

**CITY OF ANNISTON**  
**March 16, 2021**  
**5:30 P.M.**

- **INVOCATION**
- **PLEDGE OF ALLEGIANCE**
- **CALL TO ORDER**
- **ROLL CALL**
- **READING/APPROVAL OF MINUTES OF PREVIOUS MEETING**
  - February 24, 2021 Called meeting
  - March 2, 2021 Regular meeting
- **ADDITIONS/DELETIONS TO THE AGENDA**
- **ADOPTION OF AGENDA**

**I. AWARDS and RECOGNITIONS**

**II. CONDUCT PUBLIC HEARING - Suspended during COVID-19**

**Speaking to a Public Hearing Item**

In the interest of time and to ensure the fairness of all persons who appear before the City Council to speak for or against a public hearing item, speakers will be limited to three (3) minutes each to address City Council except as described herein. One speaker for the Petitioner may address the City Council for no more than 10 minutes, unless extended by the Mayor. In an effort help the City Council and the general public to better understand the issues, the Mayor may request that a City staff member address the City Council from the podium. Speakers from the general public may only speak when recognized by the Mayor during the public hearing. Speakers will be asked to come to the podium to address the City Council for three (3) minutes and they shall state their name and resident address for the record. Speakers addressing City Council on a public hearing item should coordinate comments in order to respect City Council's time constraints. Groups should select a spokesperson to present the major points that summarize their position and opinions. Speakers are urged to be brief and non-repetitive with their comments. Comments shall specifically address the public hearing item before the City Council, and the speaker shall maintain appropriate tone and decorum when addressing the City Council. City Council may ask questions of the applicant, speakers, or staff during these proceedings only for the purpose of clarifying information. The speaker shall not direct derogatory comments to any individual, organization, or business. At the conclusion of the three (3) minute time period, the speaker will be notified that his/her time has elapsed and the next speaker will be recognized to come forward to the podium and address the City Council. Once the public hearing is closed on an item, there will be no further opportunity for formal or informal public input at a City Council meeting.

- (a)** To receive comments regarding the vacation of Falcon Road

**III. UNFINISHED BUSINESS – None**

**IV. CONSENT AGENDA**

- (a)** Resolution over-ruling objections to the abatement of identified nuisance Group 2021-01 Grass/Debris/Vehicles
- (b)** Resolution over-ruling objections to the abatement of identified nuisance Group 2021-02 Grass/Debris/Vehicles
- (c)** Resolution declaring various vehicles and pieces of equipment as surplus and authorizing their sale
- (d)** Motion to authorize Mayor Jack Draper as the Voting Delegate at the Annual Convention of the Alabama League of Municipalities on May 14, 2021

**V. MOTIONS**

- (a)** Motion to authorize the City of Anniston to join the Calhoun County 9-1-1 District in the issuance of a Request For Proposal (RFP) for emergency ambulance services

**VI. ORDINANCES**

- (a)** Ordinance adopting regulations for operations of towing services  
**1<sup>st</sup> Reading**

**VII. ADDITIONAL OR OTHER MATTERS THAT MAY COME BEFORE COUNCIL**

**VIII. RECEIVE INFORMAL PUBLIC COMMENTS – Suspended during COVID-19**

**IX. RECEIVE FORMAL PUBLIC COMMENT – Suspended during COVID-19**

**COUNCIL COMMENTS – Suspended during COVID-19**

**ADJOURNMENT**

**MINUTES**

Anniston, Alabama

February 24, 2021

The City Council of the City of Anniston, Alabama, met in Regular Session in Room B at the Anniston City Meeting Center in the City of Anniston, Alabama, on Friday, February 24, 2021, at approximately 12:00 o'clock p.m.

Jack Draper, Mayor, prayed the Invocation.

Jack Draper, Mayor, led the Pledge of Allegiance to the Flag.

Mayor Draper called the meeting to order. On call of the roll, the following Council Members were found to be present: Council Members Jenkins, Roberts, Smith, and Draper; absent: Council Member Harris. A quorum was present and the meeting opened for the transaction of business.

Steven Folks, City Manager, was present.

Mayor Draper made a motion to adopt the agenda. The motion was seconded by Council Member Jenkins and on call of the roll the following vote was recorded: ayes: Council Member Jenkins, Roberts, Smith, and Draper; nays: none. The motion carried and the agenda was adopted.

Mayor Draper introduced the resolution approving the City of Anniston's participation in the State of Alabama Sales Tax Holiday for Severe Weather Preparedness items as authorized by Act 2012—256. (20-R-14)

Council Member Jenkins made a motion for passage and adoption of Resolution Approving the City of Anniston's participation in the State of Alabama Sales Tax Holiday for Severe Weather Preparedness items as authorized by Act 2012—256. (20-R-14) The motion was seconded by Council Member Smith and on call of the roll the following vote was recorded: ayes: Council Member Jenkins, Roberts, Smith, and Draper; nays: none. The motion carried and Resolution 20-R-14 was passed and adopted.

There being no further business to come before the council at that time Mayor Draper made a motion that the meeting be adjourned. The motion was seconded by Council Member Jenkins; and on call of the roll, the following vote was recorded: ayes: Council Members Jenkins, Roberts, Smith, and Draper; nays: none. The motion carried and the meeting was adjourned at approximately 12:03 o'clock p.m.

Anniston, Alabama

March 2, 2021

The City Council of the City of Anniston, Alabama, met in Regular Session in Room B at the Anniston City Meeting Center in the City of Anniston, Alabama, on Tuesday March 2, 2021, at approximately 5:30 o'clock p.m.

Jay Jenkins, Council Member, prayed the Invocation.

Jay Jenkins, Council Member, led the Pledge of Allegiance to the Flag.

Mayor Draper called the meeting to order. On call of the roll, the following Council Members were found to be present: Council Members Jenkins, Roberts, Smith, Harris, and Draper; absent: none. A quorum was present and the meeting opened for the transaction of business.

Steven Folks, City Manager, was present.

Bruce, Downey, City Attorney, was present.

Council Member Roberts made a motion to waive the reading of and approve the minutes of February 16, 2021. The motion was seconded by Council Member Jenkins and on call of the roll the following vote was recorded: ayes: Council Member Jenkins, Roberts, Smith, Harris, and Draper; nays: none. The motion carried and the February 16, 2021 minutes were approved.

Mayor Draper made a motion to adopt the agenda with the addition of the Introduction of the Anniston Youth Council. The motion was seconded by Council Member Smith and on call of the roll the following vote was recorded: ayes: Council Member Jenkins, Roberts, Smith, Harris, and Draper; nays: none. The motion carried and the amended agenda was adopted.

Steven Folks, City Manager, stated that this year they met with every principal from the high schools and they decided to have four students from each school. He stated these students will be from 9th, 10<sup>th</sup>, 11<sup>th</sup>, and 12<sup>th</sup> grade to ensure that the Youth Council will be a continued success. He stated that these are our Youth of Tomorrow and will move Anniston forward.

Mayor Draper introduced the Anniston Youth Council Members:

- Mattie Ricard- Senior (Faith Christian)
- Lucas Elliot- Sophomore (Donoho)
- Ava Smith-Freshman (Sacred Heart)
- Peyton Whitelaw Freshman (Donoho)
- Eric Tolson- Junior(Donoho)
- Jennifer Le- Senior (Sacred Heart)
- Alexia Cole-Sophomore (Anniston High School)
- Sophia Fernandez- Junior (Sacred Heart)
- Ashley Garcia- Junior (Sacred Heart)
- Gavin Randle- Sophomore (Faith Christian)
- Devin Raughton-Senior (Donoho)

Devin Raughton, presented the Youth Council's Mission Statement, "We as the Voice of the Youth, aspire to educate and improve the City of Anniston for the People."

Mayor Draper presented a Proclamation for Developmental Disabilities Awareness Month.

Mayor Draper made a motion to approve the consent agenda:

- (a) Resolution authorizing reimbursements to city officials for expenses incurred while traveling away from the City (21-R-15)
- (b) Resolution declaring reported condition to be a public nuisance Group 2021-02 Grass/Debris/Vehicles (21-R-16)
- (c) Resolution authorizing the submission of a grant application under the Staffing for Adequate Fire and Emergency Response (SAFER) grant program (21-R-17)
- (d) Motion to award the bid for demolition of six (6) substandard structures in the amount of \$61,000.00 using funds from Community Development Block Grant to EMTEK

The motion was seconded by Council Member Harris and on call of the roll the following vote was recorded: ayes: Council Member Jenkins, Roberts, Smith, Harris, and Draper; nays: none. The motion carried and the consent agenda was approved.

Mayor Draper introduced the Resolution authorizing an agreement with the Walker Collaborative LLC for the development of a citywide Comprehensive Plan. (21-R-18)

Mayor Draper made a motion for passage and adoption of Resolution authorizing an agreement with the Walker Collaborative LLC for the development of a Citywide Comprehensive Plan (21-R-18). The motion was seconded by Council Member Harris and on call of the roll the following vote was recorded: ayes: Council Member Jenkins, Roberts, Smith, Harris, and Draper; nays: none. The motion carried and Resolution 21-R-18 was passed and adopted.

There being no further business to come before the council at that time Mayor Draper made a motion that the meeting be adjourned. The motion was seconded by Council Member Jenkins; and on call of the roll, the following vote was recorded: ayes: Council Members Jenkins, Roberts, Smith, Harris, and Draper; nays: none. The motion carried and the meeting was adjourned at approximately 5:48 o'clock p.m.

# **CONSENT AGENDA**

**RESOLUTION NUMBER 21-R-\_\_**

**A RESOLUTION OVER-RULING OBJECTIONS TO THE ABATEMENT OF IDENTIFIED  
NUISANCES**

**WHEREAS**, Act 1995-375, Section 2, Amended by Act 2004-256 and codified as Sections 45-8-172, et seq. of the Code of Alabama, 1975, defines public nuisances and authorizes the City to order or otherwise accomplish the removal of such nuisances; and

**WHEREAS**, the City of Anniston has identified herein a specific list of such nuisances and the appropriate remedies to abate each nuisance; and

**WHEREAS**, the City of Anniston has notified the property owners or other parties that may be held responsible and has held a public hearing to consider objections to the proposed remedy as required by law.

**NOW THEREFORE BE IT RESOLVED**, by the City Council of the City of Anniston, Alabama that all objections and protests to the nuisance remedies identified in Exhibit "A" attached is hereby over-ruled and the recommended remedies are ordered to be applied to abate the nuisances according to the procedures and processes in Section 34.3 of the Code of Ordinances of the City of Anniston, Alabama.

**PASSED AND ADOPTED** this the **16<sup>th</sup>** day of **March 2021**.

**CITY COUNCIL OF THE CITY OF  
ANNISTON, ALABAMA**

BY: \_\_\_\_\_  
Jack Draper, Mayor

BY: \_\_\_\_\_  
Jay Jenkins, Council Member

BY: \_\_\_\_\_  
Demetric Roberts, Council Member

BY: \_\_\_\_\_  
Ciara Smith, Council Member

BY: \_\_\_\_\_  
Millie Harris, Council Member

ATTEST:

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Skyler Bass, City Clerk

**Exhibit "A"**  
**Group 2021-01 Grass, Debris & Vehicles**

<b>Address</b>	<b>PPIN</b>	<b>Owner</b>	<b>Violation</b>
123 McArthur Drive	25909	Goggins Ernest C/O State of Alabama	Inoperable vehicles: Green Ford F150 tag unknown and black 4 door sedan tag unknown

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**CITY COUNCIL OF THE CITY OF  
ANNISTON, ALABAMA**

BY: \_\_\_\_\_  
Jack Draper, Mayor

BY: \_\_\_\_\_  
Jay Jenkins, Council Member

BY: \_\_\_\_\_  
Demetric Roberts, Council Member

BY: \_\_\_\_\_  
Ciara Smith, Council Member

BY: \_\_\_\_\_  
Millie Harris, Council Member

ATTEST:

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Skyler Bass, City Clerk

**Exhibit "A"**  
**Group 2021-02 Grass, Debris & Vehicles**

<b>Address</b>	<b>PPIN</b>	<b>Owner</b>	<b>Violation</b>
12 Blue Mountain	74007	Rodriguez Cindy Jacqueline Gonzalez	Inoperable vehicles: Red Ford tag unknown and red Saturn no tag
208 West 20 <sup>th</sup> Street	20127	Chadwick Inc.	Debris and inoperable vehicles: Green Chevy SUV tag unknown, and utility trailer tag unknown
431 Chestnut Ave	18312	Mitchell William Elbert	Weeds, debris and inoperable vehicle: red Chevrolet Monte Carlo tag 17A164B
626 Mulberry Ave	18626	Bentil Robert	Inoperable vehicles: Red Chevrolet tag unknown, red Chevrolet pickup tag unknown, Blue hatchback tag unknown, one vehicle under tarp
629 Mulberry Ave	18623	Summers Stephens Jr	Inoperable vehicle: Black Chevrolet pickup tag unknown
630 Mulberry Ave	63052	Mullinax Shannon Elizabeth	Inoperable vehicle: Cadillac tag unknown
710 Mulberry Ave	18778	Keane James Michael	Weeds, debris and inoperable vehicles: Black sedan tag unknown, black pickup tag unknown
1924 McKleroy Ave	20126	Brown Ronnie L & Debra S	Inoperable vehicle: red SUV tag unknown
2706 Old Quintard	25198	Thomas George	Debris and inoperable vehicles White 2-door no tag and black 2-door tag unknown, Navy 2-door tag unknown
3824 George St	60561	Woodrow Leslie T	Inoperable vehicles: Ford Taurus tag unknown, White with blue camper tag unknown

**RESOLUTION NO. 21-R-\_\_\_\_\_**

**A RESOLUTION DECLARING VARIOUS VEHICLES AND PIECES OF EQUIPMENT AS SURPLUS AND AUTHORIZING THEIR SALE**

**WHEREAS**, the City Council of the City of Anniston, Alabama, hereby finds that those certain motor vehicles/equipment and personal property more particularly described on Exhibit "A" attached hereto and incorporated herein are not now presently being used for municipal purposes, nor are they needed for use by the City of Anniston in the future, and

**WHEREAS**, the City Council is desirous of selling said motor vehicles/equipment at auction.

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

**Section 1.** That those certain motor vehicles/equipment and personal property more particularly described in Exhibit "A" attached hereto and incorporated herein for all purposes, be and the same are hereby declared surplus to the needs of the City of Anniston.

**Section 2.** That Skyler Bass, City Clerk of the City of Anniston, be and he is hereby authorized, directed, and empowered to cause said motor vehicles/equipment and personal property to be sold at public auction for the highest and best bid, and the Skyler Bass, City Clerk of the City of Anniston, is hereby authorized, directed, and empowered for and in the name of the City of Anniston to execute title certificates, bills of sale or other documents of conveyance to the purchasers at such auction for cash received for such purposes, provided, however, that all sales of motor vehicles/equipment made by the City as said auction shall be "as is – where is" with no warranties expressed or implied.

**Section 3.** This resolution shall become effective immediately upon its passage and adoption by the City Council.

**PASSED AND ADOPTED** this the \_\_\_\_\_ day of \_\_\_\_\_, 2021.

CITY COUNCIL OF THE CITY OF  
ANNISTON, ALABAMA

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Jack Draper, Mayor

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Jay Jenkins, Council Member

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Demetric Roberts, Council Member

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Ciara Smith, Council Member

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Millie Harris, Council Member

ATTEST:

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Skyler Bass, City Clerk

## EXHIBIT 'A'

1999 FORD E350	1FTRE1424XHB26240
1997 FORD CLUB WAGON	1FB JS31L4VHC07366
1998 FORD F150	1FTZF17WXWNC09084
2001 FORD CROWN VIC	2FAFP74W91X139503
2008 FORD CROWN VIC	2FAFP71V98X136199
2008 FORD CROWN VIC	2FAFP71V48X136191
2008 FORD CROWN VIC	2FAFP71V78X136198
2009 FORD CROWN VIC	2FAHP71V49X111821
2009 FORD CROWN VIC	2FAHP71V39X111826
2010 FORD CROWN VIC	2FABP7BV1AX134420
2010 FORD CROWN VIC	2FABP7BV9BX101196
2010 FORD CROWN VIC	2FABP7BV0BX101197
2011 FORD CROWN VIC	2FABP7BV9BX123618
2011 FORD CROWN VIC	2FABP7BVOBX123619
2012 DODGE CHARGER	2C3CDXAG1CH156168
2012 DODGE CHARGER	2C3CDXAG3CH156169
2012 DODGE CHARGER	2C3CDXAGXCH156170
2012 DODGE CHARGER	2C3CDXAG1CH156171
2012 DODGE CHARGER	2C3CDXAG3CH156172
2012 DODGE CHARGER	2C3CDXAG5CH156173
2013 DODGE CHARGER	2C3CDXAG6DH571052
2013 DODGE CHARGER	2C3CDXAG8DH571053
2014 DODGE CHARGER	2C3CDXAG7EH172636
2001 FORD CROWN VIC	2FAFP71W21X121865
2008 FORD F150	1FTVF12508KD60047
2009 FORD F750	3FRXF75U49V139251
1998 FORD F150XL	1FTZF17WXWNC09084
2014 JOHN DEERE 5075M	1LV5075MJEB611324
1989 FORD L8000 STREET FLUSHER	1FDYR82A0KVA23311
2002 BED SCHWARZE	49HAADB72DK14141
2001 JEEP CHEROKEE SPORT	1J4FF48S91L516132
2001 Ford E350	1FDW4E35L21HB27637
1999 Ford E-350	1FBSS31L7XHA93645
1999 Ford E-350	1FDWE35L92HB70812
2011 JOHN DEERE cx15 BUSH HOG	1POCX15EKEP037125
2014 JOHN DEERE 6115M	1L06115MVEH809373
2014 JOHN DEERE 5075M	1LV5075MVEB611326
2014 JOHN DEERE 5075M	1LV5075MCEB611325
1991 FORD 1920 TRACTOR	UP29041
2005 CREW CAB F-F250	1FYSW20545ED06272
1995 QUALITY MANUFAC. PUMPER	4S7AT9DO2SC015707
HUSQVARNA TILLER MODEL #CRT51	
(6) AIR FILTERS	
HOUR METER	
SWITCH	
CIRCUIT BREAKER	
FOOTVALVE PRESS	

OIL PRESSURE SWITCH  
LAP SIDE BEAM REFLECTOR  
STROBE FLASHER  
LIGHT CONTROL PANEL  
CROWN VIC EM LIGHTS  
SIREN ASM  
SERIES 900 RED ELNSE  
710 FLASHER  
LIGHT 810CAZR  
LIGHT BAR STROBE GROTE  
POWER SUPPLY  
ALLEY LIGHT FTE/MR11  
(2) STROBE POWER SUPPLY  
LIGHTING CONTROL BOX  
ROTATOR MODULE  
SOLID STATE HEADLIGHT FLASH  
TIMER SWITCH  
FIRETRUCK SPEEDOMETER  
HOUR METER  
VDO SPEED SENSOR  
VOLTAGE REGULATOR  
AC FLUSH SOLVENT  
AC ADDITIVE  
AIR BRAKE SYSTEM ANTI-FREEZE  
GAS TREATMENT  
AC NUT  
A/C SWITCH  
BRACKET  
HUBCAP  
DOOR LOCK SWITCH  
AC LINE CLIP/RETAINER  
BALL JOINT  
SWAYBAR BUSHING  
MULTI-FUNCTION SWITCH  
MASTER WINDOW SWITCH  
HEADLIGHT SWITCH  
LIGHTING CONTROL MODULE  
SWITCH HOUSING  
CLIMATE CONTROL ACTUATOR  
SPARE TIRE NUT  
DIODE  
HEATER CONTROL  
WINDOW TRACK  
SENSOR TEMP  
BREAKER  
OUTER DOOR HANDLE  
POWER STEERING ADAPTOR  
SENSOR  
AIR SWITCH 25793291

(2) U JOINT  
DISC HDWE CROWN VIC  
4" EXHAUST BAND CLAMP  
5" EXHAUST CLAMP  
REBUILT F650 STEERING GEAR  
REBUILT STEERING GEARBOX  
3.5X8 1.75 ROD CYLINDER  
(2) FLOW DIVIDER  
(2) MILITARY TRUCK STUDS  
LOCK RING  
JOHN DEERE WHEEL STUDS  
O-RINGS  
SEAL  
PRIMER PUMP  
THERMOSTAT  
(4) FUEL FILTER  
(3) HYD FILTER  
THERMOSTAT GASKET  
AXLE OIL ADDITIVE  
HYD OIL ADDITIVE  
BASE  
O-RING KIT  
SPEED SENSOR  
HYD BREATHER  
GROMMETT  
HIGH TEMP MANIFOLD SEALER  
VALVE  
(2) SEAL WIPER  
ADAPTOR  
COOLING SYSTEM CLEANER  
BELT  
CIRCUIT BOARD  
HYDRAULIC OIL COOLER  
NAUTIZ X7 HANDHELD DEVICE  
TDS RECON SURVEY PRO HANDHELD DEVICE  
GARMIN GPS 12 PERSONAL NAVIGATOR  
(2) PORTABLE BASKETBALL GOALS  
(3) FILING CABINETS  
(2) TRUCK TOOL BOXES  
(5) WINDOW UNITS  
250 GAL PROPANE TANK  
ELLIPTICAL MACHINE  
TREADMILL  
(2) JACOBSEN GREENSMOWER  
TORO 3100 GREENSMOWER 9276  
JACOBSEN 9274  
TORO 300 GREENSMOWER  
FORD BOX VAN  
HOSE DRYER

HUSQVARNA RIDING MOWER  
AUTO PULSE CPR DEVICE W/ CHARGER  
HYDRAULIC EXTRACTION HOSE REEL W/ HOSE  
(4) PANASONIC TOUGHBOOKS  
(3) RAM TOUGH TRAY VEHICLE MOUNTS FOR THE TOUGHBOOKS  
NOT PAD V TRAY VEHICLE MOUNT FOR IPAD  
(38) COMPUTER EQUIPMENT

The following items have been determined to have no known owner, abandoned or of no value.  
I request these items be allowed to be disposed of in accordance with state law.

CASE #200402050 BLACK WALLET  
CASE #201210044 BROWN PURSE, WALLET  
CASE #201111034 BLUE ROADMASTER BICYCLE  
CASE #201120017 BLACK MONSTER 36M TASER  
CASE #201114036 BLUE/BLACK HYPER SHOCK 20 BICYCLE  
CASE #201112064 BLACK WALLET  
CASE #201029147 BLACK LEATHER WALLET  
CASE #201004028 MISC. CLOTHING, BEAUTY SUPPLIES, SHOES  
CASE #201009078 RED LEATHER WALLET  
CASE #200916027 GREEN BICYCLE  
CASE # 20090534 BB GUN  
CASE# 200901082 SILER WATCH  
CASE #200804052 BLACK WALLET  
CASE #200817102 SILVER BRACLET  
CASE #200816034 BLUE BAG CONTAINING MISC. HYGIENE PRODUCTS  
CASE #200723020 BLACK ANDROID CELL PHONE  
CASE #200729088 BLACK BACKPACK CONTAINING MISC. COSMETIC ITEMS  
CASE#200717045 MAXTOR HARD DRIVE  
CASE #200622122 KNIFE  
CASE #200622095 BLACK IPHONE  
CASE #200604104 WHITE LG CELLPHONE  
CASE #200303056 BLACK LEATHER WALLET  
CASE #200517055 BLACK LEATHER WALLET  
CASE #200521057 BROWN WALLET  
CASE #200528091 WHEELCHAIR  
CASE #200518044 ONE WALLET  
CASE #200505060 ONE CHANGE PURSE  
CASE #200409038 ONE BLUE ANDROID CELLPHONE  
CASE #200323022 THREE MILWAUKEE ROTARY HAMMERS, ONE MILWAUKEE HEAT GUN, ONE MAKITA DRILL, ONE SKIL CIRCULAR SAW, ONE THERMOS STRIP HEAT GUN, MISCELLANEOUE TOOLS, MAGNUM SPRAYER, ONE BAG OF HAND HELD RADIOS, ONE DRILLMASTER BUFFER, ONE SHOP VAC, DRY WALL STILTS, ONE SMALL SHOP VAC, ONE DEWALT TOOL BAG, TOOL BAG WITH TOOLS, RYOBU DRILL, HUSKEY TOOL BAG, KOBALT AIR COMPRESSOR, ECHO TRIMMER, GAS OPERATED TAMPER FOOT, TWO PULLEYS, ONE DROP HITCH, ONE POLE DRIVER, ONE ROAD FLARE, ONE TOOL BAG, TWO ORANGE AIR HOSES, ONE SHOP VAC RIDGID AND TWO METAL TRIPODS

# **ORDINANCES**

## **ORDINANCE NO. 21-R—**

### **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 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 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 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 \_\_\_\_\_ day of \_\_\_\_\_, 2021.

COUNCIL OF THE CITY OF  
ANNISTON, ALABAMA

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Jack Draper, Mayor

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Jay Jenkins, Council Member

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Demetric Roberts, Council Member

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Ciara Smith, Council Member

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Millie Harris, Council Member

ATTEST:

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Skyler Bass, City Clerk