



CITY COUNCIL AGENDA ITEM

REQUESTED COUNCIL MEETING DATE 04/07/09

SUBJECT: Wrecker Liability Insurance

DEPARTMENT: POLICE

RECOMMENDED MOTION: Approval of Ordinance No. 2009-8, amending Chapter 18, Section 18-227 relating to Wrecker and Towing Services Liability Insurance.

COMMENTS:

An ordinance amending the liability insurance provisions of the Port Orange Code of Ordinances to increase required coverage.

ATTACHMENTS: Ordinance Resolution Budget Resolution
 Other Support Documents/Contracts Available for Review in Manager's Office

DEPARTMENT HEAD	Gerald M. Monahan, Jr.	<i>Gerald M. Monahan</i>	Date	3/26/09
FINANCE DEPARTMENT	Approved as to Budget Requirements	<i>Gerald M. Monahan</i>	Date	3/27/09
CITY ATTORNEY	Approved as to Form and Legality	<i>Heather Greene</i>	Date	3/30/09
CITY MANAGER	Approved Agenda Item For:	<i>[Signature]</i>	Date	4/7/09

COUNCIL ACTION: Approved as Recommended Disapproved Tabled Indefinitely
 Continued to Date Certain Approved with Modification:

Second Reading
5/5/09

ORDINANCE NO. 2009- 8

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, AMENDING CHAPTER 18, ARTICLE VIII, RELATING TO WRECKER AND TOWING SERVICES; PROVIDING FOR CONFLICTING RESOLUTIONS; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, for purposes of this Ordinance, text with underlined (underlined) type shall constitute additions to the original text and text with strike-through (~~strike-through~~) type shall constitute deletions to the original text.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA:

SECTION ONE: Chapter 18, Article VIII, Wrecker and Towing Services, of the City of Port Orange, Florida, is amended to read as follows:

Sec. 18-221. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Wrecker means a person engaged in the business, or 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 the use of a wrecker so designed for that purpose or by a truck, automobile or other vehicle so adapted to this purpose.
(Code 1981, § 16.5-28)

Sec. 18-222. Compliance required.

It shall be unlawful for any person to engage in the business of towing or to push, pull, or tow any other vehicle for any fee, charge, tip or gratuity without compliance with the provisions of this article.
(Code 1981, § 16.5-29)

Sec. 18-223. Application of provisions to automotive repair or service business.

This article shall in no way prohibit, limit or regulate service vehicles which may supply repair services or assistance from a licensed automotive repair or service business in the city which is not engaged in the business of a wrecker.
(Code 1981, § 16.5-30)

Sec. 18-224. Classifications of service required to be offered.

(a) The wrecker service under contract will be responsible for having a class A wrecker capability (cars and light trucks) and shall possess no less than two wreckers.

(b) The contracted wrecker service will be responsible for furnishing or soliciting the service of a class B-1 (one- and two-ton trucks), class B-2 (one- and two-ton trucks) and class C (semitrucks, house trailers, buses, etc.) wrecker when necessary. It will be the responsibility of the contracted wrecker service to provide immediate service in these classes.

(Code 1981, § 16.5-31)

Sec. 18-225. Equipment required generally.

Every wrecker operated within the city shall be equipped with towing equipment which is adequate to perform towing service in a reasonably workmanlike manner. Such equipment shall be properly maintained.

(Code 1981, § 16.5-32)

Sec. 18-226. Council may prescribe rates.

The city council may, by resolution, establish rates which may be charged by any wrecker licensed to do business within the city.

(Code 1981, § 16.5-33)

Sec. 18-227. Liability insurance.

(a) *Required.* No business tax receipt required by the city for a wrecker or towing service shall be issued to an applicant therefor until evidence of he has deposited with the city the following insurance policies has been provided to the city:

(1) *Garage keeper's policy.* A garage keeper's legal liability policy covering fire, theft, riot, civil insurrection, vandalism, malicious mischief and explosion and other insurable perils in the minimum amounts of \$375,000.00 and a deductible not exceeding \$500.00, and an on-hook/cargo liability policy with a minimum limit of \$75,000.00 and a deductible not exceeding \$500.00. collision coverage subject to \$250.00 deduction with each accident deemed a separate claim.

(2) *Garage liability policy.* A garage liability policy, covering the operation of applicant wrecker's business, equipment or and vehicles, for any bodily injury or property damage with a combined single limit for bodily injury and property damage of no less than \$250,000.00. This policy will be in the amounts of \$50,000.00 for any one person killed or injured and \$100,000.00 for more than one person injured or killed in any one accident. This policy shall also provide \$25,000.00 coverage for all damage arising out of injury to or destruction of property.

(b) *Notice of change or cancellation.* Each policy required herein must contain an endorsement providing for a minimum of 30 days' notice to the city in the event of any material change or cancellation.

(Code 1981, § 16.5-34; Ord. No. 2007-13, § 24, 3-20-07)

Secs. 18-228--18-230. Reserved.

SECTION TWO: All other ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

SECTION THREE: The amendment adopted herein shall be inserted in the City Code of Ordinances as provided herein in such section specified or, if necessary or advisable, as determined appropriate by the editor and the sections of this ordinance may be renumbered to accomplish the insertion.

SECTION FOUR: If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared severable.

SECTION FIVE: This ordinance shall become effective immediately upon adoption.

MAYOR ALLEN GREEN

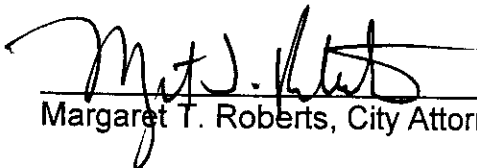
ATTEST:

Kenneth W. Parker, City Manager

Passed on first reading on the _____ day of _____, 2009.

Passed and adopted on second and final reading on the _____ day of _____, 2009.

Reviewed and Approved:



Margaret T. Roberts, City Attorney