



MARYLAND

**SALISBURY CITY COUNCIL
AGENDA**

**FEBRUARY 6, 2012
CONFERENCE ROOM 306
GOVERNMENT OFFICE BUILDING**

4:00 p.m. - SPECIAL MEETING

- Convene/announcements
- Adoption of legislative agenda
- Ordinance No. 2188 - 1st reading - to repeal Chapter 5.64 as amended by Ordinance No. 2185 – Towing Companies of the Salisbury Municipal Code in its entirety and to reenact Chapter 5.64 – Towing Companies to clarify ambiguity regarding licensing requirements; towing and storage lot operation requirements; authorizing fees for towing and storage; and penalties for violation of Chapter 5.64
- Ordinance No. 2189 - 1st reading - to repeal Ordinance No. 2186 and to re-establish a schedule of fees and charges applicable to vehicles towed as dispatched by the Police Department and to clarify ambiguity
- Adjournment

WORK SESSION

- 4:15 p.m. Enterprise Zone renewal application briefing
- 4:45 p.m. Appointment of attorney for Ethics Commission complaints
- 5:15 p.m. Follow-up discussion on election redistricting
- 5:45 p.m. Break
- 6:00 p.m. Briefing on boards and commissions training, with focus on training held for Housing Board of Adjustments and Appeals
- Follow-up on Board of Zoning Appeals (next steps, options, training, timetable)
- 7:00 p.m. General discussion/Upcoming Agenda items
- 7:30 p.m. Adjournment

*Times shown are approximate. Council reserves the right to adjust the agenda as circumstances warrant.
The Council reserves the right to convene in Closed Session as permitted under the Annotated Code of Maryland 10-508(a).*

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2 **AS AMENDED ON JANUARY 23, 2012**
3 **ORDINANCE NO. 2188**
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6 AN ORDINANCE OF CITY OF SALISBURY TO REPEAL
7 CHAPTER 5.64 AS AMENDED BY ORDINANCE NO. 2185 – TOWING
8 COMPANIES OF THE SALISBURY MUNICIPAL CODE IN ITS
9 ENTIRETY AND TO REENACT CHAPTER 5.64 – TOWING
10 COMPANIES TO CLARIFY AMBIGUITY
11 REGARDING LICENSING REGARDING LICENSING
12 REQUIREMENTS; TOWING AND STORAGE LOT OPERATION
13 REQUIREMENTS; ~~SETTING~~ AUTHORIZING FEES FOR TOWING
14 AND STORAGE; AND PENALTIES FOR VIOLATION OF CHAPTER
15 5.64.
16

17 WHEREAS; Chapter 5.64 – TOWING COMPANIES sets the licensing
18 requirements and standards for towing and storage of towed vehicles in the City of
19 Salisbury; and

20 WHEREAS, the Mayor and City Council have determined that revisions to
21 Chapter 5.64 – TOWING COMPANIES are necessary to protect the safety and welfare
22 of the citizens of Salisbury.

23 NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY THE COUNCIL
24 OF THE CITY OF SALISBURY, MARYLAND, ~~in regular session,~~ that Chapter 5.64 –
25 TOWING COMPANIES be deleted in its entirety and reenacted as follows:

26 **Chapter 5.64**

27 **TOWING COMPANIES**

28 **Sections:**

29 **5.64.010 Definitions.**

30
31 **5.64.020 Police Directed Tow License Required to tow at City request.**

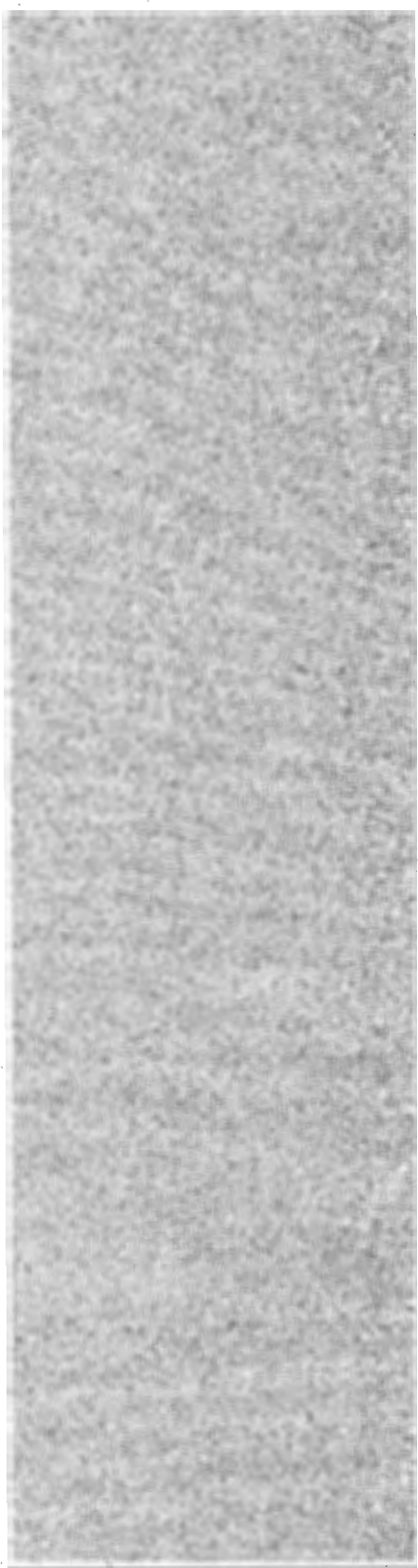
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- 5.64.030 Application for license -- Fees.**
- 5.64.040 Investigation and approval/disapproval of owner/applicant, and towing company requirements.**
- 5.64.050 Signed agreement required to make repairs on disabled vehicles.**
- 5.64.060 Unlawful to offer gratuities or bribes.**
- 5.64.070 Owner/applicant and towing company not to be financially interested in any other holder of a Police Directed Tow License.**
- 5.64.080 Investigation of employees of owner/applicants for Police Directed Tow Licenses.**
- 5.64.090 Certificate of insurance to be filed by holders of Police Directed Tow Licenses.**
- 5.64.100 Procedure for dispatching Police Directed Towing Companies.**
- 5.64.110 Release from Storage.**
- 5.64.120 Fees for towing and storage required by the police.**
- 5.64.130 Release of removed vehicles at the order of the Police Department.**
- 5.64.140 Signs required on vehicles.**
- 5.64.150 Unlawful to provide bail if holding a Police Directed Tow License.**
- 5.64.160 Violations--Penalties.**
- 5.64.170 Appeal.**
- 5.64.180 Severability.**
- 5.64.190 Saving Clause .**
- 5.64.010 Definitions.**

For the purpose of this chapter, the following words and phrases shall have the meanings respectively ascribed to them:

"Accident vehicle" means a motor vehicle which has been damaged or rendered inoperative as the result of a collision or accident.

"Disabled vehicle" means a motor vehicle which has been rendered inoperative as a result of wear and tear or mechanical failure.



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"Emergency relocation tow" means the emergency relocation of a motor vehicle requested by a department or agency of the City, a public utility, or a similar entity.

"Financially interested" means a person having a financial interest in a towing company, or any other transactions or events in which financial interests of the towing company are involved. He may not be serving as an officer, employee or member of the Board of Directors of a business or other entity or be in a position of control over the entity. Each towing company must have a unique business name which is licensed, and have a tax identification number, bank account(s), and insurance policy that is separate from any other towing company on the police directed tow list.

"Illegally parked vehicle" means any vehicle which is left standing or parked in any area in which parking is prohibited and in which such vehicle is a menace, nuisance or obstacle to the free and effective movement of any traffic or to the operation of emergency vehicles, emergency work or emergency workers, except that any vehicle which is so left standing or parked shall be removed at any time without regard to the forty-eight-hour period mentioned in the preamble of this chapter.*

"Impound vehicle" means a vehicle seized and ordered held by the police department for reasons including, but not limited to, evidentiary purposes, violations of the law, or safe keeping.

"Owner/Applicant" shall mean the towing company applying for a license to tow vehicles in the City of Salisbury and shall include individual owner(s) of the towing company that is applying for a license.

"Police Directed Tow License" means a license to engage in towing, at the request or direction of the City of Salisbury or the Salisbury Police Department, of disabled, illegally parked and scofflaw vehicles within the corporate limits of the City of Salisbury, issued pursuant to this Chapter before or after January 23, 2012.

"Regular business day" means that period between the hours of 9:00 a.m. and 6:00 p.m., Monday through Friday. The last transaction is to be initiated prior to 5:30 p.m.

"Scofflaw vehicle" means a motor vehicle for which three or more citations for municipal parking violations have been issued and remain unsatisfied, where at least thirty (30) days have elapsed since the issuance of the third unsatisfied citation.

"Towing" means the moving or removing, or the preparation thereof, of a disabled vehicle, illegally parked or scofflaw vehicle by another vehicle, for which a service charge is made.

"Towing company" means a natural person, partnership, corporation, fiduciary, association or other entity owning, operating or conducting the business of disentangling, removing or towing illegally parked or scofflaw vehicles and vehicles damaged by collision or other accident pursuant to a police directed tow license request of the City of Salisbury or the City Police Department.

"Towing vehicle" means a vehicle that tows, carries or removes a disabled vehicle, illegally parked vehicle or scofflaw vehicle for a fee.
(Ord. 1840 § 1, 2002; prior code § 141-1)



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* Editor's Note: Said preamble made reference to "those vehicles parked over forty-eight (48) hours or which are illegally parked."

5.64.020 Police Directed Tow License Required to tow at City request.

It is unlawful for any towing company to engage in the towing of disabled vehicles from the scene of a motor vehicle accident, abandoned vehicles or any illegally parked vehicle within the city at the request of the City of Salisbury or the City Police Department without first having obtained a license from the Director of Internal Services.

5.64.030 Application for license--Fees.

Annual applications for a police directed tow license shall be made on forms to be furnished by the Director of Internal Services, which application shall include a list of towing vehicles. Exhibits to the application shall include a copy of the title and insurance declaration page for each vehicle together with an affidavit of ownership of the towing company. The owner/applicant shall pay a filing fee when the application is made, which fee shall be retained by the city to cover the initial examination and inspection costs, and, if the application is approved, shall pay the further sum set by ordinance covering the license for the then current calendar year and, thereafter, shall pay each year a sum set by ordinance for a renewal of the license. Said license shall not be transferable or refundable. A separate license fee shall be required for each towing company to obtain a police directed tow license.

(Ord. 1992 (part), 2006: prior code § 141-3)

5.64.040 Investigation and approval/disapproval of owner/applicant and towing company requirements.

The Director of Internal Services, after the receipt of an application for a Police Directed Tow License or renewal license, shall forward the same to the Chief of Police or his designee for the investigation and inspection for compliance with the following requirements. These requirements shall apply to all owner/applicants, towing companies, and employees and agents of towing companies when operating pursuant to a police directed tow license:

A. Each owner/applicant and towing company must have a minimum of three (3) years towing experience unless they had a towing license issued by the City of Salisbury on or before December 31, 2010.

B. A towing company shall operate its business within the City in compliance with every applicable provision of State law. A tow truck operator may not operate a tow truck within the City unless the tow truck is registered in accordance with Section 13-920 of the Transportation Article of the Annotated Code of Maryland.



175 C. The owner/applicant, towing company and its employees and agents must have, located on
176 the towing vehicle, a set of dollies or other means to remove a vehicle with one or more missing or
177 damaged wheels.

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179 D. The owner/applicant, towing company and its employees and agents must have
180 operational fire extinguishers, flares and reflectors located on the towing vehicle.

181
182 E. The owner/applicant, towing company and its employees and agents must have hand tools
183 sufficient to clean scenes of minor debris, including but not limited to broom(s), shovel(s), absorbent
184 material, and debris disposal container(s) located on the towing vehicle.

185
186 F. The towing vehicles of the owner/applicant and the towing company, when inspected and
187 when operated, must be in good mechanical condition, equipped with necessary towing gear and
188 safety apparatuses and be registered as Class E (truck) vehicles – Tow Trucks with the department of
189 motor vehicles.

190
191 G. The owner/applicant and towing company must maintain adequate off-street storage
192 facilities in conformance with Title 17 (Zoning). The storage facilities must have adequate fencing to
193 ensure that persons cannot climb over or under the fence, and said fence must be secured with a
194 lockable gate. Further, said storage facilities must be protected at night by security lights.

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196 H. The owner/applicant shall submit to a criminal background investigation which shall
197 include the completion of an affidavit portion and a fingerprinting component. All costs associated
198 with this investigation shall be paid by the owner/applicant.

199
200 I. The Chief of Police or his designee shall promptly approve or disapprove all applications
201 in writing, and shall report his findings to the Director of Internal Services and the owner/applicant,
202 pending the results of the criminal background check which includes an affidavit and fingerprinting.
203 A felony conviction or a plea of nolo contendere involving a Part I crime within three (3) years of the
204 date of the application will automatically disqualify the applicant. If the Chief of Police approves the
205 application, the Director of Internal Services shall, after payment of all fees, issue the license. The
206 Director of Internal Services shall notify the Police Department when a license is issued. A copy of
207 all City issued licenses shall be displayed in each vehicle. The Chief of Police or his designee shall
208 have the authority to reject the application when he finds that the owner/applicant is not qualified to
209 perform the towing and storage services. In such case, he shall give suitable notification to the
210 owner/applicant of his reason for rejecting the application, and the owner/applicant shall have a right
211 to appeal the decision to the City Administrator or his designee, pursuant to Section 5.64.170.
212 (Ord. 1992 (part), 2006: prior code § 141-5)

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214 J. Should an otherwise approved owner/applicant or towing company be found guilty of
215 or enter a plea of nolo contendere to a felony involving a Part I crime, said person shall immediately
216 notify the Police Department within seventy-two hours of having been convicted. The Police
217 Department shall remove said towing company from the list of approved towing companies, and the
218 police directed tow license issued pursuant to this Chapter shall be revoked.

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221 **5.64.050 Signed agreement required to make repairs on disabled vehicles.**
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223 A. It shall be unlawful for any towing company or its agents or employees at the scene
224 of an accident or breakdown to require the execution of an agreement to have repair work performed
225 as a condition to providing towing service.
226

227 B. It is unlawful for any towing company, its agents or employees to make repairs for a
228 consideration on any disabled vehicle removed by a towing vehicle without first entering into a
229 signed agreement with the owner of the disabled vehicle or his authorized representative, which
230 agreement shall include an estimate of repairs.
231

232 C. One copy of any agreement entered into pursuant to this section shall be given to the
233 owner of this disabled vehicle or his authorized representative.
234

235 D. One copy of any agreement entered into pursuant to this section shall be retained for a
236 period of two years by the towing company who owns or leases the towing vehicle to be used in
237 towing or removing a disabled vehicle.
238 (Prior code § 141-11)
239

240 **5.64.060 Unlawful to offer gratuities or bribes.**
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242 It is unlawful for any towing company to offer any gratuity, bribe or inducement of any kind
243 to any officer or employee of the city or any governmental officer or employee whose salary is paid
244 out of the city treasury in order to obtain towing business or recommendations for the towing or
245 storage of or the estimating ~~upon~~ of repairs or repairing of disabled vehicles.
246 (Prior code § 141-13)
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248 **5.64.070 Owner/applicant and towing company not to be financially interested in any other**
249 **holder of a Police Directed Tow License.**
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251 Every owner/applicant filing an application for a Police Directed Tow License shall make an
252 affidavit that the owner/applicant is not directly or indirectly financially interested in any other
253 licensed Police Directed Towing company. All owner/applicants and all towing companies operating
254 pursuant to a police directed tow license may hold just one police directed tow license.
255 (Prior code § 141-4)
256

257 **5.64.080 Investigation of employees of owner/applicants for Police Directed Tow Licenses.**
258

259 A. Prior to the approval of the towing company application all employees of the
260 owner/applicant shall submit to a criminal background investigation acceptable to the
261 Police Department, including the completion of an affidavit and fingerprinting. Any costs
262 associated with such investigation shall be assumed by the owner/applicant. A felony
263 conviction or a plea of nolo contendere involving a Part I crime within three (3) years of
264 the date of the application will automatically disqualify the employee from responding to
265 any police directed tow or releasing any police directed tow vehicle to the owner of said
266 vehicle.
267

268 B. Prior to being allowed to respond to a police directed tow or to release a vehicle to its
269 owner, any new employee shall submit to the background investigation process,
270 fingerprinting and any costs associated with such investigation shall be assumed by the
271 owner/applicant or towing company.

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- C. Should an otherwise approved employee be found guilty of or enter a plea of nolo contendere to a felony involving a Part I crime, said employee shall immediately notify his employer who shall notify the Police Department within seventy-two hours of having been notified. The Police Department shall remove said employee from the list of approved towing company employees.
- D. Should the Chief of Police or his designee reject an employee for inclusion on the towing company's list of approved employees, the owner /applicant, the towing company and the employee shall have a right of appeal. This appeal shall be brought before the City Administrator or his designee pursuant to section 5.64.170.

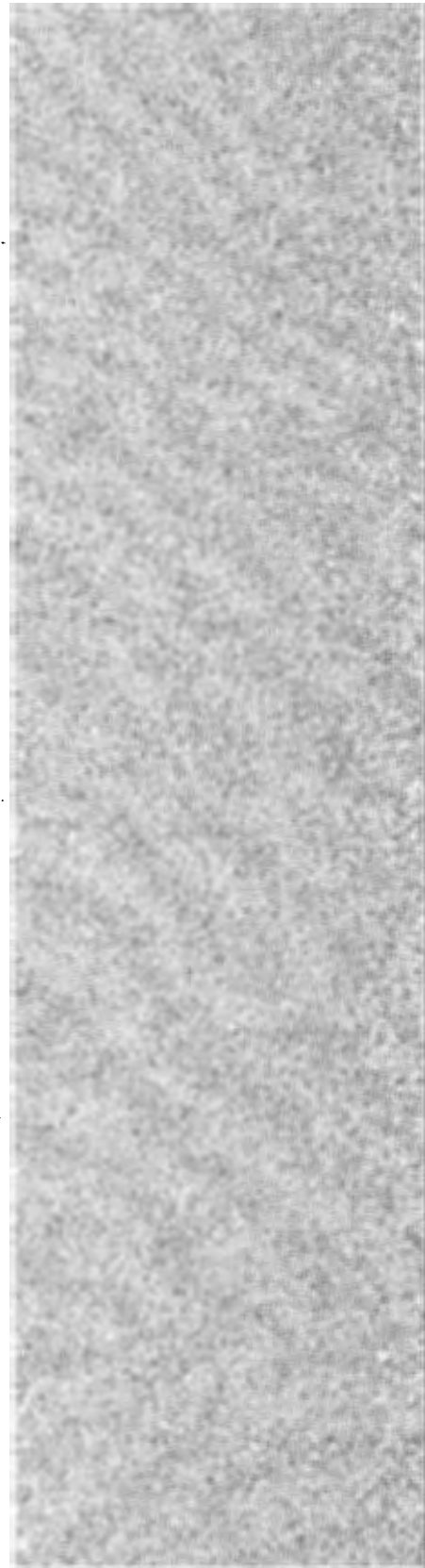
5.64.090 Certificate of insurance to be filed by holders of Police Directed Tow Licenses.

Every towing company that ~~is licensed~~ is licensed to conduct police directed tows, under the provisions of this chapter, regardless of whether such license was issued before or after January 23, 2012, shall file with the Director of Internal Services a certificate of insurance evidencing commercial liability insurance coverage for auto liability with a minimum of one million dollars (\$1,000,000.00), with a maximum of one thousand dollar (\$1,000) deductible, and coverage for cargo, unhook, and garage keeper's liability, with a minimum of fifty thousand dollars (\$50,000.00). Each licensee shall also list the City of Salisbury as an additional insured. If any insurance policy lapses without replacement by another insurance policy, said lapse shall be grounds for revocation of the license.

(Ord. 1992 (part), 2006: prior code § 141-6)

5.64.100 Procedure for dispatching Police Directed Towing Companies.

A. The Director of Internal Services shall furnish the Police Department with a current ~~list of~~ list of all towing companies with a police directed tow license. Whenever the service of a towing vehicle shall be required and a request is made to the police department for such service, the ~~police department~~ Police Department shall dispatch, to the place where the service ~~is required~~ is required, a vehicle operated by that towing company whose license was first obtained and then request subsequent towing vehicles as needed on a chronological and rotating basis. If a towing vehicle is not available, the next company listed chronologically, in the order in which it obtained its license shall be called. If a towing vehicle does not arrive at the scene of the collision, parking violation or accident within thirty (30) minutes after the request is made, the officer at the scene shall notify the Police Department of such fact. It shall contact the next towing company, etc., as if the first towing company had not been contacted. Consideration will be given, however, to abnormal traffic patterns that result from adverse weather conditions, emergencies or other causes. Upon arriving at the scene of an accident, the towing company shall immediately remove the disabled vehicle to his storage lot or other location and notify, in writing, the police officer and vehicle owner, if available, of the location and telephone number of the storage lot as well as applicable towing and storage fees. If indoor storage is required, then the above rules shall apply to licensed towing companies with indoor storage. In the event a disabled vehicle cannot promptly and efficiently be removed from the scene of an accident, the towing company may have the police department call the next-listed licensee to assist in such removal.



319 B. Any licensed towing company who shall decline three (3) tow requests within a three (3)
320 month time period shall be removed from the police directed towing list for six (6) months.

321 C. The vehicle shall be towed by the safest and shortest practical route possible from the
322 point of origin to the vehicle's destination.

323 D. If a department or agency of the city, a public utility or similar entity requests the
324 relocation of a vehicle from a work zone to a nearby street parking area, the police department shall
325 follow the procedure set forth in Paragraph A above. The fee for an emergency vehicle relocation
326 shall be established by ordinance and shall be at the expense of the requesting city department or
327 agency, public utility or similar entity.

328 E. No towing company ~~with a police directed tow license~~ shall, in any way, solicit towing
329 business, nor shall any such towing company attempt to take any vehicle in tow unless he or it shall
330 have been summoned by the owner/operator of the vehicle requiring the tow or the City Police
331 Department.
332 (Ord. 1992 (part), 2006: Ord. 1988, 2006: Ord. 1840 § 3, 2002)

333 F. No towing company that is summoned by the owner/operator of the vehicle requiring the
334 tow shall attempt to take a vehicle in tow unless the towing company possesses a current City of
335 Salisbury Police Directed Tow License, and can respond within thirty (30) minutes. ~~± 2.~~

336 G. If a vehicle to be towed is gone upon the arrival of a towing company called from the
337 police directed tow list, the towing company shall remain at the top of the list to receive the next
338 police directed tow call. ~~± 2.~~

339 **5.64.110 Release from Storage.**

340 A holder of a ~~Police Directed Tow License~~ police directed tow license shall be required to
341 release disabled vehicles during the regular business day. Each licensed towing company must
342 accept cash, certified checks, money orders, debit and at least two (2) major credit cards (Mastercard,
343 Visa, American Express, or Discover) for payment. If a towing company fails to accept the listed
344 forms of payment, a \$500.00 fine will be issued for the first offense and a fine not to exceed
345 \$1,000.00, will be issued for the second and subsequent offenses. A licensed towing company must
346 provide storage lot staff on site to allow vehicle owners timely access to their vehicles during the
347 regular business day. If a vehicle owner is unable to obtain timely release of a vehicle from storage
348 within two (2) hours of the initial request during the regular business day, and the police department
349 is notified by the vehicle owner, and the violation is verified by the police department, then storage
350 fees shall cease on the date of notification by the vehicle owner.

351 **5.64.120 Fees for towing and storage for police directed tows.**

352 Fees for towing and storage for police directed tows shall be established from time to time by
353 ordinance.

354 A. Every police directed towing company engaged in towing vehicles shall, at the time of its
355 application for a license, pursuant to Section 15.64.030, file with the Director of Internal Services, a
356 statement that it will charge the standard towing and storage fees adopted by ordinance.

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368 B. A police directed towing company shall not charge fees for towing, storage, or release of
369 vehicles of less than 10,000 GVW, other than those adopted by ordinance.

370
371 C. A police directed towing company shall post a list of current City Council approved
372 towing and storage fees in a conspicuous place at its storage facility using a sign substantially similar
373 to that approved by the Chief of Police.

374
375 D. A list of current towing and storage fees shall be given to the vehicle owner/operator, if
376 available, at the scene of the tow by the tow truck operator. Should the vehicle owner/operator not
377 be available at the scene, a list of current towing and storage fees shall be given to the officer in
378 charge of the scene.

379
380 E. Vehicle owners may not abandon vehicles at a City licensed facility. Leaving a vehicle at a
381 tow facility for more than two (2) weeks shall constitute abandonment. Abandoning a vehicle may
382 result in forfeiture of the vehicle, criminal and/or civil prosecution including a municipal fine of up to
383 \$1,000, plus court and recovery costs. In cases of police impounded vehicles, the two (2) week time
384 period begins on the day following the release of the vehicle by the police department.

385
386 **5.64.130 Release of vehicles removed at the order of the Police Department.**

387
388 A. Vehicles removed at the order of the Police Department may not be released until
389 approved by the police department and until the payment of all fines and fees has been made. In the
390 case of city parking regulations, this requirement applies uniformly to all:

- 391
392 1. Motor vehicles not registered in the state of Maryland;
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394 2. Motor vehicles registered in the state of Maryland;
395
396 3. Motor vehicles registered in the state of Maryland to leasing companies and rental
397 agencies;
398
399 4. Non-registered motor vehicles.

400
401 B. Vehicles shall be stored for a minimum of two (2) weeks unless released as set forth
402 above. After two (2) weeks of storage, the vehicle may be removed from storage by the licensed
403 towing company with written approval of the police department. No abandoned vehicle shall be
404 scrapped except in accordance with Maryland State Law.

405
406 C. Personal property of owners/companies not attached to the vehicle shall be immediately
407 returned to owners/companies upon owner's/company's request, unless the Police Department
408 requires retention of the personal property not attached to the vehicle.
409 (Prior code § 141-8)

410
411 D. No vehicle shall be released to the owner or the owner's authorized agent until proof of
412 ownership and a valid identification is provided to the towing company.

413
414 **5.64.140 Signs required on vehicles.**

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416 On each side of every towing vehicle there shall be legibly inscribed the name, telephone
417 number, and address of the owner and the Department of Transportation number of each towing
418 vehicle. Letters and numerals required by this section shall

- 419 A. Be visible from a distance of 50 feet during daylight hours;
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421 B. Be permanently affixed on or applied to the towing vehicle;
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423 C. Be in letters that contrast sharply in color with the background on which the letters are
424 placed;
425
426 D. Comply with Maryland Vehicle Law 22-404.3.
427 (Prior code § 141-10)
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431 **5.64.150 Unlawful to provide bail if holding a Police Directed Tow License.**
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433 It is unlawful for any towing company holding a Police Directed Tow License to offer to
434 secure or provide bail or to enter into any agreement, oral or written, to secure or provide bail or to
435 arrange for the providing of bail for any person involved in a motor vehicle collision or accident in
436 the city, with the exception that this section shall not apply to bona fide automobile clubs,
437 associations or insurance companies.
438 (Prior code § 141-12)
439

440 **5.64.160 Violations--Penalties.**
441

442 Any towing company that violates any of the provisions of this Chapter shall be subject to
443 license suspension for up to ninety (90) days, for a first offense, or revocation for up to one (1) year,
444 for a second offense, by the Chief of Police. No new license shall be issued during a period of
445 suspension or revocation. In addition, any towing company ~~or individual, its employees and agents~~
446 who shall violate any of the provisions of this Chapter shall be guilty of a civil infraction and shall be
447 subject to a fine not to exceed five hundred dollars (\$500.00) for a first violation or one thousand
448 dollars (\$1,000) for subsequent violations. Any towing company ~~or individual, its employees and~~
449 agents found guilty of perjury under Maryland Criminal Law ~~title~~ Title 9 shall be subject to
450 imprisonment not exceeding 10 years.
451 (Prior code § 141-14)
452

453 **5.64.170 Appeal.**
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455 Any towing company whose license is suspended or revoked by the Chief of Police or an
456 owner/applicant whose application is rejected, or a towing company and its employee who has been
457 rejected may appeal that decision to the City Administrator in writing within ten (10) days of the date
458 of the decision. Within twenty-one (21) days after receipt of the appeal, the City Administrator or his
459 designee shall review the file, hear any testimony the City Administrator or his designee deems
460 necessary, and render a written decision either affirming, reversing, or modifying the decision of the
461 Chief of Police. Failure to file a timely appeal shall constitute an acceptance of the police chief's
462 action.
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464 **5.64.180 Severability.**

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Severability is intended throughout and within the provisions of the Ordinance. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, then that decision shall not affect the validity of the remaining portions of this Ordinance.

AND BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF SALISBURY, MARYLAND, that this Ordinance shall take effect from and after the date of its final passage.

THE ABOVE ORDINANCE was introduced at a meeting of the Council on the _____ day of _____, 2012, and thereafter, a statement of the substance of the ordinance having been published as required by law, in the meantime, was finally passed by the Council on the _____ day of _____, 2012.

ATTEST:

Brenda J. Colegrove
City Clerk

Terry E. Cohen
President of the City Council
of the City of Salisbury

Approved by me this
day of _____, 2012.

James Ireton, Jr.
Mayor of the City of Salisbury

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ORDINANCE NO. 2188

14 AN ORDINANCE OF THE CITY OF SALISBURY TO REPEAL
15 CHAPTER 5.64 AS AMENDED BY ORDINANCE NO. 2185 – TOWING
16 COMPANIES OF THE SALISBURY MUNICIPAL CODE IN ITS
17 ENTIRETY AND TO REENACT CHAPTER 5.64 – TOWING
18 COMPANIES TO CLARIFY AMBIGUITY REGARDING LICENSING
19 REQUIREMENTS; TOWING AND STORAGE LOT OPERATION
20 REQUIREMENTS; AUTHORIZING FEES FOR TOWING AND
21 STORAGE; AND PENALTIES FOR VIOLATION OF CHAPTER 5.64.

22 WHEREAS, Chapter 5.64 – TOWING COMPANIES sets the licensing
23 requirements and standards for towing and storage of towed vehicles in the City of
24 Salisbury; and

25 WHEREAS, the Mayor and City Council have determined that revisions to
26 Chapter 5.64 – TOWING COMPANIES are necessary to protect the safety and welfare
27 of the citizens of Salisbury.

28 NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY THE COUNCIL
29 OF THE CITY OF SALISBURY, MARYLAND, that Chapter 5.64 – TOWING
30 COMPANIES be deleted in its entirety and reenacted as follows:

31
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Chapter 5.64

TOWING COMPANIES

Sections:

5.64.010 Definitions.

5.64.020 Police Directed Tow License Required to tow at City request.

5.64.030 Application for license -- Fees.

5.64.040 Investigation and approval/disapproval of owner/applicant, and towing company requirements.

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34 **5.64.050 Signed agreement required to make repairs on disabled vehicles.**
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36 **5.64.060 Unlawful to offer gratuities or bribes.**
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38 **5.64.070 Owner/applicant and towing company not to be financially interested in any other**
39 **holder of a Police Directed Tow License.**
40
41 **5.64.080 Investigation of employees of owner/applicants for Police Directed Tow Licenses.**
42
43 **5.64.090 Certificate of insurance to be filed by holders of Police Directed Tow Licenses.**
44
45 **5.64.100 Procedure for dispatching Police Directed Towing Companies.**
46
47 **5.64.110 Release from Storage.**
48
49 **5.64.120 Fees for towing and storage required by the police.**
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51 **5.64.130 Release of removed vehicles at the order of the Police Department.**
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53 **5.64.140 Signs required on vehicles.**
54
55 **5.64.150 Unlawful to provide bail if holding a Police Directed Tow License.**
56
57 **5.64.160 Violations--Penalties.**
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59 **5.64.170 Appeal.**
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61 **5.64.180 Severability.**
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63 **5.64.190 Saving Clause .**
64
65 **5.64.010 Definitions.**

66
67 For the purpose of this chapter, the following words and phrases shall have the meanings
68 respectively ascribed to them:
69

70 "Accident vehicle" means a motor vehicle which has been damaged or rendered inoperative
71 as the result of a collision or accident.
72

73 "Disabled vehicle" means a motor vehicle which has been rendered inoperative as a result of
74 wear and tear or mechanical failure.
75

76 "Emergency relocation tow" means the emergency relocation of a motor vehicle requested by
77 a department or agency of the City, a public utility, or a similar entity.
78

79 "Financially interested" means a person having a financial interest in a towing company,
80 or any other transactions or events in which financial interests of the towing company are
81 involved. He may not be serving as an officer, employee or member of the Board of Directors of

82 a business or other entity or be in a position of control over the entity. Each towing company
83 must have a unique business name which is licensed, and have a tax identification number, bank
84 account(s), and insurance policy that is separate from any other towing company on the police
85 directed tow list.

86
87 "Illegally parked vehicle" means any vehicle which is left standing or parked in any area in
88 which parking is prohibited and in which such vehicle is a menace, nuisance or obstacle to the free
89 and effective movement of any traffic or to the operation of emergency vehicles, emergency work or
90 emergency workers, except that any vehicle which is so left standing or parked shall be removed at
91 any time without regard to the forty-eight-hour period mentioned in the preamble of this chapter.*
92

93 "Impound vehicle" means a vehicle seized and ordered held by the police department for
94 reasons including, but not limited to, evidentiary purposes, violations of the law, or safe keeping.
95

96 "Owner/Applicant" shall mean the towing company applying for a license to tow vehicles in
97 the City of Salisbury and shall include individual owner(s) of the towing company that is applying
98 for a license.
99

100 "Police Directed Tow License" means a license to engage in towing, at the request or
101 direction of the City of Salisbury or the Salisbury Police Department, of disabled, illegally parked
102 and scofflaw vehicles within the corporate limits of the City of Salisbury, issued pursuant to this
103 Chapter before or after January 23, 2012.
104

105 "Regular business day" means that period between the hours of 9:00 a.m. and 6:00 p.m.,
106 Monday through Friday. The last transaction is to be initiated prior to 5:30 p.m.
107

108 "Scofflaw vehicle" means a motor vehicle for which three or more citations for municipal
109 parking violations have been issued and remain unsatisfied, where at least thirty (30) days have
110 elapsed since the issuance of the third unsatisfied citation.
111

112 "Towing" means the moving or removing, or the preparation thereof, of a disabled vehicle,
113 illegally parked or scofflaw vehicle by another vehicle, for which a service charge is made.
114

115 "Towing company" means a natural person, partnership, corporation, fiduciary, association or
116 other entity owning, operating or conducting the business of disentangling, removing or towing
117 illegally parked or scofflaw vehicles and vehicles damaged by collision or other accident pursuant to
118 a request of the City of Salisbury or the City Police Department.
119

120 "Towing vehicle" means a vehicle that tows, carries or removes a disabled vehicle, illegally
121 parked vehicle or scofflaw vehicle for a fee.
122 (Ord. 1840 § 1, 2002; prior code § 141-1)
123

124 * Editor's Note: Said preamble made reference to "those vehicles parked over forty-eight (48)
125 hours or which are illegally parked."
126
127
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129

130 **5.64.020 Police Directed Tow License Required to tow at City request.**

131
132 It is unlawful for any towing company to engage in the towing of disabled vehicles from the
133 scene of a motor vehicle accident, abandoned vehicles or any illegally parked vehicle within the city
134 at the request of the City of Salisbury or the City Police Department without first having obtained a
135 license from the Director of Internal Services.

136
137 **5.64.030 Application for license--Fees.**

138
139 Annual applications for a police directed tow license shall be made on forms to be furnished
140 by the Director of Internal Services, which application shall include a list of towing vehicles.
141 Exhibits to the application shall include a copy of the title and insurance declaration page for each
142 vehicle together with an affidavit of ownership of the towing company. The owner/applicant shall
143 pay a filing fee when the application is made, which fee shall be retained by the city to cover the
144 initial examination and inspection costs, and, if the application is approved, shall pay the further sum
145 set by ordinance covering the license for the then current calendar year and, thereafter, shall pay each
146 year a sum set by ordinance for a renewal of the license. Said license shall not be transferable or
147 refundable. A separate license fee shall be required for each towing company to obtain a police
148 directed tow license.
149 (Ord. 1992 (part), 2006: prior code § 141-3)

150
151 **5.64.040 Investigation and approval/disapproval of owner/applicant and towing company**
152 **requirements.**

153
154 The Director of Internal Services, after the receipt of an application for a Police Directed
155 Tow License or renewal license, shall forward the same to the Chief of Police or his designee for the
156 investigation and inspection for compliance with the following requirements. These requirements
157 shall apply to all owner/applicants, towing companies, and employees and agents of towing
158 companies when operating pursuant to a police directed tow license:

159
160 A. Each owner/applicant and towing company must have a minimum of three (3) years
161 towing experience unless they had a towing license issued by the City of Salisbury on or before
162 December 31, 2010.

163
164 B. A towing company shall operate its business within the City in compliance with every
165 applicable provision of State law. A tow truck operator may not operate a tow truck within the City
166 unless the tow truck is registered in accordance with Section 13-920 of the Transportation Article of
167 the Annotated Code of Maryland.

168
169 C. The owner/applicant, towing company and its employees and agents must have, located on
170 the towing vehicle, a set of dollies or other means to remove a vehicle with one or more missing or
171 damaged wheels.

172
173 D. The owner/applicant, towing company and its employees and agents must have
174 operational fire extinguishers, flares and reflectors located on the towing vehicle.

175
176 E. The owner/applicant, towing company and its employees and agents must have hand tools
177 sufficient to clean scenes of minor debris, including but not limited to broom(s), shovel(s), absorbent
178 material, and debris disposal container(s) located on the towing vehicle.

179
180 F. The towing vehicles of the owner/applicant and the towing company, when inspected and
181 operated, must be in good mechanical condition, equipped with necessary towing gear and safety
182 apparatuses and be registered as Class E (truck) vehicles – Tow Trucks with the department of motor
183 vehicles.

184
185 G. The owner/applicant and towing company must maintain adequate off-street storage
186 facilities in conformance with Title 17 (Zoning). The storage facilities must have adequate fencing to
187 ensure that persons cannot climb over or under the fence, and said fence must be secured with a
188 lockable gate. Further, said storage facilities must be protected at night by security lights.

189
190 H. The owner/applicant shall submit to a criminal background investigation which shall
191 include the completion of an affidavit portion and a fingerprinting component. All costs associated
192 with this investigation shall be paid by the owner/applicant.

193
194 I. The Chief of Police or his designee shall promptly approve or disapprove all applications
195 in writing, and shall report his findings to the Director of Internal Services and the owner/applicant,
196 pending the results of the criminal background check which includes an affidavit and fingerprinting.
197 A felony conviction or a plea of nolo contendere involving a Part I crime within three (3) years of the
198 date of the application will automatically disqualify the applicant. If the Chief of Police approves the
199 application, the Director of Internal Services shall, after payment of all fees, issue the license. The
200 Director of Internal Services shall notify the Police Department when a license is issued. A copy of
201 all City issued licenses shall be displayed in each vehicle. The Chief of Police or his designee shall
202 have the authority to reject the application when he finds that the owner/applicant is not qualified to
203 perform the towing and storage services. In such case, he shall give suitable notification to the
204 owner/applicant of his reason for rejecting the application, and the owner/applicant shall have a right
205 to appeal the decision to the City Administrator or his designee, pursuant to Section 5.64.170.
206 (Ord. 1992 (part), 2006: prior code § 141-5)

207
208 J. Should an otherwise approved owner/applicant or towing company be found guilty of
209 or enter a plea of nolo contendere to a felony involving a Part I crime, said person shall immediately
210 notify the Police Department within seventy-two hours of having been convicted. The Police
211 Department shall remove said towing company from the list of approved towing companies, and the
212 police directed tow license issued pursuant to this Chapter shall be revoked.

213
214
215 **5.64.050 Signed agreement required to make repairs on disabled vehicles.**

216
217 A. It shall be unlawful for any towing company or its agents or employees at the scene
218 of an accident or breakdown to require the execution of an agreement to have repair work performed
219 as a condition to providing towing service.

220
221 B. It is unlawful for any towing company, its agents or employees to make repairs for a
222 consideration on any disabled vehicle removed by a towing vehicle without first entering into a
223 signed agreement with the owner of the disabled vehicle or his authorized representative, which
224 agreement shall include an estimate of repairs.

225
226 C. One copy of any agreement entered into pursuant to this section shall be given to the
227 owner of this disabled vehicle or his authorized representative.

228
229 D. One copy of any agreement entered into pursuant to this section shall be retained for a
230 period of two years by the towing company who owns or leases the towing vehicle to be used in
231 towing or removing a disabled vehicle.
232 (Prior code § 141-11)
233

234 **5.64.060 Unlawful to offer gratuities or bribes.**
235

236 It is unlawful for any towing company to offer any gratuity, bribe or inducement of any kind
237 to any officer or employee of the city or any governmental officer or employee whose salary is paid
238 out of the city treasury in order to obtain towing business or recommendations for the towing or
239 storage of or the estimating of repairs or repairing of disabled vehicles.
240 (Prior code § 141-13)
241

242 **5.64.070 Owner/applicant and towing company not to be financially interested in any other**
243 **holder of a Police Directed Tow License.**
244

245 Every owner/applicant filing an application for a Police Directed Tow License shall make an
246 affidavit that the owner/applicant is not directly or indirectly financially interested in any other
247 licensed Police Directed Towing company. All owner/applicants and all towing companies operating
248 pursuant to a police directed tow license may hold just one police directed tow license.
249 (Prior code § 141-4)
250

251 **5.64.080 Investigation of employees of owner/applicants for Police Directed Tow Licenses.**
252

- 253 A. Prior to the approval of the towing company application all employees of the
254 owner/applicant shall submit to a criminal background investigation acceptable to the
255 Police Department, including the completion of an affidavit and fingerprinting. Any costs
256 associated with such investigation shall be assumed by the owner/applicant. A felony
257 conviction or a plea of nolo contendere involving a Part I crime within three (3) years of
258 the date of the application will automatically disqualify the employee from responding to
259 any police directed tow or releasing any police directed tow vehicle to the owner of said
260 vehicle.
261
- 262 B. Prior to being allowed to respond to a police directed tow or to release a vehicle to its
263 owner, any new employee shall submit to the background investigation process,
264 fingerprinting and any costs associated with such investigation shall be assumed by the
265 owner/applicant or towing company.
266
- 267 C. Should an otherwise approved employee be found guilty of or enter a plea of nolo
268 contendere to a felony involving a Part I crime, said employee shall immediately notify
269 his employer who shall notify the Police Department within seventy-two hours of having
270 been notified. The Police Department shall remove said employee from the list of
271 approved towing company employees.
272
- 273 D. Should the Chief of Police or his designee reject an employee for inclusion on the towing
274 company's list of approved employees, the owner /applicant, the towing company and the
275 employee shall have a right of appeal. This appeal shall be brought before the City
276 Administrator or his designee pursuant to section 5.64.170.

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5.64.090 Certificate of insurance to be filed by holders of Police Directed Tow Licenses.

Every towing company that is licensed to conduct police directed tows, under the provisions of this chapter, regardless of whether such license was issued before or after January 23, 2012, shall file with the Director of Internal Services a certificate of insurance evidencing commercial liability insurance coverage for auto liability with a minimum of one million dollars (\$1,000,000.00), with a maximum of one thousand dollar (\$1,000) deductible, and coverage for cargo, unhook, and garage keeper's liability, with a minimum of fifty thousand dollars (\$50,000.00). Each licensee shall also list the City of Salisbury as an additional insured. If any insurance policy lapses without replacement by another insurance policy, said lapse shall be grounds for revocation of the license. (Ord. 1992 (part), 2006: prior code § 141-6)

5.64.100 Procedure for dispatching Police Directed Towing Companies.

A. The Director of Internal Services shall furnish the Police Department with a current list of all towing companies with a police directed tow license. Whenever the service of a towing vehicle shall be required and a request is made to the police department for such service, the Police Department shall dispatch, to the place where the service is required, a vehicle operated by that towing company whose license was first obtained and then request subsequent towing vehicles as needed on a chronological and rotating basis. If a towing vehicle is not available, the next company listed chronologically, in the order in which it obtained its license shall be called. If a towing vehicle does not arrive at the scene of the collision, parking violation or accident within thirty (30) minutes after the request is made, the officer at the scene shall notify the Police Department of such fact. It shall contact the next towing company, etc., as if the first towing company had not been contacted. Consideration will be given, however, to abnormal traffic patterns that result from adverse weather conditions, emergencies or other causes. Upon arriving at the scene of an accident, the towing company shall immediately remove the disabled vehicle to his storage lot or other location and notify, in writing, the police officer and vehicle owner, if available, of the location and telephone number of the storage lot as well as applicable towing and storage fees. If indoor storage is required, then the above rules shall apply to licensed towing companies with indoor storage. In the event a disabled vehicle cannot promptly and efficiently be removed from the scene of an accident, the towing company may have the police department call the next-listed licensee to assist in such removal.

B. Any licensed towing company who shall decline three (3) tow requests within a three (3) month time period shall be removed from the police directed towing list for six (6) months.

C. The vehicle shall be towed by the safest and shortest practical route possible from the point of origin to the vehicle's destination.

D. If a department or agency of the city, a public utility or similar entity requests the relocation of a vehicle from a work zone to a nearby street parking area, the police department shall follow the procedure set forth in Paragraph A above. The fee for an emergency vehicle relocation shall be established by ordinance and shall be at the expense of the requesting city department or agency, public utility or similar entity.

324 E. No towing company shall, in any way, solicit towing business, nor shall any such towing
325 company attempt to take any vehicle in tow unless he or it shall have been summoned by the
326 owner/operator of the vehicle requiring the tow or the City Police Department.
327 (Ord. 1992 (part), 2006: Ord. 1988, 2006: Ord. 1840 § 3, 2002)
328

329 F. No towing company that is summoned by the owner/operator of the vehicle requiring the
330 tow shall attempt to take a vehicle in tow unless the towing company possesses a current City of
331 Salisbury Police Directed Tow License, and can respond within thirty (30) minutes.

332 G. If a vehicle to be towed is gone upon the arrival of a towing company called from the
333 police directed tow list, the towing company shall remain at the top of the list to receive the next
334 police directed tow call.
335

336 **5.64.110 Release from Storage.**
337

338 A holder of a police directed tow license shall be required to release disabled vehicles during
339 the regular business day. Each licensed towing company must accept cash, certified checks, money
340 orders, debit and at least two (2) major credit cards (Mastercard, Visa, American Express, or
341 Discover) for payment. If a towing company fails to accept the listed forms of payment, a \$500.00
342 fine will be issued for the first offense and a fine not to exceed \$1,000.00, will be issued for the
343 second and subsequent offenses. A licensed towing company must provide storage lot staff on site to
344 allow vehicle owners timely access to their vehicles during the regular business day. If a vehicle
345 owner is unable to obtain timely release of a vehicle from storage within two (2) hours of the initial
346 request during the regular business day, and the police department is notified by the vehicle owner,
347 and the violation is verified by the police department, then storage fees shall cease on the date of
348 notification by the vehicle owner.
349

350 **5.64.120 Fees for towing and storage for police directed tows.**
351

352 Fees for towing and storage for police directed tows shall be established from time to time by
353 ordinance.
354

355 A. Every police directed towing company engaged in towing vehicles shall, at the time of its
356 application for a license, pursuant to Section 15.64.030, file with the Director of Internal Services, a
357 statement that it will charge the standard towing and storage fees adopted by ordinance.
358

359 B. A police directed towing company shall not charge fees for towing, storage, or release of
360 vehicles of less than 10,000 GVW, other than those adopted by ordinance.
361

362 C. A police directed towing company shall post a list of current City Council approved
363 towing and storage fees in a conspicuous place at its storage facility using a sign substantially similar
364 to that approved by the Chief of Police.
365

366 D. A list of current towing and storage fees shall be given to the vehicle owner/operator, if
367 available, at the scene of the tow by the tow truck operator. Should the vehicle owner/operator not
368 be available at the scene, a list of current towing and storage fees shall be given to the officer in
369 charge of the scene.
370

371 E. Vehicle owners may not abandon vehicles at a City licensed facility. Leaving a vehicle at a
372 tow facility for more than two (2) weeks shall constitute abandonment. Abandoning a vehicle may

373 result in forfeiture of the vehicle, criminal and/or civil prosecution including a municipal fine of up to
374 \$1,000, plus court and recovery costs. In cases of police impounded vehicles, the two (2) week time
375 period begins on the day following the release of the vehicle by the police department.
376

377 **5.64.130 Release of vehicles removed at the order of the Police Department.**
378

379 A. Vehicles removed at the order of the Police Department may not be released until
380 approved by the police department and until the payment of all fines and fees has been made. In the
381 case of city parking regulations, this requirement applies uniformly to all:
382

- 383 I. Motor vehicles not registered in the state of Maryland;
- 384
- 385 2. Motor vehicles registered in the state of Maryland;
- 386
- 387 3. Motor vehicles registered in the state of Maryland to leasing companies and rental
388 agencies;
- 389
- 390 4. Non-registered motor vehicles.
391

392 B. Vehicles shall be stored for a minimum of two (2) weeks unless released as set forth
393 above. After two (2) weeks of storage, the vehicle may be removed from storage by the licensed
394 towing company with written approval of the police department. No abandoned vehicle shall be
395 scrapped except in accordance with Maryland State Law.
396

397 C. Personal property of owners/companies not attached to the vehicle shall be immediately
398 returned to owners/companies upon owner's/company's request, unless the Police Department
399 requires retention of the personal property not attached to the vehicle.
400 (Prior code § 141-8)
401

402 D. No vehicle shall be released to the owner or the owner's authorized agent until proof of
403 ownership and a valid identification is provided to the towing company.
404

405 **5.64.140 Signs required on vehicles.**
406

407 On each side of every towing vehicle there shall be legibly inscribed the name, telephone
408 number, and address of the owner and the Department of Transportation number of each towing
409 vehicle. Letters and numerals required by this section shall
410

- 411 A. Be visible from a distance of 50 feet during daylight hours;
- 412
- 413 B. Be permanently affixed on or applied to the towing vehicle;
- 414
- 415 C. Be in letters that contrast sharply in color with the background on which the letters are
416 placed;
- 417
- 418 D. Comply with Maryland Vehicle Law 22-404.3.
419 (Prior code § 141-10)
420
421

422 **5.64.150 Unlawful to provide bail if holding a Police Directed Tow License.**

423
424 It is unlawful for any towing company holding a Police Directed Tow License to offer to
425 secure or provide bail or to enter into any agreement, oral or written, to secure or provide bail or to
426 arrange for the providing of bail for any person involved in a motor vehicle collision or accident in
427 the city, with the exception that this section shall not apply to bona fide automobile clubs,
428 associations or insurance companies.
429 (Prior code § 141-12)

430
431 **5.64.160 Violations--Penalties.**

432
433 Any towing company that violates any of the provisions of this Chapter shall be subject to
434 license suspension for up to ninety (90) days, for a first offense, or revocation for up to one (1) year,
435 for a second offense, by the Chief of Police. No new license shall be issued during a period of
436 suspension or revocation. In addition, any towing company, its employees and agents who shall
437 violate any of the provisions of this Chapter shall be guilty of a civil infraction and shall be subject to
438 a fine not to exceed five hundred dollars (\$500.00) for a first violation or one thousand dollars
439 (\$1,000) for subsequent violations. Any towing company, its employees and agents found guilty of
440 perjury under Maryland Criminal Law Title 9 shall be subject to imprisonment not exceeding 10
441 years.
442 (Prior code § 141-14)

443
444 **5.64.170 Appeal.**

445
446 Any towing company whose license is suspended or revoked by the Chief of Police or an
447 owner/applicant whose application is rejected, or a towing company and its employee who has been
448 rejected may appeal that decision to the City Administrator in writing within ten (10) days of the date
449 of the decision. Within twenty-one (21) days after receipt of the appeal, the City Administrator or his
450 designee shall review the file, hear any testimony the City Administrator or his designee deems
451 necessary, and render a written decision either affirming, reversing, or modifying the decision of the
452 Chief of Police. Failure to file a timely appeal shall constitute an acceptance of the police chief's
453 action.

454
455 **5.64.180 Severability.**

456
457 Severability is intended throughout and within the provisions of the Ordinance. If any
458 section, subsection, sentence, clause, phrase or portion of this Ordinance is held to be invalid or
459 unconstitutional by a court of competent jurisdiction, then that decision shall not affect the
460 validity of the remaining portions of this Ordinance.

461
462 AND BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF
463 SALISBURY, MARYLAND, that this Ordinance shall take effect from and after the date
464 of its final passage.

465 THE ABOVE ORDINANCE was introduced at a meeting of the Council on the
466 ____ day of _____, 2012, and thereafter, a statement of the substance of the ordinance
467 having been published as required by law, in the meantime, was finally passed by the
468 Council on the ____ day of _____, 2012.

469
470 ATTEST:

471
472
473
474 _____
475 Brenda J. Colegrove
476 City Clerk

477 _____
478 Terry E. Cohen
479 President of the City Council
480 of the City of Salisbury

477
478 Approved by me this
479
480 day of _____, 2012.

481
482
483 _____
484 James Ireton, Jr.
485 Mayor of the City of Salisbury
486

**AS AMENDED ON JANUARY 23, 2012
ORDINANCE NO. 2186 2189**

AN ORDINANCE OF THE CITY OF SALISBURY TO REPEAL ORDINANCE NO. 2186 AND TO RE-ESTABLISH A SCHEDULE OF FEES AND CHARGES APPLICABLE TO VEHICLES TOWED AS DISPATCHED BY THE POLICE DEPARTMENT AND TO CLARIFY AMBIGUITY

WHEREAS Chapter 5.64 – TOWING COMPANIES has been adopted by the Mayor and City Council; and

WHEREAS Chapter 5.64 calls for the fees and charges for Police Directed Tows and the related storage of towed vehicles to be established by ordinance from time to time;

NOW THEREFORE BE IT ENACTED AND ORDAINED BY THE COUNCIL OF THE CITY OF SALISBURY, MARYLAND, in regular session, that the following schedule of maximum towing and storage fees is hereby adopted:

LICENSING FEES

Owner/applicant filing fee (per license, with application)	\$75.00
Owner/applicant initial licensing fee (with approved application)	\$75.00
Annual owner/applicant license renewal fee	\$75.00

**MAXIMUM TOWING AND STORAGE FEES
Vehicles up to 10,000 GVW**

Service	Fee
Accident Vehicle Tow	\$160.00
Disabled Vehicle Tow	\$ 80.00
Emergency Relocation Tow	\$ 80.00
Impound Vehicle Tow	\$135.00

Other Fees (to be included in addition to towing fees, as warranted)

	\$65.00	
Standby/Waiting Time		Per Hour
Billed in 15 minute increments only after 16 minute wait		
Winching (Does not include pulling vehicle onto rollback type truck)	\$110.00	Per Hour
Billed in 15 minute increments		
Storage (beginning at 12:01am following the tow)	\$50.00	Per Calendar Day Or Portion Thereof
Administrative Fee – Accidents & Impounds Only (Beginning on the 15 th day following the tow)	\$30.00	
Snow Emergency Plan in Effect (in addition to <u>other applicable towing fees</u>)	\$30.00	
Release Fee (After hours only, at tower's discretion)	\$55.00	
Normal business hours defined as Monday-Friday, 9am-6pm		

Automatic Annual Fee Adjustment

If no contrary ordinance is passed, there shall be an Annual fee adjustment of all tow rates using the Motor Fuel Consumer Price Index as published by the U.S. Department of Labor, with annual increases evaluated in January using the said index data for the previous 12 month period, beginning January 1, 2013. Increases shall be rounded to the nearest whole dollar and shall be effective for the ensuing 12 month period and shall apply after approval by the Director of Internal Services.

1. A police directed towing company shall not charge fees for towing, storage, or release of vehicles less than 10,000 GVW, other than those set by ordinance.ⁱ
2. A police directed towing company shall post a list of current, City Council approved towing and storage fees in a conspicuous place at their storage facility.ⁱⁱ
3. The tow truck operator shall give a list of current towing and storage fees to the vehicle owner/operator, if available, at the scene of the tow or to the officer on scene if the owner/operator is unavailable.ⁱⁱⁱ

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31 ~~4. Vehicle owners may not abandon vehicles at a City licensed facility.~~
32 ~~Leaving a vehicle at a tow facility for more than two (2) weeks shall constitute~~
33 ~~abandonment. Abandoning a vehicle may result in forfeiture of the vehicle,~~
34 ~~criminal and/or civil prosecution including a municipal fine of up to \$1,000, plus~~
35 ~~court and recovery costs. In cases of police impounded vehicles, the two (2)~~
36 ~~week time period begins on the day following the release of the vehicle by the~~
37 ~~police department.^{iv}~~

38 AND BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF SALISBURY,
39 MARYLAND, that all fees contained herein shall be reviewed from time to time, but at
40 least annually, for fairness and sufficiency.

41 AND BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF
42 SALISBURY, MARYLAND, that this Ordinance shall take effect from and after the date
43 of its final passage, 2012.

44 THE ABOVE ORDINANCE was introduced at a meeting of the Council on the
45 ____ day of _____, 2012, and thereafter, a statement of the substance of the
46 ordinance having been published as required by law, in the meantime, was finally
47 passed by the Council on the ____ day _____, 2012.

48
49 ATTEST:

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51 _____
52 Brenda J. Colegrove
53 City Clerk

54 _____
55 Terry E. Cohen
56 President of the City Council
Of the City of Salisbury

56 Approved by me this

57 _____ day _____, 2012.

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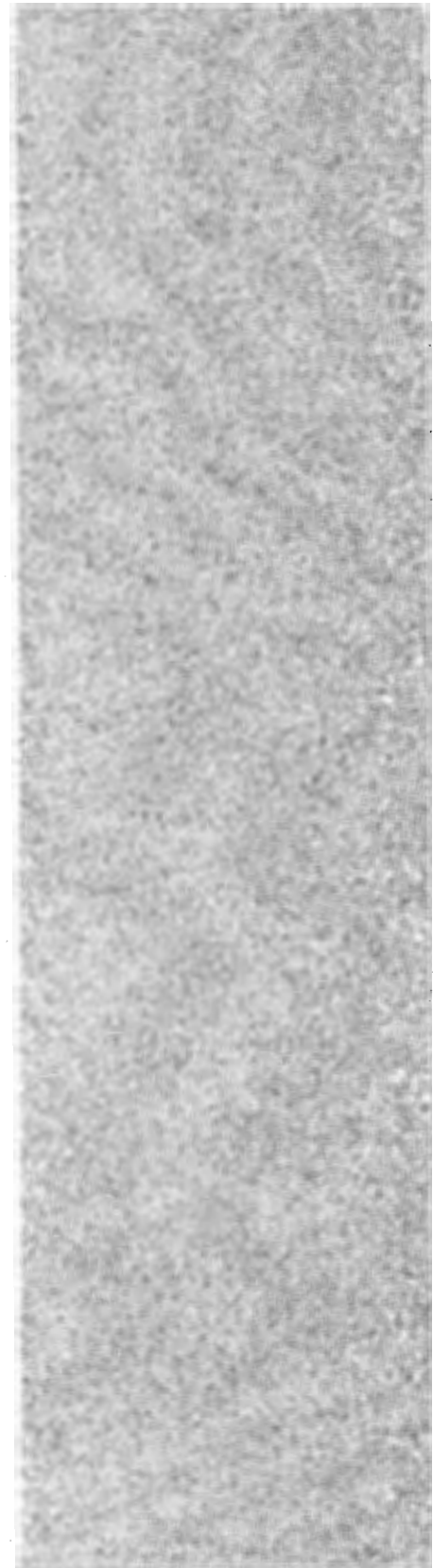
61 James Ireton, Jr.
62 Mayor of the City of Salisbury

ⁱ This provision is found at Section 5.64.120B

ⁱⁱ This provision is found at Section 5.64.120C

ⁱⁱⁱ This provision is found at Section 5.64.120D

^{iv} This provision is found at Section 5.64.120E



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ORDINANCE NO. 2189

AN ORDINANCE OF THE CITY OF SALISBURY TO REPEAL ORDINANCE NO. 2186 AND TO RE-ESTABLISH A SCHEDULE OF FEES AND CHARGES APPLICABLE TO VEHICLES TOWED AS DISPATCHED BY THE POLICE DEPARTMENT AND TO CLARIFY AMBIGUITY

WHEREAS Chapter 5.64 – TOWING COMPANIES has been adopted by the Mayor and City Council; and

WHEREAS Chapter 5.64 calls for the fees and charges for Police Directed Tows and the related storage of towed vehicles to be established by ordinance from time to time;

NOW THEREFORE BE IT ENACTED AND ORDAINED BY THE COUNCIL OF THE CITY OF SALISBURY, MARYLAND, in regular session, that the following schedule of maximum towing and storage fees is hereby adopted:

LICENSING FEES

Owner/applicant filing fee (per license, with application)	\$75.00
Owner/applicant initial licensing fee (with approved application)	\$75.00
Annual owner/applicant license renewal fee	\$75.00

**MAXIMUM TOWING AND STORAGE FEES
Vehicles up to 10,000 GVW**

Service	Fee
Accident Vehicle Tow	\$160.00
Disabled Vehicle Tow	\$ 80.00
Emergency Relocation Tow	\$ 80.00
Impound Vehicle Tow	\$135.00

Other Fees (to be included in addition to towing fees, as warranted)

	\$65.00	
Standby/Waiting Time		Per Hour
Billed in 15 minute increments only after 16 minute wait		
Winching (Does not include pulling vehicle onto rollback type truck)	\$110.00	Per Hour
Billed in 15 minute increments		
Storage (beginning at 12:01am following the tow)	\$50.00	Per Calendar Day Or Portion Thereof
Administrative Fee – Accidents & Impounds Only (Beginning on the 15 th day following the tow)	\$30.00	
Snow Emergency Plan in Effect (in addition to other applicable towing fees)	\$30.00	
Release Fee (After hours only, at tower's discretion)	\$55.00	
Normal business hours defined as Monday-Friday, 9am-6pm		

Automatic Annual Fee Adjustment

If no contrary ordinance is passed, there shall be an annual fee adjustment of all tow rates using the Motor Fuel Consumer Price Index as published by the U.S. Department of Labor, with annual increases evaluated in January using the said index data for the previous 12 month period, beginning January 1, 2013. Increases shall be rounded to the nearest whole dollar and shall be effective for the ensuing 12 month period and shall apply after approval by the Director of Internal Services.

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20 AND BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF SALISBURY,
21 MARYLAND, that all fees contained herein shall be reviewed from time to time, but at
22 least annually, for fairness and sufficiency.

23 AND BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF
24 SALISBURY, MARYLAND, that this Ordinance shall take effect from and after the date
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27 ___ day of _____, 2012, and thereafter, a statement of the substance of the

28 ordinance having been published as required by law, in the meantime, was finally
29 passed by the Council on the ____day____, 2012.

30 ATTEST:

31

32 _____
33 Brenda J. Colegrove
34 City Clerk

Terry E. Cohen
President of the City Council
Of the City of Salisbury

35

36

37 Approved by me this

38 _____day_____, 2012.

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41 _____
42 James Ireton, Jr.
43 Mayor of the City of Salisbury

MEMORANDUM

TO: ALL CITY COUNCIL MEMBERS
FROM: TERRY E. COHEN, COUNCIL PRESIDENT
SUBJECT: FEBRUARY 6, 2012 WORK SESSION
DATE: 2/1/2012
CC: BRENDA COLEGROVE, KIM NICHOLS, MAYOR IRETON, JOHN PICK,
LORÉ CHAMBERS

Most of the items on Monday's agenda do not entail documents for a briefing packet. For example, the City Clerk's office is working on identifying possible attorneys or retired judges to serve as an adviser for the Ethics Commission.

In follow up to Mr. Stevenson's memos on boards and commission training, Mr. Pick has kindly consented to set up a briefing for Council on this training general, with information on the Housing Board of Adjustments and Appeals Board training that has already taken place. This will provide relevant background to Council's consideration of next steps and the timetable of any action related to the Board of Zoning Appeals procedures.

INTER

OFFICE

MEMO

OFFICE OF THE MAYOR

To: John Pick
From: Loré L. Chambers, Ph.D. (Candidate) *LLC*
Subject: Enterprise Zone Reapplication
Date: January 25, 2012

The Salisbury/Wicomico Enterprise Zone Designation is due to expire on December 14, 2012. There are two reapplication opportunities, 4/15/12, and 10/15/12. As the City Council and County must approve a resolution for submission of the application, the 10/15/12 deadline will be the target date for submission.

The Department of Business and Economic Development is the authorized agency which administers the Enterprise Zone program. The benefits of having this designation is to incentivize business development in priority funding areas through the provision of real property tax credits, personal property tax credits, and income tax credits.

- Real Property Tax Credits – ten year, 80% credit against local real property taxes on a portion of real property improvements.
- Income Tax Credits – one or three year credit for wages paid to new employees. The general credit is a one-time \$1,000 credit for each new qualified position. For economically disadvantaged employees, the credit increases to a total of \$6,000 per worker distributed over three years.

In considering this matter, there are three decisions that need to be made:

1. Whether to apply to renew the zone;
2. Whether to change the local standards that have been imposed by the City and County;
and
3. Whether to change the map of the areas that are included in the zone.

Currently, the City of Salisbury has conditions on this program of requiring the creation of at least two jobs and/or making improvements at a cost of at least \$50,000 to the facility. These conditions are proposed to remain the same in order to ensure that small businesses can take advantage of this program.

An administrative review of the Enterprise Zone map revealed the need to add three areas which have older businesses that could benefit from revitalization along Vine Street on the Eastside of Salisbury and the Snow Hill Road area, which has several small businesses from Main Street to Beaglin Park Drive. Additional areas along the Rt. 13 North corridor have also been added.

Attached is the proposed Enterprise Zone map with additional areas highlighted for submission to the City Council for consideration at the February 6, 2012, work session.

Attachment

cc: Mayor James Ireton, Jr.