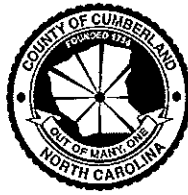


MARSHALL FAIRCLOTH
Chairman

JIMMY KEEFE
Vice Chairman

JEANNETTE M. COUNCIL
KENNETH S. EDGE
CHARLES E. EVANS
BILLY R. KING
EDWARD G. MELVIN



CUMBERLAND
★ COUNTY ★
NORTH CAROLINA

BOARD OF COMMISSIONERS

CANDICE WHITE
Clerk to the Board

KELLIE BEAM
Deputy Clerk

MEMORANDUM

TO: Policy Committee Members (Commissioners Council, Keefe, and Evans)
FROM: Kellie Beam, Deputy Clerk to the Board KB
DATE: February 24, 2012
SUBJECT: Policy Committee Meeting – March 1, 2012

There will be a regular meeting of the Policy Committee on Thursday, March 1, 2012 at 10:30 AM in Room 564 of the Cumberland County Courthouse.

AGENDA

1. Approval of Minutes – January 5, 2012
 2. Consideration of the Planning Board's Recommendation to Terminate the Interlocal Agreement with the City of Fayetteville Regarding the Municipal Influence Area
 3. Discussion Regarding Mobile Homes
 4. Consideration of Revised Wrecker and Tow Service Ordinance
 5. Other Items of Business
- cc:** Board of Commissioners
Administration
Legal
Communications Manager
County Department Head(s)
Sunshine List

DRAFT

CUMBERLAND COUNTY POLICY COMMITTEE
NEW COURTHOUSE, 117 DICK STREET, 5TH FLOOR, ROOM 564
JANUARY 5, 2012 – 10:30 A.M.
MINUTES

MEMBERS PRESENT: Commissioner Jeannette Council, Chairman
Commissioner Charles Evans
Commissioner Jimmy Keefe

OTHER COMMISSIONERS
PRESENT: Commissioner Kenneth Edge
Commissioner Ed Melvin

OTHERS PRESENT: James Martin, County Manager
Amy Cannon, Deputy County Manager
James Lawson, Assistant County Manager
Rick Moorefield, County Attorney
Sally Shutt, Communications and Strategic Initiatives
Manager
Dr. John Lauby, Animal Services Director
Bryan Leonard, Fayetteville City Attorney's Office
David Steinmetz, Senior Zoning Administrator, City of
Fayetteville
Kellie Beam, Deputy Clerk to the Board
Press

Commissioner Melvin called the meeting to order.

1. ELECTION OF POLICY COMMITTEE CHAIRMAN

MOTION: Commissioner Evans moved to appoint Commissioner Council as
chairman of the Policy Committee.
SECOND: Commissioner Keefe
VOTE: UNANIMOUS (3-0)

2. APPROVAL OF MINUTES: OCTOBER 6, 2011 MEETING

MOTION: Commissioner Keefe moved to approve the minutes as presented.
SECOND: Commissioner Evans
VOTE: UNANIMOUS (3-0)

3. CONSIDERATION OF PROPOSED REVISIONS TO ANIMAL CONTROL
ORDINANCE

DRAFT

Rick Moorefield, County Attorney, referenced his memo, "Revision of Animal Control Ordinance", which was given to the Policy Committee. Mr. Moorefield stated since the ordinance is so lengthy he will only provide a summary of the proposed significant changes listed below:

- Sec. 3-1: *Animal Control Department Established*. The name of the department is changed from Animal Services to Animal Control throughout ordinance.
- Sec. 3-5: *Dangerous Dog Appeal Board Established*. This section was moved from Article III. The Board consists of three members appointed by the Animal Control Board from its members, rather than existing full Animal Control Board. The quorum consists of only two members. The manner in which hearings are conducted is specified with director's case to be presented by the county attorney.
- Sec. 3-10: *Definitions*. Terms no longer used in the ordinance have been omitted.
- Sec. 3-15: *Nuisance Animals; Complaint Procedures*. Nuisance complaints, such as barking dogs, are some of the most frequent complaints and officers typically cannot verify the complaint. The new ordinance provides that enforcement shall be solely by the complainant obtaining a criminal summons. These complaints have created public relations problem with citizens who are not willing to testify against their neighbors and will not accept that animal control officers cannot testify with only hearsay evidence.
- Former Sec. 3-17: *Dogs Prohibited from Park Trails*. This has been repealed because it has never been enforced and city provides scooper bags at the trails.
- Sec. 3-17: *Keeping of Wild or Exotic Animals*. The new ordinance expands the definition of wild or exotic animals to include all hybrids, otherwise, same as existing ordinance.
- Sec. 3-22: *Spaying or Neutering as Condition for Adoption of Dogs and Cats; Violations*. No changes other than length of post-adoption time period to obtain spay or neuter will be left to the discretion of the director.
- Sec. 3-23: *Keeping of Animals; Mistreatment, Abandonment Prohibited; Care; Restraining of Dogs; Exercise Area for Dogs*. Significant change in enforcement of anti-tethering provision which will allow Animal Control to seize a dog which has been tethered for fourteen (14) days after receiving notice of violation.
- Sec. 3-25: *Apprehension of Wild Dogs*. This establishes that the director must determine officers have adequate training to use firearms, otherwise, no significant changes.

DRAFT

- Sec. 3-26: *Regulation of the Number of Dogs and Cats which may be kept on certain Premises.* New provision which limits the number of dogs and cats which can be kept at residences with residential zoning classifications of R20 or less (less than one-half acre) and in any multi-family dwellings. No longer dependent on zoning regulations.
- ARTICLE III. *DANGEROUS DOGS:* This article was significantly changed by eliminating classifications of aggressive and vicious dogs which were in addition to dangerous dogs, lessening the severity of the injury required in a bite or attack to declare a dog “potentially dangerous,” and increasing the liability insurance requirements for owners of dangerous dogs from \$100,000 to \$200,000.
- Former *ARTICLE V. KENNELS; PET SHOPS:* was repealed because it was not being enforced.
- ARTICLE V. *LICENSING OF DOGS AND CATS:* Although there has been much discussion on going to a “pet license” approach like that in New Hanover County, the new ordinance continues the present privilege license. The only significant change is the elimination of the additional tax on keeping more than three dogs or cats. Dr. Lauby reports this additional tax was not understood and not enforced. The current ordinance language does give the Tax Administrator the flexibility to delegate some of the duties to the Animal Control Director. Animal Control has software in place which enables non-listed dogs and cats to be identified when they are vaccinated and is using this information to enforce additional listings and penalties. Dr. McNeil, the New Hanover County Director of Animal Control, reported that New Hanover’s program was successful because 90% of the pet license fees were collected by the veterinarians. Dr. Lauby reports that level of participation by the local veterinarians is not likely at this time.
- ARTICLE VIII: *MISCELLANEOUS.* No significant changes in this Article other than addition the last section at the request of City of Fayetteville.
 - Sec. 3-85: Provisions only applicable within the corporate limits of any municipality in which this ordinance is applied.

Brian Leonard, Assistant City Attorney for the City of Fayetteville, requested that the Board of Commissioners consider this draft without formally adopting it at this time to afford an opportunity for further input from the City Council once they have formally reviewed the final draft.

MOTION: Commissioner Council moved to approve the Animal Control draft as presented by the county attorney.
SECOND: Commissioner Evans
VOTE: PASSED (2-1) (Commissioners Council and Evans voted in favor; Commissioner Keefe voted in opposition)

DRAFT

Commissioner Keefe stated he was voting against the proposed ordinance at this time due to the licensing and fees section. Commissioner Keefe further stated his concern is that the county was foregoing an opportunity to enhance revenue for the Animal Control department by not implementing the New Hanover County style of pet licensing.

4. PROPOSAL TO CONDUCT BACKGROUND CHECKS ON INDIVIDUALS WANTING TO ADOPT FROM SHELTER

Dr. Lauby stated Animal Control does not have the money to conduct background checks on individuals wanting to adopt from the shelter at this time. Dr. Lauby further stated he will look into a more extensive questionnaire for individuals interested in adopting pets and forming a volunteer group that can go out to individual's houses to make sure they are suitable for adopting animals.

5. APPOINTMENT OF A COUNTY ATTORNEY TO THE CAPE FEAR VALLEY HOSPITAL SYSTEM BOARD OF TRUSTEES

Commissioner Evans stated he would like to remove this item from the agenda, since it had been placed there at his request, and instead discuss another matter under Item 6.

6. OTHER ITEMS OF BUSINESS

Commissioner Evans stated he would like to see the Board consider having the chair of each committee provide a report at the following commissioners' meeting. Commissioner Evans also stated this would lend greater transparency to citizens who watched the televised board of commissioners meetings, and might be more informative for some of the individual commissioners. Discussion followed.

Commissioner Keefe stated he would like to see the individual committees re-established as a work session so all issues could be discussed by all commissioners.

Commissioner Council stated all committee meetings are open to the public and the press, and suggested placing the matter on the agenda for the Board's retreat for discussion by the full board.

MOTION: Commissioner Evans moved to recommend to the full board of commissioners that all committee chairs provide a full report to the board of commissioners at the next board meeting following the committee meetings.

Motion died due to lack of a second.

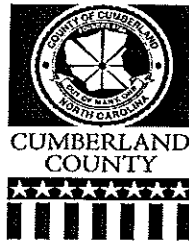
There were no further items of business.

MEETING ADJOURNED AT 12:10 PM

Roy Turner,
Chair
Cumberland County

Walter Clark,
Vice-Chair
Cumberland County

Garland C. Hostetter,
Town of Spring Lake
Harvey Cain, Jr.,
Town of Stedman
Patricia Hall,
Town of Hope Mills
Charles C. Morris,
Town of Linden



COUNTY of CUMBERLAND

Planning & Inspections Department

ITEM NO. 2
Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

Lori Epler,
Sara E. Piland,
Cumberland County

Benny Pearce,
Town of Eastover

Donovan McLaurin,
Wade, Falcon & Godwin

January 3, 2012

MEMORANDUM

To: Policy Committee
From: Joint Planning Board *TJL*
Subject: Request to terminate Interlocal Agreement

Enclosed is a letter from the Chairman of the Cumberland County Joint Planning Board recommending that the Commissioners terminate the Interlocal Agreement with the City of Fayetteville as there is no need for it due to the City's new annexation policy.

Roy Turner,
Chair
Cumberland County

Walter Clark,
Vice-Chair
Cumberland County

Garland C. Hostetter,
Town of Spring Lake
Harvey Cain, Jr.,
Town of Stedman
Patricia Hall,
Town of Hope Mills
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Town of Linden



COUNTY of CUMBERLAND

Planning & Inspections Department

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Director

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Deputy Director

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Sara E. Piland,
Cumberland County

Benny Pearce,
Town of Eastover

Donovan McLaurin,
Wade, Falcon & Godwin

December 5, 2011

Chairman Marshall Faircloth
Cumberland County Board of Commissioners
117 Dick Street
Fayetteville, NC 28301

Re: Termination of Interlocal Agreement

Dear Chairman Faircloth,

On November 15, 2011, the Cumberland County Joint Planning Board voted unanimously to request that the Board of Commissioners submit to the City of Fayetteville the six month notice to terminate the Interlocal Agreement which addresses MIA development standards. In light of the City's new Annexation first Policy in order to extend PWC utilities, the Planning Board and staff agree that there is no longer a need for the Agreement as it now stands. Discussion between the County Planning Director and City Staff confirms this point.

The City of Fayetteville's new annexation policy requires a developer, planning to utilize PWC utilities, to annex their property into the City prior to the extension of the utilities; thus ensuring that all new development becomes subject to the City's newly adopted Unified Development Ordinance (U.D.O.). The Interlocal Agreement addresses streets, sidewalks, and Parks and Recreation land dedication, and no other standards included in the new U.D.O. Due to the fact that the City has adjusted their annexation policy requiring the entire U.D.O to be applicable to new development, there is no need for the Interlocal Agreement which only regulates a very small portion of the City's development standards.

In summary, the notice to terminate the Interlocal Agreement is not an attempt to undo any progress in joint planning which had been made with the City, but rather acknowledging that the Agreement is outdated and no longer of any need to either the City or County.

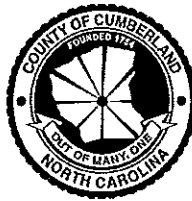
Sincerely,

Roy Turner
Chairman, Cumberland County Joint Planning Board

SUBJECT – PUBLIC WORKS COMMISSION Provision of Water and Sewer to Municipal Influence Area	Number 150.2	Revised 12-14-09	Effective Date 12-14-09	Page 1 of 1
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Unless specifically exempted by action of the City Council, all property within the City of Fayetteville's Municipal Influence Area ("MIA") established by interlocal agreement with Cumberland County must file a petition for voluntary annexation with the City of Fayetteville before water or sewer service will be provided.

The requirement to petition for annexation does not apply to single-family residential homeowners requesting service on existing water and/or sanitary sewer mains that are not contiguous to a corporate boundary of the City of Fayetteville.



OFFICE OF THE COUNTY ATTORNEY

5th Floor, New Courthouse • PO Box 1829 • Suite 551 • Fayetteville, North Carolina 28302-1829
(910) 678-7762

MEMORANDUM FOR THE AGENDA OF THE MARCH 1, 2012
MEETING OF THE POLICY COMMITTEE

TO: POLICY COMMITTEE; CO. MANAGER; WRECKER INSPECTOR
FROM: COUNTY ATTORNEY
DATE: FEBRUARY 27, 2012
SUBJECT: CONSIDERATION OF REVISED WRECKER AND TOW SERVICE
ORDINANCE

ATTACHMENTS: Draft of Revised Ordinance; Draft of Revised Rules; Draft of Proposed Fee Changes

BACKGROUND:

At its February 2, 20102 meeting, the Wrecker Review Board voted unanimously to recommend the attached draft of revisions to the Wrecker and Tow Service Ordinance, codified as Chapter 9, Article IV of the *Cumberland County Code*; a revised Fee Schedule; and revisions to the Rules and Regulations adopted pursuant to the ordinance. The Wrecker Review Board as been studying these revisions since August, 2011.

Below is a summary of the changes in each section of the proposed revised ordinance. The proposed Rules have been revised to reflect these changes.

Section 9-51. Definitions. Omits definitions not used in the revised ordinance.

Section 9-52. Policy. No changes.

Section 9-53. Rotation lists established; use by Sheriff and Highway Patrol. New title to section but no significant changes.

Section 9-54. Wrecker inspector; office created. No significant changes.

Section 9-55. Application for permit. No longer called "license" but called "permit" instead. Otherwise, no significant changes.

Section 9-56. Permitting. No longer called "license" but called "permit" instead. Otherwise, no significant changes.

Section 9-57. Mandatory refusal of application. No significant changes.

Section 9-58. Conditions precedent to issuance of permit. No significant changes.

Section 9-59. Duties and requirements of permitted operators under this article.

Significant changes are as follows:

- References recovery vehicles by the definitions used in Section 9-51.
- Allows phone listing outside normal phone book.
- Eliminates the requirement of attendant on duty on storage lot and allows 30 minute response time to meet someone at storage lot.
- Moves prohibition on referral of business to another section.
- Adds new requirement of 8 hours of approved training for all employees to be completed within 180 days of employment.

Old Section 9-60 on additional equipment authorized is removed. Can be handled by Rules.

Section 9-60. Storage of vehicles and personal property. Removes section on reimbursement by county and state for impoundment and storage of vehicles held for evidence in certain circumstances. The state is not bound by our ordinance and there is a judicial process for addressing this.

Section 9-61. Wrecker Review Board. No significant changes.

Section 9-62. Regulations/Rules. Makes it clear that Wrecker Review Board is advisory only with regard to establishing regulations/rules.

Section 9-63. Insurance. Increases garage and auto liability from \$300,000 to \$1,000,000. Prohibits coverage of multiple businesses on the required policies.

Section 9-64. Hold harmless provision. No significant changes.

Section 9-65. Cost and inspections. Eliminates the waiver of administrative fees for vehicles with zero salvage value. Otherwise, no significant changes.

Section 9-66. Fees. Gives the Board of Commissioners authority to adopt new fee schedule. Eliminates requirement of consultation with operators and public hearing.

Section 9-67. Solicitation of business; referral of business. Moves the referral of business section from the former section on duties of operators because operators have no control over the persons covered by the prohibition on referring services.

Section 9-68. Suspension or revocation of permit. Significant changes are as follows:

- Requires any notice of violation from wrecker inspector to be in writing rather than verbal warning.
- Adds failure to timely respond or unprepared responses as basis for suspension.
- Adds failure to comply with non-compliance notice from wrecker inspector within 60 days as additional grounds for revocation.
- Increases suspension period for first violation from 7 days to 30 days.
- Increases suspension period for second violation to 60 days.

Section 9-69. Appeal. No changes.

Section 9-70. Action pending appeal; lapse of time; waiver. No changes.

Section 9-71. Hearing; action of wrecker review board. No changes.

Section 9-72. Hearing procedures. No changes.

Section 9-73. Applicability of amendments to previously permitted operators; noncompliance. No changes.

Section 9-74. Operators prohibited from holding a permit. Clarifies that prohibition applies only to county employees directly involved in the administration of this article and adds their spouses to the list of persons prohibited from participating in rotation.

Section 9-75. Enforcement. Adds that failure to pay civil penalty results in suspension of permit until paid. Otherwise, no significant changes.

RECOMMENDATION/PROPOSED ACTION:

County Attorney recommends that the proposed changes be adopted.

ARTICLE IV. WRECKER & TOW SERVICE

Section 9-51. 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:

Applicant means a person, firm or corporation that has submitted an application for placement on the Rotation List, for the County of Cumberland.

Sheriff of Cumberland County or Office of the Sheriff means the elected Sheriff of Cumberland County or anyone designated by him to act on his behalf to administer and enforce this article.

County means Cumberland County.

Driver means any person driving a recovery vehicle upon the streets, roads and public highways of the County of Cumberland.

Heavy Duty Wrecker means a wrecker having tandem-axles and equipped with an apparatus rated a minimum of twenty-five (25) tons by the manufacturer and, in addition, a minimum of one hundred twenty-five (125) feet of 5/8" diameter cable on each winch.

Operator means a person, firm or corporation engaged in and operating the business of, or offering the services of, a vehicle wrecker or towing service whereby motor vehicles are or may be towed or otherwise removed from one place to another by the use of a motor vehicle manufactured and designed for the primary purpose of removing and towing disabled motor vehicles and has been placed by the county on the rotation list.

Recovery Vehicle means any wrecker or rollback as defined herein.

Rollback means a truck chassis having a minimum gross vehicle weight rating of 14,000 pounds, a minimum deck length of 18 feet, and being constructed of steel or aluminum. The deck must have a minimum load capacity of 7,000 pounds, a deck winch with a minimum capacity of 6,000 pounds, and a winch cable with a minimum diameter of 3/8" and a minimum length of 50 feet.

Rotation calls means calls for towing services made by the County of Cumberland, the Sheriff or the North Carolina State Highway Patrol using operators from the rotation list.

Rotation List means the two lists maintained by the county and used by the Sheriff or the North Carolina State Highway Patrol pursuant to this ordinance, containing the names of those operators authorized by the county to respond to requests made by either of the above agencies for the towing of vehicles and designated as follows:

- (1) There shall be a wrecker list for the towing of vehicles with a vehicle weight of eight thousand (8000) pounds or less and a heavy-duty wrecker rotation list for the towing of vehicles with a gross vehicle weight in excess of eight thousand (8000) pounds.

- (2) An operator, to qualify for the heavy duty wrecker list, must provide a heavy duty wrecker and in addition, a vehicle having a cab to axle distance of at least 102 inches, a wrecker apparatus rated at a minimum of fifteen (15) tons by the manufacturer, and at least one hundred twenty five (125) feet of 2" diameter cable on each winch.

Tow or towing means the act of moving damaged, disabled, or illegally parked vehicles, vehicles that must be moved for safekeeping and evidentiary purposes, and abandoned, wrecked, dismantled or inoperative vehicles constituting a nuisance.

Wrecker means a truck chassis having a minimum gross vehicle weight of fourteen thousand (14,000) pounds, a boom assembly having a minimum lifting power of sixteen thousand (16,000) pounds, a wheel lift having a minimum lifting power of three thousand (3000) pounds, as rated by the manufacturer, and any additional safety equipment required by the Rules & Regulations.

Wrecker Inspector means the person appointed by the Sheriff pursuant to Section 9-54 of this ordinance.

Section 9-52. Policy.

In order to protect persons who operate motor vehicles inside the county, it is desirable and necessary to adopt this article to ensure licensing, storage, availability, and other controls over persons and firms providing towing service.

Section 9-53. Rotation lists established; use by Sheriff and Highway Patrol.

(a) The county, through the North Carolina State Highway Patrol and Sheriff's Office, shall maintain a rotation list for wreckers and heavy duty wreckers, respectively. The North Carolina State Highway Patrol or Sheriff's Office, as applicable, shall ensure that wreckers are called to the scene of an accident or to impound vehicles on a rotating basis, distributing the calls in consecutive order from the wrecker rotation list or the heavy duty wrecker rotation list, as applicable.

(b) Operators on either rotation list shall respond to the scene of an accident or impoundment when they are called and shall work the accident or impoundment with appropriate equipment. Failure to respond or to respond in a timely manner shall result in the loss of the operator's then position on the rotation list. Multiple failures to respond or to respond in a timely manner may result in suspension of the operator's permit by the wrecker inspector.

(c) The applicable agency shall not call or cause to be called any wrecker operator not on the appropriate rotation list, unless no rotation list wrecker is available, or unless the owner of the vehicle to be towed, or the owner's agent, who is present on the scene, requests that a specific operator be called. The applicable agency may call a wrecker out of sequence on the rotation list where, due to a life-threatening or other emergency situation, proximity to the wreck, estimated response time or equipment needs make it advisable to do so. Out of sequence calls shall count as rotation calls.

Section 9-54. Wrecker inspector; office created.

There is hereby created the Office of Wrecker Inspector in the Sheriff's Office. The Sheriff

shall appoint the wrecker inspector, who shall be a sworn law enforcement officer. The wrecker inspector shall be responsible for:

- (1) The administration and enforcement of the wrecker ordinance and regulations/rules, and the safety and welfare of the public in connection with the operation and use of rotation wreckers;
- (2) The inspection of recovery vehicles;
- (3) Investigating complaints of violations by the operators on the rotation list and, for all appeals of suspensions or revocations, presenting the results of his investigations to the Wrecker Review Board;
- (4) Advising the Sheriff and the Wrecker Review Board with respect to matters governed by, or related to, the operation or administration of this article;
- (5) Making recommendations for consideration to the North Carolina State Highway Patrol, Sheriff and Wrecker Review Board with respect to the adequacy of wrecker service in the county to serve the public convenience and necessity and to further the policy stated in this article; and
- (6) All other duties as required by this article.

Section 9-55. Application for permit.

Any operator desiring to be placed on the rotation list to perform towing work at the request of the Sheriff's Office or North Carolina State Highway Patrol, shall submit a Wrecker and Tow Service Application or Annual Renewal Form in duplicate to the county wrecker inspector. Such forms shall be obtained from the Office of the Wrecker Inspector. This form shall state:

- (1) The name of the applicant/owner and name of the business if different from the name of the owner, as well as home and business address and telephone numbers;
- (2) That the storage lot on which towed vehicles will be stored is located within the county along with the lot's physical address and additional information concerning the lot size and security features for the lot;
- (3) The towing equipment available, specifying its size and capacity;
- (4) A complete listing of the insurance policies complying with Section 9-63 which the applicant would place into effect upon permit approval, including the name and telephone number of the agent;
- (5) The name, address and copy of appropriate valid NC driver's license along with a certified DMV driving record for each driver employed by the operator; and
- (6) Such other information as the wrecker inspector may find reasonably necessary to determine whether or not the applicant will comply with the requirements of this article

and that it is in the best interest of the public health, safety and welfare to issue the applicant a permit.

Section 9-56. Permitting.

(a) Within sixty (60) days after receiving a complete "Wrecker and Tow Service Application or Renewal Form" the wrecker inspector shall conduct an investigation to determine if the applicant has complied with the requirements of this article, and that it is in the best interest of the public health, safety and welfare, that the applicant's name shall be placed on the rotation list. If the wrecker inspector denies an application, the applicant may appeal the denial to the county Wrecker Review Board in accordance with Section 9-69.

(b) After the initial permit is issued, the operator shall submit an annual renewal application and the wrecker inspector shall conduct annual inspections to insure that the operator continues to comply with the requirements of this article.

Section 9-57. Mandatory refusal of application.

The wrecker inspector shall deny any permit application if he finds that within the last three (3) years the applicant has been convicted of, entered a plea of no contest to, or received a prayer for judgment continued for a felony, a misdemeanor involving moral turpitude, driving under the influence of an intoxicating liquor or drug, reckless driving, death by motor vehicle, or has had his driver's license revoked for any reason.

Section 9-58. Conditions precedent to issuance of permit.

When an application is approved, a permit will be issued when the applicant has complied with the following conditions precedent to issuance of a permit:

- (1) Insurance policies required by this article have been procured from a company licensed to do business in North Carolina and proof of each such policy submitted to the wrecker inspector. Each policy shall be issued in the name of the operator.
- (2) The applicant has complied with all the other requirements of this article and other applicable laws and ordinances.

Section 9-59. Duties and requirements of permitted operators under this article.

(a) The operator shall provide and maintain an approved and appropriate recovery vehicle as defined in Section 9-51 and shall operate said vehicle pursuant to the manufacturer's operation manual.

(b) All recovery vehicles shall be equipped with warning lights required under state law. Recovery vehicles shall operate all warning devices while stopped in or near a street, highway, public vehicular area, or any other area where vehicles may travel. Recovery vehicles are not required to operate warning lights while in tow unless the vehicle is oversized or existing conditions require towing the vehicle substantially below the speed limit. A wrecker or rollback with a vehicle in tow must have auxiliary tow lights attached to the towed vehicle in a manner that allows following traffic to observe whether the towing unit is turning or braking. If a

rollback is transporting a vehicle on the bed and the turn and brake lights are visible to the rear, no auxiliary tow lights are necessary. Recovery vehicles shall be marked in accordance with N.C. General Statute 20-101.

(c) The operator shall provide storage space to properly accommodate and protect a minimum of fifteen (15) motor vehicles, towed or otherwise. The storage lot shall be located in Cumberland County. The storage space shall be enclosed by a minimum six (6) feet-high chain link fence, or a fence of similar strength, and shall have all entrances and exits secure from public access. If the operator is on the heavy duty wrecker rotation list, the storage lot must be large enough to accommodate at least one tandem axle tractor truck, one fifty-three (53) foot box trailer and fifteen (15) other vehicles at the same time.

(d) The operator will maintain an office for the towing business at the storage lot location, and will provide a lockable storage room or vault to secure and protect personal property which may have been left in vehicles towed. Operators are prohibited from sharing any office space, employees or equipment with other operators who are on either rotation list.

(e) The operator will maintain a business within the County of Cumberland and shall at a minimum maintain a white-pages telephone listing, yellowbook.com listing or yellowpages.com listing, that includes the full name of the operator, a twenty four (24) hour phone number and the physical address of the business and storage lot.

(f) The operator shall provide continuous 24-hour-a-day tow and pick-up service each day of the year, and there shall be a sign posted at the entrance of the storage lot with the name of the business and a direct phone number for the operator. Standard business hours for a storage lot shall be from 8:00 a.m. to 5:00 p.m., Monday through Friday. Holidays recognized by Cumberland County may be excluded from standard business hours for a storage lot. The operator shall respond at the storage lot during standard business hours within thirty (30) minutes of receiving a phone call from a person requesting to pick up personal property or a vehicle. An operator may charge an after hours access charge only when responding to the storage lot outside of standard business hours and only after advising the person making the request that an after-hours fee will be charged.

(g) The operator shall not release any vehicle directly impounded by Cumberland County, the Cumberland County Sheriff's Office or the North Carolina State Highway Patrol without authorization from the impounding officer or a representative from the impounding agency.

(h) The operator shall ensure that all drivers responding to rotation calls hold an appropriate North Carolina driver's license. The operator shall immediately inform the wrecker inspector of any suspension or revocation of the driver's license of any of its employees responding to rotation calls.

(i) Drivers employed by operators are required to attend and successfully complete eight (8) hours training and pass a written test pertaining to the towing and recovery of vehicles. This training shall be conducted by a recognized training facility or by a trained and certified instructor. In order to qualify, any training must be approved in advance in writing by the

wrecker inspector. The operator shall provide proof of the driver's successful completion of this training to the wrecker inspector within 180 days of the employment of such driver.

(j) The operator shall assume all liability for and indemnify and save the county, Sheriff and North Carolina State Highway Patrol harmless from liability for damages sustained by vehicles or personal property while being towed or stored, and for all personal injuries occurring to any of the operator's employees or other persons.

(k) The operator shall maintain the insurance policies required by Section 9-63.

(l) The operator shall charge no more for towing services pursuant to this article than such maximum rates as may be set by the Cumberland County Board of Commissioners.

(m) Operators shall perform towing services for the North Carolina State Highway Patrol and the Sheriff's Office on a rotation basis from the rotation lists in accordance with this article and any rules or regulations approved by the Cumberland County Board of Commissioners for the implementation and administration of this article.

(n) No operator shall use information received by short wave, microwave communication or by other radio frequency device to solicit business subject to being dispatched as a rotation call. This shall include the use of cell phones, radios or any device that can be used to receive or send communications.

(o) Operators shall not, without the express authorization of a law enforcement agency, move any vehicle from a highway or street or from public property when such vehicle is abandoned or stolen, or has been involved in an accident resulting in property damage in excess of five hundred dollars (\$500.00) or personal injury or a death.

Section 9-60. Storage of vehicles and personal property.

Every operator shall secure in a safe manner any vehicle or personal property contained in or attached to a towed vehicle that comes into the operator's custody pursuant to this article. The area within which towed vehicles and/or personal property shall be stored will meet the minimum requirements of Section 9-59 (c). If at the time the vehicle is towed, the operator's storage area is full, the operator shall secure the vehicle and/or personal property elsewhere as designated by the North Carolina State Highway Patrol or the Sheriff's Office. If a vehicle or personal property in the operator's custody has been confiscated under any statutes or is evidence in a criminal investigation, and the operator's area storage is full, then the operator shall immediately contact the wrecker inspector, or the Highway Patrol sergeant on duty and follow their written instructions to secure the vehicle and/or personal property in a safe manner. The operator shall take reasonable precautions to secure and keep safe from damage vehicles and personal property in the operator's possession. An operator shall not be deemed in violation of this article if the operator has taken such reasonable precautions and a vehicle is nevertheless damaged or property is stolen from the storage area.

Section 9-61. Wrecker Review Board.

(a) There is hereby established a Wrecker Review Board to hear appeals from any decision of the wrecker inspector pursuant to this article, to advise the wrecker inspector as to the regulations needed to enforce this ordinance, and to recommend amendments to the fee schedule, regulations/rules and this article to the Board of Commissioners. The board shall be composed of a chairman, two (2) individual operators selected by a majority vote of all operators, one (1) individual appointed by the Sheriff holding the rank of sergeant or higher, and one (1) individual appointed by the Commander, Troop B North Carolina State Highway Patrol. The chairman shall be selected by the County Board of Commissioners, and shall be a disinterested person who is not a wrecker owner or operator, or a county employee. All members shall serve for terms of two (2) years, and no member shall serve more than two (2) consecutive terms. The wrecker inspector shall serve as an advisor to and shall present complaints and make recommendations to the Wrecker Review Board.

(b) Any operator who is a Wrecker Review Board member and whose permit is suspended is eligible to continue service as a Board member during any period of suspension. Any operator who is a Wrecker Review Board member and whose permit is revoked shall not be eligible to be a member of the Board during the revocation period.

(c) The Wrecker Review Board shall meet at least annually, and as needed upon the determination of the Chairman or as scheduled by the Board.

Section 9-62. Regulations/Rules.

The Board of Commissioners, from time to time, may adopt such regulations and rules as deemed advisable for the administration of this article, whether on the recommendation of the Wrecker Review Board or on the initiative of the Board of Commissioners.

Section 9-63. Insurance.

The following are the minimum insurance requirements to be kept and maintained by any permitted operator under this article at all times such permit is in effect:

- (1) Garage and Auto Liability policy. A garage liability policy covering the operation of the operator's business equipment, or other vehicles for any bodily injury or property damage. This policy shall be in the minimum amount of \$1,000,000.00
- (2) Garage Keeper's and On-Hook Coverage policy. A garage keeper's liability policy for each storage premises covering fire, theft, windstorm, vandalism and explosion in the amount of \$100,000.00 (\$20,000.00 per claim per vehicle). This shall not be a requirement for open storage areas. Similarly, each operator must have its own "on hook" insurance policy in the minimum amount of \$100,000.00.
- (3) Notice of change. Each policy required under this section must contain an endorsement by the carrier providing ten (10) days' notice to both the Sheriff's Office, and the insured in the event of any change in coverage under this policy.
- (4) All insurance policies shall be issued in the name of the permitted operator. Operators are prohibited from including multiple businesses on one policy, or having any other business listed as additional insured on any required policies.

Section 9-64. Hold harmless provision.

The operator shall indemnify, save and hold harmless Cumberland County; the Sheriff; the Sheriff's Office; the employees, agents, officers and deputies of the county, the Sheriff and the Sheriff's Office; the North Carolina State Highway Patrol and its troopers, agents and employees, from any and all claims, actions, defenses, suits, and proceedings arising out of any act by an operator, or on behalf of an operator by any employee or agent of the operator, which act is the proximate cause of damage to any vehicle or loss to personal property stored or towed by a operator or to any person incident to the recovery and or towing of any vehicle pursuant to this article.

Section 9-65. Costs and inspections.

(a) All costs incident to towing and storage shall be the responsibility of and paid by the owner, or person in charge or possession of the towed and stored vehicle, to the operator and a written receipt shall be issued to the person or entity paying the costs and charges.

(b) Neither the county, the Sheriff nor the North Carolina State Highway Patrol shall assume any liability or responsibility for any vehicle removed from any place without the authority of the North Carolina State Highway Patrol or Sheriff. Each operator shall maintain approved records and a claim check system to assure release of vehicles to the rightful owner or authorized person. Such records shall be open to the authorized agency and the wrecker inspector for the investigation of specific written complaints and for compiling surveys under this article. Any operator shall permit any person delegated by the wrecker inspector to inspect its records, vault, security room, or storage area at such reasonable times as the wrecker inspector shall deem appropriate.

(c) Each operator shall collect any administrative cost payable to the county and imposed by this article at the same time that costs of towing and/or storage are collected and this administrative cost shall be remitted to the county Finance Office by the operator when billed by the county. Fees will be paid by the due date. Operators which are more that thirty (30) days late with their fees, will be removed from the rotation, until their fees are paid up to date.

Section 9-66. Fees.

Upon the recommendation of the Wrecker Review Board, the Board of Commissioners may, from time to time, establish the fees that may be charged for services provided by permitted operators, including any administrative or operational fee necessary to administer this article.

Section 9-67. Solicitation of business; referral of business.

(a) It shall be unlawful for the operator of any wrecker or person acting on behalf of any wrecker or towing service, whether that vehicle or towing service holds a permit under the provisions of this article or not, to stop within fifteen hundred (1500) feet of the scene of an accident or disabled vehicle either for the purpose of soliciting an engagement for towing service and/or repair service in connection therewith, either directly or indirectly, or to contact the owner/operator or legal possessor of a disabled or wrecked vehicle, either directly or indirectly, for the purpose of soliciting business or to furnish any towing service and/or any repair service in connection therewith, unless the wrecker operator has been summoned to such scene by the owner/operator or legal possessor of a disabled or wrecked vehicle, or a relative thereof, or has been requested to perform such service at the request of a law enforcement officer or agency

pursuant to that agency's procedures. For the purpose of this section, unlawful solicitation shall include, but not be limited to, the distributing of business cards, tokens, or items of any kind bearing the name of a wrecker or towing firm within fifteen hundred (1500) feet of the scene of an accident or disabled vehicle by a business not summoned to such scene as provided herein.

(b) No employee, volunteer or person associated with any entity, including but not limited to any volunteer fire department or rescue squad, that receives funding from or through the county shall directly or indirectly solicit business for or refer anyone to a wrecker operator to receive towing services that otherwise would be subject to a rotation call. A violation of this subsection shall subject the violator to a civil penalty to the same extent as any other violation of this article as provided in Section 9-76.

Section 9-68. Suspension or revocation of permit.

(a) The wrecker inspector may suspend or revoke a permit issued under this article as provided in subsection (b) for the following grounds:

- (1) Any permit was secured by fraud or by the concealment of a material fact by the operator and such fact, if known, would have caused a refusal to issue a permit.
- (2) The operator has materially violated any of the provisions of this article or the regulations/rules adopted by the Cumberland County Board of Commissioners for the administration of this article after having been issued a written warning from the wrecker inspector for a prior violation of the same provisions, regulations or rules.
- (3) Services rendered by the operator are determined by the wrecker inspector to be detrimental to the public health, safety, or welfare.
- (4) The operator paid any third person a gratuity for information, or received and acted on information from any county employee or county volunteer as to the location of an accident or disabled vehicle.
- (5) The operator violated the fee schedule by overcharge, charges not listed on the Fee Schedule for Rotation Wreckers, or false charges for services not rendered.
- (6) The operator has failed to maintain a wrecker in good working condition.
- (7) The operator has failed to pay any applicable permit fee due pursuant to this article.
- (8) The operator has failed to provide a copy of an appropriate and valid NC driver's license and a certified copy of the driver's DMV record within thirty (30) days of the driver's employment or has used a driver on a rotation call who has not received the training required in Section 9-59(i) within 180 days of the driver's employment.
- (9) The operator has failed to report accidents while towing rotation call vehicles or to furnish such records and reports as may be required by this article and/or the Wrecker Inspector.
- (10) The operator has failed to comply with any of the provisions of state law related to the

operation of wreckers and/or provision of wrecker service.

(11) The operator has repeatedly failed to timely respond to rotation calls or has repeatedly responded in an unprepared manner.

(12) The operator has failed to comply with any provision of this chapter within sixty (60) days of written notice of noncompliance or the decision of the Wrecker Review Board on an appeal of the noncompliance determination by the wrecker inspector.

(b) If the wrecker inspector determines that any of the above violations have occurred he may revoke or suspend an operator as follows:

(1) For a violation of Section 9-69(a) (1) or (12), revocation;

(2) For a first time violation of Section 9-69(a) (2) through (11), suspension for thirty (30) days;

(3) For a second violation of Section 9-69(a) (2) through (11), within a period of two (2) years from the date of the first suspension, suspension for sixty (60) days; and

(4) For a third violation of Section 9-69(a) (2) through (12), within a period of two (2) years from the date of the first, revocation.

(c) Any operator who has his permit revoked shall be eligible to apply for a new permit two (2) years from the date of the revocation.

(d) The notice of revocation or suspension by the wrecker inspector shall be in writing and notify the operator of:

(1) The nature of the violation;

(2) The wrecker inspector's decision whether the operator should remain on the rotation wrecker list, should be suspended or its permit revoked; and

(3) That the operator has a right to appeal the decision of the wrecker inspector to the Wrecker Review Board.

Section 9-69. Appeal.

An operator may appeal a revocation or suspension of the wrecker inspector in writing within ten (10) calendar days of receipt of the notice of such revocation or suspension. Any appeal may be filed either with the wrecker inspector or with the chairperson of the Wrecker Review Board. Such appeal shall briefly state the basis for the appeal.

Section 9-70. Action pending appeal; lapse of time; waiver.

If an appeal is not taken within the time prescribed, then the action of the wrecker inspector shall become final upon the expiration of the time within which an appeal could have been taken. The timely filing of a notice of appeal shall stay the effect of the wrecker inspector's decision

until a final action by the Wrecker Review Board on such appeal.

Section 9-71. Hearing; action of wrecker review board.

(a) The hearing before the Wrecker Review Board shall be limited to a determination of whether the action of the wrecker inspector, as reflected in the notice served on the operator, was in the best interest of public health, safety, and welfare of the public served by wrecker operators. The appellant shall be permitted to present any evidence relevant to the subject matter of the appeal. The hearing shall be administrative in nature, and the action of the Wrecker Review Board shall be final. The Wrecker Review Board shall announce its decision at such hearing or any continuation thereof.

(b) The Wrecker Review Board may continue any hearing upon forty-eight (48) hours written notice prior to the date of the hearing; however, if the Wrecker Review Board affirms the decision of the wrecker inspector, then the effective date of its decision shall be the date of the hearing.

Section 9-72. Hearing procedures.

An appeal hearing before the Wrecker Review Board shall comply with the following procedures:

- (1) The hearing shall be subject to the Open Meetings law;
- (2) The appellant may elect to represent himself or be represented by an attorney of his own choice at his own cost;
- (3) The appellant shall be entitled to make any statements or present any witnesses on his behalf that he desires;
- (4) The hearing shall be administrative in nature, and there shall be a right of cross-examination; and
- (5) The appellant shall be entitled to record and/or transcribe the proceedings at his own cost.

Section 9-73. Applicability of amendments to previously permitted operators; noncompliance.

Whenever this article is amended from time to time by the Board of Commissioners and any amendment shall render any then-approved operator in noncompliance with this article upon the amendment's effective date, a non-complying operator shall have a period of one (1) year from the effective date of the amendment of the article within which to comply.

Section 9-74. Operators prohibited from holding a permit.

No operator which employs any of the following persons, or in which any financial interest is owned by any of the following persons, shall be permitted to provide towing services under this article:

- (1) A Cumberland County Commissioner;
- (2) An employee of Cumberland County or the Cumberland County Sheriff's Office who is directly involved with the administration of this article;
- (3) An employee of the North Carolina State Highway Patrol who is directly involved in the administration of this article; or
- (4) The spouse of any of the above persons.

Section 9-75. Enforcement.

(a) Any violation of this article shall subject the violator to a civil penalty in the nature of a debt. The amount of the penalties shall be as follows:

- (1) For a violation of Section 9-67 by solicitation or referral of business for towing a vehicle with a gross vehicle weight of over eight thousand (8000) pounds, the amount of the civil penalty shall be Three Thousand Dollars (\$3,000);
- (2) For a violation of Section 9-67 by solicitation or referral of business for towing a vehicle with a gross vehicle weight of eight thousand (8000) pounds or less, the amount of the civil penalty shall be Five Hundred Dollars (\$500); and
- (3) For all other violations of this article, the amount of the civil penalty shall be One Hundred Dollars (\$100).

(b) This civil penalty shall be imposed by a citation served by the wrecker inspector personally or by certified mail, return receipt requested. If the civil penalty is not paid as set forth in the citation within thirty (30) days of receipt thereof, the wrecker inspector may institute an action for collection of the debt pursuant to N.C.G.S. 153A-123(c).

(c) If any permitted operator shall receive a citation and not pay the civil penalty as directed, the permit of such operator shall be suspended thirty (30) days after such operator has received the citation and shall remain suspended as long as the civil penalty remains unpaid.

Sections 9-76 through 9-79 Reserved.

Cumberland County Code
Chapter 9, Article IV-Wrecker and Tow Service
Rules and Regulations Adopted Pursuant to Section 9-62

Rule 1: Wreckers on the County Rotation Wrecker list, must be registered to the owner of the business and the registration must state the actual address of the business on the registration. All registrations must have a Cumberland County address.

Rule 2: Each Wrecker on the County Rotation Wrecker list must be equipped with the following service equipment:

- Ax
- Large Broom
- Fire Extinguisher that contains a charge gauge.
- Shovel
- Three (3) reflective triangles or three (3) traffic cones at least 18 inches in height.
- Two (2) snatch blocks
- Two (2) scotch blocks
- Dollies capable of highway speeds. Go-Jack type dollies do not qualify.
- Forty (40) pound bag of "Speedi-Dry" or similar type absorbent material.
- A minimum of one hundred (100) feet of cable measuring 3/8 inch in diameter.
- Rollbacks must have a minimum of fifty (50) feet of cable measuring 3/8 inch in diameter, plus recovery straps and or chains to reach a total distance of one hundred (100) feet. If chains are used, no more than three chains can be used at one time.

Rule 3: Each operator of a recovery vehicle must possess a valid North Carolina driver's license for the class of vehicle that he/she is operating.

Rule 4: The name of the Wrecker or Tow Service shall be clearly painted or stenciled on both sides of the wrecker or tow truck. The vehicle will be maintained in good working order and appearance. All required equipment must be in working order as designed by the manufacturer.

Rule 5: The rotation wrecker operator shall be responsible for clearing the debris (vehicle parts, glass, etc.) from the street or highway and removing that debris from the scene of the accident. No debris will be swept or placed on the side of the roadway and left at the scene of the accident.

Note: Rotation wreckers will not be responsible for removing "Speedy-dry" or other similar type materials. This material is to be applied to the roadway for the sole purpose of preventing further accidents due to lubricating fluids, grease, etc that is left on the

road surface to an accident or vehicle malfunction. Regular rotation wrecker operators are not required to perform environmental type clean-ups at the accident scene, unless the company has received special training and possess the proper equipment to do so.

Rule 6: Rotation wreckers must respond to the scene of a call within thirty (30) minutes from the time they are contacted by either Cumberland County dispatch or State Highway Patrol dispatch. If the rotation wrecker fails to respond within the prescribed time, the officer on the scene may request the next rotation wrecker to be called and the original wrecker will be turned back.

Rule 7: Rotation wreckers may refuse calls, however if they do, the call will be considered their rotation call and the next rotation wrecker operator will be called.

Rule 8: Wrecker safety and service equipment shall be subject to inspection by the wrecker inspector or his designee as deemed necessary to insure compliance with the County Code.

Rule 9: Rotation wrecker operators will maintain a file of all paperwork for rotation calls, and will at a minimum consist of billing paperwork, name and address of the owner if known, and dates and times the vehicle was picked up by the owner of the vehicle. This file will be subject to inspection by the wrecker inspector if deemed necessary to insure compliance with the County Code or to investigate complaints.

Rule 10: There will be a list maintained for "large wreckers" for the purpose of handling large truck wrecks, disabled trucks, etc. In order to be placed on the Large Wrecker list an operator must meet the following specifications:

- A. A towing company must meet all requirements for the regular rotation plus each towing company must have a minimum of two (2) large wreckers. One of the large wreckers must be equipped with tandem axles and be equipped with a wrecker apparatus rated at a minimum of twenty-five (25) tons by the manufacturer. This wrecker must have a minimum of one hundred twenty-five (125) feet of cable measuring 5/8 inch on each winch.
- B. The additional large wreckers can be a single or tandem axle truck. A single axle wrecker must have a minimum cab to axle length of one hundred two inches (102") in a wrecker apparatus rated at a minimum of (15) fifteen tons by the manufacturer. All additional wreckers must have a minimum of one hundred twenty-five feet of cable ½ inch in diameter on each winch.
- C. The "large wreckers" will be equipped with all service equipment listed in Rule 2, with the exception of dollies.
- D. All "large wreckers" on the Large Rotation list must be equipped with air brakes and air hookup to provide air to the vehicle being towed including air for trailer brakes and trailer(s) in tow.

- E.** Each Operator on the large wrecker rotation list must have a minimum of one large wrecker equipped with an underlift rated at a minimum of twelve thousand (12,000) pounds lift when extended seventy-five (75) inches as rated by the manufacturer.

Rule 11: An operator on the rotation list under the County Code, may respond to rotation calls only with a wrecker that has been inspected and displaying a current permit of inspection by the Wrecker Inspector. If a company replaces or purchases a different vehicle, it must be inspected prior to being used to respond to County or State rotation calls.

Rule 12: Operators shall store vehicles at their designated storage yards unless the wrecker and tow service is instructed to carry the vehicle to another location. The wrecker inspector must be notified thirty (30) days prior to an operator changing its storage lot location. The storage lot shall be inspected and approved by the wrecker inspector prior to any rotation wrecker calls being stored at a location other than that which was previously designated by the wrecker or tow service company.

Rule 13: If an operator is arrested for violation of criminal statutes regarding the possession, sale, transportation or use of narcotics, that wrecker and tow service company will be suspended or revoked from the rotation list as follows:

- A.** For a first offense, suspension for a period of ninety (90).
- B.** For a second offense within five (5) years of the date of the first violation, revocation.
- C.** If the operator is arrested for violation of trafficking in narcotics the company will be immediately revoked from the rotation list.
- D.** If an employee, while operating a wrecker operating under this article commits any offenses listed above, the same suspension or revocation shall apply.

Rule 14: Companies on the rotation list, will only have one (1) phone number listed with the dispatchers. That number will be called by the dispatchers. Dispatchers will let the phone ring for a minimum of five rings. If there is no answer, the company will lose that rotation call and the next company on rotation will be called.

Rule 15: A wrecker company will receive a make up call or be placed back on top of the rotation list, only under the following conditions:

- A.** Circumstances beyond the control of the requesting agency.
- B.** At the direction of the wrecker inspector.

Rule 16: All complaints received from an operator shall be in writing and will be addressed to:

Sheriff Earl Butler
Attn: Wrecker Inspector
131 Dick Street
Fayetteville, NC 28301

If the complaint concerns the actions of a Deputy Sheriff, the complaint can be made to the supervisor in the Office of Professional Standards at phone number 677-5419 or mailed to:

Sheriff Earl Butler
Office of Professional Standards
131 Dick Street
Fayetteville, NC 28301

Rule 17: Operators must respond to each rotation call only with the correct rotation tow truck from the rotation company called. The operator cannot have another towing company recover or tow the rotation call for them. Companies that attempt to have another company pick up a rotation call, will be turned back and will lose that rotation call. Operators may receive assistance on a recovery from another towing company, but the assisting company must use tow trucks approved as rotation wreckers by the County or Highway Patrol. The operator given the call, must be involved one hundred percent (100%) in the recovery and only use another company if needed.

Rule 18: Operators will not call the Communications Departments to determine their current standing on the rotation wrecker list.

Rule 19: If an operator on suspension from the wrecker list is called in error by the communications department, that company will refuse the call and notify the wrecker inspector. Response to a rotation wrecker call for service while on suspension will be considered a secondary violation.

Rule 20: Complaints of overcharge will be investigated by the wrecker inspector when those complaints are received in writing from citizens. Upon completion of the investigation the findings will be provided to the complainant and the operator (citizen and wrecker company). If the complaint is registered by another rotation wrecker company, the operator will be called upon to testify at any Wrecker Review Board Hearing.

Rule 21: Owners will be allowed only a maximum of two companies on the rotation wrecker list. If the business has two (2) companies at the same location, each business must maintain a separate office with a separate public entrance and a separate storage lot with separate street access.

Rule 22: Companies wishing to remain on the County and Highway Patrol rotation must pay their renewal fees by January 1st of each year. Companies which are delinquent in

the payment of renewal fees will be dropped from the rotation after thirty (30) days. Companies paying after they have been dropped will remain off the rotation for an additional thirty (30) days.

Rule 23: Companies failing to pay dispatch fees after thirty (30) days will be removed from the County and Highway Patrol rotation until the delinquent fees are paid in full.

Rule 24: Upon request or demand, the rotation wrecker companies will return personal property stored in or with the vehicle, whether or not the towing, repair, or storage fee on the vehicle has been or will be paid. Personal property for the purposes of this provision, includes any goods, wares, freight or any other property not requiring tools to remove from the vehicle.

Rule 25: The wrecker companies shall tow disabled vehicles to any destination within the county requested by the vehicle owner or other person with apparent authority, after financial obligations have been finalized by the owner or other person with apparent authority.

FEE SCHEDULE FOR ROTATION WRECKERS

<u>TYPE OF SERVICE</u>	<u>AMOUNT</u>
Towing service call, 24-Hours a Day	\$175.00
Use of dollies	\$ 75.00
Labor charge for recovery	\$180.00 per hour
Use of Speedi-Dry or other absorbent	\$25.00
Recharge Fire Extinguisher	\$25.00
Vehicle storage inside building or under shelter	\$35.00 per day
Vehicle storage outside	\$25.00 per day
Administrative fee	\$40.00
Tow mileage fee	\$2.00 per mile
Wait charge (Does not include hook-up. Time starts 10 minutes after hook-up complete)	\$1.50 per minute
After hours charge (Access to lot after hours)	\$75.00

FEE CHARGED TO WRECKER AND TOWING SERVICE

<u>FEE FOR:</u>	<u>AMOUNT</u>
Initial application and inspection	\$100.00 Plus \$100.00 per wrecker
Annual inspection and license renewal	\$50.00 Plus \$100.00 per wrecker
Administrative / Dispatch Fee Paid by towing customer to Cumberland County (Collected by Towing Firm on each rotation call)	\$15.00