



**CITY OF YPSILANTI
NOTICE OF ADOPTED ORDINANCE
Ordinance No. 1420**

An ordinance to repeal Ordinance 1055, City Code Chapter 114, Vehicle for Hire, Article III Authorized Wreckers, Division 2. License

1. THE CITY OF YPSILANTI HEREBY ORDAINS That Ordinance 1055, being Sections 114-147 to 114-153 of the Ypsilanti City Code be repealed as follows:

• ~~**DIVISION 2. - LICENSE**~~

• ~~**Sec. 114-147. - License required.**~~

~~(a) No wrecker may go to the scene of an accident or emergency or perform towing services within the city unless the wrecker is licensed in accordance with the provisions of this division. Nothing herein shall be construed to prohibit a wrecker that commences the tow of a vehicle outside the City of Ypsilanti from entering the city with the vehicle in tow and releasing the vehicle within the city limits as long as the wrecker was authorized by law to engage in towing services in the political division or subdivision where the tow commenced.~~

~~(b) No wrecker may obtain or renew a license in accordance with this provision who shall be in possession of funds held in trust for the city for more than 30 days from the end of the calendar month during which the funds were collected or within 30 days of the date of mailing of an invoice by the city, whichever occurs first.~~

~~(Ord. No. 1055, § 1, 3-6-2007)~~

• ~~**Sec. 114-148. - Application.**~~

~~(a) Any person desiring to perform towing work in the city shall submit an application for a wrecker service license (whether a new license or a renewal) to the city clerk, which shall include:~~

~~(1) The name of the owner, home and business address, home and business phone, and name under which the business will operate;~~

~~(2) The location, size and security features of the storage lot on which towed vehicles will be stored in accordance with the requirements set forth in division 1 of this article;~~

~~(3) The location, description and hourly availability of the tow trucks owned or operated by the applicant;~~

- ~~-(4) The location to which the public must come to claim stored vehicles;~~
- ~~-(5) A complete listing of the insurance policies, carriers and agents the owner would place into effect upon licensing approval;~~
- ~~-(6) A complete list of all employees who will act as drivers of any tow trucks owned or operated by the applicant, with verification of each driver holding the required, proper commercial driver's license;~~
- ~~-(7) A surety bond in an amount set by resolution of the city council for the benefit of the city ensuring that the applicant will remit to the city any and all funds that the applicant collects and/or holds in trust for the city;~~
- ~~-(8) A surety bond or appropriate insurance with no deductible in an amount set by resolution of the city council for the benefit of the owners of vehicles towed, insuring against theft of personal property left inside towed vehicles;~~
- ~~-(9) The license application fee as provided in [section 114-150](#);~~
- ~~-(10) Any other document which may be required by resolution of the city council.~~
- ~~-(b) No wrecker will be issued a license if any employee driver of the wrecker shall have been convicted in any jurisdiction of any drug or alcohol-related driving offense or any offense that contains an element of dishonesty, false statement or theft in the five years previous to the application for the license.~~
- ~~-(c) Any licensed wrecker who, during the term of its license, employs a person as a driver who has been convicted in any jurisdiction of any drug or alcohol-related driving offenses or any offense that contains an element of dishonesty, false statement or theft in the five years previous to the wrecker's most recent application for licensure shall have its license immediately revoked by the chief of police. Said wrecker may have its license reinstated upon showing the relief of said employee from his or her duties as well as presenting to the chief of police clear and convincing evidence that the wrecker took reasonable steps to ensure compliance with the requirements of subsection (2) and this subsection.~~
- ~~-(d) Any licensed wrecker must update the information required in the application for a license within ten days of any changes to the information presented in their application for licensure or renewal. This duty is ongoing.~~
- ~~-(e) The wrecker license shall be valid for a period of two years. A new application shall be filed and the appropriate fees paid for the renewal/continuance of the license.~~
- ~~-(f) The city council may, by resolution, set minimum safety requirements for each of a wrecker's vehicles and require inspection thereof.~~

(Ord. No. 1055, § 1, 3-6-2007)

• ~~Sec. 114-149. - Investigation.~~

~~(a) Upon the filing of an application for a license under this division, the city clerk shall refer the same to the chief of police or his designee who shall conduct an investigation to determine the truth and accuracy of the information contained in the application. The chief of police may require additional documentation from the applicant or the applicant's employees for the conduct of the investigation.~~

~~(b) Upon completion of the investigation, the chief of police or his designee shall forward a copy of the application for a wrecker service license to the city clerk, along with a recommendation for approval or disapproval of a license and the reasons, if any, for disapproval.~~

~~(c) Upon receiving the application, the city clerk, on behalf of the city, shall determine whether or not the applicant has complied with the necessary standards and criteria. If he or she finds the applicant qualified, then the city clerk shall issue to the applicant a wrecker license.~~

~~(d) The issued license, or a true copy thereof, shall be located in each vehicle owned or operated by a wrecker that is used for wrecking operations in the city and shall be presented upon demand to any city police officer, city code enforcement officer or any city official authorized to enforce this chapter.~~

~~(e) The acquisition of a license under this section does not obligate the city or the police department to use the services of the wrecker for police authorized towing or for any other purpose.~~

~~(f) Nothing in this section shall be construed to prohibit the city, in the event that no licensed wrecker is capable or available of meeting the needs of the city in a specific situation, to contract with unlicensed wreckers for the provision of towing services directly to the city or for police authorized towing. The determination that no licensed wrecker is capable or available of meeting the needs of the city in a specific situation rests solely in the discretion of the chief of police or his/her designee. Any wrecker so contracted shall be immune from the licensing requirements set forth in this chapter only to the extent of the wrecker providing said services to the city under the contract.~~

~~(Ord. No. 1055, § 1, 3-6-2007)~~

• ~~Sec. 114-150. - Fee.~~

~~A license fee shall be charged per wrecker plate as set by resolution of the city council.~~

~~(Ord. No. 1055, § 1, 3-6-2007)~~

• ~~Sec. 114-151. - Insurance required.~~

No wrecker license shall be issued until the applicant has deposited with the city clerk the following insurance policies:

(1)

~~Garage keeper's policy. A garage keeper's legal liability policy covering fire, theft, windstorm, vandalism and explosion in the amount of \$30,000.00 with each vehicle suffering damage being deemed a separate claim.~~

~~(2) Garage liability policy. A garage keeper's legal liability policy covering the operation of the owner's business, equipment or other vehicles for any bodily injury or property damage.~~

~~(3) Commercial general liability insurance on an "occurrence basis" with limits of liability not less than \$1,000,000.00 per occurrence and/or aggregate combined single limit, personal injury, bodily injury and property damage. The garage liability policy and the commercial general liability policy may be a combined policy.~~

~~(4) Workers' compensation insurance in the form and amount required by Michigan Law.~~

~~(5) Motor vehicle liability insurance, including Michigan no-fault coverages, with limits of liability not less than \$1,000,000.00 per occurrence combined single limit, personal injury, bodily injury and property damage. Coverage shall include all owned, non-owned and hired vehicles. The city council may raise the amount of the minimum coverage under this paragraph by resolution.~~

~~(6) Notice of change or cancellation. Each policy required under this section must contain an endorsement by the carrier providing 90 days' notice to both the city and the insured if there is any material change or cancellation.~~

~~(Ord. No. 1055, § 1, 3-6-2007)~~

• **Sec. 114-152. – Duties of licensee.**

All wrecker licenses under this article shall be issued subject to the following conditions:

~~(1) Markings. All emergency towing vehicles and wreckers shall bear the name, city, and state or the registered logo or emblem of the registered owner of the vehicle, and lessee of the vehicle if the vehicle is being operated under lease, painted or permanently attached on each side of the vehicle in letters of not less than three inches in height, not lower than the bottom edge of the door. This information shall be in sharp color contrast to the background. A licensed wrecker plate shall at all times be prominently displayed on the rear of each wrecker or other vehicle used for towing purposes. Vehicles used for towing purposes shall not display the words "police towing" or other similar language which indicates the vehicle is owned or operated by the police department.~~

~~(2) *Equipment.* Wrecker owners shall keep and maintain towing equipment which is adequate to perform such towing service in a reasonably workmanlike manner. All emergency towing vehicles and wreckers shall be equipped with warning lights required under state law and have working two-way communications radio equipment on the same frequency as a base station located at a point where calls are received. It shall be unlawful, however, for towing vehicles to be equipped with police scanners or other devices capable of monitoring police calls, or for any such equipment to be utilized in anticipation of a call for service.~~

~~(3) *Rate schedule.* No person performing towing or storage service on such wrecked or disabled vehicles or abandoned vehicles shall charge fees in excess of rates that may be determined, from time to time, by the resolution of the city council. The city council may, in its sole discretion, choose to not set maximum rates.~~

~~(4) *Liability.* The wrecker owner shall assume all responsibility for all liability and shall indemnify and hold the city harmless from such liability for damages (or any loss to vehicles or contents while being towed or stored due to theft, vandalism or other damage), and for all personal injuries occurring to any of the wrecker owner's employees or other persons.~~

~~(5) *Storage of towed vehicles.* All vehicles towed without the owner's consent but after authorization by the police department must be delivered and stored at a secured storage lot that is within the limits of the City of Ypsilanti or within three miles of any point within the City of Ypsilanti.~~

~~a. Said storage lot must be well-lit, available to owners of stored vehicles 24 hours per day, seven days per week, and comply with all applicable laws of the United States, the State of Michigan and the city, township, village or other locality where the lot is located.~~

~~b. The application for a license under division 2 shall constitute consent by the applicant for the entry and inspection at any time of any and all storage lots owned or operated by the applicant by any city official authorized by the city manager or by operation of law. If said city official shall find that any storage lot does not comply with any law of the United States, the State of Michigan or the city, township, village or other locality where the lot is located, said city official may, upon written notice, partially suspend the license of the wrecker to the extent that the wrecker be prohibited from storing vehicles towed under this chapter in the specific lot that is in violation of law until such time as the wrecker brings said lot into compliance with the law violated and said compliance is confirmed by re-inspection of an authorized city official. The city shall conduct said re-inspection within 30 days of a written request by the wrecker.~~

~~c. The city council may, by resolution, set an inspection fee payable by the wrecker to the city for re-inspection of a lot that has been found by an authorized city official to violate law.~~

d. Action by the city under this paragraph is not exclusive and does not waive other enforcement rights the city may have under this chapter.

(Ord. No. 1055, § 1, 3-6-2007)

• ~~**Sec. 114-153. Termination.**~~

~~(a) The city manager may terminate any license under this division when the city clerk or the chief of police finds any of the following:~~

~~(1) That the license was secured by fraud or by the concealment of a material fact by the wrecker owner and such fact, if known, would have caused the refusal to issue a license;~~

~~(2) That the wrecker owner has violated any of the requirements or regulations established under this article;~~

~~(3) That the licensee paid for information, in the form of a gratuity, to any third person not involved in an accident as to the location of an accident;~~

~~(4) That the licensee has violated the fee schedule by an overcharge;~~

~~(5) That the city is not satisfied with the general services of the owner and/or employees or with the cooperation it has received while rendering service; or other justifiable cause;~~

~~(6) A wrecker whose license has been revoked may appeal that decision to the city council;~~

~~(7) Nothing in this section shall be construed to interfere with, or diminish, the chief of police's authority to revoke a wrecker's license under [section 114-148\(c\)](#).~~

~~(Ord. No. 1055, § 1, 3-6-2007)~~

2. Severability. If any clause, sentence, section, paragraph, or part of this ordinance, or the application thereof to any person, firm, corporation, legal entity, or circumstances, shall be for any reason adjudged by a court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not effect, impair, or invalidate the remainder of this Ordinance and the application of such provision to other persons, firms, corporations, legal entities, or circumstances by such judgment shall be confined in its operation to the clause, sentence, section, paragraph, or part of this Ordinance thereof directly involved in the case or controversy in which such judgment shall have been rendered and to the person, firm, corporation, legal entity, or circumstances then and there involved. It is hereby declared to be the legislative intent of this body that the Ordinance would have been adopted had such invalid or unconstitutional provisions not have been included in this Ordinance.

3. Repeal. All other Ordinances inconsistent with the provisions of this Ordinance

are, to the extent of such inconsistencies, hereby repealed.

4. Savings Clause. The balance of the Code of Ordinances, City of Ypsilanti, Michigan, except as herein or previously amended, shall remain in full force and effect. The repeal provided herein shall not abrogate or affect any offense or act committed or done, or any penalty or forfeiture incurred, or any pending fee, assessments, litigation, or prosecution of any right established, occurring prior to the effective date hereof.

5. Copies to be available. Copies of the Ordinance are available at the office of the city clerk for inspection by, and distribution to, the public during normal office hours. A complete copy of the ordinance is also available for inspection on the City's website, www.cityofypsilanti.com.

6. Publication and Effective Date. The City Clerk shall cause this Ordinance, or a summary of this Ordinance, to be published by printing the same in the publication of record. This Ordinance shall become effective after publication at the expiration of 30 days after adoption.

MADE, PASSED AND ADOPTED BY THE YPSILANTI CITY COUNCIL THIS 5th DAY OF February, 2024.

Andrew Hellenga, Acting City Clerk

Attest

I do hereby confirm that the above Ordinance No. 1420 was published in The Washtenaw Legal News on the 14th day of March, 2024.

Andrew Hellenga, Acting City Clerk

CERTIFICATE OF ADOPTING

I hereby certify that the foregoing is a true copy of the Ordinance passed at the regular meeting of the City Council held on the 5th day of March, 2024.

Andrew Hellenga, Acting City Clerk

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