

**ORDINANCE NO. 6141**

**AN ORDINANCE TO AMEND FAIRBANKS GENERAL CODE  
CHAPTER 14, ARTICLE X. TOWING VEHICLES**

**WHEREAS**, the City of Fairbanks desires to protect citizens by regulating basic standards and fees for companies participating in the rotational tow request system, for towing companies providing nonconsensual towing services, and for companies bidding on the City's towing and impound contract.

**NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF FAIRBANKS, ALASKA, as follows:**

**Section 1.** Fairbanks General Code, Chapter 14, Article X. Towing Vehicles, is hereby repealed and reenacted as follows:

**ARTICLE X. TOWING VEHICLES.**

**DIVISION 1. MASTER OPERATOR'S LICENSE.**

**Sec. 14-431. Master Operator's License.**

(a) Any towing company desiring to bid on the City's towing contract or to be put on the City's rotation tow list, must first obtain a Master Operator's License from the City Clerk's Office. The City Clerk is directed to prepare an application form for the use of applicants consistent with the requirements of this Article.

(b) The nonrefundable biennial fee for a Master Operator's License will be set forth in the City's Schedule of Fees and Charges for Services. This fee will be in addition to the regular city business license fee.

(c) Holders of a Master Operator's License must at all times maintain the same insurance minimum coverage as required by the City under the City's towing and impound services contract.

**DIVISION 2. CITY ROTATION TOW LIST**

**Sec. 14-432. Creation of a City rotation tow list.**

(a) The City has created a rotation tow list comprised of towing companies meeting the eligibility requirements set forth in Sec. 14-433.

(b) The City's rotation tow list will be maintained by the Fairbanks Emergency Communication Center (FECC).

**Sec. 14-433. Rotation tow list eligibility requirements.**

(a) To be placed on the City rotation tow list, a towing company must:

1. Have a Master Operator's License and a City business license.
2. Be available to respond to calls for service 24 hours per day.
3. Maintain insurance minimums required by the City.

(b) A towing company may not, in response to a rotation tow list call for towing services, subcontract those services to another towing company.

(c) A towing company may be removed from the rotation tow list if it is continually non-responsive or if the City receives an unreasonable number of customer complaints for failure to comply with the requirements set forth in this Article.

**Sec. 14-434. Rates; Posting of rates.**

(a) Authorized fees for towing services outlined in this Article are located in the Tow List Schedule of Fees and Charges for Services, which is adopted by reference. Copies of the Tow List Schedule of Fees and Charges for Services will be made available at the City Clerk's office and online at the city's website. The Tow List Schedule of Fees and Charges for Services may be amended by resolution of the City Council.

(b) When providing towing services pursuant to this division, towing companies may only charge fees listed in the Tow List Schedule of Fees and Charges for Services and in an amount no greater than the rates listed therein.

(c) Towing companies on the rotation tow list providing services pursuant to this division must provide a notice with the list of the allowable rates to the vehicle owner or agent upon initial contact.

(d) Towing companies on the rotation tow list providing services pursuant to this division must provide to the vehicle owner or agent invoices with an itemized list of charges for services rendered.

**Sec. 14-435. Operational hours.**

Towing companies on the rotation tow list providing services pursuant to this division must establish hours during which the registered owner or the owner's legally designated agent may reclaim or have access to the vehicle. These hours will be a minimum of eight hours per day, five days per week.

**Sec. 14-436. Response time.**

Towing companies on the rotation tow list providing services pursuant to this division must respond within 30 minutes from the time of the tow request to arrival at the dispatched location. Towing companies will be allowed 45 minutes to respond to the dispatched location if the temperature is minus thirty degrees Fahrenheit or colder as measured at the Fairbanks International Airport.

**Sec. 14-437. Securing vehicles.**

(a) Towing companies on the rotation tow list providing services pursuant to this division must secure each vehicle, regardless of its condition, within an enclosed space secured with a locking mechanism not accessible by the public absent the towing company's authorization.

(b) Towing companies may charge a security fee for this service as set forth in Sec. 14-434.

**Sec. 14-438. Vehicle access.**

(a) During the first 30 days of the vehicle impoundment, during operational hours as set forth in Sec. 14-435 and upon the submission of proper identification, towing companies on the rotation tow list providing services pursuant to this division must allow the registered owner or the owner's legally designated agent two opportunities, at no charge, to access the vehicle for no more than 15 minutes at a time to reclaim any pets or personal property (other than items which are an integral part of or accessories to the vehicle) at the impound yard.

(b) During non-operational hours and holidays, towing companies on the rotation tow list providing services pursuant to this division may allow the registered owner or the owner's legally designated agent the opportunity to access the vehicle for no more than 15 minutes at a time to reclaim any pets or personal property (other than items which are an integral part of or accessories to the vehicle) at the impound yard for a fee as set forth in Sec. 14-434.

**Sec. 14-439. Loss of turn.**

In the event that a towing company is unable to respond to a tow request within the amount of time set forth in Sec. 14-436, the call to that towing company will be cancelled and the company will lose its turn on the rotation list.

## **DIVISION 3. NONCONSENSUAL TOW**

### **Sec. 14-440. Definition.**

A *nonconsensual tow* is any motor vehicle transportation by a tow truck from a private location pursuant to FGC Sec. 78-406 performed without the prior consent or authorization of the owner or operator of the motor vehicle.

### **Sec. 14-441. Regulation of Nonconsensual tows.**

(a) A tow operator may not perform a nonconsensual tow without the written authorization of the owner or manager of the property from which the tow occurs.

(b) A tow operator must notify the FECC within 30 minutes of conducting a nonconsensual tow and provide the FECC with:

1. The make, model, and license plate number of the vehicle;
2. The location and time of the tow;
3. Where the vehicle is being stored; and
4. Contact information for the towing operator.

(c) Fees: For a nonconsensual tow, a towing company may not charge for services or at a rate greater than allowed in the Tow List Schedule of Fees and Charges for Services.

(d) On-scene release of the vehicle: If the vehicle owner, agent, or operator arrives before the tow truck has departed, the tow operator must release the vehicle upon payment of the on-scene release fee, provided the vehicle owner, agent, or operator is able to immediately remedy the private parking condition.

(e) On-scene access to vehicle: The tow operator must allow the vehicle owner, agent, or operator reasonable access to the vehicle to retrieve any pets or personal property (other than items which are an integral part of or accessories to the vehicle). The tow operator may not charge a fee for this access.

## **DIVISION 4. TOWING CONTRACT FOR CITY IMPOUNDS**

### **Sec. 14-442. Towing Contract for City Impounds.**

The City, through its normal procurement process, may contract with a towing company for towing services needed by the City and its various departments. Only towing companies holding a current City of Fairbanks Master Operator's License and current City business license are eligible to be awarded the City's contract for towing services.

**DIVISION 5. MOTOR VEHICLE ACCIDENT CLEAN UP**

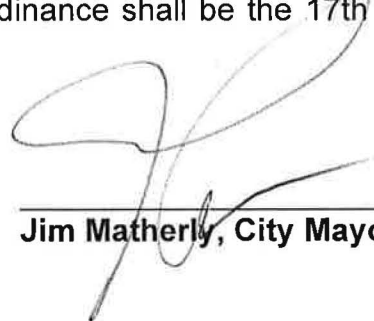
**Sec. 14-443. Motor vehicle accident clean up; Penalty.**

(a) All towing company vehicles operating within the City of Fairbanks must carry adequate equipment and supplies to remove glass, fluids, and other debris from the street, highway, or other site of a motor vehicle accident.

(b) Towing companies that provide towing services to vehicles involved in accidents within the City of Fairbanks must ensure that all glass, fluids, and other debris are removed and that the site is cleaned prior to leaving the scene.

(c) Any towing company or employee of a towing company who fails to comply with the provisions set forth in subsection (b) is guilty of the offense of "failure to remove debris after a motor vehicle accident" and will be fined \$250.00. Disposition of this offense may be without court appearance, pursuant to AS 29.25.070 and the Alaska Minor Offense Rules, upon payment of the fine amount listed above and payment of the state surcharge required by AS 12.55.039 and AS 29.25.074. The fines established in this section may not be judicially reduced.

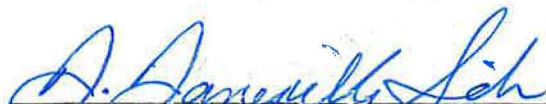

**Section 2.** That the effective date of this ordinance shall be the 17th day of October 2020.

  
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**Jim Matherly, City Mayor**

AYES: Cleworth, Pruhs, Rogers, Kun, Gibson, Therrien  
NAYS: None  
ABSENT: None  
ADOPTED: October 12, 2020

ATTEST:

APPROVED AS TO FORM:

  
\_\_\_\_\_  
D. Danyielle Snider, MMC, City Clerk  
\_\_\_\_\_  
Paul J. Ewers, City Attorney

**Tow List Schedule of Fees and Charges for Services**

**As of Ordinance No. 6141 – Effective October 17, 2020**

<b>Category</b>	<b>Code Sec.</b>	<b>Topic</b>	<b>Current Fee</b>	<b>Description</b>
<b>Tow List Fees</b>	14-435 and 14-443	Call-out fee: 10,000 lbs. or less	\$135.00	Call-out is a request by the City for towing services
		Call-out fee: 10,001 to 25,000 lbs.	\$150.00	Call-out is a request by the City for towing services
		Call-out fee: Over 25,000 lbs.	\$300.00	Call-out is a request by the City for towing services
		Surcharge: Extreme weather (minus thirty degrees or colder)	\$25.00	
		Surcharge: Time on-scene exceeding one hour billable in .25 hour increments	\$100.00	Per hour billable in quarter hour increments
		Loaded mileage, per mile	\$4.00	
		Security fee	\$100.00	
		Daily storage fee	\$40.00	May only be charged on days vehicles are available for retrieval by owner
		Vehicle access during operational hours	\$0.00	Within the first 30 days of the vehicle arriving at the towing company's storage yard, a fee for first time and second time access shall not be charged
		Vehicle access during non-operational hours/holidays	\$75.00	Access may be granted during non-operational hours or during state or locally observed holidays
		Vehicle pull-outs	\$135.00	Flat fee charged for removing a vehicle from its current fixed position
	14-443	On-Scene release of vehicle	\$90.00	

**Current Code on Towing Vehicles**

Attachment to Ordinance No. 6141

**ARTICLE X. - TOWING VEHICLES**

**Sec. 14-431. - Master operator's license.**

- (a) Any tow company desiring to bid on the city's towing contract or to be put on the city's rotational tow list, must first obtain a master operator's license from the city clerk's office. The city clerk is directed to prepare an application form for the use of applicants consistent with the requirements of this article. The city's rotational tow list shall be maintained by the City of Fairbanks Dispatch Center.
- (b) The nonrefundable biennial fee for a master operator's license will be set forth in the city's schedule of fees and charges for services. This fee will be in addition to the regular city business license fee.

**Sec. 14-432. - Creation of a city rotation tow list.**

- (a) Towing companies desiring to be on the city rotation tow list for use by police and fire for call-outs must:
  - (1) Have a master operator's license and a city business license.
  - (2) Commit to a maximum response time of no more than 30 minutes from the time of the call-out.
  - (3) Be available 24 hours per day.
  - (4) Maintain insurance as required by the city of its towing company contractor.
- (b) Charges for towing made pursuant to a call-out from the city's rotational call-out list may be made only for the services listed below and in an amount no greater than the rates listed below. These rates may be modified periodically. No other fees may be assessed.
  - 1. Call-out fee: 10,000 lbs. or less .....\$85.00  
Call-out fee: 10,001 to 25,000 lbs. ....100.00  
Call-out fee: Over 25,000 lbs. ....200.00  
Surcharge: Extreme weather (minus thirty degrees or colder) .....25.00  
Surcharge: Time on-scene exceeding one hour billable in .25 hour increments .....100.00 per hour
  - 2. Loaded mileage, per mile .....4.00
  - 3. Security fee .....100.00
  - 4. Daily storage fee (May only be charged on days vehicles are available for retrieval by owner) .....40.00
  - 5. Companies offering impoundment shall establish hours during which the owner may reclaim their vehicle. These hours will be a minimum of eight hours per day, five days per week. Any person who engages in towing for impoundment must allow the owner or person entitled to lawful possession, upon request and after showing proper identification, to immediately reclaim from their impounded vehicle any pets or personal property (other than items which are an integral part of or accessories to the vehicle), either at the impound yard or at the site of impoundment.
- (c) A towing company may be removed from the list if it is continually non-responsive or if the city receives an unreasonable number of customer complaints.

**Sec. 14-433. - Towing contract for city impounds.**

- (a) Any firm desiring to bid on the city's towing and impound contract must have a master operator's license.
- (b) The only fees that can be charged under the city's contract are for call-out and mileage consistent with section 14-432(b), including surcharges.
- (c) The contract award shall be for a two-year term.
- (d) Other terms may be made a requirement of the contract under a request for proposals.

**Sec. 14-434. - Motor vehicle accident clean up; penalty for failure to remove glass, fluids, and other debris.**

- (a) All towing company vehicles operating within the City of Fairbanks must carry adequate equipment and supplies to remove glass, fluids, and other debris from the street, highway, or other site of a motor vehicle accident. Towing companies that provide towing services to vehicles involved in accidents within the City of Fairbanks must ensure that all glass, fluids, and other debris are removed and that the site is cleaned prior to leaving the scene.
- (b) Any towing company or employee of a towing company who fails to comply with the provisions set forth in subsection (a) is guilty of the offense of "failure to remove debris after a motor vehicle accident" and will be fined \$100. Disposition of this offense may be without court appearance pursuant to AS 29.25.070 and the Alaska Minor Offense Rules upon payment of the fine amount listed above and payment of the state surcharge required by AS 12.55.039 and AS 29.25.074. The fines established in this fine schedule may not be judicially reduced.

**Secs. 14-435—14-490. - Reserved.**