

TAWAS CITY POLICE DEPARTMENT

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APPLICATION

Placement on the Tawas City Non-Preference Wrecker call list

Owner: _____ DBA: _____

Address: _____

Storage Lot Address (if different): _____

Business Phone: _____ 24/7 Contact Phone (if different): _____

Manager (if not owner): _____

Date Business Started/Acquired (must be verified): _____

By signing below, I acknowledge that I have received a copy of and have read the City of Tawas City Towing, Wrecker and Impound Policy, dated June 21, 2021, and I agree that I and my employees will abide by the terms, rules, and regulations contained therein.

I hereby request to be placed on the non-preference call list for the City of Tawas City for the following type(s) of services listed in the foresaid policy and have the required equipment as defined in the policy.

I have attached copies of the following documents:

1. MPSC Certificate of Authority
2. A list of all vehicles to be used; please specify either "light duty" or "heavy duty"
3. Verification that all vehicles are either owned or leased exclusively for use by your wrecker company (copy of title or registration certificate)
4. A copy of the MPSC cab card for each vehicle
5. An insurance certificate or summary page showing proof of liability insurance
6. Form W-9 showing your taxpayer ID number
7. A list of names of all drivers and copies of their current drivers licenses
8. The "Acknowledgement" page of the Wrecker Policy with original signature
9. Agency fee schedule

Printed or

Typed Name: _____ Signature: _____ Date: _____

CITY OF TAWAS CITY

Towing, Wrecker & Impound Policy

This directive outlines operational procedures and rules for towing, wrecker, and impound services (hence “wrecker services”) utilized within the City of Tawas City (the “City”) in order to provide for the efficient and equitable delivery of qualified and professional wrecker services and the safety and welfare of persons and property. The City and the Tawas City Police Department (the “TCPD”) are committed to equal opportunity and non-discrimination for all persons and businesses regardless of race, color, sex, national origin, age, handicap, sexual orientation, or any other class and/or group of persons protected by applicable laws, rules and/or regulations. TCPD personnel are prohibited from recommending, suggesting, proposing, advocating, offering, and/or advising any one wrecker service over another to public safety personnel or the public.

GENERAL REQUIREMENTS FOR ALL SERVICES:

The following is required for all providers of wrecker services (hence “service providers”) requesting placement on the approved TCPD wrecker rotation list. Service providers who wish to enjoy the privilege of working with the TCPD must accept and comply with all requirements of this policy. Failure to comply with any of these requirements may be cause for removal from the wrecker rotation list.

1. The service provider must maintain current Michigan Public Service Commission (MPSC) approval including all necessary permits, licenses, registrations, insurance, and/or state certifications.
2. The service provider must comply with all local, state, and federal laws applicable to wrecker services and service providers; and shall abide by all local, state, and federal laws while responding to a wrecker service request and/or while performing any wrecker services.
3. The service provider must provide twenty-four (24) hours a day, seven (7) days a week coverage (24-7), having at least one approved tow vehicle available to respond to TCPD wrecker requests at any given time.
4. The service provider must have both a driver and a wrecker physically located within the area to be served. Post Office boxes, temporary locations, and “roving” agencies will not be approved. All standard equipment (e.g., trucks, trailers, dollies, ramps, etc.) will be located within the area to be served.
5. The service provider must maintain and provide a safe and secure storage facility for all property ordered removed or towed from a scene including any towed and wrecked vehicles.
6. The service provider must provide the dispatching officer with an estimated response time. The response time must be timely and reasonable. Response times that exceed thirty (30) minutes may result in a new service provider being requested.

7. The service provider or any employee, agent, or representative thereof, shall exhibit professional, qualified, safe, and proficient wrecker services to the public and scene responders at all times.
8. The service provider shall verify with the TCPD that any employee, agent, or representative, and the equipment used to perform a requested wrecker service, are properly trained, qualified, certified, and licensed where required, according to PA 181 of 1963 and PA 300 of 1949, as amended. The service provider shall provide the TCPD with a current list of its wrecker service operators, which must include each wrecker service operator's full name, current address, date of birth, and driver license.
9. The service provider may not assert a lien for storage or service against the personal property found in the vehicle. A lien may be assessed only against the vehicle itself. The service provider, with approval from the public safety agency involved, will release personal property in the vehicle. Personal property is defined as anything not the vehicle or physically affixed to the vehicle either bolted in or directly wired. License plates are considered personal property.
10. The service provider shall remove all glass, debris, and other materials including normal operating fluids from the scene as the result of an accident as required by law. The service provider employees, agents, or representatives will ensure that approved required ANSI level II apparel is worn at all times when outside of the service vehicle.
11. The service provider will provide the TCPD with one (1) primary contact telephone number where wrecker service calls can be made. The service provider must answer all telephone calls for service requests within seven (7) rings (on the requesting agency's end) or relinquish its position on the call list. TCPD and any requesting agency will not utilize voicemail, answering machines, or the like. Repeat unanswered calls may result in removal from the wrecker rotation list.
12. The service provider must comply with all applicable provisions of law as to abandoned vehicles. MCL §257.252a *et seq.*
13. TCPD will not be held responsible for any liabilities incurred while the service provider is in route, at, or clearing a request for service. The service provider will not act as, nor will the service provider represent itself as an agent of TCPD while performing services.
14. The service provider must maintain and provide current proof of liability insurance for the minimum amount of one million dollars (\$1,000,000.)
15. The service provider will clearly mark the sides of its service vehicles with the company name, telephone number(s), and department of transportation number. Magnetic signs are prohibited. Service providers are prohibited from sharing marked service vehicles and equipment with other service providers.
16. The service provider must complete and submit the approved TCPD application and all required paperwork no later than January 1st of each year and must be submitted no earlier than ninety (90) days before January 1st of each year. A new wrecker service

requesting to be placed on the wrecker rotation list will not be considered until all required paperwork has been completed and forwarded to TCPD.

17. During the application process, the service provider must provide the TCPD a list of the specific towing, wrecking, and storage services it is qualified to perform, detailing all basic and special services, together with a fee schedule for each service.

SCENE RESPONSE:

A service provider will not remove a vehicle from a crash scene without approval from a law enforcement agency. Upon request from a public safety agency, a service provider may move a vehicle without law enforcement approval under the following circumstance(s):

1. As needed to treat, rescue, remove, or disentangle a patient.
2. As needed to stabilize or protect a patient or scene.
3. As needed to ensure a safe, efficient, or protected means of traffic flow.
4. As needed to ensure safe and reliable public safety operations.
5. All of the above situations should be considered, with the exception of a possible criminal situation or where the suspect or victim may have been fatally injured, and then the scene shall be left intact for investigative purposes.

REQUESTS FOR WRECKER SERVICES:

1. TCPD shall not recommend one wrecker service over another to public safety personnel or to the public.
2. Motorists in need of wrecker services may be asked if they have a preferred service. Their request shall be honored so long as the wrecker service is readily available and public safety is not an immediate concern.
3. Motorists shall also be asked if their insurance company or vehicle's manufacturer offers roadside assistance. If so, they may be given an opportunity to call their service-provider for a wrecker, as long as public safety is not an immediate concern.
4. Individual law enforcement officers have the discretion to request specific wrecker service in accordance with department policy.

ROTATION:

To ensure fair and equitable distribution of service calls, TCPD will establish a call list for the City and surrounding area, where there is more than one service provider. The rotation period amongst service providers shall occur on a weekly (Monday through Sunday) basis as opposed to an individual wrecker request basis:

For example: Week 1: Service Provider 1
Week 2: Service Provider 2
Week 3: Service Provider 3
Week 4: Service Provider 1

The rotation period shall be from 12:00 am Monday through 11:59 pm Sunday. A service provider unable to respond to a wrecker request during the rotation period will result in a wrecker request to the next service provider in rotation. A service provider unable to respond to a wrecker request during the rotation period does not forfeit the remainder of or lose its position in the rotation.

A service provider's application to the City and TCPD to be considered for the wrecker rotation list shall be deemed the service provider's agreement and representation to abide by and comply with all terms and requirements of this policy. An attempt by any service provider to obtain placement on the wrecker rotation list by false information or pretense, or by misrepresenting its qualification or compliance with any term or requirement of this policy shall be prima facie evidence of fraud.

TAWAS AREA:

The service provider shall have an active wrecker operator and active wrecker equipment and vehicle located within ten (10) miles of the City to be eligible for the tow rotation list. A service provider physically located more than ten (10) miles from the City may still be utilized by the TCPD, however will not be placed on the wrecker rotation list.

OUT OF SERVICE:

If and when a service provider is unable for any reason to provide 24-7 coverage, the service provider must immediately notify the TCPD of the dates when the service provider is unavailable. If a service provider in rotation is out of service or unavailable, TCPD will utilize the next service provider in rotation and so on until the service request is covered.

REASONABLE FEES AND RATES:

The service provider will charge its fees and rates for wrecker services to the last titled owner of the vehicle. Fees and rates shall be reasonable and based on local industry standards. All invoices for wrecker services submitted to vehicle owners shall itemize each wrecker service provided and the specific fee or rate charged. Upon request from the vehicle owner, the service provider shall be responsible to provide reasonable documentation to substantiate and justify any fee or rate charged. The service provider must comply with all applicable provisions of law as to abandoned vehicles when seeking or recovering payment for wrecker services.

The service provider must accept all regularly accepted methods of payment, subject to proper identification and verification of available credit funds through appropriate agencies. The service provider shall provide notice of the options for payment to vehicle owners when requested.

A call that is cancelled prior to the service provider arriving on scene to provide any wrecker services shall be treated as if the wrecker service request never occurred. Neither the TCPD nor the vehicle owner shall be obligated to compensate the service provider for any charges.

A service provider shall be solely responsible for any damage, theft, and/or misuse of vehicles or personal property while the vehicle and personal property is within the service provider's custody.

REMOVAL FROM APPROVED LIST:

Upon request from the City of Tawas City, the Tawas City Police Department, the Tawas City Fire Department, or other agency, a service provider may be removed from wrecker rotation list for any of the following reasons including without limitation [this list is non-exhaustive]:

1. Improper, invalid, and/or no license, permit, insurance, and/or certification(s)
2. Any violation of this policy
3. Careless, reckless, or dangerous operations
4. Inadequate response time(s) or repeat unavailability, or outdated contact information
5. Poor condition of equipment and vehicles
6. Improper or inappropriate attire
7. Repeat complaints
8. Stealing, jumping, or taking unsolicited calls
9. Unreasonable or excessive fees, rates, and charges
10. Unethical business or billing practices
11. Any act or omission found in the sole discretion of the City or the TCPD to be grounds for removal

If the TCPD receives a written complaint from a public safety agency, a vehicle owner, his or her insurance company, or a law enforcement officer concerning a service provider alleging non-compliance with the terms and conditions as stated in the policy, the TCPD shall notify the service provider in writing of the complaint and, if requested by the complainant or the service provider, schedule a meeting of the City or TCPD to resolve the complaint. Resolution of any complaint may result in an approved service provider being removed from the approved list. The City or TCPD reserves the right to immediately remove an approved service provider from the approved list if the City or TCPD, in its sole discretion, determines that the complaint infringes upon the safety of the public. Any decision of the City or the TCPD may be appealed to the 23rd Judicial Circuit Court for the County of Iosco in Tawas City, Michigan.

Moved by Russo, seconded by Masich, CARRIED, to enact this policy immediately upon approval of the City Council, as reflected in the regular meeting minutes dated June 21, 2021. Revisions to this policy shall be approved by the City Council.

Yes: Masich, McMurray, Nagy, Russo, Klenow, Lesinski and Cook.

No: None

Absent: None

Abstain: None


Attested: Michelle Westcott, Clerk

Date: June 21, 2021

(SBM 1664)