

PUBLISHED JULY 24, 2014

OFFICIAL PROCEEDINGS

Excerpt from the minutes of the Duluth City Council meeting held on Monday, July 21, 2014, at 7:00 p.m. in the Council Chamber, City Hall, Duluth, Minnesota.

ORDINANCE NO. 10323

BY COUNCILOR FOSLE:

AN ORDINANCE AMENDING SECTION 33-259 OF THE DULUTH CITY CODE, 1959, AS AMENDED, REGARDING EMERGENCY WRECKER SERVICE FOR MOTOR VEHICLES AND TRAFFIC.

The city of Duluth does ordain:

Section 1. That Section 33-259 of the Duluth City Code, 1959, as amended, is hereby amended to read as follows:

Sec. 33-259. Emergency wrecker service.

An emergency wrecker service shall provide the following minimum services:

(a) Such service shall provide services with a wrecker or wreckers which meet the requirements of sections 33-257(a) and (c) and, where relevant, Section 33-257(b) of this Article;

(b) Such service shall provide 24 hour a day, seven day a week service;

(c) Such service shall come at all times when summoned by the chief of police to remove a disabled vehicle and, when summoned, shall remove such vehicle on all occasions;

(d) Such service's vehicles shall arrive at the scene of a disabled vehicle when summoned by the chief of police within a reasonable time after being summoned, such time not to exceed 20 minutes;

(e) Such services shall, upon the request of any peace officer, store any vehicle in a secured indoor storage facility which is inside a building which is reasonably weatherproof and secure for as long as is necessary to complete any police investigation of such vehicle;

(f) If the chief of police directs that any vehicle be towed to any location other than a storage location normally used by the wrecker service providing such service, such wrecker service shall deposit such vehicle as directed; provided that if services provided pursuant to such direction would justify additional charges under this Article, the chief of police shall pay such charges;

(g) The city council may, from time to time, by resolution, set such fees for the following services when summoned by the chief of police:

(1) Towing of disabled vehicles from one location in the city to another, or to a lot maintained outside the city by the service; when the vehicle requires dollying or a flat bed wrecker or when a flat bed wrecker is required by the police;

(2) Towing a vehicle which requires heavy duty wrecker equipment from one location in the city to another, or to the service's lot maintained outside of the city, unless a higher rate is authorized by the chief because of special circumstances;

(3) Storage of towed vehicles, up to a maximum of 25 days;

(4) Operation of the wrecker's winch if the vehicle to be towed is off of the roadway and requires more than 20 feet of winching;

(h) Licensee shall, if requested, release towed vehicles to their rightful claimants 24 hours per day, seven days per week on at least an on-call basis;

(i) No fees shall be charged if a licensee tows a vehicle from one location to another for its own purposes;

(j) In the event that the chief of police deems it reasonably necessary in his sole discretion to use more than one wrecker vehicle to safely provide required emergency

wrecker service to a disabled vehicle, he may authorize said use in which case the effected service may charge up to the maximum rates set forth above for each authorized wrecker vehicle used;

(k) When an emergency wrecker service is summoned by the chief of police and, as a result, performs services for a fee, the emergency wrecker service shall pay a fee, set by resolution, to the city of Duluth.

Section 2. That this ordinance shall take effect 30 days after its passage and publication.

(Effective date: August 23, 2014)

Councilor Fosle moved passage of the ordinance and the same was adopted upon the following vote:

Yeas: Councilors Filipovich, Fosle, Gardner, Hanson, Julsrud, Larson, Russ, Sipress and President Krug -- 9

Nays: None -- 0

ATTEST:
JEFFREY J. COX, City Clerk

Passed July 21, 2014
Approved July 21, 2014
DON NESS, Mayor