

1 CITY OF SANTA FE, NEW MEXICO

2 ORDINANCE NO. 2011-21

3  
4 AN ORDINANCE

5  
6 REPEALING ARTICLE 20-21 SFCC 1987 AND CREATING A NEW ARTICLE 20-21  
7 SFCC 1987 REGARDING VEHICLE TOWING SERVICES.

8  
9 BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SANTA FE:

10 Section 1. [REPEAL.] Article 20-21 SFCC 1987 (being Ord. #1986-65, §§1-7  
11 and §9) is repealed.

12 Section 2. A new Article 20-21 SFCC 1987 is ordained to read:  
13 20-21 [NEW MATERIAL] TOWING SERVICES

14 Section 3. A new Section 20-21.1 SFCC 1987 is ordained to read:  
15 20-21.1 [NEW MATERIAL] Short Title.

16 Article 20-2.1 shall be cited as the "Towing Services Ordinance".

17 Section 4. A new Section 20-21.2 SFCC 1987 is ordained to read:  
18 20-21.2 [NEW MATERIAL] Legislative Findings; Purpose.

19 A. The governing body finds it necessary to register and regulate businesses  
20 engaged in vehicle towing services when such services are performed for the city of Santa Fe.

21 B. The purpose of this Ordinance is to protect persons who operate motor vehicles  
22 within the city limits; insure that the streets, public ways and public property of the city of Santa  
23 Fe remain open and free of hazard to the public; and cause the efficient enforcement of the city's  
24 traffic, parking, snow removal and other regulatory ordinances.

25 Section 5. A new Section 20-21.3 SFCC 1987 is ordained to read:

1           **20-21.3 [NEW MATERIAL] Definitions.**

2           *Chief of police* means the chief of the Santa Fe police department, or the chief’s designee.

3           *Principal place of business* means the one location where the main business activities of  
4 the wrecker company, also known as “the wrecker” are located as evidenced by its office space,  
5 auto storage space, towing vehicle storage space, payment of related taxes and identification as  
6 such on official business filings with the New Mexico taxation and revenue department and the  
7 internal revenue service.

8           *Towing list* means a list maintained by the Santa Fe police department containing the  
9 names of those wrecker companies registered by the city to respond to requests for the towing of  
10 vehicles made by the Santa Fe police department.

11           *Wrecker or wrecker company* means a business engaged in, or offering towing services,  
12 whereby motor vehicles are or may be towed or otherwise removed from one place to another by  
13 the use of a towing vehicle specifically adapted to and designed for that purpose.

14           **Section 6.       A new Section 20-21.4 SFCC 1987 is ordained to read:**

15           **20-21.4 [NEW MATERIAL] Requirements.** Each wrecker company registered with  
16 the city police department shall continuously comply with the following minimum requirements.

17           A.       The wrecker company shall be a legally organized business, having its principal  
18 place of business within Santa Fe county but not more than ten (10) miles of the Santa Fe city  
19 limits.

20           B.       The wrecker company shall own and operate its own towing vehicles and shall  
21 supply to the chief of police satisfactory evidence of such ownership, including vehicle  
22 registration, title and insurance.

23           C.       The wrecker company shall maintain satisfactory and secure storage facilities  
24 within Santa Fe county but not more than ten (10) miles of the Santa Fe city limits for those  
25 vehicles towed.

1           D.       The wrecker company shall maintain public liability insurance, on-the-hook and  
2 garage keepers' liability insurance and any other insurance required by the New Mexico public  
3 regulation commission. A copy of the certificate of insurance shall be submitted to the city of  
4 Santa Fe; and each policy shall have the city of Santa Fe listed as an additional insured. The  
5 intent of this section is that the minimum amount of insurance required shall at a minimum equal  
6 the limitation of damages as required by the New Mexico public regulations commission.

7           E.       The wrecker company shall hold the city of Santa Fe harmless from all claims for  
8 damages to property and injuries to persons resulting from wrecker company's negligence in the  
9 towing of or storage of vehicles.

10          F.       The wrecker company shall agree to use the tariff schedule provided by the New  
11 Mexico public regulation commission when called out by the police department to tow privately  
12 owned vehicles not impounded by the city of Santa Fe, and contracted fees for vehicles  
13 impounded to any of the Santa Fe police impound lots.

14          G.       The wrecker company shall maintain such records as required by the chief of  
15 police and shall permit inspection of such records during normal business hours. Among such  
16 records will be receipts for towing and storage of vehicles towed at the request of the Santa Fe  
17 police department. All receipts shall indicate the place of vehicle storage and any damage  
18 sustained during or after the towing operation.

19          H.       The wrecker company shall permit the chief of police to conduct inspections of  
20 each towing vehicle and of each storage area during normal business hours.

21          I.       The wrecker company shall arrive on the scene within thirty (30) minutes of  
22 receipt of a request for service from the Santa Fe police department.

23          J.       The wrecker company shall tow or carry vehicles, not drive, to storage sites.

24          K.       A vehicle shall not be towed outside of Santa Fe county and not more than ten  
25 (10) miles of the city of Santa Fe limits, unless requested by the vehicle owner or a Santa Fe

1 police officer.

2 L. The driver of the towing vehicle shall clean the accident area of any debris  
3 resulting from the accident.

4 M. The wrecker company shall be available twenty-four (24) hours a day to respond  
5 to police requests.

6 N. Three (3) refusals to respond to a police department request to remove a vehicle  
7 shall constitute elimination from the towing list for the remainder of the current contract period,  
8 at which time application can be made to resume towing services for the city of Santa Fe.

9 O. Each towing vehicle shall have equipment on board which would enable the  
10 removal of a vehicle regardless of the amount of damage sustained during or after the towing  
11 operation.

12 P. Each towing vehicle shall have flashing blue, amber or combination of both  
13 light(s), which are visible at 360 degrees.

14 **Section 7. A new Section 20-21.5 SFCC 1987 is ordained to read:**

15 **20-21.5 [NEW MATERIAL] Wrecker Company Selection Procedure.**

16 A. A wrecker company that desires to be on the towing list shall complete a  
17 registration form at the Santa Fe police department and shall submit required documents to the  
18 satisfaction of the chief of police.

19 B. Upon satisfactorily meeting the registration requirements set forth in this Article,  
20 the wrecker company and the city shall enter into a contract for towing services. Thereafter, the  
21 wrecker company name and phone number shall be placed on the towing list. For the duration of  
22 the contract, the towing list shall be used in all cases in which a vehicle is to be towed from a  
23 public way or public property or from any private property at the request or direction of the Santa  
24 Fe police department.

25 C. When a request for towing services is made by the Santa Fe police department,

1 the dispatcher or supervisor shall select the name of a wrecker company from the towing list.  
2 Names shall be selected on a rotating basis; that is, the name shall be selected which next  
3 succeeds the last wrecker company called for towing services. The selections shall proceed in a  
4 manner until the end of the towing list is reached, at which point a wrecker company shall be  
5 selected from the top of the towing list, consecutively.

6 D. In the event that a wrecker company does not respond to a phone call from the  
7 Santa Fe police department or if it does not respond to the scene in the prescribed thirty (30)  
8 minute time span, the next name on the towing list shall be called and the non-responding  
9 wrecker company will not be reused until it's name next appears in the rotation.

10 E. Those wrecker companies maintaining more than one towing vehicle shall be  
11 selected only once during each rotation of the towing list.

12 F. Preference calls shall have no impact on the towing list. A separate list will be  
13 kept by the dispatcher when a preference call is indicated.

14 G. When a request for AAA towing service is received by the Santa Fe police  
15 department, the dispatcher, or his supervisor shall contact the local AAA office and request such  
16 service.

17 **Section 8. A new Section 20-21.6 SFCC 1987 is ordained to read:**

18 **20-21.6 [NEW MATERIAL] Other Wrecker Selection.**

19 A. A wrecker company shall not respond to the scene of an accident or other  
20 emergency unless specifically called there by the police or the person involved in the accident or  
21 emergency. A wrecker company owner, his agent, or employee shall not solicit towing contracts  
22 at the scene. However, nothing in this section shall be construed as prohibiting a towing service  
23 from privately contracting with any person.

24 B. The chief of police may select a wrecker company that does not appear on the  
25 towing list sequence when warranted by the requirement for special equipment and procedures or

1 when due to the location or unusual circumstances surround vehicle removal.

2 **Section 9. A new Section 20-21.7 SFCC 1987 is ordained to read:**

3 **20-21.7 [NEW MATERIAL] Non-Discrimination.**

4 Nothing in this Ordinance shall be construed as creating vested exclusive rights of a towing list  
5 wrecker company to be called, or selected for towing services requested by an employee or  
6 official of the city of Santa Fe. The provisions contained herein are not designed or intended to  
7 restrain the course of free trade nor restrict the number of qualified registrants on the towing list.

8 **Section 10. A new Section 20-21.7 SFCC 1987 is ordained to read:**

9 **20-21.7 [NEW MATERIAL] Removal.**

10 The chief of police may remove or suspend any registrant from the towing list when the chief  
11 finds that:

12 A. The towing list registration was secured by fraud or by concealment of a material  
13 fact by the wrecker company and such fact, if known, would have caused disqualification; or

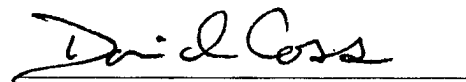
14 B. The wrecker company owner has violated any of the requirements or regulations  
15 established herein; or

16 C. The chief of police is not satisfied with general services of the wrecker company  
17 or its employees or with the cooperation it has received when services are rendered.

18 **Section 11. A new Section 20-21.8 SFCC 1987 is ordained to read:**

19 **20-21.8 [NEW MATERIAL] Effective Date.** This Ordinance shall become effective  
20 July 1, 2011.

21 PASSED, APPROVED and ADOPTED this 8<sup>th</sup> day of June, 2011.

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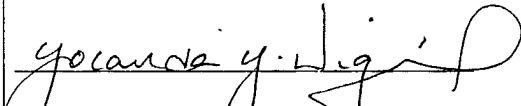
24 DAVID COSS, MAYOR

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1 ATTEST:

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4 YOLANDA Y. VIGIL, CITY CLERK

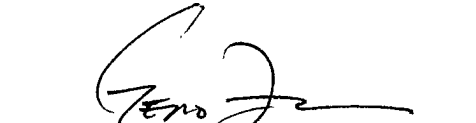
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APPROVED AS TO FORM

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9 GENO ZAMORA, CITY ATTORNEY

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25 *mdb/cao/jep&mdb/ordinances 2011/Vehicle Towing Services*