

STATE OF GEORGIA }}
COUNTY OF WAYNE }}
CITY OF JESUP }}

ORDINANCE 2016-009-001
First Reading: _____
Second Reading: _____

**CAR CARRIERS, FLATBEDS, LOW BOYS, TOW TRUCKS, WRECKERS
AND RELATED VEHICLES AND WRECKER SERVICES AND OPERATOR'S
ORDINANCE**

AN ORDINANCE TO PROTECT THE HEALTH, WELFARE AND SAFETY OF THE CITIZENS OF THE CITY OF JESUP, GEORGIA, TO PROVIDE FOR THE SAFE AND ORDERLY OPERATION OF CAR CARRIERS, FLATBEDS, LOW BOYS, TOW TRUCKS AND WRECKERS, AND RELATED VEHICLES IN THE CITY OF JESUP, GEORGIA, TO PROVIDE FOR CERTAIN MINIMUM STANDARDS APPLICABLE TO OWNERS AND OPERATORS OF SUCH CAR CARRIERS, FLATBEDS, LOW BOYS, TOW TRUCKS AND WRECKERS AND RELATED VEHICLES IN THE CITY OF JESUP, GEORGIA, TO PROVIDE FOR THE SAFE AND ORDERLY PROVISION OF WRECKER, TOWING, HAULING AND RELATED SERVICES, AND ALL OTHER ACTIONS IN CONFORMITY THEREWITH AND LIKEWISE TO REPEAL ANY RESOLUTIONS OR ORDINANCES CONTRARY TO THE EXPRESS PROVISIONS HEREOF

PREAMBLE

WHEREAS, the Board of Commissioners of the City of Jesup, Georgia have determined that the Code of Ordinances of the City of Jesup, Georgia may be amended pursuant to the *Municipal Home Rule Act* of 1965, GA. CODE ANN. § 36-35-3 et seq., to make changes adjudged and determined to be necessary or beneficial by the Board of Commissioners of the City of Jesup, Georgia; and

WHEREAS, Article IX, Section II, Paragraph II of the Constitution of the State of Georgia, entitled "Home Rule of Municipalities," allows the General Assembly of the State of Georgia to provide laws of general application to authorize the self-government of municipalities; and

WHEREAS, pursuant to the said Article IX, Section II, Paragraph II of the Constitution of the State of Georgia, the General Assembly passed the *Municipal Home Rule Act* of 1965, GA. CODE ANN. § 36-35-3 et seq., which has been signed into law; and

WHEREAS, the duly elected governing authority of the City of Jesup, Georgia, the Board of Commissioners, is authorized by the *Municipal Home Rule Act* of 1965, GA. CODE ANN. § 36-35-3 et seq., to adopt ordinances relating to the public safety, health and welfare of the citizens of, and visitors to, the City of Jesup,

Georgia and likewise the various businesses and commercial establishments that are situated in the City of Jesup, Georgia; and

WHEREAS, the governing authority of the City of Jesup, Georgia is its duly-elected Board of Commissioners of the City of Jesup, Georgia; and

WHEREAS, the Board of Commissioners of the City of Jesup, Georgia desires to promote the public safety, health and welfare of the citizens of, and visitors to, the City of Jesup, Georgia and likewise the various businesses and commercial establishments that are situated in the City of Jesup, Georgia; and

WHEREAS, the Board of Commissioners of the City of Jesup, Georgia desires to provide for the safe and orderly operation of Car Carriers, Flatbeds, Low Boys, Tow Trucks and Wreckers in the City of Jesup, Georgia; and

WHEREAS, the Board of Commissioners of the City of Jesup, Georgia desires to provide for certain minimum standards applicable to Car Carriers, Flatbeds, Low Boys, Tow Trucks, Wreckers and similar vehicles and similarly applicable to Operators of Car Carriers, Flatbeds, Low Boys, Tow Trucks, Wreckers and similar vehicles in the City of Jesup, Georgia; and

WHEREAS, this Ordinance is further adopted to protect the public safety, health and welfare of the citizens of the City of Jesup, Georgia; and

WHEREAS, this Ordinance is further adopted pursuant to the police power of the City of Jesup, Georgia; and

WHEREAS, this Ordinance is further adopted pursuant to the Charter of the City of Jesup, Georgia; and

THEREFORE, be it PASSED, RESOLVED AND ORDAINED by the Board of Commissioners of the City of Jesup, Georgia, in accordance with the *Municipal Home Rule Act* of 1965 at GA. CODE ANN. § 36-35-3, et. seq. and the official Charter of the City of Jesup, Georgia that the official Code of Ordinances of the City of Jesup, Georgia is amended to provide for the following “Car Carriers, Flatbeds, Low Boys, Tow Trucks, Wreckers and Related Vehicles and Wrecker Services and Operator’s Ordinance,” to be included at proposed new Article X, to be entitled “Car Carriers, Flatbeds, Low Boys, Tow Trucks, Wreckers and Related Vehicles and Wrecker Services and Operator’s Ordinance,” of Chapter 22, Businesses and Business Regulations, of the official Code of Ordinances of the City of Jesup, Georgia, and commencing with proposed new section 22-500 and continuing through proposed new section 22-528.

ARTICLE X
CAR CARRIERS, FLATBEDS, LOW BOYS, TOW TRUCKS, WRECKERS AND
RELATED VEHICLES AND WRECKER SERVICES AND OPERATOR'S
ORDINANCE

Section 22-500 Short Title

This article shall be known as the "Car Carriers, Flatbeds, Low Boys, Tow Trucks, Wreckers and Related Vehicles and Wrecker Services and Operator's Ordinance."

Section 22-501 Definitions

The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this Section:

a. *Annual Renewal Application* means the applications required for the renewal of any Wrecker Services Permit or Operator's Permit as may be required under this Article.

b. *Barter Exchange* means the exchange, swap, trade, conveyance, receipt, delivery, or acceptance of delivery of any object or thing of value or services of any kind as payment, compensation or consideration for, or as an incentive or inducement to provide, Removing, Towing or Storing Services or the services of a Wrecker Service.

c. *Business Enterprise* means a unit of economic organization or activity in the form of a person, firm, partnership, limited liability company, corporation, trust or association or any combination of such persons, firms, partnerships, limited liability companies, corporations, trusts or associations.

d. *Car Carrier* means a vehicle or article of equipment capable of Removing, relocating or transporting a vehicle or equipment from one location to another.

e. *Chief of Police* means the chief of the police department of the City of Jesup, Georgia, or any public safety or police officer specifically designated by him or her to administer and carry out the provisions of this Article.

f. *Joint City-County Rotation System* means any list, compilation, assemblage, collection, accumulation, catalogue, register or roll of Wrecker Services, Business Enterprises, Operators or Car Carriers, Flatbeds, Low Boys, Tow Trucks or Wreckers maintained, created or compiled by the City of Jesup, Georgia, or the Chief of Police, or his or her official designee, in cooperation and in

concert with the Sheriff of Wayne County, Georgia, or his or her official designee, related to the provision of Wrecker Services or Towing or Removing services to or on the behalf of the City of Jesup, Georgia or in response to a request for such services by the Chief of Police or his or her official designee. At any time that the City of Jesup, Georgia, through its Board of Commissioners, determines that it is disadvantageous for the City of Jesup to maintain and participate in a Joint City-County Rotation System, the City of Jesup may then maintain its own City Rotation System applicable within the geographic and jurisdictional boundaries of the City of Jesup.

g. *Flatbed* means a vehicle or article of equipment with hoisting apparatus and equipment for Towing automobiles, vehicles or equipment or otherwise equipped to remove, relocate or transport a vehicle or equipment from one location to another.

h. *Low Boy* means a vehicle or article of equipment with hoisting apparatus and equipment for Towing automobiles, vehicles or equipment or otherwise equipped to remove, relocate or transport a vehicle or equipment from one location to another.

i. *Operator* includes (i) all persons owning or operating Car Carriers, Flatbeds, Low Boys, Tow Trucks or Wreckers or similar vehicles or equipment for, on behalf of, in connection with, or related to a Wrecker Service within in the City of Jesup, Georgia, and (ii) all owners, shareholders, partners, members, officers, agents, employees and contractors of any persons, firms, partnerships, limited liability companies, corporations, trusts or associations, who are engaged in the business of a Wrecker Service, and (iii) those Persons regularly and routinely engaged in Removing, Towing, hauling or Storing vehicles or equipment for hire, compensation or barter exchange within the City of Jesup, Georgia.

j. *Operator's Permit* means the permit or license issued by the City of Jesup, Georgia to Operators under this Article. Said Operator's Permit shall be in addition to, and not in lieu of, any other permits, licenses or applications required by the City of Jesup, Georgia or as otherwise contemplated or set forth in the official Code of Ordinances of the City of Jesup, Georgia.

k. *Person* means a natural person, firm, partnership, limited liability company, corporation, trust or association or any combination of such natural persons, firms, partnerships, limited liability companies, corporations, trusts or associations.

l. *Regularly Engaged in Removing, Towing or Storing Services* or *Regularly Engaged* or *Regularly* or *Routinely* all mean within the context of this Article the provision of Removing, Towing or Storing Services or otherwise acting

as, or providing the services of a Wrecker Service at three (3) times within a twelve (12) month period.

m. *Removing* means the act of a Wrecker Service or Operator to change or alter, by Towing, hauling, lifting, relocating, or transporting, the location of a vehicle or article of equipment from its then-current location to an alternative location.

n. *Required Insurance Coverages* means any casualty, liability, hook, towing, garage keepers, or similar insurance coverages required under this Article.

o. *Storing* means the act of a Wrecker Service or Operator to place and to leave a vehicle or article of equipment that has been the subject of Towing, Removing or similar activities at a site or location where the Wrecker Service or Operator exercises control and supervision over the vehicle or article of equipment.

p. *Storage Yard* means any place where a Wrecker Service or Operator regularly stores, deposits, stows, keeps, dispatches to, or maintains vehicles or equipment involved in Removing, Towing or Storing activities.

q. *Towing* means drawing or pulling a vehicle or article of equipment by means of another vehicle or article of equipment equipped with chains, hoists, dollies, racks, carts, booms, Car Carriers, winches or similar equipment, or the removal, relocation or transportation of a vehicle or article of equipment from one location to another by use of Car Carriers, Flatbeds, Low Boys, Tow Trucks or Wreckers or similar vehicles.

r. *Tow Truck* and *Wrecker* both mean a vehicle or article of equipment with hoisting apparatus and equipment for Towing automobiles, vehicles or equipment. The terms "Tow Truck" and "Wrecker" also include any vehicle otherwise equipped and used for the purposes of Towing wrecked or disabled automobiles, vehicles or equipment or otherwise equipped to remove, relocate or transport a vehicle or equipment from one location to another.

s. *Wrecker Services Permit* means the permit or license issued by the City of Jesup, Georgia to Wrecker Services under this Article. Said Wrecker Services Permit shall be in addition to, and not in lieu of, any other permits, licenses or applications required by the City of Jesup, Georgia or as otherwise contemplated or set forth in the official Code of Ordinances of the City of Jesup, Georgia.

t. *Wrecker Service* means any persons, firms, partnerships, limited liability companies, corporations, trusts or associations, whether or not such Wrecker Service maintains an office within the geographic or jurisdictional limits of the City of Jesup, Georgia or of Wayne County, Georgia, that is nonetheless

regularly engaged in (i) the business of Towing or hauling wrecked or disabled motor vehicles for hire within the City of Jesup, Georgia, (ii) the Removing any vehicle or article of equipment within the City of Jesup, Georgia for hire, compensation or barter exchange, (iii) changing or altering, by Towing, hauling, lifting, Removing or transporting, the location of vehicles or trailers or articles of equipment from its then-current location to an alternative location, or (iv) Storing vehicles or articles of equipment that have been the subject of Towing, Removing or similar activities.

Section 22-502 Findings and Intent

a. The Board of Commissioners of the City of Jesup, Georgia desires to promote the public safety, health and welfare of the citizens of, and visitors to, the City of Jesup, Georgia and likewise the various businesses and commercial establishments that are situated in the City of Jesup, Georgia, and in connection therewith, to provide for the safe and orderly operation of Car Carriers, Flatbeds, Low Boys, Tow Trucks or Wreckers and related vehicles in the City of Jesup, Georgia, and likewise to provide for certain minimum standards applicable to such Car Carriers, Flatbeds, Low Boys, Tow Trucks or Wreckers, the Owners and Operators of such Car Carriers, Flatbeds, Low Boys, Tow Trucks or Wreckers and Wrecker Services in the City of Jesup, Georgia.

b. The measures undertaken in this Article will, among other benefits, assist in promoting the following benefits for the citizens of, and visitors to, the City of Jesup, Georgia, who use or who are otherwise exposed to the highways, streets, roads, alleys, lanes, or rights-of-way of, or within, the territorial or jurisdictional limits of the City of Jesup, Georgia:

i. That Wrecker Services and Operators are reputable and reliable and possesses adequate equipment and qualified employees;

ii. That Wrecker Services and Operators are properly licensed and insured;

iii. That Wrecker Services and Operators meet certain minimum safety standards and other qualifications related to safety and security of the motoring public;

iv. That Wrecker Services maintain equipment, including any Car Carriers, Flatbeds, Low Boys, Tow Trucks or Wreckers, in accordance with certain minimum standards;

v. That Wrecker Services maintain a Storage Yard that meets certain minimum standards and qualifications;

vi. That the Operators of Car Carriers, Flatbeds, Low Boys, Tow Trucks or Wreckers likewise meet certain minimum standards and qualifications;

vii. That Wrecker Services meet certain other standards related to the safe operation of Car Carriers, Flatbeds, Low Boys, Tow Trucks and Wreckers and related equipment within the City of Jesup, Georgia, and the provision of Wrecker Services;

viii. That Wrecker Services and Operators safely respond to accident scenes;

ix. That scenes of accidents are made safer for the involved participants, law enforcement, emergency-medical personnel and the general public;

x. That the participants involved in accidents are provided protection from undue interference and manipulation at such accident scenes; and

xi. That vehicles, trailers, and articles of equipment that are the subject of Towing and Removing services are securely stored and readily locatable.

Section 22-503 General Application

a. In addition to the application of this Article as otherwise set out throughout this ordinance, this Article shall apply to any Business Enterprise, Operator, Person or Wrecker Service using or operating any Car Carriers, Flatbeds, Low Boys, Tow Trucks or Wreckers upon any highway, street, road, alley, lane, or right-of-way of, or within, the territorial or jurisdictional limits of the City of Jesup, Georgia in connection with, or related to, the provision of Towing, Removing, or Storing services or as a part of, or connected to, the business or commercial operations of a Wrecker Service.

b. Notwithstanding anything herein to the contrary, this Article shall not, however, apply to the following-described Persons that are engaged in the specific activities and functions that are also identified in this subparagraph (b). No such Persons described hereinafter in subparagraphs (i), (ii) or (iii) shall, however, otherwise be exempt from the provision of this Article or otherwise be permitted to operate as an Operator or Wrecker Service without first having complied with this Article.

i. *Car Dealership or Similar Vehicle or Equipment Sellers.* This Article shall not apply to car, vehicle, automobile or equipment dealers or sellers that engage in Towing, Removing or Storing of automobiles, vehicles or equipment for the specific purpose of hauling, lifting, removing, transporting or storing such

automobiles, vehicles or equipment to the dealership's or seller's regular location or situs for the sales of such automobiles, vehicles or equipment.

ii. *Pass Through Transport Services Hauling or Transporting Vehicles or Equipment.* This Article shall not apply to van lines or transport services that are regularly engaged in the transport or hauling of cars, vehicles or automobiles when such van lines or transport services are merely passing through the geographic and jurisdictional boundaries of the City of Jesup.

iii. *Repossession Services Enforcing a Bona Fide Lien, Writ or Judgment.* This Article shall not apply to any Person that is engaged in the lawful repossession, reclamation, recovery, seizure or replevin of cars, vehicles, automobiles or equipment in connection with, or related to, any *bona fide* lien, mortgage, financing statement, contract, agreement or security agreement that gives, or provides for, the right of repossession, reclamation, recovery, seizure or replevin of such cars, vehicles, automobiles or equipment, or under a writ of possession, order or judgment that is rendered by a court of competent jurisdiction providing for the right of repossession, reclamation, recovery, seizure or replevin. At least forty-eight (48) hours prior to engaging in such repossession, reclamation, recovery, seizure or replevin of any cars, vehicles, automobiles or equipment in or upon any highway, street, road, alley, lane, or right-of-way of, or within, the territorial or jurisdictional limits of the City of Jesup, Georgia, such Person shall notify the Chief of Police or the City of Jesup police department of his, her or its intention to engage in such activities.

Section 22-504 Administration and Enforcement of this Article

It shall be the duty of the Chief of Police, or his or her official designee, to administer and carry out the provisions of this Article. All law enforcement officers of the City of Jesup police department shall have authority to document and prosecute violations of this Article.

Section 22-505 Violations of this Article

a. Any Business Enterprise, Operator, Person or Wrecker Service who shall violate any of the provisions or sections of this Article shall be punished as provided in Section 1-11, General penalty; continuing violations of the official Code of Ordinances of the City of Jesup, Georgia.

b. Any violation of this Article may further result in suspension or revocation of a Wrecker Service Permit or Operator's Permit provided under this Article.

c. Any violation of this Article may also result in suspension of the Wrecker Service or any Operator from any Joint City-County Rotation System maintained by the City of Jesup, Georgia and Wayne County, Georgia or a City Rotation System, or the exclusion of a Car Carrier, Flatbed, Low Boy, Tow Truck, or Wrecker from such Joint City-County Rotation System.

Section 22-506 Application to Car Carriers, Flatbeds, Low Boys, Tow Trucks, Wreckers, Operators and Wrecker Services

a. In addition to the foregoing applications of this Article, the provisions of this Article also shall apply to any Wrecker Services or Operators physically situated within the City of Jesup, Georgia.

b. In addition to the foregoing applications of this Article, the provisions of this Article also shall apply to any Wrecker Service or Operator that operates, dispatches, maintains, drives, manages, or directs any Car Carriers, Flatbeds, Low Boys, Tow Trucks, or Wreckers upon any highway, street, road, alley, lane, or right-of-way of, or within, the territorial or jurisdictional limits of the City of Jesup, Georgia in connection with, or related to, the provision of Towing, Removing, or Storing services or as a part of, or connected to, the business or commercial operations of a Wrecker Service whether or not such Business Enterprise, Operator, Person or Wrecker Service maintains an office or other physical site within the territorial or jurisdictional limits of the City of Jesup, Georgia.

c. In addition to the foregoing applications of this Article, the provisions of this Article also shall apply to any Business Enterprise, Operator, Person or Wrecker Service regularly engaged in Removing, Towing or Storing services or activities for hire, compensation or barter exchange within the territorial or jurisdictional limits of the City of Jesup, Georgia whether or not such Business Enterprises, Operators, Persons or Wrecker Services maintain an office or other physical site within the territorial or jurisdictional limits of the City of Jesup, Georgia.

Section 22-507 Compliance with this Article Required

a. It shall be unlawful to regularly operate any Car Carrier, Flatbed, Low Boy, Tow Truck, or Wrecker as a Wrecker Service or Operator within the City of Jesup, Georgia for hire, compensation or barter exchange in violation of, or without compliance with, this Article.

b. It likewise shall be unlawful to regularly operate, maintain, manage or establish a Wrecker Service within the City of Jesup, Georgia for hire, compensation or barter exchange in violation of, or without compliance with, this Article.

c. It likewise shall be unlawful to regularly provide Removing, Towing, or Storing services within the City of Jesup, Georgia for hire, compensation or barter exchange in violation of, or without compliance with, this Article.

Section 2-508 Wrecker Services Permit Required

a. It shall be unlawful for any Business Enterprise, Operator, Person or Wrecker Service to engage in the Towing, Removing or Storing of vehicles or equipment as a Wrecker Service, or to operate as a Wrecker Service, or to provide the services regularly provided by a Wrecker Service, within the City of Jesup, Georgia without first having secured a Wrecker Services Permit from the Chief of Police or his or her official designee.

b. Every Business Enterprise, Operator, Person or Wrecker Service desiring to obtain a Wrecker Services Permit required under this Article for purposes of operations with the geographical and jurisdictional boundaries of the City of Jesup shall make written application to the City's police department for a Wrecker Services Permit upon forms to be prepared and approved by the Chief of Police or his or her official designee.

c. Any application for a Wrecker Services Permit shall also state and provide at least the following information and data:

- i. The name, address and telephone number of the applicant;
- ii. The name, address and telephone number of the contact person for the applicant;
- iii. The physical location or place where the proposed Wrecker Service is to be located;
- iv. The physical location or place of any Storage Yard within the geographical and jurisdictional limits of Wayne County, Georgia and the names, addresses and telephone numbers of any attendants of such Storage Yard;
- v. The nature and character of the business to be carried on by the applicant;
- vi. (a) If a partnership, the names, addresses and telephone numbers of the partners; and (b) if a limited liability company, the names, addresses and telephone numbers of the members and managing members of the limited liability company; and (c) if a corporation, the names, addresses and telephone numbers of the officers of the corporation; and (d) if a trust, the names,

addresses and telephone numbers of the trustees and beneficiaries of the trust; and (e) if an association, a description of the association and the names, addresses and telephone numbers of the members of the association;

vii. The amounts and types of insurances: (a) held by the proposed Wrecker Service or Operator; (b) as applicable to any Car Carriers, Flatbeds, Low Boys, Tow Trucks, or Wreckers of the proposed Wrecker Service, Operator or applicant; and (c) as applicable to any Storage Yard within the City of Jesup, Georgia;

viii. The names, addresses, telephone numbers, drivers' licenses numbers and drivers' histories of all Operators on behalf of the proposed Wrecker Service;

ix. A full and complete description of any Car Carriers, Flatbeds, Low Boys, Tow Trucks, or Wreckers to be utilized by the applicant or the proposed Wrecker Service within the territorial or jurisdictional limits of the City of Jesup, Georgia, including vehicle serial numbers, colors, makes and models of such equipment;

x. To the extent that such may exist, copies of all permits, licenses or other authorizations applicable to such applicant as a Wrecker Service as issued by jurisdictions other than the City of Jesup, Georgia; and

xi. Such other information as may be required by the Chief of Police or his or her official designee.

d. Such application for a Wrecker Services Permit shall be sworn to under oath by the applicant or agent thereof.

e. All applicants for a Wrecker Services Permit shall furnish all other data, information and records reasonably requested of them by the City of Jesup, Georgia, the Chief of Police or his or her official designee, or the City of Jesup police department, and the failure to furnish such requested data, information and records within thirty (30) days from the date of such request automatically shall result in the dismissal, with prejudice, of the application. In the event of such denial, but subject to any appeal rights set out in this Article, the applicant may not reapply for such permit for a period of one-hundred and eighty (180) days from the date of such denial.

f. All applicants for a Wrecker Services Permit, by filing an application, agree to produce for oral interrogation any Persons requested by the City of Jesup, Georgia, the Chief of Police or his or her official designee, or the City of Jesup police department as considered as being reasonably necessary to the ascertainment of

facts relative to the issuance of a Wrecker Services Permit. The failure to produce a requested Person or Persons within thirty (30) days from the date of such request automatically shall result in the dismissal, with prejudice, of the application. In the event of such denial, but subject to any appeal rights set out in this Article, the applicant may not reapply for such permit for a period of one-hundred and eighty (180) days from the date of such denial.

g. A fee in an amount to be established by the Board of Commissioners of the City of Jesup, Georgia may be charged to each applicant for a Wrecker Services Permit in order to defray the City's administrative cost of processing the application. Such fee shall be in addition to, and not in lieu of, any other fees required under this Article, or any other permits, licenses or applications required by the City of Jesup, Georgia or as otherwise contemplated or set forth in the official Code of Ordinances of the City of Jesup, Georgia. The Board of Commissioners of the City of Jesup shall have the authority to raise or lower such fees from time to time.

h. A permitted Wrecker Service or Business Enterprise must maintain and have available at all times at least one (1) qualified Operator with an appropriate Class "C" or "A" State driver's license or such driver's license as required by law for Operators.

i. Any Wrecker Services Permit shall be valid for a period of one (1) year from the date of issuance and must, thereafter, be renewed as required by this Article.

j. In the event of a denial of any Wrecker Services Permit, but subject to any appeal rights set out in this Article, the applicant may not reapply for such permit for a period of one-hundred and eighty (180) days from the date of such denial.

Section 22-509 Operator's Permit

a. It shall be unlawful for any Operator or Person (i) to engage in the Towing, Removing or Storing of vehicles or equipment, or (ii) to operate as a Wrecker Service, or (iii) to provide the services regularly provided by a Wrecker Service, or (iv) operate, dispatch, maintain, drive, manage, or direct any Car Carrier, Flatbed, Low Boy, Tow Truck, or Wrecker upon any highway, street, road, alley, lane, or right-of-way of, or within, the territorial or jurisdictional limits of the City of Jesup, Georgia in connection with, or related to, the provision of Towing, Removing, or Storing services for hire or as a part of, or connected to, the business or commercial operations of a Wrecker Service, without first having secured a Operator's Permit from the Chief of Police or his or her official designee for such purposes.

b. Every Operator or Person desiring to obtain an Operator's Permit required under this Article shall make written application to the City's police department upon forms to be prepared and approved by the Chief of Police or his or her official designee.

c. The application shall also state and provide at least the following:

i. The name and address of the applicant;

ii. A copy of the Operator's driver's license or permit;

iii. The submission of or to a complete, accurate and current driver's history related to such applicant;

iv. The submission of, or to, a complete, accurate and current criminal history related to such applicant;

v. To the extent that such exist, copies of all permits, licenses or other authorizations applicable to such applicant as an Operator as issued by jurisdictions other than the City of Jesup, Georgia; and

vi. Such other information as may be required by the Chief of Police.

d. Such application shall be sworn to under oath by the applicant or agent thereof.

e. All applicants for an Operator's Permit shall furnish all other data, information and records reasonably requested of them by the City of Jesup, Georgia, the Chief of Police or his or her official designee, or the City of Jesup police department and the failure to furnish such requested data, information and records within thirty (30) days from the date of such request automatically shall result in the dismissal, with prejudice, of the application. In the event of such denial, but subject to any appeal rights set out in this Article, the applicant may not reapply for such permit for a period of one-hundred and eighty (180) days from the date of such denial.

f. Applicants for an Operator's Permit, by filing an application, agree to produce for oral interrogation any Persons requested by the City of Jesup, Georgia, the Chief of Police or his or her official designee, or the City of Jesup police department as considered as being reasonably necessary to the ascertainment of facts relative to the issuance of an Operator's Permit. The failure to produce a requested Person or Persons within thirty (30) days from the date of such request

automatically shall result in the dismissal, with prejudice, of the application. In the event of such denial, but subject to any appeal rights set out in this Article, the applicant may not reapply for such permit for a period of one-hundred and eighty (180) days from the date of such denial.

g. An additional fee in an amount to be established by the Board of Commissioners of the City of Jesup, Georgia may be charged to be charged each applicant for an Operator's Permit in order to defray the City's administrative cost of processing the application. Such fee shall be in addition to, and not in lieu of, any other fees required under this Article, or any other permits, licenses or applications required by the City of Jesup, Georgia or as otherwise contemplated or set forth in the official Code of Ordinances of the City of Jesup, Georgia. The Board of Commissioners of the City of Jesup, Georgia shall have the authority to raise or lower such fees from time to time.

h. Any Operator's Permit shall be valid for a period of one (1) year from the date of issuance and must, thereafter, be renewed as required by this Article.

i. In the event of a denial of any Operator's Permit, but subject to any appeal rights set out in this Article, the applicant may not reapply for such permit for a period of one-hundred and eighty (180) days from the date of such denial.

Section 22-510 Vehicles Registered

a. It shall be unlawful for any Business Enterprise, Operator, Person or Wrecker Service to use or to operate upon any of highway, street, road, alley, lane, or right-of-way of, or within, the City of Jesup, Georgia any Car Carrier, Flatbed, Low Boy, Tow Truck, or Wrecker in the regular provision of Towing, Removing or Storing services for hire, compensation or barter exchange without having first registered such Car Carrier, Flatbed, Low Boy, Tow Truck, or Wrecker with the City of Jesup, Georgia, the Chief of Police or his or her official designee, or the City of Jesup police department upon forms to be prepared and approved by the Chief of Police or his or her official designee.

b. The information required for registration of each such Car Carrier, Flatbed, Low Boy, Tow Truck or Wrecker shall contain at least the following:

- i. The color, make, model and manufacturer's serial number of the vehicle;
- ii. The date the vehicle was first placed or put into service;
- iii. The mileage of each such vehicle;

- iv. The vehicle identification number of each such vehicle;
- v. A description and itemization of the equipment associated with or located upon each such vehicle;
- vi. The capacity of each such vehicle for Towing and Removing operations;
- vii. The identities of all Operators of each such vehicle, including such Operator's Permit numbers;
- viii. The name and addresses of the insurance company providing Required Insurance Coverages to each such vehicle and Operator; and
- ix. Such other information as may be reasonably required by the Chief of Police.

c. All vehicles for which an applicant seeks registration are subject to safety inspections by the City of Jesup, Georgia, the Chief of Police or his or her official designee, or the City of Jesup police department. The Chief of Police or his or her official designee may disqualify any Car Carrier, Flatbed, Low Boy, Tow Truck or Wrecker from operating within the geographical and jurisdictional boundaries of the City of Jesup of Georgia when such Car Carrier, Flatbed, Low Boy, Tow Truck or Wrecker fails to meet the standards and requirements of this Article or otherwise fails to meet vehicular safety standards or similar requirements imposed by the federal government or the State of Georgia.

d. All Business Enterprises, Operators, Persons or Wrecker Services regularly engaged in Removing, Towing or Storing activities within the territorial or jurisdictional limits of the City of Jesup, Georgia shall furnish all other data, information and records reasonably requested of them by the City of Jesup, Georgia, the Chief of Police or his or her official designee, or the City of Jesup police department related to the proposed registration of any Car Carrier, Flatbed, Low Boy, Tow Truck or Wrecker to be utilized by them upon the highways, streets, roads, alleys, lanes, or rights-of-way of, or within, the City of Jesup, Georgia, and the failure to furnish such requested data, information and records within thirty (30) days from the date of such request automatically shall result in the prevention of such Car Carrier, Flatbed, Low Boy, Tow Truck or Wrecker from being utilized within the City of Jesup, Georgia for Towing and Removing services or as a part of, or connected to, the business or commercial operations of a Wrecker Service.

Section 22-511 Business Licenses and Permits

Any Wrecker Services Permits, Operator Permits or vehicle registrations required under this Article shall be in addition to, and not in lieu of, any other permits, licenses, applications or business or occupational licenses required by the City of Jesup, Georgia or as otherwise contemplated or set forth in the official Code of Ordinances of the City of Jesup, Georgia, and the issuance of such Wrecker Services Permits, Operator Permits or vehicle registrations shall not otherwise relieve or exempt any such Business Enterprise, Operator, Person or Wrecker Service from the requirement to obtain any other permits, licenses, applications or business or occupational licenses as may otherwise be required by the official Code of Ordinances of the City of Jesup, Georgia.

Section 22-512 Required Insurance Coverages

a. All Business Enterprises, Operators, Persons or Wrecker Services regularly engaged in Removing, Towing or Storing activities within the territorial or jurisdictional limits of the City of Jesup, Georgia shall carry and maintain insurance, including liability insurance, in the form of comprehensive, general and automobile liability, and the policy shall protect the Business Enterprise, Operator, Person or Wrecker Service regularly engaged in Removing, Towing or Storing activities within the territorial or jurisdictional limits of the City of Jesup, Georgia from claims for bodily injury, including death, to its employees and all others, and from claims for property damage with at least the following minimum limits of coverages: (1) Bodily injury in the amount of \$250,000.00 per person, \$500,000.00 per accident; (2) Property damage in the amount of \$250,000.00 per person, \$500,000.00 per accident; and (3) on-hook towing coverage in the amount of \$250,000.00 per person, \$500,000.00 per accident.

b. The Business Enterprise, Operator, Person or Wrecker Service shall also maintain garage liability insurance with the following minimum limits: (1) Bodily injury in the amount of \$100,000.00 per person, \$300,000.00 per accident; and (2) Property damage in the amount of \$100,000.00 per individual claimant, \$300,000.00 per accident.

c. Said insurance policies shall name the City of Jesup, Georgia, as a certificate holder. Such naming of the City of Jesup, Georgia as a certificate holder and such policies of liability insurance shall not thereby cause the City of Jesup, Georgia to be deemed a partner or engaged in a joint venture with the Business Enterprise, Operator, Person or Wrecker Service in its business.

d. Such Business Enterprises, Operators, Persons or Wrecker Services regularly engaged in Removing, Towing or Storing activities within the territorial or jurisdictional limits of the City of Jesup, Georgia shall also carry workers

compensation insurance in the amounts and form required by the Workers' Compensation Act (GA. CODE ANN. § 34-9-1 et seq.) and the insurance laws of the State (GA. CODE ANN. Title 33) and shall furnish proof of same to the City of Jesup, Georgia prior to granting of any Wrecker Services Permit hereunder and from time to time upon request by the City of Jesup, Georgia.

e. Copies of the certificates of all insurance coverage required of the Business Enterprise, Operator, Person or Wrecker Service shall be filed with the City Clerk and shall provide therein that the policies of insurance referred to in such certificates shall not be subject to cancellation by the insurer except after delivery of written notice by certified mail to the City Clerk at least thirty (30) days prior to the effective date of any such cancellation.

f. Should the Business Enterprise, Operator, Person or Wrecker Service fail or refuse to obtain, and thereafter to keep in full force and effect, the insurance coverages required by this Article, the City of Jesup, Georgia may suspend or revoke the Wrecker Services Permit or Operator's Permit provided under this Article or exclude as a registered Car Carrier, Flatbed, Low Boy, Tow Truck or Wrecker any such vehicle that is not covered.

Section 22-513 Annual Reviews and Renewals

a. Each Wrecker Services Permit and Operator's Permit are valid for a period of one (1) year from the date of its issuance.

b. In order to remain valid and in compliance with this Article, each such Wrecker Services Permit and Operator's Permit must be renewed annually.

c. Applicants for renewal shall provide an Annual Renewal Application in the form specified by the Chief of Police and shall further provide any additional information or data as may be reasonably requested by the Chief of Police.

d. Each Annual Renewal Application is subject to the same requirements, standards, terms and conditions as applicable to the original permit and any additional standards, terms and conditions as may exist under any amendment to this Article.

e. Car Carriers, Flatbeds, Low Boys, Tow Trucks and Wreckers are subject to an annual inspection by the Chief of Police or his or her official designee.

Section 22-514 Compliance With and Satisfaction of Federal and State Requirements

In addition to the requirements set forth in this Article, each Business Enterprise, Operator, Person or Wrecker Service shall further comply with any and all applicable State and federal laws, rules and regulations related to the operation of Car Carriers, Flatbeds, Low Boys, Tow Trucks or Wreckers or applicable to the provision of Towing, Removing or Storing services or the operation of a Wrecker Service or Operator.

Section 22-515 Minimum Equipment Standards

a. Given the size, weight and configuration of modern vehicles, in order to safely and efficiently provide Towing and Removing services and to safely operate as a Wrecker Service, each such Business Enterprise, Operator, Person or Wrecker Service operating upon or within the territorial or jurisdictional limits of the City of Jesup, Georgia in connection with, or related to, the provision of Towing, Removing, or Storing services for hire or as a part of, or connected to, the business or commercial operations of a Wrecker Service with the City of Jesup, Georgia shall maintain and operate at least the following minimum equipment:

i. A boom and wrench Wrecker or Tow Truck with a 9,500-pound gross vehicle weight (g.v.w.), and otherwise meeting or exceeding all of the original manufacturer's original specifications; and

ii. A Car Carrier or Low Boy equipped with a 10,000-pound rated deck and 8,000-pound rated wench and otherwise meeting or exceeding all of the original manufacturer's original specifications.

b. All Car Carriers, Flatbeds, Low Boys, Tow Trucks, or Wreckers that are operated within the territorial or jurisdictional limits of the City of Jesup, Georgia in connection with, or related to, the provision of Towing, Removing, or Storing services for hire or as a part of, or connected to, the business or commercial operations of a Wrecker Service are required to carry a full complement of accessory equipment items such as fire extinguishers, oil dry, chains, ropes, blocks, dollies, proper emergency lighting or flares for on-scene work, equipment needed for lifting, extricating, or righting of wrecked or disabled vehicles and removal of vehicles and equipment from the highways, streets, roads, alleys, lanes, or rights-of-way of, or within, the territorial or jurisdictional limits of the City of Jesup, Georgia.

c. Each such Car Carrier, Flatbed, Low Boy, Tow Truck, or Wrecker and Operator will carry a broom and dust bin or equivalent equipment, capable of sweeping up and removing broken glass or other debris from the scene or site of Towing or Removing services.

d. Each such Car Carrier, Flatbed, Low Boy, Tow Truck, or Wrecker that is operated within the territorial or jurisdictional limits of the City of Jesup, Georgia must be equipped with emergency lighting.

e. If, at any time after the granting of a Wrecker Services Permit or Operator's Permit required by this Article, the Business Enterprise, Operator, Person or Wrecker Service fails to maintain the equipment required by this Section, such failure shall be cause for the suspension or revocation of such Wrecker Services Permit or Operator's Permit or the exclusion as a registered Car Carrier, Flatbed, Low Boy, Tow Truck or Wrecker any such vehicle that fails to maintain the equipment required by this Section.

f. The minimum accessory equipment standards required under this Section shall be in addition to, and not in lieu of, any additional equipment or other standards required by, or applicable under, any State or federal law, rule or regulation or any other provisions of this Article.

Section 22-516 Lettering Upon and Identification of Car Carriers,
Flatbeds, Low Boys, Tow Trucks, or Wreckers

It shall be unlawful for any Business Enterprise, Operator, Person or Wrecker Service to use or operate any Car Carrier, Flatbed, Low Boy, Tow Truck, or Wrecker upon or within the territorial or jurisdictional limits of the City of Jesup, Georgia in connection with, or related to, the provision of Towing, Removing, or Storing services for hire or as a part of, or connected to, the business or commercial operations of a Wrecker Service unless such vehicle shall have lettered on each side in plain view (a) the name of the Wrecker Service or Business Enterprise owning and causing the Car Carrier, Flatbed, Low Boy, Tow Truck, or Wrecker to be operated on the streets within the City of Jesup, Georgia, (b) the address from which such vehicle is operating or has been dispatched and (c) the telephone number of the Wrecker Service or Business Enterprise. This lettering shall be in a contrasting color to the color of the underlying vehicle and shall be no smaller than four inches (4") for the business name and two inches (2") for the street address and telephone number.

Section 22-517 Adherence to Federal, State and Local Traffic and Other
Laws and Regulations

In providing Towing, Removing or Storing services or those services commonly provided by a Wrecker Service, each Business Enterprise, Operator, Person or Wrecker Service shall abide by all applicable traffic regulations, the provisions of this Article and any other applicable State or federal laws, rules or regulations.

Section 22-518 Removal or Relocation of Disabled or Abandoned Vehicles or Equipment within the City of Jesup, Georgia

It shall be unlawful for any Business Enterprise, Operator, Person or Wrecker Service to regularly or routinely tow, haul, remove or relocate for hire, compensation or barter exchange any motor vehicle, trailer or article of equipment which has been wrecked, abandoned or disabled on a public way, within the public right-of-way or a public place within the territorial or jurisdictional limits of the City of Jesup, Georgia, and including, but not limited to, from the highways, streets, roads, alleys, or lanes, of, or within, the territorial or jurisdictional limits of the City of Jesup, Georgia, without first having complied with this Article. No such motor vehicle, trailer or article of equipment shall be towed, hauled, removed or relocated from any such public way, public right-of-way or public place without prior authorization of the Chief of Police or the City of Jesup police department, Wayne County Sheriff's Department, the Georgia State Patrol, the Georgia Department of Transportation or other such state or federal agency having jurisdiction over such motor vehicle, trailer or article of equipment.

Section 22-519 Display of Emergency Lighting

A Business Enterprise, Operator, Person or Wrecker Service operating a Car Carrier, Flatbed, Low Boy, Tow Truck or Wrecker shall not display any amber-colored or emergency lighting except upon arrival at a scene where authorized Towing or Removing services are to occur.

Section 22-520 Prohibition of Unsolicited Responses to Accident Scenes; Monitoring of Scanner

a. Except as otherwise set forth in this sub-paragraph, it shall be a violation of this Article for any Business Enterprise, Operator, Person or Wrecker Service to travel to, or arrive, appear or remain at, the scene of a motor vehicle accident or other vehicular disablement within the territorial or jurisdictional boundaries of the City of Jesup, Georgia for the purposes of soliciting or providing Towing, Removing or Storing service or those services commonly provided by Wrecker Services without (i) first having been requested to appear at such scene by the City of Jesup police department, the Chief of Police or his or her official designee or (ii) dispatched to such scene by the Joint City-County Rotation System. A Business Enterprise, Operator, Person or Wrecker Service shall be deemed to have traveled to, arrived or appeared at, or remained at a scene if he, she, it, or they are located within five hundred (500) yards of such scene of a motor vehicle accident or other vehicular disablement. Notwithstanding anything to the contrary contained in the foregoing portion of this subparagraph, *bona fide* law enforcement officers, emergency medical personnel and authorized first-responder personnel

shall not otherwise be prohibited from appearance at any accident scene in performance of their official duties by virtue of the application of this subparagraph. Nonetheless, such law enforcement officers, emergency medical personnel and authorized first-responder personnel shall not render Towing or Removing Services or otherwise solicit for such Towing or Removing Services at such scene.

b. It also shall be a violation of this Article for any Business Enterprise, Operator, Person or Wrecker Service to solicit business at the scene of a motor vehicle accident, motor vehicle abandonment or other vehicular disablement within the territorial or jurisdictional boundaries of the City of Jesup, Georgia, whether such solicitation is conducted from a Car Carrier, Flatbed, Low Boy, Tow Truck, Wrecker, private automobile, other motor vehicle, or on foot.

Section 22-521 Safety of Accident Scenes

a. At any scene of a motor vehicle accident, motor vehicle abandonment or other vehicular disablement or at any scene or location where Towing and Removing services are to be provided, a Wrecker Service or Operator shall not block or impede traffic, unless otherwise directed to do so by uniformed law enforcement officers at such scene or location, and shall otherwise maintain any Car Carrier, Flatbed, Low Boy, Tow Truck or Wrecker in such position as not to impede emergency vehicles and/or normal vehicular traffic.

b. Any Business Enterprise, Operator, Person or Wrecker Service lawfully responding to an accident scene as permitted by this Article shall also remove broken glass, vehicle and equipment parts and pieces, fluids and other debris from the traveled roadway or right-of-way.

c. No vehicle or article of equipment shall be removed from the scene of a motor vehicle accident within the geographical and jurisdictional boundaries of the City of Jesup, motor vehicle abandonment or other vehicle disablement until it is released by uniformed law enforcement officers at such scene or location.

d. The Chief of Police or other officers of the City police department may direct that a vehicle be removed from the scene of a motor vehicle accident, motor vehicle abandonment, or other vehicle disablement and impounded at, or towed or hauled to, a designated impoundment area, and in such event, it shall be a violation of this Article for any Business Enterprise, Operator, Person or Wrecker Service to tow, haul, impound or remove such vehicle or equipment to any other location.

Section 22-522 Speeding to Accident Scene

It shall be a violation of this Article for any Business Enterprise, Operator, Person or Wrecker Service to travel in excess of the posted speed limit to the scene

of a motor vehicle accident, motor vehicle abandonment or other vehicle disablement.

Section 22-523 Required Storage Yards

a. Any Business Enterprise, Operator, Person or Wrecker Service providing Towing, Removing or Storing Services within or from the geographical and jurisdictional boundaries of the City of Jesup shall provide a Storage Yard within the geographical and jurisdictional boundaries of Wayne County, Georgia for the storage or impoundment of vehicles or articles of equipment that have been moved, hauled or transferred by the Business Enterprise, Operator, Person or Wrecker Service at the request or direction of the City of Jesup, Georgia, the Chief of Police or the City of Jesup police department.

b. Such Storage Yard shall be located within the territorial or jurisdictional boundaries of Wayne County, Georgia and shall be approved by the Chief of Police, if it is to be located in the City of Jesup, Georgia, or by the Wayne County Sheriff's Department, if it is to be located in Wayne County but outside of the City of Jesup, Georgia, prior to usage, and, in addition to the requirements of this Article, shall also meet any additional or other requirements of the official Code of Ordinances of the City of Jesup, Georgia or Wayne County, Georgia, as applicable, including, but not limited, any applicable land-use, zoning, building, construction or life safety codes, rules, regulations or laws.

c. All vehicles or articles of equipment that have been moved, hauled or transferred by the Business Enterprise, Operator, Person or Wrecker Service at the request or direction of the City of Jesup, Georgia, the Chief of Police, his or her official designee, the City of Jesup police department, or the Joint City-County Rotation System or its E911 Operator shall be stored, deposited to or impounded inside of a fenced area maintained for such purposes at such Storage Yard.

d. Such Storage Yard shall be limited for the use by one (1) Wrecker Service or Business Enterprise and shall **not** be shared with any other Wrecker Service, Business Enterprise or Person.

e. Each such Storage Yard shall be constructed and maintained with at least the following minimum standards:

i. An effective Storage Yard capable of accommodating up to twenty (20) vehicles at any one (1) time. The standard size automobile to be used for determining whether such storage facility meets the approval of this requirement is seven feet (7') by sixteen feet (16') (7' x 16');

ii. Such Storage Yard shall be enclosed with a solid wall or substantial fence of not less than six feet (6') in height, with all stored vehicles being stored inside such enclosed area;

iii. Such Storage Yard shall include at least two (2) covered bays or covered vehicle storage areas capable of accommodating at least three (3) vehicles at any one (1) time;

iv. Such Storage Yard shall include signage posted at its entrance, the minimum size of which shall be twenty-four inches (24") by twenty-four inches (24") (24" x 24"), painted white with red lettering, stating: (x) The storage rate per day; and (y) the name, address and telephone number of the owner or operator of such Storage Yard;

v. Such Storage Yard shall be constructed to meet all applicable zoning requirements and land-use ordinances of the City of Jesup, Georgia or Wayne County, Georgia, as applicable; and

vi. Such Storage Yard shall likewise be constructed to meet all applicable building, construction and life safety Codes of the City of Jesup, Georgia or Wayne County, Georgia, as applicable.

f. An office shall be maintained at each such Storage Yard for the convenience of the public in retrieving their vehicles, trailers or equipment or articles from their vehicles, trailer or equipment, and to assist the City of Jesup police department or other law enforcement personnel or agencies in official investigations. Said Storage Yard shall be staffed weekly during regular business hours (i.e., Monday through Friday from 9:00 a.m. until 5:00 p.m.), but excluding federal and State holidays.

g. Such Storage Yard must be maintained in neat and orderly condition, clean and presentable at all times and shall be subject to inspection by the City of Jesup, Georgia, the Chief of Police or his or her official designee, and the City police department.

h. No vehicle or article of equipment that is towed to, or deposited or impounded at any such Storage Yard by order of the City of Jesup, Georgia or its police department shall be released or moved until a written release is obtained from the Chief of Police or his or her official designee, and the City police department.

i. No impounded vehicle, which is held or stored at the direction of a *bona fide* law enforcement agency shall be released or removed from a Storage Yard unless expressly released or permitted by the impounding agency.

Section 22-524 Records of Vehicles

The owner or operator of any Storage Yard required under this Article or otherwise located or situated within the territorial or jurisdiction boundaries of the City of Jesup, Georgia shall maintain records which shall include at least the following minimum information:

- a. The make, model, color, vehicle identification number (“VIN”) and tag number of any vehicle or article of equipment stored or dispatched to any such Storage Yard;
- b. The owner of any such vehicle or article of equipment;
- c. The date and time that a telephone call, dispatch order, request for service or service call was received by the Wrecker Service, Business Enterprise or the owner or operator of such Storage Yard;
- d. The name of the caller in subsection (c) immediately preceding;
- e. The place of the initial Towing or Removing services;
- f. The date and time of the initial deposit of a vehicle or article of equipment at the Storage Yard;
- g. The date and time of the release of any such vehicle or article of equipment; and
- h. The name of the Operator providing such original Towing or Removal services for each such vehicle or article of equipment.

Section 22-525 City Employees Soliciting Business

It shall be unlawful for any employee of the City of Jesup, Georgia to solicit business for any Business Enterprise, Operator, Person or Wrecker Service engaged in the business of a Wrecker Service or otherwise providing Towing, Removing or Storing services within the territorial boundaries of the City of Jesup, Georgia.

Section 22-526 Towing and Removing from Private Property

a. Any Business Enterprise, Operator, Person or Wrecker Service that provides Towing, Removing and/or Storing services from private property within the territorial boundaries of the City of Jesup, Georgia, or that otherwise tows, hauls, removes or relocates any motor vehicle, trailer or article of equipment from private

property within the territorial boundaries of the City of Jesup, Georgia must complete and thereafter maintain a written form prior to any such activities from private property indicating or including the following: (i) The date, time, location of such activities, (ii) the signature of the Business Enterprise or Person authorizing such services, (iii) the location to which such vehicle, trailer or equipment was removed, and (iv) other information deemed necessary by the Chief of Police or his or her official designee for each such vehicle, trailer or article of equipment removed from private property. Such Business Enterprise, Operator, Person or Wrecker Service providing such services on private property is required to keep a copy of each completed form for two (2) years and provide a copy to the City of Jesup police department upon its request.

b. Any Business Enterprise, Operator, Person or Wrecker Service that provides Towing, Removing and/or Storing services from private property within the territorial boundaries of the City of Jesup, Georgia, or that otherwise tows, hauls, removes or relocates any motor vehicle, trailer or article of equipment from private property on the basis that such vehicle, trailer or equipment is trespassing upon such private property shall immediately notify the City of Jesup police department of such action at the time that such action occurs.

Section 22-527 Joint City-County Rotation System

a. At all times when necessary for the City of Jesup, Georgia, the Chief of Police or his or her official designee, or the police department to engage or request Towing, Removing and/or Storing services, the Chief of Police, the City Manager or their official designee shall engage the qualified Wrecker Services or Operators appearing on a Joint City-County Rotation System by dispatching such Wrecker Services or Operators in alphabetical order and in rotation.

b. The Chief of Police or his or her official designee shall work in conjunction with the Wayne County Emergency E911 Service to prepare and maintain such Joint City-County Rotation System of qualified Business Enterprise, Operator, Person or Wrecker Service, and of each Carrier, Flatbed, Low Boy, Tow Truck or Wrecker to be utilized by each such Business Enterprise, Operator, Person or Wrecker Service in connection with the Joint City-County Rotation System.

c. It shall be the policy of the City of Jesup, Georgia to allow any qualified, as determined by this Article, Business Enterprise, Operator, Person or Wrecker Service an opportunity to submit an application for inclusion on the Joint City-County Rotation System. Any such Business Enterprise, Operator, Person or Wrecker Service must meet the specifications and requirement of this Article. A Business Enterprise, Operator, Person or Wrecker Service desiring inclusion on the Joint City-County Rotation System shall also obtain a Wrecker Services Permit as required under this Article, if it intends to provide Wrecker Services within the

geographical and territorial limits of the City of Jesup, Georgia or desires to be included on the Joint City-County Rotation System for service calls arising within the City of Jesup, Georgia. A Business Enterprise, Operator, Person or Wrecker Service desiring inclusion on the Joint City-County Rotation System for service calls arising with the City of Jesup, Georgia shall also obtain an Operator's Permit as required under this Article. All Car Carriers, Flatbeds, Low Boys, Tow Trucks or Wreckers to be utilized by such Business Enterprise, Operator, Person or Wrecker Service in connection with the Joint City-County Rotation System for service calls originating within the City shall be registered as also otherwise required by this Article. This Article shall govern the initial and continuing inclusion of all Business Enterprises, Operators, Persons or Wrecker Services on any such Joint City-County Rotation System. Inclusion on the Joint City-County Rotation System is a privilege and not a right.

d. Any Business Enterprise, Operator, Person or Wrecker Service desiring inclusion on the Joint City-County Rotation System for inclusion for service calls arising within the City shall submit an application to the City of Jesup, Georgia that includes the following information or data:

i. The name, addresses and telephone number of the Business Enterprise, Operator, Person or Wrecker Service, which is the applicant, and a list of the principal owners, shareholders, partners or members of such Business Enterprise, Operator, Person or Wrecker Service in the event that it is a corporation, limited liability company, partnership or other association of persons or individuals;

ii. The title certificate number of the Car Carrier, Flatbed, Low Boy, Tow Truck or Wrecker to be utilized by the Business Enterprise, Operator, Person or Wrecker Service and date issued and name, home and business address and telephone numbers of the owner or owners of any such Car Carrier, Flatbed, Low Boy, Tow Truck or Wrecker;

iii. The current home and business addresses and telephone numbers of the principal Operator of the Car Carrier, Flatbed, Low Boy, Tow Truck or Wrecker to be utilized by the Business Enterprise, Operator, Person or Wrecker Service and any other persons that may operate any such Car Carrier, Flatbed, Low Boy, Tow Truck or Wrecker on the behalf of the Business Enterprise, Operator, Person or Wrecker Service. Any such other Operators must also possess an Operator's Permit as required under this Article;

iv. A description of the Car Carrier, Flatbed, Low Boy, Tow Truck or Wrecker to be utilized by the Business Enterprise, Operator, Person or Wrecker Service, including the color, make, model, manufacturer's serial number and

Towing and Removing capacities of such vehicles. Any such vehicles must be registered as otherwise required under this Article;

v. The date that the Car Carrier, Flatbed, Low Boy, Tow Truck or Wrecker to be utilized by the Business Enterprise, Operator, Person or Wrecker Service was first placed in service as a Car Carrier, Flatbed, Low Boy, Tow Truck or Wrecker;

vi. A description of the location, the address and telephone number of the Storage Yard or the office or garage to, and from, which the Car Carrier, Flatbed, Low Boy, Tow Truck or Wrecker to be utilized by the Business Enterprise, Operator, Person or Wrecker Service will be operated or dispatched from; and

vii. The name and address of the insurance company or companies providing motor vehicle liability coverage and general comprehensive liability coverage for business operations for the Business Enterprise, Operator, Person or Wrecker Service and the Car Carrier, Flatbed, Low Boy, Tow Truck or Wrecker to be utilized by the Business Enterprise, Operator, Person or Wrecker Service, the policy number of each insurance policy, and the policy limits provided by each policy. All insurance coverages shall be as otherwise required in this Article.

e. Each Carrier, Flatbed, Low Boy, Tow Truck or Wrecker to be utilized by the Business Enterprise, Operator, Person or Wrecker Service shall meet the minimum qualifications established in this Article. The Chief of Police or his designee may inspect each such Carrier, Flatbed, Low Boy, Tow Truck or Wrecker to be utilized by the Business Enterprise, Operator, Person or Wrecker Service before approving the application for its placement on the Joint City-County Rotation System, to determine whether the same is serviceable, properly equipped and in compliance with the requirements of this Article and with other laws. Thereafter, the Chief of Police may annually inspect each such Carrier, Flatbed, Low Boy, Tow Truck or Wrecker to be utilized by the Business Enterprise, Operator, Person or Wrecker Service on the Joint City-County Rotation System.

f. Deviation from the alphabetical order of Joint City-County Rotation System shall be permitted if:

i. The next Business Enterprise, Operator, Person or Wrecker Service on rotation does not have a Car Carrier, Flatbed, Low Boy, Tow Truck or Wrecker available with sufficient capacity to adequately address and respond to the service call or dispatch request. If it is necessary to pass one or more Business Enterprises, Operators, Persons or Wrecker Services because he, she, it or they do not have a Car Carrier, Flatbed, Low Boy, Tow Truck or Wrecker with sufficient capacity to handle a particular call, the Business Enterprises, Operators, Persons or Wrecker Services passed shall not lose position on the Joint City-County Rotation

System, but the Business Enterprise, Operator, Person or Wrecker Service which accepts the service call or dispatch request shall lose position;

ii. The owner or person in possession of a vehicle or article to equipment to be removed designates a Business Enterprise, Operator, Person or Wrecker Service of his or her preference provided that such Business Enterprise, Operator, Person or Wrecker Service possesses and maintains any Wrecker Services Permit and Operator's Permit otherwise required under this Article, otherwise is included on the Joint City-County Rotation System and can Timely Respond to the subject scene. In the event such person designates a Business Enterprise, Operator, Person or Wrecker Service of his or her own preference, that Business Enterprise, Operator, Person or Wrecker Service shall be called whether or not it is next on the Joint City-County Rotation System, and such designation shall not interfere with such Business Enterprise's, Operator's, Person's or Wrecker Service's position on the Joint City-County Rotation System. A Business Enterprise, Operator, Person or Wrecker Service shall be considered to "Timely Respond" for purposes of this Article if he, she, it or they arrive at an accident scene or other site as otherwise directed within ten (10) minutes of the City's or Joint City-County Rotation System's call or request for services;

iii. The Wrecker Service or Operator fails to timely respond to a dispatch order, request for services or service call; or

iv. An Operator is disqualified from rendering services at the scene by uniformed law enforcement officers based upon an impaired physical or mental condition of such Operator.

g. Services in connection with the Joint City-County Rotation System are to be rendered immediately upon request by the City of Jesup, Georgia, the police radio dispatcher, the Chief of Police or their various designees.

h. The Chief of Police or his or her official designee who is responsible for preparing the Joint City-County Rotation System may suspend any Business Enterprise, Operator, Person or Wrecker Service or Car Carrier, Flatbed, Low Boy, Tow Truck or Wrecker from the Joint City-County Rotation System for service calls within the geographical and jurisdictional boundaries of the City of Jesup for any of the following:

i. The failure of any Car Carrier, Flatbed, Low Boy, Tow Truck or Wrecker to pass an inspection;

ii. The failure of any Business Enterprise, Operator, Person or Wrecker Service to meet the qualifications or other requirements of this Article;

iii. The violation of any provision of this Article by such Business Enterprise, Operator, Person or Wrecker Service;

iv. The Repeated Failure of a Business Enterprise, Operator, Person or Wrecker Service to timely respond to the City's request for Towing or Removing services. "Repeated Failure" for purposes of this Article shall be deemed to exist when such Business Enterprise, Operator, Person or Wrecker Service fails to Timely Respond five (5) or more times within any consecutive twelve (12) month period;

v. The conviction of a felony criminal offense related to the operation, use, management, or maintenance of a motor vehicle; and

vi. The conviction of an offense of driving under the influence of alcohol or drugs, driving while intoxicated, or similar offense.

i. In the event of a suspension in accordance with the preceding paragraph, the Chief of Police or his or her official designee shall provide written notice of such suspension to the affected Business Enterprise, Operator, Person or Wrecker Service or the owner or Operator of an affected Car Carrier, Flatbed, Low Boy, Tow Truck or Wrecker. Such suspension shall become effective on the tenth (10th) day following the date of such written notice. Any Business Enterprise, Operator, Person or Wrecker Service or owner or Operator of any Car Carrier, Flatbed, Low Boy, Tow Truck or Wrecker shall have the right to appeal such suspension as set forth in this Article.

j. Notwithstanding the foregoing, this Article shall not prohibit or prevent the City of Jesup, Georgia or other governmental entity from utilizing a Car Carrier, Flatbed, Low Boy, Tow Truck or Wrecker that is owned by the City of Jesup, Georgia or other governmental entity to provide or effectuate Towing, Removing and/or Storing services.

Section 22-528 Appeals

Any Business Enterprise, Operator, Person or Wrecker Service, or prospective Business Enterprise, Operator, Person or Wrecker Service, or any owner or Operator of a Car Carrier, Flatbed, Low Boy, Tow Truck or Wrecker (a) that is denied a Wrecker Services Permit, Operator's Permit or inclusion on the Joint City-County Rotation System, or (b) that is suspended from such Joint City-County Rotation System, or (c) that has any such Wrecker Services Permit or Operator's Permit revoked shall have the right to appeal to the Board of Commissioners of the City of Jesup, Georgia by submitting a written notice of appeal to the City Manager within ten (10) days of the action complained of, and in such written notice of appeal shall state the grounds for such appeal. As soon as

practicable thereafter, the City Clerk or his or her official designee shall schedule a hearing before the Board of Commissioners of the City of Jesup, Georgia, and in no event, no more than forty-five (45) days following the submission of such written notice of appeal. Any such hearing may also occur in connection with, or upon the same date as, a regularly scheduled meeting of the Board of Commissioners of the City of Jesup, Georgia. The decision of the Board of Commissioners of the City of Jesup, Georgia shall be considered as final. An appeal to the Board of Commissioners shall be a prerequisite for the filing of any legal action in any court of this State or any of federal court.

END

PASSED, ADOPTED, RESOLVED AND ORDAINED THIS _____ DAY
OF _____, 2016.

DAVID EARL KEITH
MAYOR

APPROVED AS TO FORM:

SHIRLENE P. ARMSTRONG
COMMISSIONER–DISTRICT 1

David Michael Conner
City Attorney

ATTEST:

DON A. DARDEN, SR.
COMMISSIONER–DISTRICT 2

This _____ day of _____, 2016.

NICK HARRIS
COMMISSIONER–DISTRICT 3

Rose M. Jackson
City Clerk / Treasurer

[POSITION VACANT]
VACANT

RAYMOND D. HOUSE, II
COMMISSIONER–DISTRICT 5

BILL HARVEY
COMMISSIONER–DISTRICT 6