

ORDINANCE NO. 21-R-2

ADOPTING REGULATIONS FOR OPERATIONS OF TOWING SERVICES

WHEREAS, Section 220 of the Alabama Constitution of 1901 reserves for municipalities the legal right of consent to the use of its public streets and places by any person, firm, association, or corporation for the operation of a private enterprise, which includes the authority to license and regulate wrecker services operating within the City's jurisdiction;

WHEREAS, the City has the inherent authority to regulate wrecker services operating within its jurisdiction to control traffic and promote safe travel on the City's streets;

WHEREAS, the Council finds that the regulations adopted herein are necessary to ensure prompt, reliable, efficient, and accessible wrecker services within the City;

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Anniston, Alabama as follows:

Section 1. Chapter 31, Article II of "The Code of The City of Anniston, Alabama, 1981," governing Towing Services, codified as Sections 31.30 through 31.32 therein, and the ordinances adopting said Sections, including Ordinance No. 16-O-16, are hereby repealed in their entirety.

Section 2. Chapter 31, Article II of "The Code of The City of Anniston, Alabama, 1981," governing Towing Services, shall be restated in its entirety as follows:

ARTICLE II. Towing Services.

Sec. 31.30. Definitions.

For the purposes of this article, the following words shall have the meanings respectively ascribed to them by this section:

City: The City of Anniston, Alabama, including its corporate limits and police jurisdiction.

Person: Any individual, company, partnership, association, corporation, organization, business, or legal entity of any kind.

Street: Any public passageway, street, avenue, road, or alley.

Vehicle: Any device in, upon, or by which any person or property is or may be transported upon a street.

Wrecker: Any vehicle designed or used for the purpose of recovering, towing, or removing a disabled, wrecked, stolen, abandoned, or impounded vehicle.

Wrecker Service: Any person engaged in the recovery, towing, or removal of a disabled, wrecked, stolen, abandoned, or impounded vehicle upon a street within the City, and the storage, garage, or bailment of said vehicles, in exchange for monetary consideration or other remuneration. Any driver or operator of a wrecker shall be considered an agent of the wrecker service and shall be governed by this Article.

Sec. 31.31. Consent of Council to use streets—Required

It shall be unlawful for any person to use any street of the City for the operation of a wrecker service without first obtaining and having the consent of the Council to use the streets of the City in accordance with this Article.

Sec. 31.32. Same—Application

Application for consent of Council to use streets of the City for the operation of a wrecker service shall be made to the Chief of Police, or his or her designee, on a form prepared and made available by the City, which application, signed and sworn to by the applicant, shall set forth and contain the following:

- (a) The applicant's name and type of legal entity, trade name (if any), federal Tax Identification Number, home address, business address and business phone number.
- (b) The number of wreckers or other vehicles to be used by the applicant, and the Vehicle Identification Number, description (make, model, and year), location, condition, and the hourly availability of each such vehicle.
- (c) The description and location of a fenced-in area, under lock and key, to be used by the applicant for the storage, garage, bailment, and protection of vehicles and contents thereof recovered, towed, or removed by in by the applicant.
- (d) Proof of the applicant's satisfaction of the minimum requirements to operate a wrecker service as established by Section 31.36 of this Article.
- (e) The applicant's agreement to keep, obey, and follow the terms and provisions of this Article and all laws relating to the recovery, towing, removal, storage, garage, and bailment of vehicles for the public.
- (f) The applicant's agreement to clean up the scene whenever the applicant provides wrecker services in response to a wreck or collision before removing or towing any damaged or disabled vehicle from the scene of the wreck or collision.
- (g) The applicant's agreement to adhere to the schedule established by the Chief of Police for all fees and charges for wrecker services provided to the public at the request of the City.

- (h) The applicant's agreement to provide wrecker services when requested by the City for abandoned, stolen or impounded vehicles; to make any charges and collect any fees, payments or expenses for said services from the owners, legal title holder, or other persons with a legal interest in such vehicles; and to not make any charges or seek any fees, payments or expenses from the City for said wrecker services.

Sec. 31.33. Investigation of applicant; submission of application.

Within seven (7) days after receipt of an application as provided in this article, the Chief of Police, or his or her designee, shall cause an investigation to be made of the applicant and the applicant's proposed wrecker service, and shall submit such application and the results of the investigation to the City Manager who shall, in turn, submit same to the Council for its consideration and action thereon.

Sec. 31.34. Issuance of permit.

After an application is received and processed, in accordance with this Article, the Council shall consider same and, if the application is approved, give its consent to the applicant to engage in the business of a wrecker service by issuing or authorizing the issuance of a permit to the applicant. No permit shall be issued to any applicant absent the Council's determination that (a) the applicant meets the requirements of this Article and all other ordinances, laws, and regulations of the City applicable to the applicant's business, and (b) issuing a permit to the applicant will serve the safety, welfare and interests of the public.

Sec. 31.35. Expiration of consent and permit.

Unless sooner revoked, each permit issued by the City for the operation of a wrecker service, and any renewal thereof, shall expire one year after the date such permit was issued. It shall be unlawful for any person to operate a wrecker service within the City after the expiration of the permit. Any person desiring to renew a permit to operate a wrecker service shall submit an application, in accordance with Section 31.32 of this Article, no less than thirty (30) days prior to the permit's expiration date.

Sec. 31.36. Minimum requirements for wrecker service.

- (1) No applicant shall be granted a permit to operate a wrecker service within the City unless the applicant meets the following minimum requirements:
 - (a) The applicant shall be fit, proper and fully licensed to operate a wrecker service within the City. Any driver or operator of the applicant's wreckers, including any employees, agents, contractors, or subcontractors, shall be fit, proper, and fully licensed to drive a wrecker on the City's streets and to engage in the recovery, towing, and removal of disabled, wrecked, stolen, abandoned, or impounded vehicles from the City's streets.
 - (b) The applicant shall have at least two (2) fully functioning wreckers, which shall be in good condition, well maintained, and properly equipped for the recovery, towing and

removal of vehicles from the City's streets in a safe manner and without causing damage to such vehicles. The applicant's name, address, and telephone number shall be affixed to both sides of the wrecker using letters and numerals clearly visible from a distance of at least 100 feet.

- (c) Every wrecker to be used by the applicant or the applicant's employees, agents, contractors, or subcontractors shall be equipped with a properly installed and fully functioning amber caution light.
- (d) The applicant shall keep and maintain sufficient space to accommodate the storage of all vehicles for which the applicant provides wrecker services. The storage area shall be (i) located at the applicant's primary place of business or adjacent thereto; (ii) well lighted; (iii) enclosed by a secure fence no less than six feet high; and (iv) secured by a locked gate.
- (e) The applicant's place of business and storage area, if separate, shall contain clearly visible exterior signage displaying the name of the wrecker service, its telephone number, and its business hours. The applicant's place of business shall be open to the public from 8:30 a.m. to 5:00 p.m., Monday through Friday, and any additional hours designated by the applicant, and the applicant shall be capable of providing access to the storage area during said hours of business.
- (f) The applicant shall have the necessary wreckers, equipment, and personnel to service a two (2) vehicle wreck during all times the applicant is on-duty per the wrecker rotation schedule, including Sundays and holidays.
- (g) The applicant shall have and maintain one or more insurance policies issued by an insurer with a current authorization to issue policies from the Alabama Department of Insurance, as evidenced by a Certificate of Insurance and Casualty Coverage deposited with the City Clerk, providing (i) liability insurance on its wreckers and its premises in an amount not less than Three Hundred Thousand Dollars (\$300,000.00) per occurrence; (ii) "On-Hook" insurance covering vehicles, cargo, and other property in or on the applicant's vehicles in an amount not less than Seventy Five Thousand Dollars (\$75,000.00) per occurrence; and (iii) Garage keepers liability insurance covering customer's vehicles in an amount not less than Fifty Thousand Dollars (\$50,000.00) per occurrence.
- (h) The applicant shall have a principal place of business and storage area (compliant with the requirements of Subsections (1)(d) and (e) of this Section) located within the City or its police jurisdiction.
- (i) The applicant shall have a full-time body repair shop with a gross taxable income of Five Hundred Thousand Dollars (\$500,000.00), apart from any revenues generated from the applicant's wrecker services, as verified by the city finance director or their designee.

(2) Any person granted a permit to operate a wrecker service within the City, including any renewal thereof, shall keep, maintain, and comply with the minimum requirements set forth in Subsections (1)(a) through (i) of this Section at all times the permit is in effect.

Sec. 31.37. Rotation of wrecker service; delivery of vehicle to repair shops.

(1) Any person granted a permit to operate a wrecker service within the City shall be enrolled in the wrecker rotation schedule established by the Chief of Police, or his or her designee, which shall identify the periods when each permitted wrecker service is on-duty and the order of the permittee's respective duty. The police officer responding to, investigating, or on the scene of a wreck or collision, or otherwise needing to recover, tow, or remove a vehicle from the City's streets, shall call the on-duty wrecker service, as established by the wrecker rotation schedule, and the on-duty wrecker service shall supply the necessary wrecker(s) to the scene within thirty (30) minutes of the call. In the event an on-duty wrecker service cannot supply the necessary wrecker(s) to the scene within this timeframe, the wrecker shall notify the officer, and the officer shall call the next wrecker service on the wrecker rotation schedule.

(2) A wrecker shall operate a fully functioning and properly installed amber caution light while on scene of any wreck or collision and while in the process of recovering, towing or removing a disabled, wrecked, stolen, abandoned, or impounded vehicle. No wrecker shall operate a caution light while travelling to the scene of a wreck, collision, or a call from a police officer.

(3) Any person granted a permit to operate a wrecker service within the City shall tow or remove the vehicle to the permittee's principal place of business and safely store the vehicle within the permittee's storage area, unless the owner or legal interest holder of the vehicle directs that the vehicle be delivered to an alternate location. In such event, the wrecker service shall deliver the vehicle to the alternative location no later than eight (8) hours after the end of the wrecker service's on-duty period per the wrecker rotation schedule. The wrecker service shall not make any additional charges for delivery of the vehicle to a location within the City.

(4) The Chief of Police, or his or her designee, shall have the authority to suspend or remove from the wrecker rotation schedule any permitted wrecker service for failure to perform the duties of an on-duty wrecker service safely, reliably, and punctually, or when otherwise necessary to serve the public's best interests.

Sec. 31.38. Contracted Wreckers.

(1) Any person granted a permit to operate a wrecker service within the City may contract with a third-party to provide additional wreckers and to perform the services and duties established in this Article; provided, in any such instances, the third-party contractor shall (i) hold a valid and current license to conduct business within the City; (ii) carry the wrecker liability and "on-hook" liability insurance required by Section 31.36(1)(g) of this Article; and (iii) utilize a wrecker that is in good condition, well maintained, and properly equipped (including a properly installed and fully functioning amber caution light).

(2) Any contracted third-party shall be considered an agent of the permitted wrecker service, for purposes of this Article, and shall be bound by the regulations set forth herein governing the operation of a wrecker service within the City.

(3) Any contracted third-party responding to a call from a police officer shall tow or remove the vehicle to the principal place of business or storage area of the permitted wrecker service, unless the owner or legal interest holder of the vehicle directs that the vehicle be delivered to another location.

(4) The permitted wrecker service shall ensure that any contracted third-party complies with the requirements of this Section, at all times the third-party is providing services under the contract, and the permitted wrecker service shall keep the records necessary to verify the third-party's compliance, which shall be furnished to the City for inspection upon request.

(5) The permitted wrecker service shall remain the responsible party to the owner or legal interest holder of any vehicle recovered, towed, or removed by a contracted third-party, notwithstanding any agreement between the parties to the contrary. All payments for services rendered by a contracted third-party in response to a call from a police officer shall be to the permitted wrecker service. The contracted third-party shall not make any separate or additional charges to the owner or legal interest holder of any vehicle recovered, towed, removed, stored, or garaged in response to a call from a police officer.

(6) The Chief of Police, or his or her designee, shall have the authority to bar, suspend, or remove any contracted third-party from responding to calls from a police officer for failure to perform the duties required of an on-duty wrecker service safely, reliably, and punctually, or when otherwise necessary to serve the public's best interests.

Sec. 31.39. Revocation of consent and permit.

The Council may revoke its consent and the permit issued to any wrecker service when the Council finds from the facts adduced any of the following grounds to be true:

- (a) The consent of the Council was procured by fraudulent conduct or a false statement of a material fact, including any representations as to the wrecker service's compliance with the minimum requirements established in Section 31.36 or the application required by Section 31.32 of this Article.
- (b) Upon the recommendation of the Chief of Police, or his or her designee, the wrecker service violated one or more of the provisions of this Article, including, but not limited to, any agreements required by Section 31.32, the minimum requirements established by Section 31.36, and the wrecker rotation schedule duties required in Section 31.37 of this Article.

Sec. 31.40. Violations.

It shall be unlawful for any person:

- (a) As a wrecker service, or as an employee, agent, contractor, or subcontractor of a wrecker service, to appear at the scene of a wreck or collision occurring upon a street within the City for the purpose of rendering services or soliciting patronage unless called by the police department of the City to make such appearance.
- (b) As a wrecker service, or as an employee, agent, contractor, or subcontractor of a wrecker service, to violate any of the provisions of this Article.

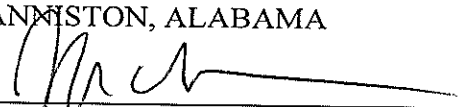
Section 3. Chapter 31, Article II of "The Code of The City of Anniston, Alabama, 1981," as restated above in Section 2, shall govern any person operating a wrecker service within the City of Anniston and its police jurisdiction.

Section 4. This ordinance shall have force and effect in the police jurisdiction of the City of Anniston and shall take effect immediately upon the expiration of the thirtieth day following its passage and adoption and publication as required by law.

Section 5. The City Clerk shall publish this ordinance in The Anniston Star, a newspaper of general circulation published within the City of Anniston, Alabama, and shall submit a copy of this ordinance and proof of publication and 30-day notice of its applicability within the police jurisdiction to the Alabama Department of Revenue for posting on the Atlas Alabama state website in accordance with Ala. Code § 11-40-10.

PASSED AND ADOPTED on this the 16th day of March, 2021.


COUNCIL OF THE CITY OF
ANNISTON, ALABAMA




Jack Draper, Mayor

absent

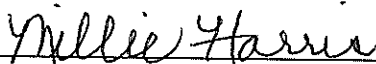
Jay Jenkins, Council Member



Demetric Roberts, Council Member

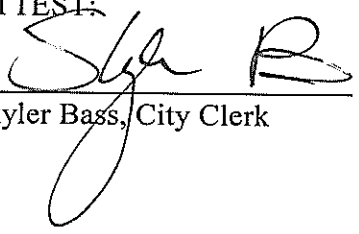


Ciara Smith, Council Member



Millie Harris, Council Member

ATTEST:

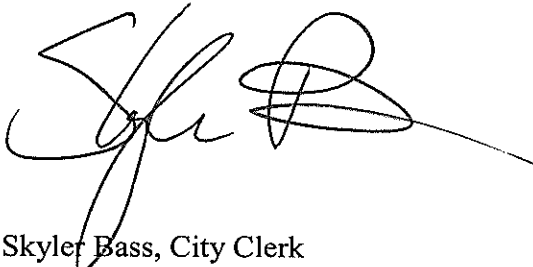


Skyler Bass, City Clerk

State of Alabama
Calhoun County

I, Skyler Bass, hereby certify that I am the City Clerk of the City of Anniston, Alabama, and am the custodian and legal keeper of the minutes of the meetings of the governing body of the City of Anniston, Anniston, and of all ordinances and resolutions adopted by said governing body; that the attached ordinance is a true and correct copy of an ordinance adopted by the governing body of the City of Anniston, Alabama, on the 16th day of March, 2021.

Witness my hand and the seal of the City of Anniston, Alabama, this the 4th day of May, 2021.

A handwritten signature in black ink, appearing to read 'Skyler Bass', with a long horizontal line extending to the right.

Skyler Bass, City Clerk
of the City of Anniston, Alabama

ORDINANCE NO. 21-R-2

ADOPTING REGULATIONS FOR OPERATIONS OF TOWING SERVICES

WHEREAS, Section 220 of the Alabama Constitution of 1901 reserves for municipalities the legal right of consent to the use of its public streets and places by any person, firm, association, or corporation for the operation of a private enterprise, which includes the authority to license and regulate wrecker services operating within the City's jurisdiction; WHEREAS, the City has the inherent authority to regulate wrecker services operating within its jurisdiction to control traffic and promote safe travel on the City's streets; WHEREAS, the Council finds that the regulations adopted herein are necessary to ensure prompt, reliable, efficient, and accessible wrecker services within the City; NOW THEREFORE, BE IT ORDAINED by the Council of the City of Anniston, Alabama as follows: Section 1. Chapter 31, Article II of "The Code of The City of Anniston, Alabama, 1981," governing Towing Services, codified as Sections 31.30 through 31.32 therein, and the ordinances adopting said Sections, including Ordinance No. 16-0-16, are hereby repealed in their entirety. Section 2. Chapter 31, Article II of "The Code of The City of Anniston, Alabama, 1981," governing Towing Services, shall be restated in its entirety as follows: ARTICLE II. Towing Services. Sec. 31.30. Definitions. For the purposes of this article, the following words shall have the meanings respectively ascribed to them by this section: City: The City of Anniston, Alabama, including its corporate limits and police jurisdiction. Person: Any individual, company, partnership, association, corporation, organization, business, or legal entity of any kind. Street: Any public passageway, street, avenue, road, or alley. Vehicle: Any device in, upon, or by which any person or property is or may be transported upon a street. Wrecker: Any vehicle designed or used for the purpose of recovering, towing, or removing a disabled, wrecked, stolen, abandoned, or impounded vehicle. Wrecker Service: Any person engaged in the recovery, towing, or removal of a disabled, wrecked, stolen, abandoned, or impounded vehicle upon a street within the City, and the storage, garage, or balmint of said vehicles, in exchange for monetary consideration or other remuneration. Any driver or operator of a wrecker shall be considered an agent of the wrecker service and shall be governed by this Article. Sec. 31.31. Consent of Council to use streets—Required. It shall be unlawful for any person to use any street of the City for the operation of a wrecker service without first obtaining and having the consent of the Council to use the streets of the City in accordance with this Article. Sec. 31.32. Same—Application. Application for consent of Council to use streets of the City for the operation of a wrecker service shall be made to the Chief of Police, or his or her designee, on a form prepared and made available by the City, which application, signed and sworn to by the applicant, shall set forth and contain the following: (a) The applicant's name and type of legal entity, trade name (if any), federal Tax Identification Number, home address, business address and business phone number. (b) The number of wreckers or other vehicles to be used by the applicant, and the Vehicle Identification Number, description (make, model, and year), location, condition, and the hourly availability of each such vehicle. (c) The description and location of a fenced-in area, under lock and key, to be used by the applicant for the storage, garage, balmint, and protection of vehicles and contents thereof recovered, towed, or removed by in by the applicant. (d) Proof of the applicant's satisfaction of the minimum requirements to operate a wrecker service as established by Section 31.36 of this Article. (e) The applicant's agreement to keep, obey, and follow the terms and provisions of this Article and all laws relating to the recovery, towing, removal, storage, garage, and balmint of vehicles for the public. (f) The applicant's agreement to clean up the scene whenever the applicant provides wrecker services in response to a wreck or collision before removing or towing any damaged or disabled vehicle from the scene of the wreck or collision. (g) The applicant's agreement to adhere to the schedule established by the Chief of Police for all fees and charges for wrecker services provided to the public at the request of the City. (h) The applicant's agreement to provide wrecker services when requested by the City for abandoned, stolen or impounded

vehicles; to make any charges and collect any fees, payments or expenses for said services from the owners, legal title holder, or other persons with a legal interest in such vehicles; and to not make any charges or seek any fees, payments or expenses from the City for said wrecker services. Sec. 31.33. Investigation of applicant; submission of application. Within seven (7) days after receipt of an application as provided in this article, the Chief of Police, or his or her designee, shall cause an investigation to be made of the applicant and the applicant's proposed wrecker service, and shall submit such application and the results of the investigation to the City Manager who shall, in turn, submit same to the Council for its consideration and action thereon. Sec. 31.34. Issuance of permit. After an application is received and processed, in accordance with this Article, the Council shall consider same and, if the application is approved, give its consent to the applicant to engage in the business of a wrecker service by issuing or authorizing the issuance of a permit to the applicant. No permit shall be issued to any applicant absent the Council's determination that (a) the applicant meets the requirements of this Article and all other ordinances, laws, and regulations of the City applicable to the applicant's business, and (b) issuing a permit to the applicant will serve the safety, welfare and interests of the public. Sec. 31.35. Expiration of consent and permit. Unless sooner revoked, each permit issued by the City for the operation of a wrecker service, and any renewal thereof, shall expire one year after the date such permit was issued. It shall be unlawful for any person to operate a wrecker service within the City after the expiration of the permit. Any person desiring to renew a permit to operate a wrecker service shall submit an application, in accordance with Section 31.32 of this Article, no less than thirty (30) days prior to the permit's expiration date. Sec. 31.36. Minimum requirements for wrecker services. (1) No applicant shall be granted a permit to operate a wrecker service within the City unless the applicant meets the following minimum requirements: (a) The applicant shall be fit, proper and fully licensed to operate a wrecker service within the City. Any driver or operator of the applicant's wreckers, including any employees, agents, contractors, or subcontractors, shall be fit, proper, and fully licensed to drive a wrecker on the City's streets and to engage in the recovery, towing, and removal of disabled, wrecked, stolen, abandoned, or impounded vehicles from the City's streets. (b) The applicant shall have at least two (2) fully functioning wreckers, which shall be in good condition, well maintained, and properly equipped for the recovery, towing and removal of vehicles from the City's streets in a safe manner and without causing damage to such vehicles. The applicant's name, address, and telephone number shall be affixed to both sides of the wrecker using letters and numerals clearly visible from a distance of at least 100 feet. (c) Every wrecker to be used by the applicant or the applicant's employees, agents, contractors, or subcontractors shall be equipped with a properly installed and fully functioning amber caution light. (d) The applicant shall keep and maintain sufficient space to accommodate the storage of all vehicles for which the applicant provides wrecker services. The storage area shall be (i) located at the applicant's primary place of business or adjacent thereto; (ii) well lighted; (iii) enclosed by a secure fence no less than six feet high; and (iv) secured by a locked gate. (e) The applicant's place of business and storage area, if separate, shall contain clearly visible exterior signage displaying the name of the wrecker service, its telephone number, and its business hours. The applicant's place of business shall be open to the public from 8:30 a.m. to 5:00 p.m., Monday through Friday, and any additional hours designated by the applicant, and the applicant shall be capable of providing access to the storage area during said hours of business. (f) The applicant shall have the necessary wreckers, equipment, and personnel to service a two (2) vehicle wreck during all times the applicant is on-duty per the wrecker rotation schedule, including Sundays and holidays. (g) The applicant shall have and maintain one or more insurance policies issued by an insurer with a current authorization to issues policies from the Alabama Department of Insurance, as evidenced by a Certificate of Insurance and Casualty Coverage deposited with the City Clerk, providing (i) liability insurance on its wreckers and its premises in an amount not less than Three Hundred Thousand Dollars (\$300,000.00) per occurrence; (ii)

"On-Hook" insurance covering vehicles, cargo, and other property in or on the applicant's vehicles in an amount not less than Seventy Five Thousand Dollars (\$75,000.00) per occurrence; and (iii) Garage keepers liability insurance covering customer's vehicles in an amount not less than Fifty Thousand Dollars (\$50,000.00) per occurrence. (h) The applicant shall have a principal place of business and storage area (compliant with the requirements of Subsections (1)(d) and (e) of this Section) located within the City or its police jurisdiction. (i) The applicant shall have a full-time body repair shop with a gross taxable income of Five Hundred Thousand Dollars (\$500,000.00), apart from any revenues generated from the applicant's wrecker services, as verified by the city finance director or their designee. (2) Any person granted a permit to operate a wrecker service within the City, including any renewal thereof, shall keep, maintain, and comply with the minimum requirements set forth in Subsections (1) (a) through (i) of this Section at all times the permit is in effect. Sec. 31.37. Rotation of wrecker service; delivery of vehicle to repair shops. (1) Any person granted a permit to operate a wrecker service within the City shall be enrolled in the wrecker rotation schedule established by the Chief of Police, or his or her designee, which shall identify the periods when each permitted wrecker service is on-duty and the order of the permittee's respective duty. The police officer responding to, investigating, or on the scene of a wreck or collision, or otherwise needing to recover, tow, or remove a vehicle from the City's streets, shall call the on-duty wrecker service, as established by the wrecker rotation schedule, and the on-duty wrecker service shall supply the necessary wrecker(s) to the scene within thirty (30) minutes of the call. In the event an on-duty wrecker service cannot supply the necessary wrecker(s) to the scene within this timeframe, the wrecker shall notify the officer, and the officer shall call the next wrecker service on the wrecker rotation schedule. (2) A wrecker shall operate a fully functioning and properly installed amber caution light while on scene of any wreck or collision and while in the process of recovering, towing or removing a disabled, wrecked, stolen, abandoned, or impounded vehicle. No wrecker shall operate a caution light while travelling to the scene of a wreck, collision, or a call from a police officer. (3) Any person granted a permit to operate a wrecker service within the City shall tow or remove the vehicle to the permittee's principal place of business and safely store the vehicle within the permittee's storage area, unless the owner or legal interest holder of the vehicle directs that the vehicle be delivered to an alternate location. In such event, the wrecker service shall deliver the vehicle to the alternate location no later than eight (8) hours after the end of the wrecker service's on-duty period per the wrecker rotation schedule. The wrecker service shall not make any additional charges for delivery of the vehicle to a location within the City. (4) The Chief of Police, or his or her designee, shall have the authority to suspend or remove from the wrecker rotation schedule any permitted wrecker service for failure to perform the duties of an on-duty wrecker service safely, reliably, and punctually, or when otherwise necessary to serve the public's best interests. Sec. 31.38. Contracted Wreckers. (1) Any person granted a permit to operate a wrecker service within the City may contract with a third-party to provide additional wreckers and to perform the services and duties established in this Article; provided, in any such instances, the third-party contractor shall (i) hold a valid and current license to conduct business within the City; (ii) carry the wrecker liability and "on-hook" liability insurance required by Section 31.36(1)(g) of this Article; and (iii) utilize a wrecker that is in good condition, well maintained, and properly equipped (including a properly installed and fully functioning amber caution light). (2) Any contracted third-party shall be considered an agent of the permitted wrecker service, for purposes of this Article, and shall be bound by the regulations set forth herein governing the operation of a wrecker service within the City. (3) Any contracted third-party responding to a call from a police officer shall tow or remove the vehicle to the principal place of business or storage area of the permitted wrecker service, unless the owner or legal interest holder of the vehicle directs that the vehicle be delivered to another location. (4) The permitted wrecker service shall ensure that any contracted third-party complies with the requirements of this

Section, at all times the third-party is providing services under the contract, and the permitted wrecker service shall keep the records necessary to verify the third party's compliance, which shall be furnished to the City for inspection upon request. (5) The permitted wrecker service shall remain the responsible party to the owner or legal interest holder of any vehicle recovered, towed, or removed by a contracted third-party, notwithstanding any agreement between the parties to the contrary. All payments for services rendered by a contracted third-party in response to a call from a police officer shall be to the permitted wrecker service. The contracted third-party shall not make any separate or additional charges to the owner or legal interest holder of any vehicle recovered, towed, removed, stored, or garaged in response to a call from a police officer. (6) The Chief of Police, or his or her designee, shall have the authority to bar, suspend, or remove any contracted third-party from responding to calls from a police officer for failure to perform the duties required of an on-duty wrecker service safely, reliably, and punctually, or when otherwise necessary to serve the public's best interests. Sec. 31.39. Revocation of consent and permit. The Council may revoke its consent and the permit issued to any wrecker service when the Council finds from the facts adduced any of the following grounds to be true: (a) The consent of the Council was procured by fraudulent conduct or a false statement of a material fact, including any representations as to the wrecker service's compliance with the minimum requirements established in Section 31.36 or the application required by Section 31.32 of this Article. (b) Upon the recommendation of the Chief of Police, or his or her designee, the wrecker service violated one or more of the provisions of this Article, including, but not limited to, any agreements required by Section 31.32, the minimum requirements established by Section 31.36, and the wrecker rotation schedule duties required in Section 31.37 of this Article. Sec. 31.40. Violations. It shall be unlawful for any person: (a) As a wrecker service, or as an employee, agent, contractor, or subcontractor of a wrecker service, to appear at the scene of a wreck or collision occurring upon a street within the City for the purpose of rendering services or soliciting patronage unless called by the police department of the City to make such appearance. (b) As a wrecker service, or as an employee, agent, contractor, or subcontractor of a wrecker service, to violate any of the provisions of this Article. Section 3. Chapter 31, Article II of "The Code of The City of Anniston, Alabama, 1981," as restated above in Section 2, shall govern any person operating a wrecker service within the City of Anniston and its police jurisdiction. Section 4. This ordinance shall have force and effect in the police jurisdiction of the City of Anniston and shall take effect immediately upon the expiration of the thirtieth day following its passage and adoption and publication as required by law. Section 5. The City Clerk shall publish this ordinance in The Anniston Star, a newspaper of general circulation published within the City of Anniston, Alabama, and shall submit a copy of this ordinance and proof of publication and 30-day notice of its applicability within the police jurisdiction to the Alabama Department of Revenue for posting on the Atlas Alabama state website in accordance with Ala. Code § 11-40-10. PASSED AND ADOPTED on this the 16th day of March, 2021. COUNCIL OF THE CITY OF ANNISTON, ALABAMA Jack Draper, Mayor Darnetric Roberts, Council Member Clara Smith, Council Member Millie Harris, Council Member ATTEST: Skyler Bass, City Clerk

