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ORDINANCE NO. 3512
AN ORDINANCE AMENDING ORDINANCE NO. 2336,
COMMONLY REFERRED TO AS THE "TOWING ORDINANCE"
AND IS FOUND IN AND IS CODIFIED AS CHAPTER 115
OF THE CITY OF NEW CASTLE CITY CODE

WHEREAS, the City last reviewed its regulations regarding vehicular towing when it passed Ordinance No. 2336 on May 19, 1980, and

WHEREAS, it has been determined that it is in the best interest of the citizens of the City of New Castle to reevaluate this ordinance and change certain provisions while adding other provisions, and

WHEREAS, these amendments are made to protect the public health, safety and welfare.

NOW THEREFORE BE ORDAINED BY THE COMMON COUNCIL OF THE CITY OF NEW CASTLE that Ordinance No. 2336, commonly known as Chapter 115 of the New Castle City Code is hereby amended as follows:

1. Section 115.04 of the New Castle City Code is amended as follows:
 - (a) Provisions (H) through (E) shall remain unchanged.
 - (b) The following paragraph shall be added:
 - (F) All impoundment or storage lots must be properly secured with suitable locking devices and must bear identification signs indicating that they are approved impoundment sites and set forth on said signs the hours of operation of the particular impoundment lot.
 - (c) The following paragraph shall be added:
 - (G) All individuals who operate tow vehicles who are hereby referred to as "tow truck driver", must be properly licensed pursuant to the provisions of the Indiana Bureau of Motor Vehicles (have CDL license) and have property medical clearance and documentation to show that they meet all statutory requirements to operate a towing vehicle and must be able to produce those documents upon request to City officials. Further, all tow truck drivers must be subject to criminal background checks and random drug testing. These checks and tests must be reviewable and approved by the Chief of the New Castle Police Department.
 - (d) The following paragraph shall be added:
 - (H) The annual federal inspection report, proof of insurance, and copies of appropriate driver's license of tow truck drivers must annually be supplied to the New Castle Police Department where they will be kept on

file and will become public records available for inspection by the public.

(e) The following paragraph shall be added:

(I) All appropriate and necessary forms and documents required by the State of Indiana must be completed as required by the State of Indiana. This would include but not be limited to meeting the requirements of I.C. 9-22-1 et seq. and completing State Form 4166, R-11 396 or any successor forms thereto, on all impounded vehicles.

(f) The following paragraph shall be added:

(J) All tow trucks must bear, in a visible location on each side, the name of the company, the phone number of the company, and the Indiana Department of Transportation approval number so that same may be clearly visible to the public and easily read.

2. Section 115.05 shall be amended by adding the following paragraph:

(H) No more than four (4) towing companies shall be on the City's rotation at any one time.

3. Section 115.06 the service fee or fee schedule shall be amended as follows:

(A) The maximum fee set forth in rhetorical paragraph (1) shall be reduced from \$45.00 to \$40.00 for a straight tow. Said section shall be amended to read as follows:

"Towing fees for a straight tow shall not exceed \$40.00"

(B) Section (B)(2) shall be amended as follows:

"Tows from vehicular accident sites, removing vehicles over embankments or in deep snow or mud may be charged at the maximum rate of \$80.00 per hour and at the minimum rate of \$40.00 per hour. That the rate to be charged shall be determined on a case by case basis based upon the difficulty of the individual towing task, the amount of equipment required, and the expertise needed by the tow truck driver to complete the task."

(C) Paragraph (B)(3) shall be amended to read as follows:

"Tows or hauls for bicycles and mopeds shall be \$30.00. Tow or hauls for motorcycles shall be \$75.00."

(D) Rhetorical paragraph (B)(e) shall be amended as follows:

Storage charges. Storage starts on the day of impoundment for a 24-hour period. The impoundment tow charge will be \$40.00 for cars and light trucks. The impoundment storage rate shall be \$15.00 per day. No personal belongings or personal property located in the vehicle towed shall be returned to the owner until the tow charge is paid in full. However in all cases, children's car seats, medications, wallets, and purses, shall be returned upon request without regard to payment of the aforementioned fees.

All other provisions of Ordinance 2336, New Castle City Code Chapter 115 not amended or changed by this Ordinance shall in full force and effect.

REPEALER: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SEVERABILITY: Any provision herein contained which is found by a court of competent jurisdiction to be unlawful or which by operation shall be inapplicable, shall be deemed omitted but the rest and remainder of this ordinance, to the extent feasible, shall remain in full force and effect.

EFFECTIVE DATE: This Ordinance shall become effective immediately upon passage and publication as provided for by law.

ADOPTED BY THE COMMON COUNCIL OF THE CITY OF NEW CASTLE
THIS ____ DAY OF _____, 2007.

Tom Nipp, Presiding
Officer, Common Council, City
of New Castle, Indiana

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ATTEST:

Janice Lavarnway,
Clerk-Treasurer

APPROVED BY ME THIS ____ DAY OF _____, 2007.

Tom Nipp, Mayor of the City
Of New Castle, Indiana