

Part 13. Chapter 48 of the City Code (Rotational Towing) is proposed to be amended by adding the words shown in underline and by striking the words shown in strikethrough, as follows.

In addition, wherever the term “this Ordinance” appears, it shall be amended to read “this Chapter 48.”

In addition, Appendix “A” (Towing Fees) is proposed to be stricken in its entirety.

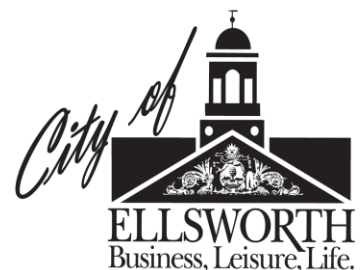
Code of Ordinances, City of Ellsworth

CHAPTER 48
ROTATIONAL TOWING

A true copy, attest:

Heidi Noël Grindle
City Clerk

HISTORICAL NOTE: ADOPTED JANUARY 27, 1997; AMENDED FEBRUARY 23, 1998;
AMENDED FEBRUARY 22, 1999; AMENDED AUGUST 12, 2002; AMENDED AUGUST
11, 2003; AMENDED SEPTEMBER 19, 2005; AMENDED DECEMBER 17, 2012;
AMENDED *** 2026.



CHAPTER 48

ROTATIONAL TOWING-ORDINANCE

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8. Administrative Provisions.

- 8.1. ~~The service rates and fee charges are established in the attached Appendix "A". This Chapter 48 shall be administered and enforced by the Chief of Police. Any dispute about charges shall be submitted to the City Manager for resolution. The decision of the City Manager is final. The owner/operator of a towed vehicle shall not be obligated to pay any charge unless they have been given a copy of the towing rotation list tow receipt as required by Section 6.4, above.~~
- 8.2. Service charges:
 - 8.2.1. ~~Upon recommendation of the Chief of Police, the City Council shall review and approve all fees pertaining to the towing ordinance. See Appendix "A" Service rates and fee charges shall be established by the City Council in accordance with Chapter 1, Article 3 (Fee Schedule and Special Fees).~~
- 8.3. The Chief of Police may suspend or remove any towing service from the towing rotation list in accordance with Chapter 1, Section 510.6. In addition to the grounds for suspension or revocation set forth in Chapter 1, Section 510.6, the following shall be grounds for suspension or removal from the towing rotation list:
 - 8.3.1. The occurrence of any condition that would require the Chief of Police to deny an application for a Certificate of Qualification pursuant to Section 3.3;
 - 8.3.2. Violation of any provision of this ~~Ordinance-Chapter 48~~ during any towing rotation list tow;
 - 8.3.3. Violation of Sections 6.6 or 6.7 at any time; or
 - 8.3.4. A failure to comply with any provision of this ~~Ordinance-Chapter 48~~ that expressly contains a penalty of suspension or removal for non-compliance.
- 8.4. Suspension and removal shall be imposed in accordance with the requirements of Chapter 1, Section 510.6 and the following provisions:
 - 8.4.1. Any suspension imposed pursuant to Section 8.3.1 shall continue until the towing services re-applies for and receives a new Certificate of Qualification.
 - 8.4.2. Any suspension imposed pursuant to Section 8.3.4 shall continue as set forth in the ~~provision~~ notice of violation imposing ~~the a~~ suspension.
 - 8.4.3. Any suspension imposed pursuant to Section 8.3.3 shall be for:
 - 8.4.3.1. Thirty days (30) for a first violation within any 18-month period.
 - 8.4.3.2. Sixty days (60) for a second violation within any 18-month period.
 - 8.4.3.3. One hundred ~~and~~ twenty days (120) for a third violation within any 18-month period.

8.4.3.4. ~~Removal-Suspension~~ for at least one year for a fourth violation occurring within any 18-month period, or for a sixth violation occurring in any three-year period.

~~8.5. — The City Manager shall serve as the hearing officer for the purposes of Section 8.3~~

8.65. Any towing service participating in the towing rotation list may appeal a suspension or removal from the towing rotation list to the ~~Ellsworth Board of Appeals~~City Council ~~within fifteen days of the suspension. There shall be a fee of one hundred dollars for this appeal in accordance with Chapter 1, Section 210.~~

8.67. Any suspension or removal imposed pursuant to Sections 8.3.2 or 8.3.3 shall be stayed during the pendency of the appeal. Any suspension imposed pursuant to Sections 8.3.1 or 8.3.4 shall not be stayed.

~~9. — Severability.~~

~~In the event any provision or portion of this Ordinance is held to be unlawful or unconstitutional by any court of competent jurisdiction, the remaining provisions or portions of the Ordinance re declared to be severable and shall not be thereby invalidated.~~

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