

**First Reading: December 20, 2022**  
**Second Reading: January 10, 2023**

ORDINANCE NO. 13938

AN ORDINANCE PASSING ORDINANCE NO. 13920, ENTITLED, "AN ORDINANCE AMENDING CHATTANOOGA CITY CODE, PART II, CHAPTER 35, SECTION 35-160, BILLING AND CHARGES FOR DISTRICT WRECKERS," WHICH IS ATTACHED HERETO AS AMENDED, AFTER ITS SECOND READING ON DECEMBER 6, 2022, PURSUANT TO CHATTANOOGA CITY CHARTER SECTION 11.6, FOLLOWING RECEIPT OF MAYOR TIM KELLY'S VETO LETTER DATED DECEMBER 13, 2022.

---

WHEREAS, a written objection was brought to the attention of the City Council on December 13, 2022, by Mayor Tim Kelly, which exercised his authority to veto the action taken by the City Council in the passage of Ordinance No. 13920 on December 6, 2022, by second reading per the Mayor's authority under Chattanooga City Charter 8.26; and

WHEREAS, pursuant to Chattanooga City Charter 11.6, any ordinance so disapproved or vetoed by the Mayor shall not be valid unless passed over said veto by a majority vote by the next regular meeting, to be taken as ayes and nays and entered on the Council Minutes;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE:

SECTION 1. That the Chattanooga City Council has received Mayor Tim Kelly's veto letter dated December 13, 2022, of Ordinance No. 13920, entitled, "An ordinance amending Chattanooga City Code, Part II, Chapter 35, Section 35-160, Billing and Charges for District Wreckers" after that ordinance was approved 9-0 on second reading by the City Council on December 6, 2022.

SECTION 2. Following receipt of Mayor Tim Kelly's veto letter attached hereto, pursuant to Charter Section 11.6, the City Council has diligently reviewed this Ordinance as drafted and agrees to pass Ordinance No. 13920 as amended over said veto by majority vote by roll call and a record of the third and final reading of this as amended Ordinance shall be entered on the minutes, as required by Charter Section 11.6.

SECTION 3. BE IT FURTHER ORDAINED, That this Ordinance shall take effect immediately from and after its passage.

Passed on final reading: January 10, 2023

  
\_\_\_\_\_  
CHAIRPERSON

APPROVED:  DISAPPROVED:

\_\_\_\_\_  
  
\_\_\_\_\_  
MAYOR

PAN/kap/mem/v2



# City of Chattanooga

Mayor Tim Kelly

Tuesday, December 13, 2022

The Honorable Darrin Ledford  
Chairman, District 4 Councilman  
Chattanooga City Council  
1000 Lindsay Street  
Chattanooga, Tennessee 37402

The Honorable Raquetta Dotley  
Vice-Chairwoman, District 7 Councilwoman  
Chattanooga City Council  
1000 Lindsay Street  
Chattanooga, Tennessee 37402

**RE: Ordinance No 13920**

Chairman Ledford and Vice-Chairwoman Dotley,

First, I want to let you know that I sincerely appreciate the effort that council has put into the legislative process that has resulted in this proposed ordinance. Broadly, I believe much of the language in the ordinance is a step in the right direction. I also agree with the Council that there is a need to update rates given they have not been updated since 2004. However, the A Class rates proposed in this ordinance are just too high.

My administration has provided an alternative rate schedule for consideration that adjusts the A Class rates—the rates most people pay—to keep up with inflation. According to data from the Bureau of Labor Statistics, that would result in a daytime tow rate of \$200 and a night/weekend tow rate of \$215. This is the most logical way to set rates to accommodate the towing industry's reasonable concern about the rate of increase of prices over time while not overcharging Chattanooga residents for a service that has not fundamentally changed since 2004.

While the \$50 difference in my A Class rate proposal is not dramatically far apart from the Council's proposed ordinance, that difference really matters to working class Chattanoogaans struggling with inflation themselves—especially when a towing fee is almost always an unexpected expense. Again, I understand the need to adjust these rates for inflation, but adding an extra 25 to 27% to an inflation-adjusted rate is not a proposal that I can support.

Therefore, I am writing to inform you that I am exercising my authority to veto proposed Ordinance No. 13920, which was passed by the Chattanooga City Council on December 6, 2022, per the authority granted to me in Sec. 8-26 in the Chattanooga City Charter. I respectfully request the Council reconsider our proposal as I would be proud to support this legislation with fees indexed to inflation so we don't find ourselves in this situation in the future.

Sincerely,

TIM KELLY  
Mayor  
City of Chattanooga

**First Reading: December 20, 2022**  
**Second Reading: January 10, 2023**

ORDINANCE NO. 13920

AN ORDINANCE AMENDING CHATTANOOGA CITY CODE,  
PART II, CHAPTER 35, SECTION 35-160, BILLING AND  
CHARGES FOR DISTRICT WRECKERS.

---

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA,  
TENNESSEE:

SECTION 1. That Chattanooga City Code, Part II, Chapter 35, Section 35-160, be amended by deleting same in its entirety and substituting in lieu thereof with the following:

**Sec. 35-160. Billing and charges for district wreckers.**

All applicants for a district wrecker permit shall be subject to regulation as to billing and charges for any call from the police department referred to the district wrecker under the call rotation system as follows:

- (1) The owner of a wrecker or towing car shall have prepared billheads with his name and the address of his place of business printed thereon. If requested by the owner of the disabled vehicle, the operator of the wrecker before towing a disabled vehicle away shall prepare a bill on his billhead form in duplicate, the original of which shall be given to the owner of the disabled vehicle or his authorized representative. This bill shall contain the following information:
  - A. Name and address of person engaging towing car.
  - B. State license number of disabled vehicle.
  - C. Storage rates per day or part thereof.
  - D. An estimate of the amount to be charged for towing which may thereafter only be adjusted for good cause. The printing of a schedule of fees on a billhead marked as to services rendered shall be sufficient for this purpose.
- (2) The duplicate copy of the bill shall be retained by the wrecker or towing car owner for a period of one (1) year, and shall be subject to inspection by the wrecker inspector or his duly authorized representative.

(3) In the event the bill is for an amount more than the schedule of charges for routine services described in paragraph (4) below, then the bill shall contain an itemization of the number of worker-hours involved in the recovery and towing of the disabled vehicle, an itemization of the vehicle-hours involved, and any other special charges which cause the bill to be higher than the schedule of charges for routine services.

(4) The maximum charges for district wrecker calls shall be up to as follows:

<i>A Class</i>	Daytime tow	\$225.00*
	Night/Weekend/Holiday	\$250.00*
	Daily Storage (After 8 Hours)	\$35.00 per day
	Extra Winching	\$100.00/hour flat rate
	Dollies are chargeable only if a wrecker is used for the tow, not in cases where a rollback is used. There should be no extra charge allowed for a rollback tow.	
	Spill Cleanup Labor	\$75.00/per incident
	Oil absorbent (oil dry, oil dri) Bags range from 30 pounds to 50 pounds	\$10.00/per bag
<i>B Class</i>	Day time	\$550.00/hour
	Night/Weekend/Holiday	\$550.00/hour
	*Extra Winching (Extra winching if for overturned vehicles and/or Vehicles off roadway and down an embankment).	\$300.00/hour
	Daily Storage (After 8 Hrs)	
	A. Tractor	\$70.00/day
	B. Trailer	\$70.00/day
<i>C Class</i>	Daytime tow	\$700.00/hour
	Night/weekend/holiday	\$700.00/hour
	Daily Storage (After 8 Hours)	
	A. Tractor	\$70.00 per day
	B. Trailer	\$70.00 per day
	Air Bags	\$1,500.00/hour
For All Classes	Gate Fee – During Business Hours	\$50.00
	Gate Fee – After hours or during emergency release	\$150.00
	Administration Fee	\$75.00

\*Provide an annual increase every January based on the annual inflation increase from the prior month's data, to be approved each year by the Beer & Wrecker Board.

Any additional charge by Class A, Class B, or Class C wreckers for winching, dollies, wheel lift or rollbacks, or other equipment or services not normally incident to towing wrecked or disabled vehicles shall be allowed only when the additional charge is (1) reasonably necessary to retrieve a wrecked vehicle which is off of the road or overturned; (2) to protect the wrecked or disabled vehicle from reasonably foreseeable additional damage should the device not be used; or (3) at the request of or permission of the owner or operator. An additional charge can be made for the pneumatic devices used to raise overturned trucks or other equipment not normally used in a tow.

If more than one (1) wrecker is necessary for recovery of the wrecked disabled vehicle the charges shall apply to each vehicle. In all cases involving a combination vehicle of five (5) or more axles or a single vehicle with a gross vehicle weight rating of twenty-six thousand and one (26,001) pounds or more, total charges computed utilizing the previously itemized schedule of hourly rates and equipment charges shall not exceed the total maximum recovery cost that would be applicable using the following schedule of permissible charges by weight for Recovery Class operations. Any dispute over reasonableness of any rates charged under this chapter shall be resolved by the Wrecker Board.

*Class C and Recovery Class operations may elect to charge for the following services in lieu of an hourly rate charge provided adequate billing records are maintained and any disputed billing is subject to review by the Wrecker Board:*

A.	Contained recovery/winchng for all recovery jobs in which there is no clean-up of debris from the vehicle to be recovered and cargo doors remain closed.	10.5¢ per pound
B.	Salvage/debris recovery for picking up debris/parts or loading from one vehicle to another, or a vehicle that breaks apart and needs to be towed from the scene.	12.5¢ per pound
C.	The following charges may be added to the contained recovery/winchng or salvage/debris recovery when applicable, and if specified on the billing invoice:	
1.	<u>Inclement Weather</u> : rain, snow, or if the temperature is below 25° F	2.25¢ per pound
2.	<u>Nights, Weekends and Holidays</u> : Includes times after 7:00 p.m. and before 8:00 a.m. and any time on Saturdays, Sundays, and all public holidays	2.25¢ per pound
3.	<u>Wheels higher than roof</u> : If any wheel is higher than any part of the roof	1.5¢ per pound
4.	<u>Embankments or Inclines</u> : If it is necessary to work on an embankment or incline	1.5¢ per pound
5.	<u>Back Door Frame Open</u> : If the back doors cannot be closed or the door frame is tom away and the integrity of the trailer is jeopardized.	1.5¢ per pound
6.	<u>Tractor from under Trailer</u> : If the tractor separates from the trailer in the crash	1.5¢ per pound
7.	<u>Major Suspension Damage</u> : If major suspension damage has an impact on the recovery, e.g., axles have been torn from suspension, but does not include if only the front axle is involved.	7.5¢ per pound
8.	<u>Air Bags</u> :	\$1,500.00 per hour
9.	<u>Sublet Charges</u> : For tractor trailers, dump trucks, backhoes, containers, roll of containers, traffic control devices and personnel and other equipment necessary for the recovery which is not required equipment to qualify as a recovery class or any other wrecker class under this ordinance. Sublet charges shall be reasonable rates based upon the market rate for renting said equipment in the City of Chattanooga.	

10.	<u>Exposure to Hazardous and/or Flammable Materials</u> : Charges for personnel being exposed to the risks associated with hazardous materials and/or flammable materials, not including the charges for the clean of said materials. This charge shall be a reasonable charge based upon the market rate in this State. The burden shall be upon the wrecker company to establish the market rate.
-----	---

All Licensed Class C and Recovery Class operators must keep on file at their location, for a period of one (1) year, video documentation of the scene, and the conditions for which all additional charges are being billed pursuant to this article. Video documentation shall consist of videotape, film, photographs, or other media which accurately depicts the scene and conditions as they actually appeared at the time of recovery.

No storage fee shall be charged by any district wrecker class if the vehicle is reclaimed by the owner within the first eight (8) hours.

For every wrecker class, if more than one (1) owner or employee per wrecker is of necessity assigned to assist in the recovery of the disabled vehicle, the normal hourly wage of the additional employee's adjusted fringe benefits can be made as an additional charge.

SECTION 2. BE IT FURTHER ORDAINED, That this Ordinance shall take effect immediately from and its passage.

Passed on second and final reading: January 10, 2023

  
 \_\_\_\_\_  
 CHAIRPERSON

APPROVED:  DISAPPROVED:

  
 \_\_\_\_\_  
 MAYOR

PAN/mem/v4