

ORDINANCE NO. 2918

AN ORDINANCE OF THE CITY OF SALISBURY AMENDING CHAPTER 5.64 OF THE SALISBURY CITY CODE, ENTITLED "TOWING COMPANIES", TO UPDATE PROCEDURES FOR DISPATCHING POLICE DIRECTED TOWING, OPERATIONS OF A POLICE DIRECTED TOW ON SCENE, AND PENALTIES FOR VIOLATIONS OF THE CODE.

WHEREAS, the ongoing application, administration and enforcement of the City of Salisbury Municipal Code (the "**Salisbury City Code**") demonstrates a need for its periodic review, evaluation and amendment, in order to comply with present community standards and values, and promote the public safety, health and welfare of the citizens of the City of Salisbury (the "**City**");

WHEREAS, the Mayor and Council of the City of Salisbury (the "**Mayor and Council**") are authorized by MD Code, Local Government, § 5-202 to adopt such ordinances, not contrary to the Constitution of Maryland, public general law or public local law, as the Mayor and Council deem necessary to assure the good government of the municipality, to preserve peace and order, to secure persons and property from damage and destruction, and to protect the health, comfort and convenience of the citizens of the City;

WHEREAS, the Mayor and Council may amend Title 5 of the Salisbury City Code pursuant to the authority granted in § SC 2-15 of the Salisbury City Charter;

WHEREAS, the Mayor and Council find that the health, safety and general welfare of the citizens of the City will be furthered by amending Chapter 5.64 of the Salisbury City Code to update procedures for dispatching police directed towing, operations of a police directed tow on scene, and penalties for violations; and

WHEREAS, the Mayor and Council have determined that the amendments to Chapter 5.64 of the Salisbury City Code set forth below shall be adopted as set forth herein.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY COUNCIL OF THE CITY OF SALISBURY, MARYLAND, that Chapter 5.64 of the Salisbury City Code is hereby amended by adding the bolded and underlined language and deleting the strikethrough language as follows:

Section 1. Chapter 5.64 of the Salisbury City Code, entitled "Towing Companies" is amended as follows:

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

The Director of 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 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. **Proof of compliance with the required annual Department of Transportation inspection shall be provided upon submittal of the yearly tow license application and at any such time as requested by a duly authorized representative of the City having been tasked with inspections or enforcement of the City's towing regulations.**
- H. 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.
- I. 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.
- J. 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 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, **or the completion of any sentence to include parole or probation involving an ~~Part I~~ crime aggravated assault, rape, murder, robbery, arson, burglary, larceny, distribution or possession with intent to distribute narcotics or motor vehicle theft** 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 Finance shall, after payment of all fees, issue the license. The Director of 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.

- K. Should an otherwise approved owner/applicant or towing company be found guilty of a felony or enter a plea of nolo contendere to an aggravated assault, rape or sexual offense, murder (including attempted murder), robbery, arson, burglary, larceny, motor vehicle theft, or distribution or possession with intent to distribute narcotics ~~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.

5.64.080 Investigation of employees of owner/applicants for police directed tow licenses.

- A. Prior to the approval of the towing company application all employees of the owner/applicant shall submit to a criminal background investigation acceptable to the police department, including the completion of an affidavit and fingerprinting. Any costs associated with such investigation shall be assumed by the owner/applicant and are non-refundable. A felony conviction, ~~or~~ a plea of nolo contendere, or the completion of any sentence to include parole or probation involving an aggravated assault, ~~forcible~~ rape, murder, robbery, arson, burglary, larceny, distribution or possession with intent to distribute narcotics or motor vehicle theft within three (3) years of the date of the application will automatically disqualify the employee from responding to any police directed tow or releasing any police directed tow vehicle to the owner of said vehicle.
- B. Prior to being allowed to respond to a police directed tow or to release a vehicle to its owner, any new employee shall submit to the background investigation process, fingerprinting and any costs associated with such investigation shall be assumed by the owner/applicant or towing company. Said costs shall be non-refundable.
- C. Should an otherwise approved employee be found guilty of or enter a plea of nolo contendere to a felony involving any crime listed in 5.64.080A, said employee shall immediately notify his employer who shall notify the police department within seventy-two (72) 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.

5.64.100 Procedure for dispatching police directed towing companies.

- A. The Director of 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.
- B. Any licensed towing company that declines or misses three (3) tow requests within a calendar year shall have their police directed towing license suspended for one month. Following a one-month suspension, any licensed towing company that declines or misses a total of six (6) or more tow requests within a calendar year shall have their police directed towing license suspended for three (3) months. The following situations shall be considered a declination:
1. Failure to respond to the tow scene within the thirty (30) minute on-scene timeframe.
 2. Failure to respond when requested, regardless of reason.
 3. Failure to answer or respond to a call for service.
 4. Explicit refusal to respond.

Should a tow company need to temporarily come out of the tow rotation for a period of more than five (5) days due to mechanical or equipment problems, sick or injured employees or a similar issue, the tow company shall notify the Police Department in writing of the reason for the unavailability and the anticipated duration. The police department shall then remove the company from the rotation until the department receives written communication from the company requesting to be placed back into rotation. The tow company shall be placed back into the tow list rotation at the bottom of the existing list.

Any licensed towing company who would like to be temporarily removed from the towing list, may request that the finance department temporarily suspend their police

directed tow license. Following the suspension, the tow company shall be placed back into the tow list rotation at the bottom of the existing list. All requests for a temporary suspension shall be made in writing to the finance department and the police department. Making such a request will remove a company from the list of companies with a police directed tow license until such a time that the company requests its license be reinstated. Companies may request to have their license suspended for no less than thirty (30) days and no more than one hundred and eighty (180) days. Any requests for a temporary suspension must include the requested police directed tow license suspension and reinstatement dates.

- C. The vehicle shall be towed by the safest and shortest practical route possible from the point of origin to the vehicle's destination. For all standard or basic tows, the vehicle shall be towed to a storage lot or facility that is located no more than ten (10) miles from 125 North Division Street in Salisbury.
- 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.
- E. No towing company shall, in any way, solicit towing business at a scene involving either a traffic accident or a police directed tow, nor shall any such towing company attempt to take any vehicle in tow unless he or it shall have been summoned by the owner/operator of the vehicle requiring the tow or the city police department.
- F. No towing company that is summoned by the owner/operator of the vehicle requiring the tow shall attempt to take a vehicle in tow unless the towing company can respond within thirty (30) minutes.
- G. If a vehicle to be towed is gone upon the arrival of a towing company called from the police directed tow list, the towing company shall remain at the top of the list to receive the next police directed tow call.

5.64.105 Operations on scene of a Police Directed Tow.

- A. The licensed towing company shall be required in accordance with the law to clean the roadway of debris of a crash scene.
- B. Should additional labor be required for roadway clean-up, such additional labor shall be provided by the licensed tow company. Additional labor fees shall be established from time to time by ordinance and shall be authorized by The Chief of Police through his designee prior to being charged. An itemized invoice detailing the need and type of work conducted shall be kept on file and available for examination for two years. Additional labor fees shall be established from time to time by ordinance.
- C. Licensed towing companies ~~operators and owners~~ shall comply with the established police directed tow operator code of conduct. Failure to do so may result in penalties in accordance with section 5.64.160 and/or license suspension as determined by the

Chief of Police. Licensed towing companies shall have all rights of appeal as established by section 5.64.170.

5.64.110 Release from storage.

- A. A licensed towing company shall be required to release all police directed tows during the regular business day. Each licensed towing company must accept cash, certified checks, money orders, debit and at least two (2) major credit cards (Mastercard, Visa, American Express, or Discover) for payment. ~~If a A towing company~~ **having been found in violation of fails to accepting** the listed forms of payment, ~~shall be subject to a five hundred dollar (\$500.00) fine~~ **and/or, at the direction of the Chief of Police, a thirty (30) day suspension of the tow company license** ~~will be issued for the first offense and a fine not to exceed one thousand dollars (\$1,000.00)~~ **and/or, at the direction of the Chief of Police, a ninety (90) day suspension of the tow company license**, ~~will be issued for the second and subsequent offenses.~~
- B. A licensed towing company shall provide storage lot staff on site to allow vehicle owners timely access to their vehicles during the regular business day. If a vehicle owner is unable to obtain timely release of a vehicle from storage within two (2) hours of the initial request during the regular business day, and the police department is notified by the vehicle owner, and the violation is verified by the police department, then storage fees shall cease on the date of notification by the vehicle owner.
- C. Whenever a vehicle is released from the storage lot of a licensed towing company on weekends, evenings (6:00 pm to 9:00 am), or state and federal holidays, a release fee shall be charged to the vehicle owner. This charge shall be established from time to time by ordinance. If a licensed tow company refuses to release a vehicle during evenings, weekends or state and federal holidays, then no storage fees shall be permitted for each day the release is refused.
- D. Inside storage of a vehicle shall only be at the request of the vehicle owner, operator or law enforcement, or if essential or necessary to preserve the condition of the vehicle. If indoor storage is the licensed towing company's only method of storage available, then the inside storage shall be charged at the outside storage rate. ~~If, at the request of the vehicle owner, operator or law enforcement and i~~ **In order to preserve the condition of the vehicle where inside storage is not available, efforts shall be made to protect the vehicle from further damage due to weather exposure. This includes, but is not limited to rolling up all windows, where applicable, or applying an application of self-adhesive film or similar covering** ~~(for example: Crash Wrap) may be used on the areas of the vehicle which is~~ **are** open to the elements.

5.64.120 Fees for towing and storage for police directed tows.

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

- 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 Finance, a statement that it will charge the standard towing and storage fees adopted by ordinance.
- B. A police directed towing company shall not charge fees for towing, storage, or release of vehicles of less than ten thousand (10,000) GVW, other than those adopted by ordinance.
- C. A police directed towing company shall post a list of current city council approved towing and storage fees in a conspicuous place at its storage facility using a sign substantially similar to that approved by the chief of police.
- ~~D. A list of current towing and storage fees shall be given to the vehicle owner/operator, if available, at the scene of the tow by the tow truck operator. Should the vehicle owner/operator not be available at the scene, a list of current towing and storage fees shall be given to the officer in charge of the scene. Failure to provide the owner/operator of the vehicle or the officer in charge with a list of the current towing and storage fees shall subject the license holder to a one hundred dollar (\$100) fine for the first offense and two hundred dollar (\$200) fine for the second and any subsequent offenses.~~
- D. Vehicle owners may not abandon vehicles at a city licensed facility. Leaving a vehicle at a tow facility for more than two (2) weeks shall constitute abandonment. Abandoning a vehicle may result in forfeiture of the vehicle, criminal and/or civil prosecution including a municipal fine of up to one thousand dollars (\$1,000.00), plus court and recovery costs. In cases of police impounded vehicles, the two (2) week time period begins on the day following the release of the vehicle by the police department.
- E. All approved tow companies engaging in police directed towing shall maintain adequate records to allow expeditious periodic review of their compliance with this chapter. Such records must include, but are not limited to, sequentially numbered **itemized** invoices, a copy of which shall be provided to each customer and a copy of which must be retained for a period of at least two (2) years by the tow company. In addition, the City Police Department may conduct periodic reviews of the financial records of any tow company holding a police directed tow license to ensure it is not directly or indirectly financially interested in any other licensed police directed towing company as required by 5.64.70.

5.64.160 Violations—Penalties.

Any towing company, its employees and agents who shall violate any of the provisions of this chapter, other than the provisions of chapter 5.64.100 (B) ~~or 5.64.120(D)~~ concerning tow declarations ~~and failure to provide tow rates~~, shall be guilty of a civil infraction and shall be subject to a fine not to exceed five hundred dollars (\$500.00) and/or, at the direction of the Chief of Police, a thirty (30) day license suspension for a first violation; a fine not to exceed seven hundred fifty dollars (\$750.00) and/or, at the direction of the Chief of Police, a ninety (90) day license suspension for a second violation; or a fine not to exceed one thousand dollars (\$1,000.00) and/or, at the direction of the Chief of Police, a one hundred eighty (180) day license suspension for a third and fourth-violation. ~~or one~~

~~thousand dollars (\$1,000.00) for subsequent violations.~~ A tow company application for license renewal shall not be processed until such time as any prescribed period of suspension has been completed. Upon the finding of a fifth violation, the respective tow company license shall be subject to revocation for one (1) year from the date of the violation. A fifth violation shall be cause for the Chief of Police to review the circumstances surrounding any revocation and make a determination as to whether the tow company owner shall be permanently disqualified from receiving a tow license with the City of Salisbury. Any towing company, its employees and agents found guilty of perjury under Maryland Criminal Law Title 9 shall be subject to imprisonment not exceeding ten (10) years. Any towing company, its employees, and agents who shall violate the provisions of chapter 5.64.100 (B) shall be subject to license suspension in accordance with the provisions enumerated in chapter 5.64.100.

BE IT FURTHER ENACTED AND ORDAINED BY THE COUNCIL OF THE CITY OF SALISBURY, MARYLAND, as follows:

Section 2. It is the intention of the Mayor and Council of the City of Salisbury that each provision of this Ordinance shall be deemed independent of all other provisions herein.

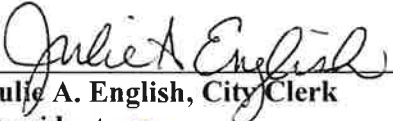
Section 3. It is further the intention of the Mayor and Council of the City of Salisbury that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged invalid, unconstitutional or otherwise unenforceable under applicable Maryland or federal law, such adjudication shall apply only to the section, paragraph, subsection, clause or provision so adjudged and all other provisions of this Ordinance shall remain and shall be deemed valid and enforceable.

Section 4. The recitals set forth hereinabove are incorporated into this section of the Ordinance as if such recitals were specifically set forth at length in this Section 4.

Section 5. This Ordinance shall take effect from and after the date of its final passage.

THIS ORDINANCE was introduced and read at a Meeting of the Mayor and Council of the City of Salisbury held on the 24 day of February, 2025 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 of the City of Salisbury on the 10 day of March, 2025.

ATTEST:


Julie A. English, City Clerk
President


D'Shawn M. Doughty, City Council

Approved by me, this 18 day of March, 2025.


Randolph J. Taylor, Mayor