

TOWN OF ST. JOHN, LAKE COUNTY, INDIANA

ORDINANCE NO. 886

AN ORDINANCE ESTABLISHING TOWING GUIDELINES FOR THE TOWN OF ST. JOHN, AND REPEALING ALL ORDINANCES, OR PARTS THEREOF, IN CONFLICT HEREWITH.

WHEREAS, the Board of Metropolitan Police Commissioners of the Town of St. John, Lake County, Indiana, has reviewed the matters pertaining to Towing Guidelines and Regulations, as amended from time to time, for the Town; and

WHEREAS, the Board of Metropolitan Police Commissioners of the Town of St. John, Lake County, Indiana, has determined that formal Towing Guidelines and Regulations should properly be formulated to ensure that consistent and uniform guidelines are implemented; and

WHEREAS, the Board of Metropolitan Police Commissioners of the Town of St. John, Lake County, Indiana, has certified its Favorable Recommendation in the adoption of an Ordinance promulgating uniform and consistent Towing Guidelines to the Town Council by way of a Resolution adopted at the Public Meeting of the Board of Metropolitan Police Commissioners on the 13th day of February, 1992; and

WHEREAS, the Town Council of the Town of St. John, Lake County, Indiana, has reviewed the favorable recommendations of the Board of Metropolitan Police Commissioners regarding the adoption of an Ordinance promulgating uniform and consistent Towing Guidelines for the Town; and

WHEREAS, the Town Council of the Town has determined that the favorable recommendations of the Board of Metropolitan Police Commissioners to adopt an Ordinance promulgating uniform and consistent Towing Guidelines for the Town are appropriate and that it is in the best interests of the health, safety, comfort, morals, convenience and general well-being of the Town that uniform and consistent Towing Guidelines be promulgated and established.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF ST. JOHN, LAKE COUNTY, INDIANA:

SECTION ONE: That the TOWING GUIDELINES for the Town Police Department promulgated and recommended by the Board of Metropolitan Police Commissioners, are amended by the Town Council, are hereby established as the TOWING GUIDELINES for the Town. The TOWING GUIDELINES are incorporated in this Ordinance by reference and are attached hereto.

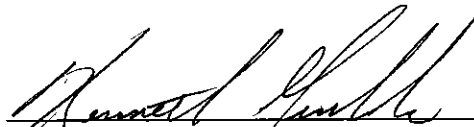
SECTION TWO: That all existing Ordinances, Guidelines, Regulations or parts thereof, in conflict with the provisions of this Ordinance, are hereby deemed null, void, and of no legal effect, and are specifically repealed.

SECTION THREE: If any section, clause, provision, or portion of this Ordinance shall be held to be invalid or unconstitutional by any Court of competent jurisdiction, such decision shall not affect any other section, clause, provision, or portion of this Ordinance.


SECTION FOUR: That this Ordinance shall take effect, and be in full force and effect, from and after its passage by the Town Council of the Town of St. John.

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF ST. JOHN, LAKE COUNTY, INDIANA, THIS 13 DAY OF April, 1992.

TOWN OF ST. JOHN, LAKE COUNTY,
INDIANA, TOWN COUNCIL



Kenneth D. Gembala,
President



Douglas E. Patterson,
Vice-President

Carl Brown,
Member

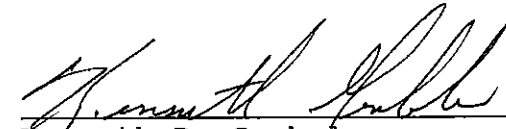
ATTEST:



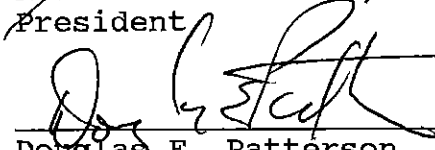
JUDITH J. COMPANIK,
Clerk-Treasurer

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF ST. JOHN, LAKE COUNTY, INDIANA, as referenced in Town ORDINANCE NO. 886, THIS 13 DAY OF April, 1992.

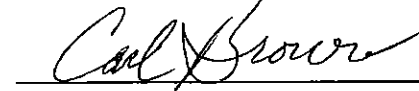
TOWN OF ST. JOHN, LAKE COUNTY,
INDIANA, TOWN COUNCIL



Kenneth D. Gembala,
President



Douglas E. Patterson,
Vice-President



Carl Brown,
Member

ATTEST:



JUDITH L. COMPANIK,
Clerk-Treasurer

TOWN OF ST. JOHN, LAKE COUNTY, INDIANA,
POLICE DEPARTMENT
TOWING GUIDELINES

Effective the 13th day of April, 1992, the following guidelines for towing will be in effect for all agencies who tow vehicles for the Town of St. John Police Department.

I

APPLICATIONS AND QUALIFICATIONS

1. Applications for consideration as a towing agency for the Town of St. John Police Department are to be made in writing to the Chief of Police and the Board of Metropolitan Police Commissioners.
 - a. Applications should describe facilities and tow trucks which will be used.
 - b. Applicant must show capability for storage of two (2) cars inside and storage of five (5) cars in an enclosed, fenced area, in compliance with all applicable provisions of the Town Zoning Ordinance, as amended from time to time.
 - c. Applicant must show proof of liability insurance, consistent with the requirements set forth in the relevant Indiana statutes. It shall be the responsibility of each towing firm to make sure that their insurance carrier has an updated liability statement on file with the Town of St. John Police Department, and further, that a binder of insurance naming the Town of St. John as co-insured is also on file.
 - d. Applicants must meet or exceed any and all State statutes and rules and regulations governing towing firms in the State of Indiana.
 - e. As applications for consideration for towing are received, they will be placed in a master file and as one or more present towing firm(s) eliminate(s) itself(themselves) from the list, the next firm(s) in order by date of application will then be considered.
 - f. Towing firms will be on probation for the first year after initial placement on the list, and at the end of the first year their service shall be evaluated by the Board of Metropolitan Police Commissioners.

2. An investigation will be conducted into the background of the owner-operator, employees and facilities of the towing firms. Said investigation shall be made by the Chief of Police, or his duly designated representative, who will report his findings to the Board of Metropolitan Police Commissioners. The Board of Metropolitan Police Commissioners shall then make the final decision for approval or disapproval.

II

CLASSIFICATION AND PRIORITIES

To assist the Town of St. John Police Department in the orderly use of towing firms, the following classifications and requirements are hereby established:

CLASS A

- a. Shall have personnel available on a 24 hour call;
- b. Shall have (when appropriate training becomes available) at least two (2) Haz-Mat trained towing operators;
- c. Shall be able to tow all types of cars and light trucks;
- d. Shall clean up all debris that is left on the roadway subsequent to the occurrence of an accident;
- e. Shall have a response time of no more than 15 minutes;
- f. Shall store all towed vehicles in a secure, locked and fenced-in area;
- g. Shall have the equipment for such tows, such as a wheel lift or a flat bed;
- h. Shall, in the event of a multi-car accident, remove one or more of the vehicles to the side of the roadway, without charge, in order to clear the road for traffic movement, and, only when this is accomplished, to then remove the vehicle for which it was called.

CLASS B

- a. Shall comply with all of the provisions set forth in Class A, and, in addition thereto, provide a roll back car carrier or hydraulic wheel lift truck in cases deemed necessary and appropriate for the use of said equipment.

CLASS C

- a. Shall comply with all of the provisions set forth in Class A, and, in addition, shall be equipped to tow utility trucks, medium sized trucks, or any trucks under 32,000 pounds in total weight;
- b. Be equipped to tow any semi-tractor trailer that is unloaded or under 32,000 pounds in total weight.

CLASS D

- a. Shall comply with all of the provisions set forth in Class A, and, shall be equipped to remove heavy materials on the roadway such a steel coils, etc.;
- b. Shall be equipped to tow semi-trucks that are carrying a load or exceed 32,000 pounds in total weight;
- c. Shall be equipped to tow semi-tractor trucks that are carrying a load or exceed 32,000 pounds in total weight.

CLASS E

- a. Shall comply with all of the provisions set forth in Class A, and, in addition thereto, provide a roll back car carrier or hydraulic wheel lift truck in cases deemed necessary and appropriate for the use of said equipment;
- b. Vehicles must be kept in a closed and secured building away from the general public;
- c. Must have a temperature controlled climate inside the storage building;
- d. Shall be no minimum or designated amount of time on how long a vehicle is to be stored;
- e. Vehicles shall not be opened or removed unless written permission is obtained, received and certified from the Town of St. John Police Department or any other law enforcement agency processing said vehicle.

III

FEES

Fees assessed for towing services shall be evaluated by the Board of Metropolitan Police Commissioners on a regular basis. The main concern shall be that prices are to be competitive. The Police Department and Board of Metropolitan Police Commissioners shall not

attempt to set rates or fees to be charged, but may handle complaints of improper or unjustified rates and charges, and may then make findings and recommendations to the Town Council regarding the same.

IV

ASSIGNMENTS

Each towing firm will handle at least Seventy-Five Percent (75%) of the tows for which it is called in each Four (4) month period of a calendar year. If the towing firm does not comply with this requirement, the Board of Metropolitan Police Commissioners shall evaluate the firm and take appropriate action.

V

RELEASES

Vehicles towed at the request of the Police Department shall be released only with the proper release slips from the St. John Police Department.

VI

YEARLY MEETING

There shall be a meeting at least once a year with all of the towing firms and the Board of Metropolitan Police Commissioners, to discuss any concerns, complaints, or exchanges of information brought forth at said meeting.

VII

MISCELLANEOUS PROVISIONS

- (a) If a specific towing firm is requested by a private party, but called in by a Police Officer, there shall be no entry on the tow log. If a private party has no preference, the next tow in rotation will be called and so logged.
- (b) The initial and/or investigating Officer at the scene of an incident requiring the use of a towing vehicle shall make the determination as to the category and class of said vehicle, based upon the information available, and shall then request such vehicle accordingly.

In instances where a Police Department vehicle becomes disabled due to an accident, mechanical failure, etc., and has to be towed, no charge will be incurred by the Town of St. John Police Department or the Town of St. John. This would also not be considered as a call out for the tow firm, and subsequent, said firm would not lose its place in the regular rotation of calls.

VIII

COMPLAINTS

Any complaints received by the Town of St. John Police Department with regard to the towing of vehicles shall be investigated and, when warranted, a formal complaint shall be filed with the Board of Metropolitan Police Commissioners. If, after hearing and review, it is established that the towing firm did not act in accordance with these guidelines, or that violations were apparent, the Board of Metropolitan Police Commissioners may implement the penalty provisions as set forth below.

PENALTIES

- 1st Offense: Written Warning
- 2nd Offense: Suspension from towing for the Town of St. John Police Department for Ninety (90) Days
- 3rd Offense: Suspension from towing for the Town of St. John Police Department for One (1) Year
- 4th Offense: Removal from towing list of the Town of St. John Police Department.

However, in the event of gross misconduct or indiscretion, the Board of Metropolitan Police Commissioners may impose the penalty which it deems to be appropriate under the circumstances.

IX

REINSTATEMENT

Reinstatement of a towing firm after removal, as set forth above, may occur only after a written request is submitted, providing just cause as to why reinstatement should be granted. Final decision on reinstatement shall rest with the Board of Metropolitan Police Commissioners.

The foregoing guidelines shall apply to all towing firms currently serving the Town of St. John. Any firm which is not currently in compliance shall have up to and including _____, 1992, to meet the standards.