

ORDINANCE NO. TC-3427

AN ORDINANCE RELATING TO TOWING REGULATIONS FOR THE CITY OF OVERLAND PARK, KANSAS; AMENDING AND REPEALING EXISTING OVERLAND PARK MUNICIPAL CODE SECTIONS 12.20.002 and 12.20.020 AND PROVIDING SUBSTITUTE PROVISIONS THEREFOR.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF OVERLAND PARK, KANSAS, AS FOLLOWS:

Section 1. Overland Park Municipal Code Section 12.20.002 is hereby amended to read as follows:

12.20.002 Notice to Owner of Towed and Impounded Vehicle.

Whenever any motor vehicle is towed and impounded pursuant to the provision of 12.20.001 or 12.20.001.5, notice, if possible, shall be given to the owner or person entitled to custody thereof that such vehicle has been towed and impounded, the reasons for the tow, how the vehicle may be recovered to include the right of hearing set out in 12.20.004, and that unless the owner takes action within 30 days from the date of receipt of the notice, proceedings may be instituted to sell the motor vehicle at auction to cover any costs accrued as a result of the towing and impounding. Said notice shall be by written notice provided to the owner or person entitled to custody of the motor vehicle at the time the motor vehicle is towed, provided the officer providing such notices has obtained written acknowledgment of receipt of the notice. In addition, said notice may be made by certified mail with return receipt requested. Notice by certified mail shall be mailed to the owner of vehicles displaying Kansas registration plates no later than close of business of the forth business day after the towing. The notice shall be mailed to the owner of vehicles not displaying Kansas registration plates no later than close of business of the forth business day after ownership is determined. The police department shall use reasonable diligence in determining the title or registered owner of the vehicle.

Section 2. Overland Park Municipal Code Section 12.20.020 is hereby amended to read as follows:

12.20.020 Requirements for Approval.

The following requirements and criteria shall be met by any wrecker or towing service seeking approval to be authorized and listed as eligible to respond to requests for towing service by the Overland Park Police Department.

- A. Exclusive of legal holidays, each wrecker or towing service shall be open and have a representative actually on the premises of the location or area where towed vehicles are stored or kept 9½ hours per day, from 8 a.m. to 5:30 p.m. Monday through Friday. In addition thereto, each wrecker or towing service shall conspicuously post a sign at the front of their business stating the business name and a telephone number where information can be obtained about any vehicle towed or stored by the business. Payment must be accepted

on site in Overland Park and rates shall be posted. Credit card, debit card, and cash must be accepted.

- B. Towing and wrecker services and drivers must be available on a 24-hour, seven-days-a-week basis.
- C. Each towing and wrecker service must have properly zoned adequate storage facilities within the City of Overland Park. Excluding heavy tows, all automobiles towed pursuant to this chapter shall be stored within the City. Heavy tows must be stored within Johnson County, Kansas. The outside storage areas shall be fenced, with at least six foot high chain link fence.
- D. Each towing and wrecker service must have available a storage area which is totally enclosed within a building for the protection and security of the towed vehicle and the contents thereof to be processed and valuable property left in vehicles.
- E. Each wrecker or towing service must have available, at least one 16-ton capacity wrecker (a Holmes 600 or its equivalent) or wrecker vehicle with greater capacity.
- F. Each towing and wrecker service must handle and tow abandoned vehicles in proportion to the number of tow requests received from said police department for damaged or disabled vehicles.
- G. Each towing and wrecker service must provide the City with proof of the following insurance protection:

1. GARAGE LIABILITY

Protection limits of at least \$500,000 Combined Single Limits, bodily injury and property damage. Policy must include the following:

- Premises & Operations Liability
- Products & Completed Operations
- All Owned, Hired and Non-Owned Autos
- Garage keeper's Legal Liability including:
 - a. Comprehensive
 - b. Collision
 - c. Towing
 - d. \$75,000 Limit, per garage location

OR

2. COMMERCIAL GENERAL LIABILITY

Protection limits of at least \$500,000 Combined Single Limits, bodily injury and property damage. Policy must include the following:

- Premises & Operations Liability

- Products & Completed Operations

AND

3. BUSINESS AUTOMOBILE LIABILITY

Protection limits of at least \$500,000 Combined Single Limits, bodily injury and property damage. Policy must include the following:
All Owned, Hired and Non-Owned Autos

Garage keeper's Legal Liability including:

- a. Comprehensive
- b. Collision
- c. Towing
- d. \$75,000 Limit, per garage location

Proof of insurance must be furnished on a certificate of insurance that is acceptable to the City.

4. **WORKERS' COMPENSATION**

Protection against all claims under applicable state worker's compensation laws. Each towing or wrecker service shall also be protected against claims for injury, disease or death of employees for which, for any reason, may not fall within the provisions of workers' compensation law. The policy limits shall not be less than the following:

<i>Workers' Compensation</i>	<i>Statutory</i>
Employers Liability-	
Bodily Injury by Accident:	\$100,000 Each Accident
Bodily Injury by Disease:	\$500,000 Policy Limit
Bodily Injury by Disease:	\$100,000 Each Employee

Proof of insurance must be furnished on a certificate of insurance that is acceptable to the City. The City is to be named as an additional insured on all required insuring agreements with the exception of Workers' Compensation.

5. The City will only accept coverage from an insurance carrier who offers proof that it:
1. Is licensed to do business in the State of Kansas;
 2. Carries a Best's policy holder rating of "A-" or better; and
 3. Carries at least a Class VII financial rating.

OR

Is a company approved by the City.

- H. Each towing and wrecker service must be certified and designated as an agent and authorized representative for the City of Overland Park for the purposes of towing, removing, storing and selling of abandoned motor vehicles. In addition thereto, each towing and wrecker service must enter into and sign a hold harmless agreement with the City.
- I. The criteria and requirements set forth in paragraphs A through H shall not apply when the person whose vehicle is to be towed shall indicate a preference as to which towing and wrecker service is to be utilized or when the person whose vehicle is to be towed shall request a specific towing or wrecker service.
- J. Each towing and wrecker service shall make available for annual inspection, all vehicles, records, storage facilities, and equipment used in Overland Park for wrecker and towing

purposes.

Section 3. Existing Overland Park Municipal Code Sections 12.20.002 and 12.20.020 are hereby repealed.

Section 4. This Ordinance shall take effect and be in force as of the date of its passage, approval and publication as provided by law.

PASSED by the City Council this 16th day of October, 2023.

APPROVED by the Mayor this 16th day of October, 2023.

CITY OF OVERLAND PARK, KANSAS

(SEAL)

(s) Curt Skoog
Curt Skoog, Mayor

ATTEST:

APPROVED AS TO FORM:

(s) Elizabeth Kelley
Elizabeth Kelley, City Clerk

(s) Michael Koss
Michael Koss, City Attorney