

ORDINANCE NO. 2021-0112-02

AN ORDINANCE TO AMEND CHAPTER 20, ARTICLE III, “ABANDONED, JUNKED AND DISABLED VEHICLES; TOWING SERVICE”, OF THE CODE OF ORDINANCES OF THE TOWN OF APEX.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Apex as follows:

Section 1. That Section 20-38 of the Town of Apex Code of Ordinances is hereby amended as shown immediately below with deletions being shown by struck-through text and additions being shown by underlined text:

Sec. 20-38. - Towing and storage—Designation of eligible person.

- (a) The chief of police or his designee shall prepare and maintain an eligible list of those persons (hereinafter called towing services) who ~~apply and~~ qualify to tow and store automobiles and trucks from the streets and other public places in the town at the request of the police department.
- (b) ~~To qualify for the eligible list, the applicant shall:~~
 - (1) ~~Have available at all times equipment in good condition capable of towing any automobile or truck from the streets and other public or private places in the town when called on to do so.~~
 - (2) ~~Adhere to the policies set forth in the police department’s towing service eligibility policy under penalty of removal from the eligible list.~~

The town council may, if in its opinion the public interest would be served thereby, enter into an exclusive contract with one or more persons engaged in the towing and storage of motor vehicles to remove the vehicles described herein from the public streets and alleys and other places on such terms and conditions as may be mutually agreed upon. The contract so made shall be in writing, shall specify the charges to be made for towing and storage as provided herein, shall require the person entering into the contract for the towing and storage of such vehicles to perform the service in a manner satisfactory to the council and shall provide for the forfeiture of the contract in the event of a violation of any of the provisions of the contract or of any subsection of this section which may be incorporated in and made a part of the contract. The contract may further provide that the town shall not be obligated to the person undertaking the towing and storage of the vehicles for any damages or charges which may be incurred in the performance of the obligation assumed by such person but that the charge may be collected solely from the owner of the vehicle involved.

(~~ec~~) The police department may use one or more towing services from their approved list.

Section 2. The Town Clerk and/or Town Manager are hereby authorized to renumber, revise formatting, correct typographic errors, to verify and correct cross references, indexes and diagrams as necessary to codify, publish, and/or accomplish the provisions of this ordinance or future amendments as long as doing so does not alter the terms of this Ordinance.

Section 3. Severability, Conflict of Laws. If this ordinance or application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given separate effect and to the end the provisions of this ordinance are declared to be severable. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 4. This ordinance shall be effective upon adoption.

Introduced by Council Member _____

Seconded by Council Member _____

This the 12th day of January 2021

Attest:

TOWN OF APEX, NORTH CAROLINA

Donna B. Hosch, MMC, NCCMC
Town Clerk

Jacques K. Gilbert
Mayor

Approved As To Form:

Laurie L. Hohe
Town Attorney