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CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

COMMON COUNCIL

REPORT

December 6, 2005

Mayor Mark D. Boughton
Members of the Common Council

Re: **Towing Ordinance**

The Common Council Committee appointed to review the towing ordinance met twice, first on October 25, 2005 and again on November 21, 2005. In attendance at the October 25th meeting were committee members Basso, Trombetta and Barry. Also in attendance were Deputy Corporation Counsel Eric Gottschalk, Police Chief Alan Baker, Police Sgt. Joseph Brunelli, Police Lt. Peter Gantert, Purchasing Agent Charles Volpe and Council Members Saracino, Teicholz and Urice, ex-officio. In attendance at the November 21st meeting were committee members Basso, Trombetta and Barry. Also in attendance were Deputy Corporation Counsel Eric Gottschalk, Chief of Police Alan Baker, Assistant Director of Finance Dan Garrick, Purchasing Agent Charles Volpe, Sgt. Joseph Brunelli and Council Members Saracino, McMahon and Nagarsheth, ex-officio.

The Police Chief stated that shortly after arriving in Danbury he was approached by several tow truck operators requesting that the towing ordinance be revised since it had not been updated since 1971. Sgt. Brunelli drafted the recommendations before the committee. Sgt. Brunelli said he received input from the operators and also took language from towing ordinances adopted by other cities.

Mr. Trombetta said the document is comprehensive and he looked at the liability limits. He would suggest at least a half million dollars in liability. Mr. Barry stated that the annual license fee of $25 has been in operation for a very long time. The fee is too low and should be raised to $250 per year. Mr. Barry also referred to Section 21-23 – Two Truck Driver Responsibility. He feels there should be a penalty if a tow truck operator removes a motor vehicle from the scene of an accident and leaves bumpers or other debris on the road. Sgt. Brunelli said a $100 violation for each failure to comply would be appropriate. Mr. Barry also requested that under Section 21-24 perishable items should be removed from motor vehicles.

After further discussion regarding number of calls, number of vehicles, etc., Mr. Barry made a motion to recess the meeting to allow the Corporation Counsel to review the ordinance, make changes as necessary to include the suggestions regarding a penalty for not cleaning up an accident scene, to add removal of perishable items and add a fee of $100 per vehicle up from $25. Seconded by Mr. Trombetta. Motion carried unanimously.

The committee reconvened on November 21st at 7:40 P.M. in the Third Floor Caucus Room. Attorney Gottschalk submitted the revised ordinance.

Attorney Gottschalk said he made changes to the proposal on two bases. One is provision in State law. For purposes of explaining obligations of tow truck operators or owners, what Sgt. Brunelli prepared was fine. From a legal point of view, it is redundant to state in local law what is already in State law. Secondly, revisions concerned internal processes. It is his view of the law that it is intended to conduct what happens outside of government. Procedures that are in place in the Police Department do not need to be in the ordinance. He did incorporate suggestions made at the last committee meeting.

He added an additional penalty for operators that do not clean up as well as how many wreckers you need to own. He added a provision that states that even though you have the right to call your own truck if you are involved in an accident, the police retain the right to have the rotation tower come in an emergency if traffic is being blocked.

Mr. Barry said his three issues were addressed which were an increase from $25 to $100, the next was over six months reducing the calls to four from six and two wreckers and two flatbeds have been changed to one and one and the removal of perishable items. Mr. Trombetta stated that his request for a two million dollar aggregate has been changed.

Responding to a question about the tow list, Attorney Gottschalk said he would clarify the language regarding the weekly tow list.

Mr. Barry made a motion to recommend adoption of the ordinance and defer it to public hearing. Seconded by Mr. Trombetta. Motion carried unanimously.

Respectfully submitted,

_____
PAULINE BASSO, Chairman

_____
CHARLES TROMBETTA

_____
KEVIN BARRY

ORDINANCE

CITY OF DANBURY, STATE OF CONNECTICUT

COMMON COUNCIL

Be it ordained by the Common Council of the City of Danbury:

THAT Article II of Chapter 20 of the Code of Ordinances of Danbury, Connecticut is hereby amended to read as follows:

Article II: Rotation-Towing Licensure

Sec. 20-12. Definitions.

For the purpose of this article, the following terms, phrases, words and their derivations shall have the meanings given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number and words in the singular number include the plural number. The word shall is always mandatory and not merely directory.

City. "City" means the City of Danbury.

Incident. "Incident" means a motor vehicle accident, an abandoned or illegally parked vehicle, a disabled police vehicle or any other circumstance, which in the opinion of a member of the Danbury Police Department requires the services of a tower.

Licensee. "Licensee" means a person who holds a license issued pursuant to the provisions of Section 20-16 of this article.

Person. "Person" means any person, firm, partnership, association, corporation, company or organization of any kind.

Rotation-Tower. "Rotation-Tower," means a "tower," as herein defined who is available on a twenty-four (24) hour a day basis, and called to the scene of an incident by the police department of the City of Danbury, in compliance with and in accordance with all regulations and requirements contained herein.

Tower. "Tower" means a person who owns sufficient equipment and appropriate wreckers and is offering the services of a vehicle wrecker or towing service, whereby disabled motor vehicles are towed or otherwise removed from the place where they are disabled by use of a wrecker so designed for that purpose.

Wrecker. "Wrecker" means a vehicle which is registered, designated, equipped and used for the purposes of towing or transporting wrecked or disabled motor vehicles.

Sec. 20-13. Penalty for violation of article.

Any violation of this article shall carry with it a fine not to exceed one hundred dollars ($100.00) for each offense.

Sec. 20-14. Scope of article.

(a) Nothing contained herein shall be construed as affecting the right of the operator or owner of a disabled motor vehicle to call a wrecker of his own choice and to tow the disabled vehicle to a place he designates.

Be it ordained by the Common Council of the City of Danbury:

(b) Nothing contained herein shall be construed as affecting the right of any commercial carrier to use its own specially equipped tow vehicles.

(c) Notwithstanding the provisions of subsections (a) and (b) of this section, members of the Danbury Police Department may determine that for reasons of public safety the immediate use of a rotation-tower is required.

Sec. 20-15. License required of a tower.

Any tower holding a valid license as a "wrecker", "repairer," "new car dealer" or "used car dealer", issued by the State of Connecticut may engage in the business of a tower and, subject to the further provisions hereof, may obtain a license as a rotation-tower. Nothing contained herein shall prevent a tower from responding to individual calls for service from his own customers or their agents or from the general public.

Sec. 20-16. License required of a "rotation-tower"; application; requirements for license; insurance; car storage; equipment.

(a) *Application.* Application for a license under this article shall be made upon blank forms prepared and made available by the chief of police and shall state:

(1) The name, home address, and business address of the applicant, together with evidence that the applicant possesses one of the licenses described in section 20-15 hereof and a corresponding state license number.

(2) The location, number and description of the wreckers to be used by the applicant, and an express representation that the service will be available twenty-four (24) hours a day seven (7) days a week.

(3) That the applicant has available space for properly accommodating and protecting all disabled motor vehicles to be towed or otherwise removed by him from the place where they were disabled.

(4) The location of each proposed vehicle storage facility owned or under the control of the applicant.

(5) A description of the color scheme and insignia appearing on the wreckers to be used by the applicant, together with a color photograph of a representative wrecker of each class.

(6) A commercial or cellular telephone number, allowing contact by the Danbury Police Department on a twenty four (24) hour, seven (7) day per week basis.

(7) Such other information as the chief of police shall find reasonably necessary to effectuate the purposes of this article and to arrive at a fair determination of whether the terms of this article have been complied with in full.

ORDINANCE

CITY OF DANBURY, STATE OF CONNECTICUT

COMMON COUNCIL

Be it ordained by the Common Council of the City of Danbury:

(b) *License.* The general requirements for a rotation-tower license shall be as follows:

(1) The applicant must have a valid State of Connecticut license in one of the categories identified in section 20-15 hereof.

(2) The applicant's place of business must be within the City of Danbury.

(3) The applicant must be of good moral character, and a citizen of the United States.

(c) *Insurance Policies.* Upon approval of his application a licensee shall obtain the following insurance policies with companies authorized to do business in the State of Connecticut with a Best rating of B+ or better:

(1) A Garage Keepers legal liability policy in the amount of not less than Two Million Dollars ($2,000,000.00) per occurrence, and two million dollars ($2,000,000.00) in the aggregate, which policy shall include all-risk protection.

(2) A General Liability insurance policy covering personal injury and property damage in the amount of not less than two million dollars ($2,000,000.00) per occurrence, and two million dollars ($2,000,000.00) in the aggregate.

(3) An Automobile Liability insurance policy covering personal injury and property damage in the amount of not less than two million dollars ($2,000,000.00) per occurrence, and two million dollars ($2,000,000.00) in the aggregate

The City shall be included on said policies as an additional named insured and a certificate of insurance shall be placed on file with the City prior to the issuance of a license pursuant to the provisions of section 20-16 hereof. The City shall be notified of any policy cancellation not less than thirty (30) days prior thereto. Each licensee shall assume liability for personal injury or property damage resulting from its intentional or negligent acts resulting from the operation of a wrecker under the provisions of this article and shall indemnify and hold the City harmless from any and all claims, demands, suits or damages arising from said licensee's activities pursuant to this article. Each insurance policy shall be in the name of the licensee and shall specifically include coverage for vehicle towing and storage. All such insurance policies shall be in effect for periods of not less than one (1) year.

(d) *Motor Vehicle Storage.*

(1) Motor vehicle storage facilities shall be located on property owned or leased by the licensee. All vehicles towed at the request of the City shall be stored at the licensee's storage facility, unless otherwise directed by a member of the Danbury Police Department.

(2) Licensees must provide inside storage space for a minimum of five (5) vehicles and still be able to maintain the primary function of their business.

Be it ordained by the Common Council of the City of Danbury:

(3) Outside storage space must be enclosed by a wire or other suitable fence with a minimum height of six (6) feet and an area for storage of a minimum of twenty (20) vehicles. Any such fence shall enclose the entire vehicle storage area.

(4) Prior to the issuance of a license hereunder the applicant shall provide evidence that all motor vehicle storage areas and related fencing have been inspected by the building official and zoning enforcement officer and that they have found the same to be in compliance with the provisions of this section and of all other applicable laws

(e) *Equipment.*

In addition to the requirements of state law, each wrecker shall be equipped with brooms, shovels, absorbent compound, chains or recovery straps and a pinch bar, pry bar or crowbar and other safety equipment as may be required by the chief of police.

(f) *Wreckers.*

(1) A rotation-tower shall have a minimum of one (1) wrecker and one (1) flatbed wrecker.

(2) Each wrecker operating under the authority of a licensed rotation-tower shall be kept and maintained in a safe and clean operating condition.

Sec. 20-17. License fee of rotation-tower; expiration date.

A license shall be issued to a successful applicant hereunder provided the rotation-tower pays the City of Danbury the license fee of One Hundred Dollars ($100) per wrecker each year or portion thereof, and unless sooner revoked, the license shall expire on April 1st of each year.

Sec. 20-18. Duties of rotation-tower licensee.

A license shall be issued to a rotation-tower subject to the following conditions

(a) *Exhibition of Sticker.* The chief of police shall issue to a licensed rotation-tower a sticker for each wrecker owned or leased by the licensee indicating that he is duly licensed in accordance with the provisions of this article and the sticker shall at all times be prominently displayed on each wrecker.

(b) *Compliance with rate schedule; Invoices.* The rotation-tower shall charge for his service only such rates as are approved by the State of Connecticut and an approved rate schedule shall be available for inspection in all wreckers and shall be prominently displayed in the rotation-tower's place of business. The rotation-tower shall maintain copies of invoices related to each incident to which said rotation-tower responds on file for a period of not less than six (6) years.

(c) *Hours of availability.* The rotation-tower must be available twenty-four (24) hours a day, seven days a week

(d) *Response Time.* The rotation-tower shall respond to police department dispatch requests within thirty (30) minutes of notification. In the event that a rotation-tower is unable to respond within said time, the rotation-tower shall promptly notify the Danbury Police Department.

ORDINANCE

CITY OF DANBURY, STATE OF CONNECTICUT

COMMON COUNCIL

Be it ordained by the Common Council of the City of Danbury:

(e) *Non-Assignment.* Rotation-towers shall not assign their responsibilities under this article to other persons.

(f) *Clean-up.* Whenever any rotation-tower removes a motor vehicle from the scene of an incident, it shall be the duty of the driver or driver's helper to remove and dispose of all glass, metal and other debris that has been cast upon the public highways as a result of such incident. The operator shall follow the directions of the police or fire officer at the scene and shall not depart from the scene until all debris has been removed and he has been released by said officer. If the operator fails to properly clear the area of debris the police department may require him to return to the scene to complete the cleaning and may skip the rotation-tower the next time that said tower appears on a rotation list.

(g) *Vehicle Removal; Transportation.*

(1) The rotation-tower shall be responsible for the safe removal of the motor vehicle and its contents from the scene of an incident and for the transportation of occupants, except when said occupants either cannot legally be so transported or have made other transportation arrangements.

(2) The rotation-tower shall notify the Danbury Police Department whenever a vehicle is removed from the scene of any incident without a police officer at the scene and provide the department with information regarding the location and time of the incident, a description of the vehicle and the location of the facility where it is to be stored.

(h) *Emergency access to stored vehicles.* In addition to the requirements of state law regarding emergency access to stored vehicles, rotation-towers shall also permit the owner or person entitled to custody of such vehicle, or his authorized designee, to have access to the vehicle in order to retrieve perishable items.

(i) *Police Discretion.* When a police officer at the scene of an incident observes that a wrecker is incapable of safely removing a vehicle from the scene, or that the actions of the operator are creating an unsafe condition, the officer may order the operator to leave the scene. The police department may then choose to dispatch another operator or another rotation-tower.

Sec. 20-19. Revocation or suspension of license.

The chief of police may suspend or revoke a license issued hereunder upon any of the following grounds:

(a) The license was procured by fraudulent conduct or false statement of a material fact, or that a fact concerning the applicant was not disclosed at the time of his making application and such fact would have constituted just cause for refusal to issue said license.

(b) The licensee illegally employed a shortwave radio to obtain information as to the location of the scene of an incident.

(c) The licensee paid in the form of a gratuity any third person not involved in the incident for information as to the location of the incident.

Be it ordained by the Common Council of the City of Danbury:

(d) The licensee has violated the fee schedule by an overcharge.

(e) The licensee has violated any of the provisions of this article or of any local, state or federal law, rule or regulation, which violation demonstrates conduct inconsistent with the financial or ethical responsibilities associated with the public trust required of the licensee.

(f) The licensee discontinued operations for more than sixty (60) days.

(g) Failure to respond promptly to or be available at times required by the police department on four (4) or more occasions within a six (6) month period.

(h) All decisions of the chief of police shall be final and shall not be subject to appeal.

Sec. 20-20. Reinstatement of license.

Any licensee may apply in writing to the chief of police within thirty (30) days for reinstatement of a license revoked for any violation.

Sec. 20-21. Police procedure.

(a) *Dispatching wrecker.*

(1) The desk officer in the police department shall be in charge of the administration of this program.

(2) There shall be three (3) rotation-tow lists: A weekly tow list, a heavy duty tow list and a serious accident tow list. Each week the rotation-tower appearing next in sequence upon the weekly tow list shall be dispatched to all routine incidents. Each month the rotation-tower appearing next in sequence upon the heavy duty tow list shall be dispatched to all incident calls requiring a heavy duty tower. Each month the rotation-tower appearing next in sequence upon the serious accident tow list shall be dispatched to all incident calls involving serious or fatal accidents.

(3) Wreckers shall be dispatched to an incident by the desk officer in sequence on a rotating numerical basis.

(4) No wrecker or employee or owner of a garage or repair shop having a rotation-tow license shall go to the scene of an incident unless dispatched to the scene by an authorized member of the police department.

(5) It shall be unlawful for any wrecker not licensed pursuant to the provisions of this article to go to the scene of an incident with the intent to solicit repair or tow jobs.

Be it ordained by the Common Council of the City of Danbury:

(b) *Assignment of tow cars.*

1) When in the opinion of the officer detailed to investigate an incident, the services of a wrecker are needed, the desk officer shall be notified who in turn will call the next rotation-tower in sequence on the appropriate list.

(2) The desk officer shall indicate to the rotation-tower the type of incident, the type of wrecker needed, the location of the incident and any other pertinent information that may be needed.

(3) If in the opinion of the investigating officer more than one (1) wrecker is needed at the scene, the rotation-tower that supplied the first wrecker shall, whenever possible supply the additional wreckers. Otherwise, additional rotation-towers shall be selected from the appropriate list.

4) Failure to respond at the scene of an incident within thirty (30) minutes after being notified by the police department will be deemed an unreasonable delay and another rotation-tower will be dispatched.

(c) Garage Procedures.

(1) No car that has been towed in shall be dissembled until after twenty four (24) hours have elapsed from the time of the arrival of said car at the garage, and only after written authorization by the owner of said vehicle.

(2) No car that has been towed in shall be repaired until twenty four (24) hours have elapsed from the time of the arrival of the said car at the garage and only after written authorization by the owner of said vehicle.

(3) If the garage or repair shop requested by owner or operator of a vehicle is not open for service, the vehicle will be taken to the garage of the rotation-tower and the vehicle will be turned over to the operator of the garage of the owner's choice upon payment of the towing charge.

Sec. 20-22. Qualification of Wrecker Drivers.

(A) Within six (6) months from the effective date hereof, rotation-tow vehicle drivers shall successfully complete the national driver certification program of the Towing and Recovery Association of American or a comparable certification program approved by the chief of police. Thereafter, all new rotation-tow vehicle drivers shall be similarly certified within six (6) months after the begin work for a rotation-tow licensee.

(B) In order to be included on the heavy duty tow list a licensee must employ at least one driver possessing heavy duty recovery advanced level training and certification and one driver with no fewer than five (5) years of experience in heavy duty recovery operations.

(C) Written proof of the certifications described in this section shall be provided to the chief of police upon request.

COPY SHOWING DELETIONS AND NEW LANGUAGE

THAT Article II of Chapter 20 of the Code of Ordinances of Danbury, Connecticut is hereby amended to read as follows:

Article II: ROTATION-TowING ~~Trucks~~ LICENSURE

Sec. 20-12. Definitions.

For the purpose of this article, the following terms, phrases, words and their derivations shall have the meaningS given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number and words in the singular number include the plural number. The word shall is always mandatory and not merely directory.

City. "City" ~~is~~ MEANS the City of Danbury.

INCIDENT. "INCIDENT" MEANS A MOTOR VEHICLE ACCIDENT, AN ABANDONED OR ILLEGALLY PARKED VEHICLE, A DISABLED POLICE VEHICLE OR ANY OTHER CIRCUMSTANCE, WHICH IN THE OPINION OF A MEMBER OF THE DANBURY POLICE DEPARTMENT REQUIRES THE SERVICES OF A TOWER.

LICENSEE. "LICENSEE" MEANS A PERSON WHO HOLDS A LICENSE ISSUED PURSUANT TO THE PROVISIONS OF SECTION 20-16 OF THIS ARTICLE.

Person. "Person" ~~is~~ MEANS any person, firm, partnership, association, corporation, company or organization of any kind.

Rotation-Tower. "Rotation-Tower," ~~includes~~ MEANS A "tower," as herein defined, ~~and further a tower~~ who is available on a twenty-four (24) hour a day basis, and called to the scene of an ~~accident~~ INCIDENT by the police department of the City of Danbury, in compliance with and in accordance with all regulations and requirements contained herein.

Tower. "Tower" ~~is~~ MEANS a person who owns ~~a tow car~~ SUFFICIENT EQUIPMENT AND APPROPRIATE WRECKERS and is offering the services of a vehicle wrecker or towing service, whereby disabled motor vehicles are towed or otherwise removed from the place where they are disabled by use of a wrecker so designed for that purpose.

WRECKER. "WRECKER" MEANS A VEHICLE WHICH IS REGISTERED, DESIGNATED, EQUIPPED AND USED FOR THE PURPOSES OF TOWING OR TRANSPORTING WRECKED OR DISABLED MOTOR VEHICLES.

Sec. 20-13. Penalty for violation of article.

Any violation of this article shall carry with it a fine not to exceed one hundred dollars ($100.00) for each offense ~~or thirty (30) days in jail, or both~~.

Sec. 20-14. Scope of article.

(a) Nothing contained herein shall be construed as affecting the right of the operator or owner of a disabled motor vehicle to call a wrecker of his own choice and to tow the disabled vehicle to a place he designates.

(b) Nothing ~~in these regulations~~ CONTAINED HEREIN shall be construed as affecting the RIGHT OF ANY ~~servicing or repair of any bus or~~ commercial carriers TO USE ~~which are normally serviced by their~~ ITS own specially equipped tow vehicles.

(c) NOTWITHSTANDING THE PROVISIONS OF SUBSECTIONS (A) AND (B) OF THIS SECTION, MEMBERS OF THE DANBURY POLICE DEPARTMENT MAY DETERMINE THAT FOR REASONS OF PUBLIC SAFETY THE IMMEDIATE USE OF A ROTATION-TOWER IS REQUIRED.

Sec. 20-15. License required of a tower.

Any tower holding a valid license as a "wrecker", "REPAIRER," "NEW CAR DEALER," OR "USED CAR DEALER," ISSUED by the State of Connecticut may engage in the business of a tower AND, SUBJECT TO THE FURTHER PROVISIONS HEREOF, MAY OBTAIN A LICENSE AS A ROTATION-TOWER~~, as above defined, in the City of Danbury~~. Nothing contained herein shall prevent a tower from responding to individual calls for service from his own customers or their agents or from the general public.

Sec. 20-16. License required of a "rotation-tower"; application; requirements for license; insurance; car storage; equipment.

(a) *Application.* Application for a license under this ~~section~~ ARTICLE shall be made upon blank forms prepared and made available by the Chief of Police and shall state:

(1) The name, home address, AND ~~place of~~ business address OF THE APPLICANT, TOGETHER WITH EVIDENCE THAT THE APPLICANT POSSESSES ONE OF THE LICENSES DESCRIBED IN SECTION 20-15 HEREOF and A CORRESPONDING state license number~~ as a wrecker of the applicant~~.

(2) The location, NUMBER and description of the ~~towing vehicle~~ WRECKERS to be used by the applicant, and an express representation that the service will be available twenty-four (24) hours a day, SEVEN (7) DAYS A WEEK.

(3) ~~The representation by~~ THAT the applicant ~~that he~~ has available space for properly accommodating and protecting all disabled motor vehicleS to be towed ~~and~~ OR otherwise removed by him from the place where they were disabled.

(4) THE LOCATION OF EACH PROPOSED VEHICLE STORAGE FACILITY OWNED OR UNDER THE CONTROL OF THE APPLICANT.

(5) A DESCRIPTION OF THE COLOR SCHEME AND INSIGNIA APPEARING ON THE WRECKERS TO BE USED BY THE APPLICANT, TOGETHER WITH A COLOR PHOTOGRAPH OF A REPRESENTATIVE WRECKER OF EACH CLASS.

(6) A COMMERCIAL OR CELLULAR TELEPHONE NUMBER, ALLOWING CONTACT BY THE DANBURY POLICE DEPARTMENT ON A TWENTY FOUR (24) HOUR, SEVEN (7) DAY PER WEEK BASIS.

(7) ~~(4)~~ Such other information as the Chief of Police shall find reasonably necessary to effectuate the purposeS of this article and to arrive at a fair determination of whether the terms of this article have been complied with in full.

(b) *LICENSE r~~R~~equirements ~~for license~~.* THE GENERAL Requirements for A rotation-tower license shall be as follows:

(1) The applicant must have a valid State of Connecticut ~~wrecker's~~ license IN ONE OF THE CATEGORIES IDENTIFIED IN SECTION 20-15 HEREOF.

(2) The applicant's place of business must be within the City of Danbury ~~and have a permit issued by the Chief of Police as provided above~~.

(3) ~~The applicant must have a State of Connecticut used or new car license or Connecticut motor vehicle repairer's license.~~

(4) (3) The applicant must be of good moral character, AND a citizen of the United States ~~or a declarant~~.

(c) *Insurance Policies.* ~~The applicant must deposit with the chief of police the following insurance policies u~~Upon approval of his application A LICENSEE SHALL OBTAIN THE FOLLOWING INSURANCE POLICIES WITH COMPANIES AUTHORIZED TO DO BUSINESS IN THE STATE OF CONNECTICUT WITH A BEST RATING OF B+ OR BETTER:

(1) A Garage Keepers legal liability policy in the amount of not less than ~~twenty thousand dollars ($20,000.00)~~ TWO MILLION DOLLARS ($2,000,000.00) PER OCCURRENCE, AND TWO MILLION DOLLARS ($2,000,000.00) IN THE AGGREGATE, which policy shall include ALL-RISK protection ~~against fire, theft, vandalism and malicious mischief~~.

(2) A General Liability insurance POLICY COVERING PERSONAL INJURY AND PROPERTY DAMAGE in the amount of NOT LESS THAN ~~one hundred thousand dollars ($100,000) per person~~ TWO MILLION DOLLARS ($2,000,000.00) PER OCCURRANCE, ~~three hundred thousand dollars ($300,000) per accident~~ AND TWO MILLION DOLLARS ($2,000,000.00) IN THE AGGREGATE ~~in a company authorized to do business in the State of Connecticut, and one hundred thousand dollars ($100,000) in respect of property damage~~.

(3) AN AUTOMOBILE LIABILITY INSURANCE POLICY COVERING PERSONAL INJURY AND PROPERTY DAMAGE IN THE AMOUNT OF NOT LESS THAN TWO MILLION DOLLARS ($2,000,000.00) PER OCCURRENCE, AND TWO MILLION DOLLARS ($2,000,000.00) IN THE AGGREGATE.

The City ~~of Danbury~~ shall be included on said policies as an additional named insured AND A CERTIFICATE OF INSURANCE SHALL BE PLACED ON FILE WITH THE CITY PRIOR TO THE ISSUANCE OF A LICENSE PURSUANT TO THE PROVISIONS OF SECTION 20-16 HEREOF. THE CITY SHALL BE NOTIFIED OF ANY POLICY CANCELLATION NOT LESS THAN THIRTY (30) DAYS PRIOR THERETO. EACH LICENSEE SHALL ASSUME LIABILITY FOR PERSONAL INJURY OR PROPERTY DAMAGE RESULTING FROM ITS INTENTIONAL OR NEGLIGENT ACTS RESULTING FROM THE OPERATION OF A WRECKER UNDER THE PROVISIONS OF THIS ARTICLE AND SHALL INDEMNIFY AND HOLD THE CITY HARMLESS FROM ANY AND ALL CLAIMS, DEMANDS, SUITS OR DAMAGES ARISING FROM SAID LICENSEE'S ACTIVITIES PURSUANT TO THIS ARTICLE. EACH INSURANCE POLICY SHALL BE IN THE NAME OF THE LICNESEE AND SHALL SPECIFICALLY INCLUDE COVERAGE FOR VEHICLE TOWING AND STORAGE. ALL SUCH INSURANCE POLICIES SHALL BE IN EFFECT FOR PERIODS OF NOT LESS THAN ONE (1) YEAR.

(d) ~~*Car*~~ *MOTOR VEHICLE Storage.*

(1) MOTOR VEHICLE STORAGE FACILITIES SHALL BE LOCATED ON PROPERTY OWNED OR LEASED BY THE LICENSEE. ALL VEHICLES TOWED AT THE REQUEST OF THE CITY SHALL BE STORED AT THE LICENSEE'S STORAGE FACILITY, UNLESS OTHERWISE DIRECTED BY A MEMBER OF THE DANBURY POLICE DEPARTMENT.

(2) ~~Permittees~~ LICENSEES must provide inside storage space for a minimum of five (5) vehicles and still be able to maintain the primary function of their business.

(3) Outside storage space must be enclosed by a wire or other suitable fence with a minimum height of six (6) feet and an area for storage of a minimum of twenty (20) vehicles. ANY SUCH FENCE SHALL ENCLOSE THE ENTIRE VEHICLE STORAGE AREA.

(4) ~~Car storage shall require the written approval of the building and zoning inspector as to compliance with the provisions of this section, said compliance to be forwarded to the police department before approval.~~ PRIOR TO THE ISSUANCE OF A LICENSE HEREUNDER THE APPLICANT SHALL PROVIDE

EVIDENCE THAT ALL MOTOR VEHICLE STORAGE AREAS AND RELATED FENCING HAVE BEEN INSPECTED BY THE BUILDING OFFICIAL AND ZONING ENFORCEMENT OFFICER AND THAT THEY HAVE FOUND THE SAME TO BE INCOMPLIANCE WITH THE PROVISIONS OF THIS SECTION AND OF ALL OTHER APPLICABLE LAWS.

(e) *Equipment.*

~~Tow car must be inspected and all equipment must comply with requirements of Section 14-66 Connecticut General Statutes before a pemit will be issued.~~ IN ADDITION TO THE REQUIREMENTS OF STATE LAW, EACH WRECKER SHALL BE EQUIPPED WITH BROOMS, SHOVELS, ABSORBENT COMPOUND, CHAINS OR RECOVERY STRAPS AND A PINCH BAR, PRY BAR OR CROWBAR AND OTHER SAFETY EQUIPMENT AS MAY BE REQUIRED BY THE CHIEF OF POLICE.

(F) *WRECKERS.*

(1) A ROTATION-TOWER SHALL HAVE A MINIMUM OF ONE (1) WRECKER AND ONE (1) FLATBED WRECKER.

(2) EACH WRECKER OPERATING UNDER THE AUTHORITY OF A LICENSED ROTATION-TOWER SHALL BE KEPT AND MAINTAINED IN A SAFE AND CLEAN OPERATING CONDITION

Sec. 20-17. License fee of rotation-tower; expiration date.

A license shall be issued to a successful applicant hereunder provided the rotation-tower pays the City of Danbury the license fee of ~~twenty five dollars ($25)~~ ONE HUNDRED DOLLARS ($100) PER WRECKER each year or portion thereof, and~~,~~ unless sooner revoked, the license shall expire on April 1st of each year.

Sec. 20-18. Duties of rotation-tower licensee.

A license shall be issued to a rotation-tower subject to the following conditions

(a) *Exhibition of Sticker.* The Chief of Police shall issue to a licensed rotation-tower a sticker FOR EACH WRECKER OWNED OR LEASED BY THE LICENSEE indicating THAT he is duly licensed ~~for said purpose~~ IN ACCORDANCE WITH THE PROVISIONS OF THIS ARTICLE and the sticker shall at all times be prominently displayed on ~~the right front vent window of~~ each ~~tower~~ WRECKER ~~or other vehicle used for towing~~.

(b) *Compliance with rate schedule; INVOICES.* The rotation-tower shall charge for his service only such rates as ARE approved by the State of Connecticut and ~~such~~ AN APPROVED rate schedule shall be available for inspection in all ~~towing vehicles~~ WRECKERS and shall be prominently displayed in the ROTATION-tower's place of business. THE ROTATION-TOWER SHALL MAINTAIN COPIES OF INVOICES RELATED TO EACH INCIDENT TO WHICH SAID ROTATION-TOWER RESPONDS ON FILE FOR A PERIOD OF NOT LESS THAN SIX YEARS.

(c) *Hours of availability.* The rotation-tower must be available twenty-four (24) hours a day, SEVEN DAYS A WEEK.

(D) *RESPONSE TIME.* THE ROTATION-TOWER SHALL RESPOND TO POLICE DEPARTMENT DISPATCH REQUESTS WITHIN THIRTY (30) MINUTES OF NOTIFICATION. IN THE EVENT THAT A ROTATION-TOWER IS UNABLE TO RESPOND WITHIN SAID TIME, THE ROTATION-TOWER SHALL PROMPTLY NOTIFY THE DANBURY POLICE DEPARTMENT.

(E) *NON-ASSIGNMENT.* ROTATION-TOWERS SHALL NOT ASSIGN THEIR RESPONSIBILITIES UNDER THIS ARTICLE TO OTHER PERSONS.

(F) *CLEAN-UP.* WHENEVER ANY ROTATION-TOWER REMOVES A MOTOR VEHICLE FROM THE SCENE OF AN INCIDENT, IT SHALL BE THE DUTY OF THE DRIVER OR DRIVER'S HELPER TO REMOVE AND DISPOSE OF ALL GLASS, METAL AND OTHER DEBRIS THAT HAS BEEN CAST UPON THE PUBLIC HIGHWAYS AS A RESULT OF SUCH INCIDENT. THE OPERATOR SHALL FOLLOW THE DIRECTIONS OF THE POLICE OR FIRE OFFICER AT THE

SCENE AND SHALL NOT DEPART FROM THE SCENE UNTIL ALL DEBRIS HAS BEEN REMOVED AND HE HAS BEEN RELEASED BY SAID OFFICER. IF THE OPERATOR FAILS TO PROPERLY CLEAR THE AREA OF DEBRIS THE POLICE DEPARTMENT MAY REQUIRE HIM TO RETURN TO THE SCENE TO COMPLETE THE CLEANING AND MAY SKIP THE ROTATION-TOWER THE NEXT TIME THAT SAID TOWER APPEARS ON A ROTATION LIST.

(G) *VEHICLE REMOVAL; TRANSPORTATION.*

(1) THE ROTATION-TOWER SHALL BE RESPONSIBLE FOR THE SAFE REMOVAL OF THE MOTOR VEHICLE AND ITS CONTENTS FROM THE SCENE OF AN INCIDENT AND FOR THE TRANSPORTATION OF OCCUPANTS, EXCEPT WHEN SAID OCCUPANTS EITHER CANNOT LEGALLY BE SO TRANSPORTED OR HAVE MADE OTHER TRANSPORTATION ARRANGEMENTS.

(2) THE ROTATION-TOWER SHALL NOTIFY THE DANBURY POLICE DEPARTMENT WHENEVER A VEHICLE IS REMOVED FROM THE SCENE OF AN INCIDENT WITHOUT A POLICE OFFICER AT THE SCENE AND PROVIDE THE DEPARTMENT WITH INFORMATION REGARDING THE LOCATION AND TIME OF THE INCIDENT, A DESCRIPTION OF THE VEHICLE AND THE LOCATION OF THE FACILITY WHERE IT IS TO BE STORED.

(H) *EMERGENCY ACCESS TO STORED VEHICLES.* IN ADDITION TO THE REQUIREMENTS OF STATE LAW REGARDING EMERGENCY ACCESS TO STORED VEHICLES, ROTATION-TOWERS SHALL ALSO PERMIT THE OWNER OR PERSON ENTITLED TO CUSTODY OF SUCH VEHICLE, OR HIS AUTHORIZED DESIGNEE, TO HAVE ACCESS TO THE VEHICLE IN ORDER TO RETRIEVE PERISHABLE ITEMS.

(I) *POLICE DISCRETION.* WHEN A POLICE OFFICER AT THE SCENE OF AN INCIDENT OBSERVES THAT A WRECKER IS INCAPABLE OF SAFELY REMOVING A VEHICLE FROM THE SCENE, OR THAT THE ACTIONS OF THE OPERATOR ARE CREATING AN UNSAFE CONDITION, THE OFFICER MAY ORDER THE OPERATOR TO LEAVE THE SCENE. THE POLICE DEPARTMENT MAY THEN CHOOSE TO DISPATCH ANOTHER OPERATOR OR ANOTHER ROTATION-TOWER.

Sec. 20-19. Revocation OR SUSPENSION of license.

The chief of police ~~shall~~ MAY SUSPEND OR revoke a license issued hereunder ~~when he finds~~ UPON any of the following grounds:

(a) The license was procured by fraudulent conduct or false statement of a material fact, or that a fact concerning the applicant was not disclosed at the time of his making application~~,~~ and such fact would have constituted just cause for refusal to issue said license.

(b) The licensee illegally employed a shortwave radio to obtain information as to the location of the scene of an ~~accident or disabled vehicle~~ INCIDENT.

(c) The licensee paid in the form of a gratuity any third person not involved in the ~~accident~~ INCIDENT for information as to the location of the ~~accident~~ INCIDENT.

(d) The licensee has violated the fee schedule by an overcharge.

(e) The licensee has violated any of the ~~requirements~~ PROVISIONS of this article OR OF ANY LOCAL, STATE OR FEDERAL LAW, RULE OR REGULATION, WHICH VIOLATION DEMONSTRATES CONDUCT INCONSISTENT WITH THE FINANCIAL OR ETHICAL RESPONSIBILITIES ASSOCIATED WITH THE PUBLIC TRUST REQUIRED OF THE LICENSEE.

(F) THE LICENSEE DISCONTINUED OPERATIONS FOR MORE THAN SIXTY (60) DAYS.

(G) FAILURE TO RESPOND PROMPTLY TO OR BE AVAILABLE AT TIMES REQUIRED BY THE POLICE DEPARTMENT ON FOUR (4) OR MORE OCCASIONS WITHIN A SIX (6) MONTH PERIOD.

(G) ALL DECISIONS OF THE CHIEF OF POLICE SHALL BE FINAL AND SHALL NOT BE SUBJECT TO APPEAL.

Sec. 20-20. reinstatement of license.

Any licensee may apply in writing to the chief of police within thirty (30) days for reinstatement of A license revoked for any violation.

Sec. 20-21. Police procedure.

(a) *Dispatching wrecker.*

(1) The desk officer in the police department shall be in charge of the administration of this program.

(2) THERE SHALL BE THREE (3) ROTATION-TOW LISTS: A WEEKLY TOW LIST, A HEAVY DUTY TOW LIST AND A SERIOUS ACCIDENT TOW LIST. EACH WEEK THE ROTATION-TOWER APPEARING NEXT IN SEQUENCE UPON THE WEEKLY TOW LIST SHALL BE DISPATCHED TO ALL ROUTINE INCIDENTS. EACH MONTH THE ROTATION-TOWER APPEARING NEXT IN SEQUENCE UPON THE HEAVY DUTY TOW LIST SHALL BE DISPATCHED TO ALL INCIDENT CALLS REQUIRING A HEAVY DUTY TOWER. EACH MONTH THE ROTATION-TOWER APPEARING NEXT IN SEQUENCE UPON THE SERIOUS ACCIDENT TOW LIST SHALL BE DISPATCHED TO ALL INCIDENT CALLS INVOLVING SERIOUS OR FATAL ACCIDENTS.

(3) ~~(2)Rotation-tow cars~~ WRECKERS shall be dispatched to ~~scene of accident~~ AN INCIDENT by THE desk officer ~~on a~~ IN ~~rotation plan based~~ SEQUENCE on A ROTATING numerical basis ~~(tower shall be listed by permit number).~~

(4) ~~(3)~~No ~~tow car~~ WRECKER or ~~any~~ employee or owner of a garage or repair shop having a ~~rotary tow car permit~~ ROTATION-TOW LICENSE shall go to the scene of an ~~accident~~ INCIDENT unless dispatched to the scene by an authorized member of the POLICE department ~~of police~~.

(5) ~~(4)~~It shall be unlawful for any ~~tow car~~ WRECKER not licensed ~~by the chief of police~~ PURSUANT TO THE PROVISIONS OF THIS ARTICLE to go to ~~any~~ THE scene of an ~~accident~~ INCIDENT with the intent to solicit repair or tow jobs.

(b) *Assignment of tow cars.*

1) When in the opinion of the officer detailed to investigate an ~~accident~~ INCIDENT, the services of a ~~tow car~~ WRECKER are needed, the desk officer shall be notified who in turn will call the next ~~rotary~~ ROTATION-tower IN SEQUENCE on ~~duty~~ THE APPROPRIATE LIST.

(2) The desk officer shall ~~phone the wrecker who heads the roster and enter on proper forms the following information: Date, time, location of accident, name of tower, anme of individual accepting call~~ INDICATE TO THE ROTATION-TOWER THE TYPE OF INCIDENT, THE TYPE OF WRECKER NEEDED, THE LOCATION OF THE INCIDENT AND ANY OTHER PERTINENT INFORMATION THAT MAY BE NEEDED.

(3) If in the opinion of the investigating officer more than one (1) ~~tow car~~ WRECKER is needed at the scene, the ROTATION-TOWER THAT SUPPLIED THE FIRST WRECKER SHALL, WHENEVER POSSIBLE SUPPLY THE ADDITIONAL WRECKERS. OTHERWISE, ADDITIONAL ~~rotary tower~~ ROTATION-TOWERS SHALL BE SELECTED FROM ~~next on~~ the APPROPRIATE list ~~shall be called and another if required in rotation on the rotation roster. Tow cars shall have their pick of the disabled vehicles in the order of their position on the rotation roster~~.

4) Failure to respond at the scene of an ~~accident~~ INCIDENT within thirty (30) minutes after being ~~dispatched~~ NOTIFIED by THE police DEPARTMENT will be deemed an unreasonable delay and ~~a second~~ ANOTHER ~~tow car~~ ROTATION-TOWER will be dispatched.

~~(5) All records kept hereunder shall be open for public inspection during the daily hours of business of the police department.~~

(c) Garage Procedures.

(1) No car ~~which~~ THAT has been towed in shall be dissembled until after twenty four (24) hours have elapsed from the time of the arrival of said car at the garage~~,~~ and only after written authorization by the owner of said vehicle

(2) No car ~~which~~ THAT has been towed in shall be repaired until twenty four (24) hours have elapsed from the time of the arrival of the said car at the garage and only after written authorization by the owner of said vehicle.

(3) If the garage or repair shop requested by owner or operator of ~~disabled~~ A vehicle is not open for service, the ~~car~~ VEHICLE will be taken to the garage of the ~~tow car operator~~ ROTATION-TOWER and the vehicle will be turned over to the operator of the garage of the owner's choice upon payment of the towing charge.

~~(d) *Suspension of rotary tow cars from rotary list.*~~

~~Because the request for tow cars is predicated on the hazards existing at the time of the accident, prompt and reliable service is imperative; therefore, garages on the rotation list must meet this need. Failure to respond promptly or to be available at times stipulated on the rotation list will be booked as passed calls. Accumulation of six (6) passed calls in a six (6) month period will result in suspension.~~

SEC. 20-22. QUALIFICATIONS OF WRECKER DRIVERS.

(A) WITHIN SIX (6) MONTHS FROM THE EFFECTIVE DATE HEREOF, ROTATION-TOW VEHICLE DRIVERS SHALL SUCCESSFULLY COMPLETE THE NATIONAL DRIVER CERTIFICATION PROGRAM OF THE TOWING AND RECOVERY ASSOCIATION OF AMERICA OR A COMPARABLE CERTIFICATION PROGRAM APPROVED BY THE CHIEF OF POLICE. THERAFTER, ALL NEW ROTATION-TOW VEHICLE DRIVERS SHALL BE SIMILARLY CERTIFIED WITHIN SIX (6) MONTHS AFTER THE BEGIN WORK FOR A ROTATION-TOW LICENSEE.

(B) IN ORDER TO BE INCLUDED ON THE HEAVY DUTY TOW LIST A LICENSEE MUST EMPLOY AT LEAST ONE DRIVER POSSESSING HEAVY DUTY RECOVERY ADVANCED LEVEL TRAINING AND CERTIFICATION AND ONE DRIVER WITH NO FEWER THAN FIVE (5) YEARS OF EXPERIENCE IN HEAVY DUTY RECOVERY OPERATIONS.

(C) WRITTEN PROOF OF THE CERTIFICATIONS DESCRIBED IN THIS SECTION SHALL BE PROVIDED TO THE CHIEF OF POLICE UPON REQUEST.

Note: New language is indicated by CAPITALIZATION COMBINED WITH UNDERLINING except that capitalization is not utilized for the letters in parentheses which indicate subsections.

Deleted language is indicated by ~~strikeouts.~~