

ORDINANCE NO. 746

AN ORDINANCE RELATING TO REGULATION OF TOWING SERVICE CONTRACTS, AMENDING CODE SECTION 11.08, AND DECLARING AN EMERGENCY

WHEREAS, pursuant to various sections of the Scappoose City Code (“Code”) and Oregon Revised Statutes, the City of Scappoose (“City”) Police Department has authority to tow vehicles as part of its law enforcement activities, and City-owned vehicles require towing from time to time; and

WHEREAS, the City may enter into contracts with private towing companies to provide these services; and

WHEREAS, the City’s contract with Grumpy’s Towing has expired, and the City desires to extend this towing contract as soon as possible; and

WHEREAS, Code Section 11.08 imposes requirements on towing and storage businesses, including establishing required terms of agreements with such companies; and

WHEREAS, changes are needed to Code Section 11.08 to make it consistent with Oregon law; now therefore,

THE CITY OF SCAPPOOSE ORDAINS AS FOLLOWS:

1. Code Section 11.08.010(B)(3) is revised to read as follows:

“As provided by law, a towing company shall have a lien on the vehicle and its contents for the just and reasonable charges for the towing service and any storage provided, in amounts established in the agreement. If the towing company sells a vehicle for salvage or at auction, the towing company shall recover the amount of its lien from proceeds from the sale, and any surplus shall be turned over to the City.”

2. Code Section 11.08.010(B)(4) is hereby deleted, and subsequent sections renumbered accordingly.

3. Code Section 11.08.010(B)(5) is revised to read as follows:

“The City may require the following in any contract with a towing company responsible for towing vehicles illegally parked on private property:

- “a. That the towing company accept payment other than, and in addition to, cash.
- “b. That the towing company post fees in a conspicuous place at the location of the towed vehicles.

- “c. That any posted signs that warn of the possibility of towing, or that give information about recovery of a towed vehicle, be prominently displayed and show the fees charged to recover a towed vehicle.
- “d. That the towing company offer transportation at a reasonable cost from within the immediate vicinity of the place from which the vehicle was towed to the towed vehicle.
- “e. That the towing company establish locations for towed vehicles in such a way that no vehicle will be towed a greater distance than is necessary and reasonable.
- “f. That towed vehicles be stored in a public location that has at least one attendant on duty at all times.”

4. Code Section 11.08.010(B)(6) is revised to read as follows:

“The towing company shall maintain liability insurance with a limit of at least \$750,000 per accident, or as required by the Department of Transportation. The City shall be named as an additional insured on such policy. The towing company shall hold the city harmless from all claims for injury or damages arising out of the company’s performance of the agreement, including the costs of defending the City against such claims.”

5. Emergency.

The City Council finds that in order to promptly initiate the process for entering into a towing contract, the provisions of this ordinance must be in effect immediately. Therefore, an emergency is declared to exist, and this ordinance shall take effect upon its passage.

Passed and adopted by the City Council this 7day of June, 2004 and signed by the Mayor and City Recorder in authentication of its passage.

CITY OF SCAPPOOSE, OREGON


Glenn E. Dorschler, Mayor

Attest:


Susan Pentecost, City Recorder