

ORDINANCE NO. 2444

AN ORDINANCE OF THE CITY OF SALISBURY TO AMEND THE FOLLOWING SECTIONS OF TITLE 5, BUSINESS LICENSES AND REGULATIONS, OF THE SALISBURY MUNICIPAL CODE: CHAPTER 5.24.020A. - COIN-OPERATED MACHINES AND IN CHAPTER 5.64 - TOWING COMPANIES, SECTIONS .020, .030, .040, .090, .100A., AND .120A., BY DELETING THE TITLE DIRECTOR OF INTERNAL SERVICES AND REPLACING IT WITH THE TITLE DIRECTOR OF FINANCE.

WHEREAS, the Mayor and Council of the City of Salisbury desire to re-organize the departmental structure of the City of Salisbury; and

WHEREAS, the Department of Internal Services is being divided into two separate departments, the Department of Finance and the Department of Procurement as part of the reorganization structure for the City of Salisbury; and

WHEREAS, Chapters 5.24. and 5.64 of the current Salisbury City Code refers to the Director of Internal Services that will be eliminated under the reorganization and replaced with the Director of Finance; and

WHEREAS, the Salisbury City Council has concluded that it is in the best interest of the City to amend the City Code to accomplish the reorganization plan, which will not result in increased costs under the City's current budget and will allow the Departments to operate in a more efficient manner;

NOW, THEREFORE, be it enacted and ordained by the City of Salisbury, that Chapters 5.24. and 5.64 of the City of Salisbury Municipal Code be amended as follows:

Chapter 5.24 – Coin-Operated Machines.

5.24.020 – Gambling prohibited – License requirements – Fees.

- A. Coin-operated amusement machines that may be played or operated by the insertion of a coin, slug or token and on which games or tests of skill, chance or ability are played, including pinball machines, video machines and any machine initiating games of amusement or relaxation, shall be kept, maintained or operated within the city only for the purpose of public entertainment and shall not be used by any person for gaming or gambling purposes, and no such machines shall be kept, maintained or operated for such public entertainment purpose within the city unless a current owner/operator's license has been previously obtained from the director of ~~[[internal services]]~~*finance* by the owner/operator.

Chapter 5.64 – TOWING COMPANIES

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]]Finance**.

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]]Finance**, 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.

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

The Director of **[[Internal Services]]Finance**, 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 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.
- C. The owner/applicant, towing company and its employees and agents must have, located on the towing vehicle, a set of dollies or other means to remove a vehicle with one or more missing or damaged wheels.
- D. The owner/applicant, towing company and its employees and agents must have operational fire extinguishers, flares and reflectors located on the towing vehicle.
- E. The owner/applicant, towing company and its employees and agents must have hand tools sufficient to clean scenes of minor debris, including, but not limited to, broom(s), shovel(s), absorbent material, and debris disposal container(s) located on the towing vehicle.

- F. The towing vehicles of the owner/applicant and the towing company, when inspected and operated, must be in good mechanical condition, equipped with necessary towing gear and safety apparatuses and be registered as Class E (truck) vehicles - tow trucks with the department of motor vehicles.
- G. The owner/applicant and towing company must maintain adequate off-street storage facilities in conformance with Title 17 (Zoning). The storage facilities must have adequate fencing to ensure that persons cannot climb over or under the fence, and said fence must be secured with a lockable gate. Further, said storage facilities must be protected at night by security lights.
- H. The owner/applicant shall submit to a criminal background investigation which shall include the completion of an affidavit portion and a fingerprinting component. All costs associated with this investigation shall be paid by the owner/applicant.
- I. The chief of police or his designee shall promptly approve or disapprove all applications in writing, and shall report his findings to the Director of **[[Internal Services]]Finance** and the owner/applicant, pending the results of the criminal background check which includes an affidavit and fingerprinting. A felony conviction or a plea of nolo contendere involving a Part I crime within three years of the date of the application will automatically disqualify the applicant. If the chief of police approves the application, the Director of **[[Internal Services]]Finance** shall, after payment of all fees, issue the license. The Director of **[[Internal Services]]Finance** shall notify the police department when a license is issued. A copy of all city issued licenses shall be displayed in each vehicle. The chief of police or his designee shall have the authority to reject the application when he finds that the owner/applicant is not qualified to perform the towing and storage services. In such case, he shall give suitable notification to the owner/applicant of his reason for rejecting the application, and the owner/applicant shall have a right to appeal the decision to the city administrator or his designee, pursuant to Section 5.64.170.
- J. Should an otherwise approved owner/applicant or towing company be found guilty of or enter a plea of nolo contendere to a felony involving a Part I crime, said person shall immediately notify the police department within seventy-two (72) hours of having been convicted. The police department shall remove said towing company from the list of approved towing companies, and the police directed tow license issued pursuant to this chapter shall be revoked.

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]]Finance** 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 dollars (\$1,000.00) 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.

5.64.100 – Procedure for dispatching police directed towing companies.

- A. The Director of **[[Internal Services]]***Finance* 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.

5.64.120 – Fees for towing and storage for police directed tows.

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

EXPLANATION:


- * *ITALICIZED PRINT INDICATES MATERIAL ADDED TO EXISTING LAW.*
Deleted material from the existing Code is indicated by bold double bracketed **[[]]** language.

AND BE IT FURTHER ENACTED AND ORDAINED BY THE CITY OF SALISBURY, MARYLAND, that the Ordinance shall take effect upon final passage.


THIS ORDINANCE was introduced and read at a meeting of the Council of the City of Salisbury held on the 11th day of September, 2017 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 9th day of October, 2017.

ATTEST:


Kimberly R. Nichols, City Clerk


John R. Heath, City Council President

Approved by me, this 10th day of OCTOBER, 2017.


Jacob R. Day, Mayor



MEMORANDUM

To: City Council
From: Julia Glanz, City Administrator
Subject: Reorganization- Charter and Code Changes
Date: August 2, 2017

During the FY18 Budget Process, the Mayor and I proposed a plan to reorganize the departments within our City government in order to more appropriately align them with the City's goals and objectives.

Substantial changes that constitute this reorganization include: a one-stop-shop for all development projects, the consolidation of our code enforcement officers by relocating them all to one department, a reworking and division of the legacy structure of our Public Works department, a new focus on GIS in all City departments, an independent Procurement department, and the revocation of a previous arrangement that placed Parking under Procurement's purview. This reorganization will be evident in the functionality of our City government and will have a minimal impact on the FY18 Budget.

To further explain this reorganization, all proposed City Code and Charter changes are attached for your review, as well as the ordinance necessary to accept those changes.