanical condition and other required equipment on all such wreckers and inspect storage areas used by the owner or operator of such wrecker service. Inspections may be scheduled yearly or conducted randomly to ensure compliance. If any such equipment and area is defective, the Chief of Police, or his or her designee, shall direct the owner or operator to have the wreckers put in proper working order and to correct any deficiency in the storage area.

SECTION 7: Operation of Wrecker Without Proper License and Insurance

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It shall be unlawful for any owners or operators to operate or cause to be operated such wreckers as a rotation wrecker without having all proper equipment, facilities, license, and insurance. This applies at all times while such wrecker is doing business as a rotation wrecker. Only inspected trucks and approved drivers, as required in this policy, will be allowed for rotation calls. Failure to meet these requirements shall be grounds for the Chief of Police to remove the wrecker service from the Wrecker Service Rotation List.

SECTION 8: Suspension or Removal from the Wrecker Rotation List

Any wrecker service on the Wrecker Service Rotation List may be suspended or removed by the Chief of Police upon reasonable proof of violation by the wrecker service of any applicable provisions of this policy, state law, or city ordinance.

1. Suspension from rotation:
 - a. Acts of physical violence while operating a wrecker as provided for herein will be grounds for temporary suspension from the rotation list until the final disposition on any pending criminal charges.
 - b. Any pending criminal charges (excluding traffic violations but including DUI) will be grounds for suspension from the rotation.
 - c. Failure to clean up and remove debris resulting from the accident will result in suspension for ten (10) to thirty (30) days, depending upon the circumstances of the situation.
 - d. Other factors and actions may result in indefinite suspension from the rotation list. These may include, but are not limited to, the following:
 - i. Flagrant, repeated, or serious failure to cooperate with an officer at the scene of an accident or at the wrecker service.
 - ii. Conduct or practices in dealing with the public result, or could result, in unjust criticism to the department.
 - iii. Charging exorbitant or price gouging rates.
 - iv. Failure to maintain records as provided in this section.

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- v. Failure to notify the last known owner of a vehicle as provided for in this section.
- vi. Failure to meet or maintain wrecker specifications and other requirements and regulations as outlined in this policy.
- vii. Pronounced or repetitive violations of the requirements listed herein may result in an indefinite suspension of the company from the rotation list.
- viii. Failure to allow towed vehicles to be inspected within a commercially reasonable time period.
- ix. Failure to allow towed vehicles to be retrieved within a commercially reasonable time period.

SECTION 9: Ownership/Operation of Wrecker Service

Owners shall not be permitted to operate wrecker equipment on the rotation list under more than one (1) company name out of the same location. Owners shall not be permitted to have more than one (1) rotation slot on the Wrecker Rotation List. An owner or operator is prohibited from the rotation list if they have been convicted of a felony involving grand larceny, theft of property, or any other felony theft charge; convicted of a misdemeanor or felony involving either force or violence; convicted of a sex offense; or convicted of a DUI within the previous five (5) years.

SECTION 10: Appeals of Persons Aggrieved by Judgement or Decision

Any person aggrieved by a judgement or decision rendered by the Chief of Police in the interpretation or enforcement of any provision or requirement of this policy, or any application of state law, city ordinance, rule, or regulation, may appeal such judgement or decision within five (5) days to the Board of Aldermen.

SECTION 11: Service Requirements and Fees

Wrecker Service Rotation List fees for non-consensual and uninsured cars and pickup trucks shall be a flat fee of no more than two-hundred (\$200) dollars

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for the first hour of service. If services are required that exceed one (1) hour, an extended fee of no more than fifty (\$50) dollars every fifteen (15) minutes thereafter may be assessed. This fee includes clean-up of the wreck scene to the satisfaction of the law enforcement officer in charge of the scene.

Occasionally, a major accident or other towing call will require an extra piece of equipment to tow a vehicle or to place it in a towable position. A Supplementary Resource Fee, not to exceed one-hundred (\$100) dollars, may be accessed upon the approval of the on-scene law enforcement supervisor. There will be no additional costs of services such as, to include but not be limited to, clean-up, winch fee, labor, fuel, or mileage. Use of oil or fluid drying material may be charged an amount not to exceed fifty (\$50) dollars.

After storing a vehicle for 24 hours from time of initial request, a charge, not to exceed forty (\$40) dollars, may be charged every twenty-four (24) hours thereafter. Any owner or operator of a towed vehicle, who retrieves their vehicle within twenty-four (24) hours from the time of the tow, shall not be charged any storage fee. Rates and charges of heavy wreckers shall be reasonable and be no more than the average rates of wreckers doing business in the State of Mississippi. If any such rates or charges should be found excessive or unreasonable, the Chief of Police may suspend or remove the wrecker service from the City's Wrecker Service Rotation List.

All wreckers must be available twenty-four (24) hours of every day and must promptly answer all calls for service from the Police Department and respond to the call location within a reasonable amount of time. A wrecker company shall not accept a request for service unless the operator has a vehicle immediately available to perform the requested service.

All wrecker drivers must have a current State of Mississippi commercial drivers license, and every wrecker must bear a current Mississippi license plate. Wrecker drivers must maintain satisfactory compliance with any prior legal requirements or judgements. Every wrecker driver will at all times comply with the traffic laws of the State of Mississippi.

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SECTION 12: Tow-in Charges to be Posted, Duty to Furnish Receipt for Vehicle

All wrecker owners or operators must post a “tow-in” charge bulletin for towing vehicles which have not been involved in an accident and post charges and hourly rates for towing, hauling, and any necessary handling of a wrecked or damaged vehicle. Said bulletin must be posted in the storage facility. Wrecker operators must give the owner or driver of a towed vehicle a receipt for such vehicle upon request by the owner or police; it is hereby declared to be a violation of this article to charge an amount in excess of said posted sum and failure to give a receipt upon request.

SECTION 13: Company Record Keeping

Each wrecker company will maintain a record system covering all services performed in conjunction with the wrecker rotation system, to include but not be limited to:

1. The date and time the wrecker company was contacted and requested to perform the service.
2. The name of the person requesting the service.
3. The location of the vehicle.
4. A description of the towed vehicle, including tag and vehicle identification number.
5. The owner or driver of the vehicle.
6. The service charge and fee.
7. The response time from the moment of notification until he/she arrives on scene.

SECTION 14: Police Authority, Officially Held Vehicles

When the Starkville Police Department has an official “hold” on a towed or impounded vehicle, the owner or owner’s agent shall secure a release from the

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Starkville Police Department and present such release to the wrecker owner or operator. The towing cost shall be borne by the owner of said vehicle.

SECTION 15: Soliciting and Stopping at Accident Scenes Prohibited; exceptions

No wrecker owner, operator, or driver shall stop at an accident scene or near a disabled vehicle for the express purpose of soliciting an engagement for towing service, unless such wrecker service has been summoned to the scene by the owner or operator of any disabled vehicle or has been summoned by the Starkville Police Department. However, any authorized operator who comes upon a disabled vehicle (not a wreck or accident) may stop and help the owner obtain assistance.

Wrecker operators shall not, without the express authorization of the investigating police officer, move any vehicle from a public highway, street, or from any public property, when such vehicle is abandoned, stolen, or damaged as a result of an accident.

EXCEPTION: Notwithstanding the conditions imposed in these rules and regulations, operators may in emergency cases slide left, right, or otherwise move a vehicle damaged as a result of an accident, if the removal is for the purpose of extracting a person from the wreckage or to remove an immediate hazard to life and/or property. In no such event shall the movement be more than reasonable and necessary.

SECTION 16: Penalty for Violation of Article - Misdemeanor

Any person, firm or corporation who shall own, operate, or cause to be operated in or upon the streets, avenues, alleys, or highways of the City of Starkville, Mississippi, any wrecker for servicing the public through the Wrecker Service Rotation List of the Starkville Police Department, without first having complied with each and every pertinent section of this policy, obtained the permit required by Section 4 of this policy, and without having first filed with the City Clerk such insurance policy or bond, may be subjected to prosecution in Municipal

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Court and, upon conviction, be subject to a fine not to exceed five hundred dollars (500.00) or imprisonment not to exceed ninety (90) days or both such fine and imprisonment.

Frank Nichols
Starkville Police Chief

D. Lynn Spruill
Starkville Mayor

Attest:

Lesa Hardin
Starkville City Clerk