

CLERK'S OFFICE  
**AMENDED AND APPROVED**  
Date: 5-21-05  
Repealed ~~8-8-05~~; SEE AO 2005-90

Submitted by: Chair of the Assembly at the  
Request of the Mayor  
Prepared by: Department of Law  
For reading: April 19, 2005

ANCHORAGE, ALASKA  
AO No. 2005-63

1 AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE CHAPTER 9.54 TO CLARIFY  
2 APPLICABILITY TO TOW OPERATORS, TO ADD DEFINITIONS, AND FOR TOW OPERATOR  
3 PARTICIPATION IN THE ANCHORAGE POLICE DEPARTMENT ROTATIONAL TOW  
4 PROGRAM, RETROACTIVE TO JANUARY 1, 2005.

5  
6 THE ANCHORAGE ASSEMBLY ORDAINS:

7  
8 **Section 1.** Anchorage Municipal Code chapter 9.54 is amended by adding a new section to read as  
9 follows:

10  
11 **9.54.005** **Definitions.**

12  
13 The following words, terms and phrases, when used in this chapter, shall have the meanings  
14 ascribed to them in this section:

15  
16 *Rotational tow program* shall mean the voluntary Municipality of Anchorage, Anchorage Police  
17 Department (APD) Rotational Tow Program, for providing towing services to APD on a  
18 rotational call list basis;

19  
20 *Tow operator or towing operator* shall mean any person or entity providing towing services;

21  
22 *Tow service or towing service* shall mean:

- 23  
24 1. Transportation of a vehicle by a commercial towing vehicle from a private location  
25 pursuant to section 9.54.020 to an owned or subcontracted storage facility described in  
26 section 9.54.040B. at the request of the person who owns, controls or possesses the  
27 premises from which the vehicle is removed;
- 28 2. Transportation of a vehicle by a commercial towing vehicle pursuant to contract or  
29 rotational tow program with the municipality;
- 30 3. Transportation of a vehicle by a commercial towing vehicle at the request of a registered  
31 owner or other person authorized to request transportation of the vehicle; and
- 32 4. All services related to such transportation by a commercial towing vehicle, including but  
33 not limited to curbside release, release from owned or subcontracted storage, and owned  
34 or subcontracted storage.

35  
36 **Section 2.** Anchorage Municipal Code section 9.54.010 is amended to read as follows:

37  
38 **9.54.010** **Compliance with chapter; applicability of chapter.**

39  
40 A. The following persons and entities shall comply with this chapter:

- 41  
42 1. Every tow operator who renders towing services within the municipality;  
43 2. Every person procuring towing services for vehicles parked on private property

subject to the person's ownership, possession, or control; and

3. Any towing services provided to the municipality pursuant to contract or rotational tow program.

[EVERY PERSON WHO RENDERS TOWING SERVICES TO ANY OTHER PERSON OR FOR HIMSELF OR PROCURES SUCH SERVICES FOR VEHICLES PARKED ON PRIVATE PROPERTY SUBJECT TO HIS OWNERSHIP, POSSESSION OR CONTROL SHALL COMPLY WITH THIS CHAPTER AT ALL TIMES.

- B. AS USED IN THIS CHAPTER, THE TERM "TOWING SERVICES" MEANS THE ACT OF TRANSPORTING A VEHICLE FROM A PRIVATE LOCATION AS DESCRIBED IN SECTION 9.54.020 TO A STORAGE FACILITY DESCRIBED IN SECTION 9.54.040B PURSUANT TO THE REQUEST OF THE PERSON WHO OWNS, CONTROLS OR POSSESSES THE PREMISES FROM WHICH THE VEHICLE IS REMOVED. THE TERM "TOWING SERVICES" ALSO MEANS ALL SERVICES RELATED TO SUCH TRANSPORTATION, INCLUDING, WITHOUT LIMITATION, CURBSIDE RELEASE, RELEASE FROM STORAGE AND STORAGE.
- C. AS USED IN THIS CHAPTER, THE TERM "TOWING OPERATOR" MEANS ANY PERSON THAT PROVIDES TOWING SERVICES.]

(AO No. 83-49)

**Section 3.** Anchorage Municipal Code chapter 9.54 is amended by adding a new section to read as follows (*the remainder of the chapter is not affected and therefore not set out*):

**9.54.025      Participation fee for rotational tow program.**

- A. Tow operators shall pay an annual fee, ~~not to exceed \$1,000,~~ **of \$500** to participate in the APD Rotational Tow Program, to the municipality by no later than January 15 of the program year, pursuant to the rotational tow program guidelines.
- B. The annual participation fee is non-refundable and not subject to pro-ration.

**Section 4.** For the year 2005 only, tow operators shall execute the revised APD Rotational Tow Program – Operator Approval within fifteen (15) days following passage and approval of this ordinance.

**Section 5.** Upon passage and approval, this ordinance shall be retroactive to January 1, 2005.

PASSED AND APPROVED by the Anchorage Assembly this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

\_\_\_\_\_  
Chair of the Assembly

ATTEST:

\_\_\_\_\_  
Municipal Clerk

MUNICIPALITY OF ANCHORAGE

ASSEMBLY MEMORANDUM

No. AM 267 -2005

Meeting Date: April 19, 2005

1 **From:** MAYOR

2  
3 **Subject:** AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE CHAPTER 9.54  
4 TO CLARIFY APPLICABILITY TO TOWING OPERATORS, AND TO ADD NEW  
5 SECTIONS FOR DEFINITIONS AND FOR PARTICIPATION IN THE  
6 ANCHORAGE POLICE DEPARTMENT ROTATIONAL TOW PROGRAM,  
7 RETROACTIVE TO JANUARY 1, 2005.  
8

9 The Anchorage Police Department requests approval of an amendment to Anchorage Municipal Code  
10 chapter 9.54, Towing Procedures, to clarify its application to all towing operators, and to add new  
11 sections for definitions and for participation in the Anchorage Police Department Rotational Tow  
12 Program, retroactive to January 1, 2005.  
13

14 The amendment is intended to:

- 15  
16 • Enhance compliance with AMC chapter 9.54 and resolve problems related to towing  
17 operators and towing services.  
18 • Clarify the responsibility of towing operators for all services related to transportation by  
19 a commercial towing vehicle including, but not limited to, curbside release, release from  
20 owned or subcontracted storage, and owned or subcontracted storage.  
21 • Cover the cost of administering the APD Rotational Tow Program.  
22

23 THE ADMINISTRATION RECOMMENDS APPROVAL OF THE AMENDMENTS REQUESTED  
24 BY ANCHORAGE POLICE DEPARTMENT TO ANCHORAGE MUNICIPAL CODE  
25 CHAPTER 9.54.  
26

27 Prepared by: Melinda McCulley, Impound Supervisor, APD  
28 Approved by: Walt Monegan, Chief of Police  
29 Concur: Denis C. LeBlanc, Municipal Manager  
30 Respectfully submitted: Mark Begich, Mayor  
31  
32

# Municipality of Anchorage APD ROTATIONAL TOW PROGRAM

[As revised March 25, 2005]

The APD Rotational Tow Program (Program), contains guidelines a towing operator shall comply with in order to receive a rotation tow listing with the Municipality of Anchorage, Anchorage Police Department (APD). The Program is voluntary. Compliance with all of the rules, regulations and requirements of the Program is mandatory for participating tow operators.

## RULES AND REGULATIONS:

Participation by tow operators in the Program is voluntary and shall be construed as an agreement between the parties. Tow operators understand and agree the Program, together with any Rules and Regulations, does not create any right(s) and/or obligation(s) between the Municipality of Anchorage (MOA) and participating tow operators. Rather, the Rules and Regulations are guidelines set forth by the MOA for acceptance and participation in the Program.

Failure of a participating tow operator to comply with any rule(s) and/or regulation(s) of the Program shall result in that tow operator being excluded from participating in the Program. A tow operator may be reinstated at the sole discretion of the MOA.

The Rules and Regulations of the Program are subject to modification by the MOA at any time upon ten (10) days written notice to all participating tow operators. The Program may be cancelled at any time by the MOA upon ten (10) days written notice to all participating tow operators. Tow operators participating in the Program shall be charged an annual Participation Fee designed to cover the cost of administering the program. The Participation Fee shall be non-refundable and not subject to pro-ration.

### 1. TOW ZONES.

Two (2) zones exist for each class of tow truck to facilitate the distribution of calls and response time and availability of tow services.

Zone one (1) shall encompass McHugh Creek to Hiland Road (also known as AN).

Zone two (2) shall encompass Hiland Road to the south side of the Knik River Bridge (also known as ER).

The tow companies shall be on scene and ready to provide service within the following time frames after receiving an initial dispatch call from APD dispatch.

<u>Class of Tow Truck</u>	<u>Response Time</u>	<u>Tow Zone</u>	<u>APD Service Area</u>	<u>APD Codes</u>
Slideback	45 minutes	1 & 2	All Areas	SB, PULL
Wrecker	45 minutes	1 & 2	All Areas	REG, PULL
Over 33,000 lbs. GVW	90 minutes	1 & 2	All Areas	UNIQ, PULL

### 2. ROTATION LISTS.

Within each tow zone, APD shall maintain a rotation tow list for each class of tow truck providing equitable distribution of calls. Subcontracting of towing services is not allowed within the program.

A call to a tow operator, including failure to answer the phone, inability to respond, inability to perform the required service, refusal to respond or provide service, or cancellation due to lack of response, shall constitute one turn on the list; once called, the tow operator shall be moved to the bottom of the list.

If two or more tow operators are called to the same incident, distribution of the vehicles shall be at the discretion of APD.

**3. RATES.**

Fees charged for response to calls under the Program shall not exceed rates charged for similar services provided in response to requests initiated by any other public or private agency or person.

Fee charged shall comply with municipal code.

No tow operator or employee shall refer to any rate as the minimum required or set by APD.

**4. RESPONSE TO CALLS.**

The tow operator shall respond to APD calls 24 hours a day, seven days a week, within the maximum response time limits. The tow operator shall advise APD dispatch, at the time of notification, if they are either unable to respond or unable to meet the maximum response time. If, after accepting the call, the tow operator is unable to respond or will be delayed in responding, the tow operator shall immediately notify the APD Communications Center.

A tow operator shall not respond to an APD call assigned to another tow operator. Only tow truck personnel and equipment requested shall respond to an APD call.

**5. CUSTODY, CARE AND PROTECTION OF PROPERTY AND IMPOUNDED VEHICLES.**

Tow operator's custody, care and protection begins at the time the tow operator initially hooks the towing equipment to the vehicle, and continues until the tow operator releases or transfers custody of the vehicle in accordance with the law. The tow operator shall protect all vehicles in custody from damage, theft or loss of any kind.

**6. STORAGE FACILITY.**

The tow operator shall be responsible for the security of vehicles and property at the place of storage. At a minimum, a fenced or enclosed area shall be provided. The tow operator is responsible for the reasonable care, custody, and control of any property contained in towed or stored vehicles.

Storage services may be subcontracted within the program but security of vehicles and property at the place of storage shall remain the responsibility of the tow operator. The tow operator is responsible to ensure, at a minimum, a fenced or enclosed area shall be provided by any subcontractor. The tow operator is responsible for the reasonable care, custody, and control of any property contained in vehicles placed in subcontracted storage facilities.

For the purpose of this Program, "normal business hours" shall be, at a minimum, 8 a.m. to 5 p.m., Monday through Friday. Business hours shall be posted in plain view to the public. The release of vehicles shall be conducted in accordance with state statute and municipal code.

**7. INSURANCE.**

The tow operator shall maintain the following minimum levels of insurance from an insurance carrier licensed in and authorized to do business in Alaska. Proof of insurance shall be in the form of a certificate of insurance.

- \* Minimum Level of Financial - Bodily injury and property damage with a combined single limit of not less than \$1,000,000. These minimum standards shall include coverage for non-owned and hired vehicles.
- \* Uninsured Motorist - Legal minimum, combined single limit.
- \* On-Hook Coverage - \$50,000 minimum per vehicle.
- \* Garage Liability - Includes premises and operations: \$100,000.00 per location and \$25,000.00 per vehicle; bodily injury and property damage with a combined single limit of not less than \$1,000,000.
- \* Garage Keepers Liability - Shall be the same minimum as on-hook coverage for vehicles in the care, custody, and control of the tow operator in the owned or subcontracted storage yard.
- \* Workers' Compensation Insurance - Minimum requirement under state law.

**8. INSPECTIONS.**

Each tow truck used under the Program shall comply with the Federal Motor Carrier Safety Regulations as set forth in 49 C.F.R. § 396.17.

**9. BUSINESS RECORDS.**

Each tow operator agrees to provide a copy of a current business license and a current municipal license.

**10. COMPLIANCE WITH LAW.**

The tow operator, and all tow operator employees, shall at all times comply with federal, state, and local laws and ordinances.

**11. COMPLIANCE WITH AGREEMENT.**

The tow operator agrees, as a condition of inclusion in the Program, to comply with the terms and conditions of the Program. Failure to comply with the requirements of the Program shall result in immediate and automatic removal of the tow operator from the Program.

**12. ADVERTISING.**

The tow operator shall not display any sign or engage in any advertisement indicating an official or unofficial connection with the Municipality of Anchorage, APD, or the Alaska Department of Motor Vehicles.

**13. MODIFICATION.**

The Program may be modified by APD upon ten (10) days written notice to tow operators currently participating in the Program.

**14. CANCELLATION.**

The Program may be cancelled by APD upon ten (10) days written notice to tow operators currently participating in the Program. Any tow operator may request removal of the tow operator from the Program by submitting a notice, in writing, to APD.

**15. ADDITIONAL REQUIREMENTS.**

Additional requirements for all parts of the Program are set forth in Appendix A, attached hereto and incorporated herein by reference.

**16. GLASS OR DEBRIS ON STREET, AMC SECTION 9.36.100.**

Any tow operator, or tow operator employee, removing a wrecked or damaged vehicle from a highway, street, road or right of way, shall remove all glass and/or other injurious substance on the roadway from such wrecked or damaged vehicle.

**17. PARTICIPATION FEE.**

Each tow operator shall pay an annual participation fee of \$500, to cover the cost of administering the Program, due on or before January 15th of each program year at the Anchorage Police Department. Failure to pay the annual participation fee shall automatically result in immediate removal from the Program. The annual participation fee is non refundable and not subject to pro-ration.

**18. MONTHLY REPORTING.**

The operator shall submit a Monthly Report of all released and auctioned vehicles by the fifth consecutive day of the following month. The report shall be complete, accurate and submitted timely. It is the tow operator's responsibility

to deliver each monthly report, using either the APD format (attached hereto as Appendix B) or a similar format with the exact same information required in the APD format, to the Anchorage Police Department.

**19. NOTICES.**

Any notice required pursuant to this Program shall be sent either by (a) via facsimile (fax); (b) prepaid first class, certified mail, return receipt requested; or (c) personal delivery to the following addresses:

APD: Anchorage Police Department  
Impound Supervisor  
4501 South Bragaw Street  
Anchorage, Alaska 99507-1599  
Fax: (907) 786-8539

Tow Operator: Company: \_\_\_\_\_  
Attention: \_\_\_\_\_  
Street: \_\_\_\_\_  
City, State, Zip \_\_\_\_\_  
Fax: \_\_\_\_\_

Notices shall be effective upon the earlier of receipt, proof of transmission (facsimile only), or five (5) days after proof of proper posting.

It is the responsibility of tow operators participating in the Program to notify APD of changes in notice and contact information, including:

- Physical Address
- Mailing Address
- Phone Number
- Facsimile (fax) Number

**APPENDIX A**

**ADDITIONAL REQUIREMENTS**

**ALL TOW TRUCKS**

A tow operator shall equip and maintain tow equipment used in the Program in accordance with Anchorage Municipal Code and Regulations, the specifications contained in the Program, and consistent with industry standards and practices.

**REQUIRED EQUIPMENT**

**All Classes**

Brake and tail lamps

Fire extinguisher

Flashlight

Broom

Shovel

Reflective triangles and/or Flares

Covered trash can

Absorbent pads and/or Absorbent materials

Two-way communications (pagers are not considered two-way communications)

**ALL TOW TRUCK DRIVERS**

Tow truck drivers shall be at least 19 years old and possess the following minimum class driver license:

Slideback (SB) – A valid drivers license with valid medical card;

Wrecker (REG) - A valid drivers license with a valid medial card;

33,000 lb. GVW and over (UNIQ) - A valid drivers license with a valid medical card.



**TOW OPERATOR APPROVAL**

I, \_\_\_\_\_, hereinafter "Tow Operator," certify I have read and understand the Program and shall comply with all the Rules and Regulations established for the Program. I shall also indemnify, defend, save and hold harmless the Municipality of Anchorage, its officers, agents and employees from any and all claims, lawsuits or liability, including attorney's fees and costs, allegedly arising out of, in connection with, or incident to any loss, damage or injury to persons or property or any wrongful or negligent act, error or omission of the Tow Operator, or any employee, contractor, storage subcontractor or agent of Tow Operator as a result of Tow Operator's, or any employee, contractor, storage subcontractor or agent of Tow Operator's performance under the Program. The Tow Operator, employees, contractors, storage subcontractors and agents of the Tow Operator, in the performance of the Program, shall act in an independent capacity and not as officers, employees, or agents of the Municipality of Anchorage.

Signature	Print Name
Company Name	Title
Physical Business Address	Business Phone and Fax
Date	Time of Day

ZONES	SLIDEBACK (SB / PULL)	WRECKER (REG / PULL)	Over 33,000 lbs. (UNIQ / PULL)
ANCH    ER (circle one or both)	# of trucks _____	# of trucks _____	# of trucks _____

## Content Information

Content ID : 002730

Type: Ordinance-InvolvingFunds - AO

Title: AMC Chapter 9.54 Amendment Clarifying Applicability to Towing Operators

Author: katkusja

Initiating Dept: APD

Description: AMC Chapter 9.54 Amendment Clarifying Applicability to *Towing Operators* and to add new sections for definitions and for participation in the Anchorage Police Department Rotational Tow Program, Retroactive to January 1, 2005

Date Prepared: 3/24/05 8:32 AM

Assembly Meeting  
Date MM/DD/YY: 4/19/05Requested Public  
Hearing Date 5/31/05  
MM/DD/YY:M.O.A.  
2005 APR 11 PM 3:53  
CLERKS OFFICE

## Workflow History

Workflow Name	Action Date	Action	User	Security Group	Content ID
AllFundOrdinanceWorkflow	3/24/05 8:37 AM	Checkin	smiko	Public	002730
APD_SubWorkflow	3/24/05 8:38 AM	Approve	wmonegan	Public	002730
AllFundOrdinanceWorkflow	3/24/05 2:42 PM	Reject	pearcydl	Public	002730
AllFundOrdinanceWorkflow	3/29/05 7:30 AM	Checkin	smiko	Public	002730
APD_SubWorkflow	3/29/05 10:01 AM	Approve	wmonegan	Public	002730
AllFundOrdinanceWorkflow	3/29/05 3:26 PM	Reject	pearcydl	Public	002730
AllFundOrdinanceWorkflow	4/6/05 8:06 AM	Checkin	smiko	Public	002730
APD_SubWorkflow	4/6/05 8:31 AM	Approve	wmonegan	Public	002730
OMB_SubWorkflow	4/7/05 1:07 PM	Approve	pearcydl	Public	002730
CFO_SubWorkflow	4/7/05 5:12 PM	Approve	sinzje	Public	002730
Legal_SubWorkflow	4/7/05 5:45 PM	Approve	fehlenrl	Public	002730
MuniManager_SubWorkflow	4/8/05 10:05 AM	Approve	leblancdc	Public	002730
MuniMgrCoord_SubWorkflow	4/11/05 10:14 AM	Checkin	katkusja	Public	002730
MuniMgrCoord_SubWorkflow	4/11/05 3:17 PM	Approve	katkusja	Public	002730