CITY OF CENTRAL

BY COUNCIL MEMBER EVANS

PROPOSED ORDINANCE NO. 2016-___

TO AMEND TITLE 11, CHAPTER 24, SECTION 11:298 OF THE CODE OF ORDINANCES OF THE CITY OF CENTRAL (ENACTED BY ORDINANCE NO. 2014-29) TO ADDRESS THE STORAGE OF HEAVY DUTY ITEMS AND TO PROVIDE FOR ALL RELATED MATTERS.

WHEREAS, the Council for the City of Central previously enacted an ordinance (Ordinance No. 2014-29) relative to official storage locations for the Central Police Department;

WHEREAS, pursuant to Ordinance No. 2014-29, in order to become an official storage location for the Central Police Department, a wrecker service is required to meet certain requirements, including having a storage area located in the city limits of the City of Central;

WHEREAS, none of the wrecker towing services that are official storage locations for the Central Police Department are able to provide storage for heavy duty items, including but not limited to buses and tractor trailer rigs;

WHEREAS, the Central Police Department desires to amend Ordinance No. 2014-29 to address storage services for heavy duty items, including but not limited to buses and tractor trailer rigs;

BE IT ORDAINED by the Council of the City of Central, State of Louisiana as follows:

Section 1: Title 11, Chapter 24, Section 11:298 of the Code of Ordinances of the City of Central as enacted by Ordinance No. 2014-29 is hereby amended and re-enacted, so as to read as follows:

a. Any wrecker service that is placed on the City's approved wrecker rotation list may request to become an official storage location for the Central Police Department. In order to become an official storage location for the Central Police Department, a wrecker service must meet the following requirements:
   1. Hold an active and current storage inspection license for each storage facility location;
   2. Have a storage area located in the city limits of the City of Central;
   3. Have a storage area that has security barriers or safety apparatus suitable to insure the security of the property contained therein. This storage area shall include a fully-enclosed, secured space for at least one vehicle, and all outside storage areas must be enclosed by at least a six foot high chain link fence or fence of similar strength or solid wall sufficient to protect against loss, trespass, or vandalism; and

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4. Have a clearly visible sign maintained at all times at the business office and at the entrance to any outside storage area, stating the name of the business, telephone number, and hours of operation. An after-hour telephone number shall be included on the sign advising the public how to make contact for the release of vehicles, contents, or personal property.

b. In order to be deemed an official storage location for the City of Central Police Department, the wrecker service must also allow a physical inspection of the location by the Chief of Police of the Central Police Department to ensure compliance with all applicable state and local laws.

c. <u>If each of the official storage locations for the Central Police Department is unable to provide the services needed, such as the storage of heavy duty items, including but not limited to buses and tractor trailer rigs, the Chief of Police of the Central Police Department is not required to select a storage location from the listing of official storage locations and may instead use the storage location provided by Varnado & Sons, L.L.C.</u>

d. Prior to releasing any vehicle that has been towed to the ~~official~~ storage location at the request of the Central Police Department, the wrecker service must obtain a written release from the Central Police Department.

e. The Chief of Police of the Central Police Department has the authority to prohibit a wrecker service from serving as an official storage location where the wrecker service consistently fails to adhere to all laws, agency rules, and policies of the State of Louisiana, including but not limited to the Louisiana Highway Regulatory Act, La. R.S. 32:1, *et seq.*, the Louisiana Towing and Storage Act, La. R.S. 32:1711, *et seq.*, and the rules and regulations of the Department of Public Safety and Corrections, Office of State Police, and all ordinances of the City.

f. The Chief of Police of the Central Police Department is authorized to suspend any wrecker and towing service from serving as an official storage location where the wrecker service is suspended from the approved wrecker rotation list, in accordance with Ordinance No. 2014- 30.

g. The Chief of Police of the Central Police Department or his designee is authorized to enforce this ordinance and is directed to cooperate with the State Department of Public Safety and Corrections relative to compliance with the towing recovery and storage rules and regulations of that Department.

h. Nothing contained herein shall establish a contract for hire between the City of Central and the wrecker service. A wrecker driver shall be deemed the legal agent and employee of the wrecker service.

Section 2: Conflicts.
All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

Section 3: Severability.
If any section, subsection, sentence, clause or provision of this Ordinance is declared by a court of competent jurisdiction to be invalid, such declaration of invalidity shall not affect the validity of the Ordinance as a whole, or parts thereof, other than the part declared invalid. The remainder of the Ordinance shall not be affected by the declaration of invalidity and shall remain in force and effect.

Section 4. Effective Date.
This Ordinance shall be effective upon publication in the Official Journal.

Introduced before the Council on February 23, 2016.

This Ordinance having been submitted to a vote, the vote thereon was as follows:

For:
Against:
Absent:

Adopted the _____ day of _____, 2016.

Signed the _____day of _____, 2016.

Delivered to the Mayor on the _____ day of _____, 2016.

_____
Mark Miley, City Clerk

Approved:

_____
I.M. Shelton, Jr. Mayor

Received from Mayor on the _____ day of _____, 2016.

_____
Mark Miley, City Clerk

Adopted Ordinance published in The Advocate on the _____ day of _____, 2016.