

MUNICIPAL BUILDING, MOBILE, ALABAMA, JULY 15, 2025

The Council of the City of Mobile, Alabama, met in the City Council’s Conference Room on the ninth floor of the Mobile Government Plaza on Tuesday, July 15, 2025, at 9:00 a.m.

Councilmembers:

Present: Penn, Carroll, Small, Reynolds, Daves, Woods, and Gregory
Absent: None

The meeting was called to order. The Council reviewed and discussed the agenda for their meeting to be held today at 10:30 a.m.

Approved:

COUNCIL PRESIDENT

CITY CLERK

MUNICIPAL BUILDING, MOBILE, ALABAMA, JULY 15, 2025

The City Council of the City of Mobile, Alabama, met in the Auditorium of the Government Plaza on Tuesday, July 15, 2025, at 10:30 a.m., for the regular meeting.

The meeting was called to order by the City Clerk.

Pastor Tony Leager, Public Safety Chaplain offered the invocation.

The Presiding Officer led the Pledge of Allegiance.

Present on Roll Call:

Chairman: Small
Vice-Chairman: Gregory
Councilmembers: Penn, Carroll, Reynolds, Daves, and Woods
Absent: None

STATEMENT OF RULES BY PRESIDING OFFICER

The Presiding Officer provided an overview of the City Council’s Rules of Procedure.

APPROVAL OF MINUTES

The minutes from the meeting of July 8, 2025, were approved as submitted.

COMMUNICATIONS FROM THE MAYOR

Jospeh Snowden, Deputy Chief of Staff & Executive Director of Administrative Services, introduced the Mobile students going to Ichihara, Japan.

ADOPTION OF THE AGENDA

Councilmember Penn moved to adopt the agenda, which was seconded by Councilmember Daves and the vote was as follows:

Ayes: Penn, Carroll, Small, Reynolds, Daves, Woods, and Gregory
Nays: None

The vote was then announced by the City Clerk whereupon the Presiding Officer declared the agenda adopted.

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APPEALS

Request of Edwin Stuardi for a waiver of the Noise Ordinance at 3671 Hayfield Place on November 22, 2025, from 7:00 p.m. – 11:00 p.m. (District 7).

Councilmember Daves moved to adopt the waiver, which was seconded by Councilmember Gregory and the vote was as follows:

Ayes: Penn, Carroll, Small, Reynolds, Daves, Woods, and Gregory

Nays: None

The vote was then announced by the City Clerk whereupon the Presiding Officer declared the waiver adopted.

PUBLIC HEARINGS

PUBLIC HEARING TO CONSIDER REZONING PROPERTY LOCATED AT 720 MUSEUM DRIVE FROM R-1 TO B-2 (DISTRICT 7).

The Presiding Officer announced that today was the day for the public hearing to consider rezoning property located at 720 Museum Drive from R-1 to B-2 and asked if there was anyone present to speak for or against this matter.

Jennifer Tremaine, 456 Old Shell Road, spoke in support of the rezoning.

Bill Burton, representative for the developer, offered comments in support of the rezoning.

Roosevelt Edwards, Mobile, AL, spoke in opposition to the rezoning.

The Presiding Officer declared the hearing concluded and that the necessary resolution authorizing the proper action would be introduced later in the meeting.

PUBLIC HEARING TO DECLARE THE STRUCTURE AT 607 BELSAW AVENUE A PUBLIC NUISANCE AND ORDER IT DEMOLISHED (DISTRICT 2).

The Presiding Officer announced that today was the day for the public hearing to declare the structure at 607 Belsaw Avenue a public nuisance and order it demolished and asked if there was anyone present to speak for or against this matter.

No one appeared.

The Presiding Officer declared the hearing concluded and that the necessary resolution authorizing the proper action would be introduced later in the meeting.

PUBLIC HEARING TO DECLARE THE STRUCTURE AT 500 CHIN STREET A PUBLIC NUISANCE AND ORDER IT DEMOLISHED (DISTRICT 2).

The Presiding Officer announced that today was the day for the public hearing to declare the structure at 500 Chin Street a public nuisance and order it demolished and asked if there was anyone present to speak for or against this matter.

No one appeared.

The Presiding Officer declared the hearing concluded and that the necessary resolution authorizing the proper action would be introduced later in the meeting.

PUBLIC HEARING TO DECLARE THE STRUCTURE AT 7099 OLD SHELL ROAD A PUBLIC NUISANCE AND ORDER IT DEMOLISHED (DISTRICT 7).

The Presiding Officer announced that today was the day for the public hearing to declare the structure at 7099 Old Shell Road a public nuisance and order it demolished and asked if there was anyone present to speak for or against this matter.

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No one appeared.

The Presiding Officer declared the hearing concluded and that the necessary resolution authorizing the proper action would be introduced later in the meeting.

PRESENTATIONS OF PETITIONS AND OTHER COMMUNICATIONS TO THE COUNCIL

NON - AGENDA ITEMS:

Darlene Chavers, Mobile, Al, introduced herself to the Council as the reigning Ms. Senior Mobile to the Council.

NOTE: Councilmember Small presented a Resolution to Dr. Carolyn McCaskill in honor and recognition of all her service to the black deaf community as a deaf American scholar, author, and professor. Dr. McCaskill is the founder of the Center for Black Deaf Studies at Gallaudet University.

ORDINANCES HELD OVER

ORDINANCE TO AMEND SECTION 63-028 OF THE CODE OF THE CITY OF MOBILE.

The following ordinance which was introduced and read at the regular meeting of July 8, 2025 and was held over until the regular meeting of July 15, 2025, was called up by the Presiding Officer.

ORDINANCE: 63-036-2025

Sponsored by: Mayor Stimpson

AN ORDINANCE TO DELETE AND RESTATE CHAPTER 63 OF THE MOBILE, ALABAMA CODE OF ORDINANCES TO ESTABLISH PARTICIPATION ON THE CITY OF MOBILE WRECKER ROTATION LIST AND REQUIREMENTS FOR WRECKER SERVICES.

WHEREAS the City of Mobile, by and through its City Council, has heretofore adopted the "Wrecker Service" ordinance currently published in Chapter 63 of the City Code; and

WHEREAS the City of Mobile now intends to delete the existing Chapter 63 and restate Chapter 63 in its entirety in order to clarify certain rules and regulations concerning wrecker operations, including requirements for participation on and procedures pertaining to the City-maintained wrecker rotation list; and

WHEREAS these amendments are necessary to ensure the City's public safety needs are met efficiently and that its citizens access to and cost to retrieve towed vehicles is reasonable and fair when using private, for-profit wrecker companies to respond to traffic hazards; and

WHEREAS amendments are also being made to increase the rates paid to wrecker companies for services performed in response to a Wrecker Rotation List dispatch and to clarify the penalties and procedures for violations of certain wrecker rotation list procedures; and

WHEREAS the City Council finds that this ordinance is necessary to perform essential minimum functions of the Council; and

WHEREAS, pursuant to Ala. Code § 11-45-1, municipalities may adopt ordinances and resolutions not inconsistent with state law "to provide for the safety, preserve the health, promote the prosperity, and improve the morals, order, comfort and convenience of the inhabitants of the municipality," and enforce obedience to such ordinances.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA that Chapter 63 of the Mobile, Alabama, Code of Ordinances is hereby deleted and restated in its entirety as follows:

Chapter 63 – Wrecker Services and Wrecker Selection Lists

Article I. General

Sec. 63-1. Findings.

- 1) The presence of wreckage, disabled and abandoned vehicles, illegally parked vehicles, vehicles involved in crimes, and other vehicles on the public rights of way pose hazards to the traveling public and threaten public safety.
- 2) Regulations governing the removal and storage of these vehicles by properly equipped and licensed wrecker companies are necessary to protect public safety.

Sec. 63-2. Scope and Purpose

This chapter establishes and provides for:

- 1) General rules and regulations related to the operation of wreckers, wrecker business, wrecker companies;
- 2) Establishes the City's single Wrecker Selection List for non-consensual dispatch.
- 3) Rules and regulations related to nonconsensual tows;
- 4) Reasonable towing rates for wreckers who are eligible to participate in the City's wrecker rotation list;
- 5) Fair and honest practices in the nonconsensual towing business to protect consumers and the public at large; and
- 6) Such other regulations that promote public health, safety, and welfare.

Sec. 63-3. Jurisdiction.

This chapter shall apply to all towing companies operating within the corporate limits and the police jurisdiction of the city.

Sec. 63-4. Administration and Enforcement.

The Chief of Police of the Mobile Police Department, or his or her designee, shall be responsible for the administration and enforcement of this chapter.

Sec. 63-5. Definitions

In addition to the definitions and rules of construction set forth in Sec. 1-2 of the City Code, the following words and their derivations shall have the meaning set forth in this section.

Abandoned vehicle shall mean any vehicle left on the wrecker company's premises for more than 30 days.

Air Lifting Bags shall mean specialized air bags used during a recovery to lift a vehicle.

Closest wrecker shall mean the wrecker company on the wrecker selection list whose place of business (as defined below) is closest in actual driving distance to the vehicle being towed as determined by the Computer Aided Dispatch (CAD) system.

Department shall mean the Mobile Police Department.

Disabled motor vehicle is any vehicle which has lost its ability of self-propulsion or its ability to be transported or drawn on a public street by normal methods other than by a wrecker.

Fire department emergency incident commander is the high-ranking fire department official who is in charge of hazardous material incidents and other emergency situations which may arise while executing the mission of the fire department, duties include but are not limited to the following: management decisions related to personnel, equipment, procedures, etc. at the scene of any emergency incident.

Fire extinguisher shall mean a portable device used for extinguishing fires as defined by the National Board of Fire Underwriters, dry chemical extinguisher with a 20-B.C. rating

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and underwriters' laboratory approval in a quick release carrier which is capable of extinguisher fires.

Hazardous material shall mean a substance or material, including a hazardous substance, which has been determined by the secretary of transportation, or other state or federal agency, to be capable of posing an unreasonable risk to health, safety and property when transported to commerce, and which has been so designated, including any residue, vapors and fumes from such substance.

Hazardous Material Wreckers shall be classified as those wreckers which have had an advanced level of hazardous materials training which exceeds the "Awareness level" of training and which have been certified by DOT/Interstate Commerce as a hazardous materials handler along with possessing at all relevant times the special insurance rider required by federal law in order to handle hazardous materials.

Heavy Duty Large wreckers (Class C) shall mean any wrecker designed to tow vehicles in excess of twenty-nine thousand (29,000) pounds (large trucks, road tractor/trailers and similar vehicles), and meets this chapter's minimum requirements;

Impoundment shall mean the removal from the streets, sidewalks, alleys or other public places in the city or its police jurisdiction, any vehicle left thereon in violation of any municipal traffic or parking law or ordinance pursuant to Section 61-101 through 61-107 of the City Code.

Light / Regular Duty Wrecker (Class A) shall mean any wrecker designed to tow vehicles weighing ten thousand (10,000) pounds or less, (passenger cars, pickup trucks, motorcycles, small trailers, and similar vehicles and meets this Chapter's minimum requirements.

Medium Duty Wrecker (Class B) shall mean any wrecker designed to tow vehicles weighing between ten thousand (10,000) pounds and twenty-nine thousand (29,000) pounds or multiple vehicles weighing ten thousand (10,000) pounds respectively (medium-sized trucks, road tractors/trailers and similar vehicles) and meets this Chapter's minimum requirements.

Motor vehicle shall mean every vehicle which is self-propelled.

Nonconsensual tow shall mean any act of towing a vehicle without the prior consent or authorization of the owner or operator of the motor vehicle being towed.

Owner is any person who holds a legal title to a motor vehicle or who has the legal right of possession thereof.

Person is any individual, firm, partnership or association, corporation, company or organization, or any legal entity of any kind.

Place of business shall mean the place where the wrecker company conducts business and is licensed pursuant to the City's business licensing requirements found within City Code Secs. 34-41 through 64.

Righting or uprighting shall mean restoring a vehicle, trailer, or other equipment to a normal or upright position.

Rotator means a wrecker/recovery vehicle consisting of a rotating superstructure (center post or turntable), adjusting booms, operating machinery, and one or more operator's stations mounted on a frame attached to a truck chassis. Such vehicle has the ability to lift, lower and swing loads at various radii.

Scene shall mean the site of an accident, traffic emergency, hazard or such other obstruction caused by a disabled or abandoned motor vehicle.

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Skilled laborers are those individuals who possess specialized skills gained either by experience, education, or training, over and above the minimum skills necessary to perform the services or duties of this chapter.

Standard / Light Duty Wrecker see “Light / Regular Duty Wrecker (Class A).” **Street** is a thoroughfare including public streets, lanes, alleys, etc. within the city and its police jurisdiction which is reserved for vehicle traffic.

Traffic hazard is any disabled vehicle, attended or unattended, which obstructs the normal movement of traffic on any public street or otherwise threatens public safety.

Trespass tow means the towing or removal of a motor vehicle from private property without the consent of the motor vehicle’s owner or operator as allowed by Sec. 61-268 of the Mobile City Code.

Unskilled laborers are individuals who possess little or no special training or experience in the field for which he or she is being paid to perform work related services pursuant to the terms of this chapter.

Vehicle shall mean every device in or by which a person or property is or may be transported or drawn upon a public street, except devices moved only by human power, or used exclusively upon stationary rails or tracks, and shall include trailers and semitrailers.

Vehicular accident is any incident involving contact between a vehicle and any other object or vehicle which results in disabling damage to any vehicle requiring the service of a wrecker.

Winching shall mean the removal of a vehicle, trailer, or other piece of equipment from a location inaccessible to a wrecker to a location where the object of removal may be safely secured and towed by a wrecker. (Not to be included in uprighting vehicles)

Wrecker shall mean any motor vehicle used for the purpose of towing or removing motor vehicles from one location to another location, for any purpose, including large wreckers and rotator wreckers.

Wrecker business shall mean the act of towing or removing motor vehicles from one location to another location, for any reason, where either the beginning or ending location is within the city or its police jurisdiction. This definition shall not include situations whereby a business owns or leases wreckers for the sole purpose of towing other vehicles owned or leased by the business.

Wrecker company shall mean any individual, corporation or entity engaged in the wrecker business.

Wrecker operator is any person who drives or otherwise uses a wrecker for wrecker business as defined herein.

Wrecker Selection list means a sequential list, as maintained by the department, of those wrecker companies qualified and authorized pursuant to the provisions of this chapter to receive and respond to calls from the department, when the vehicle owner/operator has not or cannot express a preference or consent for such services from a specific operator or towing company. The wrecker selection list may also be used, at the city’s discretion, for wrecker services in regard to impoundments or when other public safety needs warrant the use of a wrecker.

Article II: General Towing Operations

Sec. 63-6. General Wrecker Operations.

No wrecker company shall engage in the wrecker business or operate wreckers on the city streets within the city without first obtaining a business license pursuant to Sec. 34-47 of the City of Mobile Code of Ordinances.

Sec. 63-7. Insurance Requirements.

A. Risks and Limits of Liability. Every person engaged in the wrecker business, and every wrecker company or wrecker operator, must provide proof of the following insurance coverages upon issuance or renewal of their City of Mobile business license and at any time demanded by the Department:

- 1) **General Liability Insurance.** Commercial General Liability Insurance, including coverage for bodily injury, property damage, personal injury, death, and products/completed operations, in an amount not less than One Million Dollars (\$1,000,000) per occurrence and Two Million Dollars (\$2,000,000) in the aggregate.
- 2) **Automobile or Garage Liability Insurance.** Shall maintain **either**:
 - a. **Automobile Liability Insurance** covering all owned, non-owned and hired vehicles used with a combined single limit for bodily injury and property damage of not less than One Million Dollars (\$1,000,000) per occurrence, and including a minimum of One Hundred Thousand Dollars (\$100,000) On-Hook Coverage; **or**
 - b. **Garage Liability Insurance** covering garage operations (premises and operations) and providing coverage for liability arising out of the ownership, maintenance or use of vehicles (on or off premises), with a combined single limit for bodily injury and property damage of not less than One Million Dollars (\$1,000,000) per occurrence, including a minimum of One Hundred Thousand Dollars (\$100,000) On-Hook Coverage, and endorsed with an MCS-90 endorsement (to satisfy any federal motor carrier financial responsibility requirements).

No separate Automobile Liability policy shall be required so long as Operator maintains the Garage Liability policy specified in clause 2.b above, which shall be deemed to satisfy the requirements of clause 2.a.

- 3) **Garage Keepers Legal Liability** (required only if the wrecker company is storing towed vehicles on its business premises), covering perils of fire and explosion, theft of an entire vehicle, riot and civil commotion, vandalism and malicious mischief to customers' vehicles, in an amount not less than One Hundred Thousand Dollars (\$100,000) per vehicle.
- 4) **Workers' Compensation.** Workers' Compensation coverage as prescribed by the laws of the State of Alabama.

B. Evidence of Insurance, Maintenance of Policies and Other Requirements. All Certificates of Insurance evidencing the aforementioned types and limits of insurance shall be properly executed by an authorized representative of an insurer authorized to do business in the State of Alabama. The policyholder shall not cancel, reduce coverage, or alter any required insurance without thirty (30) days' prior written notice to the City of Mobile. If the policyholder receives notice of non-payment of premium or cancellation of the policy by the insurer, the policyholder shall immediately give written notice of same to the City of Mobile.

C. Insurance Coverage—Ongoing Obligations. For any issuance, extensions or renewals, Operators shall maintain insurance in accordance with these requirements. Prior to beginning performance under this Chapter, upon the Police Chief's request (or designee), and each time coverage is renewed or updated, Operators shall furnish the City of Mobile **and the Traffic Safety Unit** with current Certificates of Insurance, endorsements, policy declarations pages, or other policy documents evidencing adequate coverage. Operators shall be responsible for and pay (1) all premiums, and (2) any claims or losses to the extent of any deductible amounts. Operators waive any claim for

reimbursement of premiums or deductibles against the City, its officers, agents, or employees.

D. Additional Insured, Primary/Non-Contributory and Waiver of Subrogation. The City of Mobile shall be named as an Additional Insured on all policies (except Workers' Compensation) on a primary, non-contributory basis and shall enjoy the same coverage as the named insured. Operators waive any right of subrogation against the City, its officers, agents, and employees, and each policy must contain a waiver of subrogation endorsement in favor of the City. All Certificates of Insurance shall be accompanied by endorsements for:

Additional Insured – Primary and Non-Contributory coverage (General Liability and Automobile or Garage Liability policies); Waiver of Subrogation (General Liability, Automobile or Garage Liability, and Workers' Compensation); and Thirty-Day Notice of Cancellation in favor of the City and the Traffic Safety Unit.

E. Notice of Cancellation or Non-Renewal. Operators shall give thirty (30) days' advance written notice if any required insurance policy is canceled or non-renewed. Within that period, Operators must procure replacement coverage to maintain uninterrupted compliance. In addition to any other provided penalties, failure to comply authorizes the City of Mobile to immediately suspend participant from Wrecker Selection List.

Certificate of Insurance and renewals shall be provided to the City (Certificate Holders) as follows:

City of Mobile	Mandatory Copy to: City of Mobile
Post Office Box 1827	Traffic Safety Unit
Mobile, AL 36633	Wrecker Inspection Officer
	850 Virginia Street
	Mobile, AL 36603

Sec. 63-8. Towing of Vehicles from city streets.

No person, wrecker company, agent or employee of a wrecker company, or wrecker operator, shall tow or cause a vehicle parked or left on a city street without either:

- 1) The prior consent or authorization of the owner, an agent of the owner, or operator of the vehicle to be towed;
- 2) There having been first issued a ticket or citation for violation of any traffic law, parking law, or ordinance by a city police officer and authorization from a city police officer for the vehicle to be towed to the city impound lot; or
- 3) By order of a city police officer or fire department incident commander when authorized under chapter 61 of the City Code or when necessary for the public health, safety, welfare, or order.
- 4) Vehicles towed from city streets by authorization from a city police officer after issuance of a ticket or citation, or by order of a city police officer or fire department emergency incident commander when necessary for public health, safety, welfare, or order, shall be towed to the city impound lot.

Sec. 63-9. Wreckers declared not to be emergency vehicles.

It is hereby declared and determined that wreckers and large wreckers are not emergency vehicles within the provisions of the traffic code of the city. Wreckers and large wreckers shall comply with all laws and ordinances relating to motor vehicles.

Sec. 63-10. Authority at scene.

The authority at the scene shall be the police officer or the fire department emergency incident commander. The authority shall have the ultimate authority to direct all activities concerning the removal of vehicles and any clean-up activities, including requesting additional assistance, or canceling unneeded wreckers, vehicles, or other matter deemed necessary to protect public safety and welfare.

Sec. 63-11. Removal of vehicle from accident scene.

Any police officer at the scene of an accident may direct the wrecker to a designated location for any lawful purpose. When so directed by an officer, the city will be responsible for payment of the towing fee.

Sec. 63-12. Unauthorized presence of wrecker at accident scene.

No wrecker shall proceed to the scene of a vehicular accident or disabled vehicle on the streets of the city without first being requested to do so by the police department, or the owner or person in charge of the vehicle. No person shall solicit wrecker business in any manner for a wrecker company at the scene of a vehicular accident or disabled vehicle, on the streets of the city. The unauthorized presence of any wrecker parked on any public street or highway in the city at or near the scene of any accident, collision, or disabled vehicle shall be prima facie evidence of a solicitation in violation of this section.

Sec. 63-13. Trespass Tow.

Any wrecker company performing a trespass tow authorized by the City Code Sec. 61-268 of the Mobile City Code of Ordinances (parking vehicle on private property after warning) shall notify the police communications center within 30 minutes of conducting the tow and provide the following information: the vehicle identification number, the make, model, year, color and tag number of the vehicle, the name of the person requesting the tow, the property location from which the vehicle was removed and the location to which the vehicle is moved.

Sec. 63-14. Repossession.

Any wrecker company performing a tow on behalf of a repossession agency shall, prior to repossession, notify the police communications center and give the vehicle identification number along with the make, model, year, color and tag number of the vehicle, the name of the person requesting the tow, the property location from which the vehicle was removed and the location to which the vehicle is moved.

Article III: Requirements to Participate in City's Wrecker Selection List; Wrecker Permit

Sec. 63-15. City Wrecker Selection List.

The City shall maintain one Wrecker Selection List of all qualified wrecker companies, with each entry classified by truck class:

- 1) Class A (Light Duty);
- 2) Class B (Medium Duty); and
- 3) Class C (Heavy Duty).

Dispatch for a requested class shall be made to the closest available wrecker on this single list.

A wrecker company may dispatch either a conventional or rollback wrecker in response to a rotation call unless the wrecker company is advised by the department that a particular wrecker is needed due to the existing circumstances on the scene.

Sec. 63-16. Wrecker Permit.

No wrecker company shall participate in the Wrecker Selection list without undergoing a vehicle inspection, submitting an application for a Wrecker Permit for each wrecker to be operated, and providing proof of insurance with applicable policy limits in accordance with section 63-7 of this chapter. The requirement for a permit hereinabove described is a requirement separate and apart from, and in addition to, any county or municipal requirements for a business license. The required wrecker permit is a regulatory permit and not a revenue license.

A wrecker company must show that it has been in business, operating in the corporate limits or police jurisdiction of Mobile for a minimum of three (3) consecutive years before it will be eligible to apply for a permit to operate on the City of Mobile Wrecker Selection list.

Sec. 63-17. Facilities

Each operator shall maintain sufficient space to accommodate the storage of all vehicles resulting from wrecker rotation lists tows.

- 1) Storage of all towed vehicles shall be at the operator's place of business from which the wrecker was dispatched, **except** that vehicles removed by Class C (Heavy-Duty) wreckers may be stored at a separate, permit-approved facility.
- 2) The storage lots shall be **well-lit** with at least one foot-candle of illumination at ground level and enclosed by a locked gate. Each wrecker company must place on the exterior of its business location a clearly visible sign indicating the company name, telephone number and business hours.
- 3) At least one person must be present at the business from 8 am to 5 pm Monday through Friday (excluding state or federal holidays) to conduct business with customers or department members. The employee may leave the place of business for one hour during the time of 11:00 am to 1:00 pm for lunch provided there is a sign indicating the return time to the business.
- 4) Vehicle owners may reclaim belongings from a car stored at the wrecker operator's storage facility during business hours without being required to pay any outstanding fees or charges that have accrued pursuant to Sec. 63-39 of this Chapter.

Sec. 63-18. Wrecker selection list participation

All wreckers on the wrecker selection list must have a current wrecker permit. Participation in the wrecker selection list shall be exclusively assigned to the wrecker company holding the wrecker permit thereof and shall constitute authorization only to that definite legal entity operating a bona fide wrecker service and shall not be subject to transfer, nor shall the company sublet, assign or permit participation by another in any manner of company's equipment, wreckers or name on the selection list. Participation on the wrecker selection list shall not constitute a property interest but rather is a mere license.

In addition to a permit and an approved business license, the wrecker company seeking to be included on the wrecker rotation list in accordance with this Chapter shall:

- 1) Maintain business hours from 8 am – 5 pm, Monday through Friday at this location; and
- 2) Have an employee present from 8 am – 5 pm, Monday through Friday at this location; and
- 3) Answer phone calls and dispatch wreckers from this location; and,
- 4) Store vehicles associated with their wrecker business at this location.
- 5) With exception of the Heavy Duty (Class C) or Medium Duty (Class B) wreckers, the location of the business must be located within the corporate limits of the City of Mobile.

Sec. 63-19. Application for Wrecker Permits.

Applications for wrecker permits shall be submitted to the department on such forms as may, from time to time, be developed for that purpose, and made publicly available.

Sec. 63-20. Standards for Issuance of Permit.

Each wrecker company seeking a Wrecker Permit shall comply with the following equipment requirements. This equipment will be inspected by the department annually to ensure compliance with the minimum standards.

- 1) **Light / Regular Duty (Class A) Wrecker** - Capable of towing vehicles weighing ten thousand (10,000) pounds or less, (passenger cars, pickup trucks, motorcycles, small trailers, and similar vehicles) shall meet the following minimum requirements:

- a. **Conventional Wrecker** –

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- i. A minimum gross vehicle weight rating (GVWR) of not less than fourteen thousand five hundred (14,500) pounds.
- ii. Factory recommended, three-quarter-ton capacity dual wheels. Dummy dual wheels are prohibited.
- iii. Individual boom capacity of not less than eight thousand (8,000) pounds as rated by the manufacturer.
- iv. Individual PTO or hydraulic power winch capacity of not less than eight thousand (8,000) pounds as rated by the manufacturer with a least one hundred (100) feet of three-eighths (3/8) inch cable.
- v. A manufactured wheel-lift with a retracting lifting capacity of not less than three thousand five hundred (3,500) pounds as rated by the manufacturer, with safety chains.
- vi. Dual rear wheels
- vii. A brake lock device.
- viii. Tow Dolly
- ix. Additional safety equipment as specified by the regulations.
- x. Come-A-Longs, chains, or other similar devices shall not be used as substitutes for winch and cable.
- xi. A rubber cradle or cradles attached to the wrecker in order to prevent any vehicle being hauled or towed from being further damaged by coasting, rocking, swinging, or slamming into the wrecker or any part thereof. (Required only for sling lift wreckers)
- xii. Tow bars, safety chains, a fire extinguisher mounted in an accessible location, wrecking bars, minimum of three (3) reflective triangles or flares, brooms, shovel, and an axe. There shall be further proof furnished that the wrecker company has one (1) dolly available for its wreckers when and if necessary.
- xiii. A flashing warning amber light shall be affixed above the top of the cabin or upper most elevated portion of the equipment of the wrecker. Sirens are prohibited. The flashing lighting shall only be used when loading and unloading vehicles to be towed. No flashing warning lighting is to be used during transit.
- xiv. The name, address and telephone number of the wrecker company permanently affixed and displayed in letters clearly visible from one hundred (100) feet on both sides. The letters for the name shall be at least four (4) inches high and letters for the address and telephone numbers shall be at least two (2) inches high.
- xv. Nothing on vehicles, building, equipment, clothing, or correspondence implying any official relationship between the wrecker company and any law enforcement agency.
- xvi. Clearance and marker lights and all other equipment as required by law.
- xvii. Dual rear adjustable floodlights with minimum of twenty thousand (20,000) candlepower each. The floodlights may be used when loading and unloading vehicles to be towed. No flashing warning lighting is to be used during transit.
- xviii. When using a sling or self-loading wheel lift a remote tow light shall be affixed to the rear portion of the towed vehicle making the brake/taillights visible to other traffic.
- xix. A minimum of a 40lb bag of oil dry.

b. Rollback Wrecker –

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- i. A minimum gross vehicle weight rating (GVWR) of not less than fourteen thousand five hundred (14,500) pounds.
- ii. Must have at least an eight thousand (8,000) pound winch as rated by the manufacturer with at least fifty (50) feet of three-eighths (3/8) inch cable or larger.
- iii. A brake lock device.
- iv. A minimum of two safety tie down chains.
- v. Additional safety equipment as specified by the regulations.
- vi. Come-A-Longs, chains, or other similar devices shall not be used as substitutes for winch and cable.
- vii. Tow bars, safety chains, a fire extinguisher mounted in an accessible location, wrecking bars, minimum of three (3) reflective triangles or flares, brooms, shovel, and an axe. There shall be further proof furnished that the wrecker company has one (1) dolly available for its wreckers when and if necessary.
- viii. A flashing warning amber light shall be affixed above the top of the cabin or upper most elevated portion of the equipment of the wrecker; however, sirens are prohibited. The flashing lighting shall only be used when loading and unloading vehicles to be towed. No flashing warning lighting is to be used during transit.
- ix. The name, address and telephone number of the wrecker company permanently affixed and displayed in letters clearly visible from one hundred (100) feet on both sides. The letters for the name shall be at least four (4) inches high and letters for the address and telephone numbers shall be at least two (2) inches high.
- x. Nothing on vehicles, building, equipment, clothing, or correspondence implying any official relationship between the wrecker company and any law enforcement agency.
- xi. Clearance and marker lights and all other equipment as required by law.
- xii. Dual rear adjustable floodlights with minimum of twenty thousand (20,000) candlepower each. The floodlights may be used when loading and unloading vehicles to be towed. No flashing warning lighting is to be used during transit.
- xiii. One (1) fire extinguisher.
- xiv. When using a sling or self-loading wheel lift a remote tow light shall be affixed to the rear portion of the towed vehicle making the brake/taillights visible to other traffic.
- xv. A minimum of a 40lb bag of oil dry.

2) **Medium Duty (Class B) Wrecker** – Capable of towing vehicles weighting between ten thousand (10,000) and twenty-nine thousand (29,000) pounds or multiple vehicles weighting ten thousand (10,000) pounds respectively (medium-sized trucks, road tractors/trailers and similar vehicles), shall meet the following requirements:

- a. The tow truck chassis shall have a minimum gross vehicle weight rating (GVWR) of not less than twenty-six thousand and one (26,001) pounds.
- b. Must have at least a twelve-ton boom assembly as rated by the manufacturer.
- c. Two winches, each of ten thousand (10,000) pound capacity or more as rated by the manufacturer.

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- d. A manufactured wheel-lift with a retracting lifting capacity of not less than six thousand five hundred (6,500) pounds as rated by the manufacturer, with safety chains.
- e. Come-A-Longs, chains, or other similar devices shall not be used as substitutes for winch and cable.
- f. Tow bars, safety chains, a fire extinguisher mounted in an accessible location, wrecking bars, minimum of three (3) reflective triangles or flares, brooms, shovel, and an axe. There shall be further proof furnished that the wrecker company has one (1) dolly available for its wreckers when and if necessary.
- g. A brake lock device.
- h. Additional safety equipment as specified by the regulations.
- i. A flashing warning amber light shall be affixed above the top of the cabin or upper most elevated portion of the equipment of the wrecker; however, sirens are prohibited. The flashing lighting shall only be used when loading and unloading vehicles to be towed. No flashing warning lighting is to be used during transit.
- j. The name, address and telephone number of the wrecker company permanently affixed and displayed in letters clearly visible from one hundred (100) feet on both sides. The letters for the name shall be at least four (4) inches high and letters for the address and telephone numbers shall be at least two (2) inches high.
- k. Nothing on vehicles, building, equipment, clothing, or correspondence implying any official relationship between the wrecker company and any law enforcement agency.
- l. Clearance and marker lights and all other equipment as required by law.
- m. Dual rear adjustable floodlights with minimum of twenty thousand (20,000) candlepower each. The floodlights may be used when loading and unloading vehicles to be towed. No flashing warning lighting is to be used during transit.
- n. When using a sling or self-loading wheel lift a remote tow light shall be affixed to the rear portion of the towed vehicle making the brake/taillights visible to other traffic.
- o. A minimum of a 40lb bag of oil dry.

3) **Heavy Duty (Class C) Wrecker** – Capable of towing vehicles in excess of twenty-nine thousand (29,000) pounds (large trucks, road tractor/trailers and similar vehicles), shall meet the following minimum requirements: The wrecker company shall provide documentation of lifting capacity from the factory or qualified testing facility.

- a. Truck chassis having a minimum gross vehicle weight rating (GVWR) of not less than forty-six thousand (46,000) pounds.
- b. Tandem axles.
- c. A single or double boom with a capacity of not less than fifty thousand (50,000) pounds as rated by the manufacturer.
- d. A single winch with a capacity of fifty thousand (50,000) pounds as rated by the manufacturer or an individual power winch capacity of not less than twenty-five thousand (25,000) pounds as rated by the manufacturer and a total rating with both winches of fifty thousand (50,000) pounds.

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- e. A manufactured wheel-lift with a retracting lifting capacity of not less than twelve thousand (12,000) pounds as rated by the manufacturer, with safety chains.
 - f. A minimum of two hundred (200) feet of five-eighths (5/8) inch cable or larger, plus fifty (50) feet of five-eighths (5/8) inch drop cable.
 - g. A brake lock device.
 - h. Airbrakes constructed so as to lock wheels automatically upon failure.
 - i. Tow bars, safety chains, a fire extinguisher mounted in an accessible location, wrecking bars, minimum of three (3) reflective triangles or flares, brooms, shovel, and an axe. There shall be further proof furnished that the wrecker company has one (1) dolly available for its wreckers when and if necessary.
 - j. Air control valve for the purpose of providing braking capability for the vehicle or trailer being towed or removed.
 - k. Two (2) chock blocks to prevent rolling or slippage of the wrecker. These chock blocks should have the capability of being tied to the wrecker and of a width equal to that of the dual wheels of the wrecker.
 - l. One (1) pair of bolt cutters with a minimum of one-half-inch opening; two (2) fire extinguishers mounted in an accessible location; external air hookups and hoses; at least six (6) safety cones or triangle reflectors; and forty (40) pounds of sand or suitable equivalent.
 - m. A flashing warning amber light shall be affixed above the top of the cabin or upper most elevated portion of the equipment of the wrecker; however, sirens are prohibited. The flashing lighting shall only be used when loading and unloading vehicles to be towed. No flashing warning lighting is to be used during transit.
 - n. The name, address and telephone number of the wrecker company permanently affixed and displayed in letters clearly visible from one hundred (100) feet on both sides. The letters for the name shall be at least four (4) inches high and letters for the address and telephone numbers shall be at least two (2) inches high.
 - o. Nothing on vehicles, building, equipment, clothing, or correspondence implying any official relationship between the wrecker company and any law enforcement agency.
 - p. Clearance and marker lights and all other equipment as required by law.
 - q. Dual rear adjustable floodlights with minimum of twenty thousand (20,000) candlepower each. The floodlights may be used when loading and unloading vehicles to be towed. No flashing warning lighting is to be used during transit.
 - r. When using a sling or self-loading wheel lift a remote tow light shall be affixed to the rear portion of the towed vehicle making the brake/taillights visible to other traffic.
 - s. A minimum of a 40lb bag of oil dry.
- 4) A towing company shall be prepared to transport up to one (1) motorist or passenger involved in an incident if necessary.

5) Rate-Setting and Cost Transparency.

- a. Filing & Effective Date.
 - i. Each permittee shall file with the Traffic Safety Unit and post at its place of business its maximum fees for towing, hookup, per-mile mileage, storage, vehicle release, and defined ancillary services

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(e.g., battery jump-start, winching, tire change, administrative fees).

- ii. Such fee schedules must be filed and posted within 30 days of adoption and shall specify an effective date not earlier than 30 days after filing.

b. Rate Limitation.

- i. No permittee shall charge any customer fees in an amount exceeding the maximum rate authorized by this chapter.

c. Annual Adjustment.

- i. A permittee may adjust its filed rates once per calendar year.
- ii. Revised schedules for the upcoming year must be submitted in writing to the Traffic Safety Unit no later than January 1 and posted concurrently.

d. Public Transparency.

- i. The Traffic Safety Unit shall compile and maintain an online list of all permittee fee schedules on the City's website.

e. Enforcement.

- i. Failure to comply with any requirement of this section shall constitute a municipal violation punishable by a fine of up to \$500.00 per day.
- ii. The Traffic Safety Unit may audit fee schedules against actual invoices and assess additional penalties for over-charging.

Sec. 63-21. Assumption of Liability.

Each wrecker company who moves or otherwise makes contact with any vehicle to be towed following a dispatch from the wrecker selection list, assumes liability for injury to persons, property damage, fire, theft, or any other acts of negligence stemming from the towing process.

Sec. 63-22. Certification of Availability.

By Applying for the Wrecker Permit, the wrecker company is certifying its ability to be fully capable of providing twenty-four-hour, seven-day-a-week wrecker service and access to its storage facility during regular business hours.

Sec. 63-23. When issued.

The department shall issue an annual Wrecker Permit for each wrecker proposed to be operated by the applicant upon finding that all provisions of this chapter and other ordinances of the City have been complied with, and upon being satisfied by the revenue officer of the city that the wrecker company has procured all necessary city, state and federal licenses. The Wrecker Permit shall be affixed to each wrecker in the lower passenger side corner of the windshield and shall not be transferable.

Sec. 63-24. Permit not a franchise.

No permit issued pursuant to the provisions of this chapter shall be construed to be a franchise grant, nor shall it be construed to be the consent of the city to the operation of a private enterprise on the city's streets.

Sec. 63-25. Companies removed from police jurisdiction due to a change in jurisdiction limits.

A qualified wrecker company that has been on one or more wrecker selection list for at least five (5) consecutive years, and which is removed from the city's police jurisdiction

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due to a change in the city's jurisdictional limits, may remain qualified to apply for a Wrecker Permit and inclusion on the wrecker selection lists so long as the company complies with the following:

- 1) The company continues to maintain its principal and primary place of business at the same location and street address as it did before the change in the city's jurisdictional limits;
- 2) The company continues to comply with all the requirements and regulations of this chapter, and the rules and directives of the city and the police department;
- 3) The company agrees in writing, in a form approved by the department, to comply with all the requirements and regulations of this chapter, and the rules and directives of the city and the police department; and
- 4) The company must possess a city business license authorizing the conduct of a wrecker business from the city to operate a wrecker in addition to any other business license which the company may possess.

Sec. 63-26. Monthly Report.

At least once per month the department will publish a monthly report of the department's wrecker selection call-out list on its web page.

Sec. 63-27. Right to inspect.

The department's representative has the right to inspect any wrecker or equipment of a wrecker company on the city's wrecker selection list at any time to ascertain if it is being maintained and all required equipment is on the wrecker and in proper operating order.

Article IV: City Wrecker Selection List: Procedures; Fees; Records.

Sec. 63-28. Accident Scenes and Emergency Tows.

- 1) When a motor vehicle is involved in an accident or collision within the City's corporate limits or police jurisdiction and is unable to proceed safely—or when the driver is incapacitated—the officer on scene shall ask the driver to select one (1) wrecker company from the City's Wrecker Selection List to tow the vehicle.
- 2) If the driver:
 - a. is physically unable to make a selection;
 - b. declines to choose; or
 - c. selects a company that is unavailable or not on the Selection List;then the Communications Center shall dispatch the closest available wrecker on the City's Wrecker Selection List.
- 3) For all other department-directed tows—including traffic-hazard removal, impounds, and obstruction clearance—the closest available wrecker on the Selection List shall be dispatched.

Sec. 63-29. Impoundments and Abandoned Vehicles.

When the City wrecker is not available:

- 1) The department may dispatch wrecker companies from the City's Wrecker Selection List to tow vehicles under the circumstances enumerated in City Code Sec. 61-101(a)(1)–(5).
- 2) Dispatch shall be made to the closest available wrecker in accordance with Sec. 63-30.
- 3) A wrecker company dispatched under this section shall tow the vehicle directly to a permit-approved impound yard, unless otherwise authorized by the department.

Sec. 63-30. Closest Wrecker Dispatch.

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- 1) When a police officer on scene determines that towing is required for an accident, disabled vehicle, traffic hazard, or impound under City Code § 61-101(a)(1)–(5), the officer shall immediately notify the Communications Center to request tow service.
- 2) The Communications Center shall dispatch the closest available wrecker company on the City's Wrecker Selection List, as defined in Sec. 63-5, using CAD-calculated driving distance.
- 3) The dispatched wrecker company shall proceed directly to the scene and remain until the vehicle is safely removed as directed by the officer.
- 4) All dispatches under this section shall follow the procedures set forth in Sec. 63-31.

Sec. 63-31. Department Operations; Procedure Upon Receiving Tow Request.

- 1) Upon receipt of a tow request, the Communications Center shall identify the closest available wrecker company on the City's Wrecker Selection List using CAD-calculated driving distance and place the first call to that company.
- 2) If that company is unavailable or unwilling to respond, the Communications Center shall call the next-closest company, noting each attempted call in the dispatch log, until a wrecker accepts the request.
- 3) Notwithstanding subsections (1) and (2), the department may, in emergency or special circumstances, dispatch any qualified wrecker company it deems best able to handle the situation or reach the scene most quickly.
- 4) The first dispatched wrecker to arrive at an accident scene shall have priority to tow the vehicle(s) selected unless the officer in charge directs otherwise.

Sec. 63-32. Response Requirements for Wrecker Companies and Operators.

- 1) Upon dispatch, the Communications Center's CAD system shall notify the closest available wrecker company on the City's Wrecker Selection List. The company—or its designated operator- must arrive on scene with appropriate equipment within thirty (30) minutes under normal driving conditions (Class C wreckers must arrive within one hour).
- 2) If the company or operator cannot respond, it must immediately notify the Communications Center. Dispatch shall then proceed to the next-closest company on the Selection List.
- 3) A wrecker company shall not accept dispatch unless it has, at the time of the call, an operator, properly equipped wrecker, and all necessary tools immediately available to perform the requested service.
- 4) Dispatched wreckers must be prepared to transport up to one (1) motorist or passenger per vehicle and must provide the owner or operator with the company's name, address, phone number, and tow-rate information at the time of service.
- 5) If a dispatched wrecker fails to arrive within the thirty-minute window (unless delayed by circumstances beyond its control), or if public-safety exigencies require, the Communications Center may dispatch the next-closest available wrecker. Companies with unjustified late responses may face penalties as set forth in Sec. 63-44.

Sec. 63-33. Single Listing per Wrecker Class.

- 1) Each permitted wrecker company shall hold one (1) entry on the City's single Wrecker Selection List for each class of wrecker (Class A, B, or C) in which it is qualified, as set out in Sec. 63-18.
- 2) Listings shall use the legal business name submitted in the company's permit application. No company may obtain additional entries by using alternate, fictitious,

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or trade names for the same location, or by operating multiple offices under the same corporate ownership.

- 3) A single corporate entity—whether an individual owner, partnership, or parent corporation—may not hold more than one (1) listing per wrecker class, regardless of the number of branch offices or trade names.
- 4) Each listing must be supported by a permanent business location meeting the facility requirements of Sec. 63-17, including staffed dispatch (8 a.m.–5 p.m., Mon–Fri), distinct dispatch lines, vehicle/equipment logs, and conspicuous posting of City permits and business licenses.
- 5) The department may grant a separate listing for both Class B and Class C wreckers only if the applicant demonstrates fully distinct operational capacity and facilities for each class in accordance with Sec. 63-17.

Sec. 63-34. Response with Own Wreckers.

- 1) Each wrecker company shall respond to a dispatch using only its own permitted wrecker and properly trained operator, equipped as required by Sec. 63-20. No company may substitute or dispatch another company's unit without prior written approval from the Chief of Police.
- 2) If, in the officer in charge's reasonable judgment, the dispatched wrecker lacks the capability or equipment to safely perform the requested service, the officer may direct the Communications Center to dispatch the next-closest qualified wrecker company pursuant to Secs. 63-30 and 63-31.
- 3) Any unauthorized delegation of a dispatch or failure to use one's own permitted equipment shall constitute a violation subject to penalties under Sec. 63-44.

Sec. 63-35. Impaired Operation Prohibited.

- 1) No person shall operate a wrecker or respond to a dispatch while under the influence of alcoholic beverages, controlled substances, or any other substance that impairs safe operation. "Under the influence" has the same meaning as in Ala. Code § 32-5A-191.
- 2) Any officer or supervisor at the scene who reasonably suspects impairment may require the operator to submit to chemical or breath testing in accordance with City policy and state law. Refusal to submit constitutes grounds for immediate suspension of the operator's authority to perform tows and shall be reported to the Police Traffic Unit.
- 3) Violation of this section shall result in immediate suspension of the company's permit and may incur additional penalties under Sec. 63-44.

Sec. 63-36. Conviction-Related Disqualification.

- 1) No operator may serve as the listed operator for any wrecker company on the City's Wrecker Selection List who, within the past five (5) years, has been:
 - a. Convicted (including plea of guilty or nolo contendere) of any felony;
 - b. Convicted of any misdemeanor involving moral turpitude, fraud, dishonesty, theft, assault, or domestic violence; or
 - c. Convicted of any offense under Ala. Code § 32-5A-191 (DUI) or its federal equivalent.
- 2) Upon learning of a disqualifying conviction, the Police Traffic Unit shall:
 - a. Immediately suspend the operator's certification and notify the permittee in writing; and

- 3) A disqualified operator may apply for reinstatement after the five-year period by submitting certified court records and undergoing a background check. Reinstatement is subject to approval by the Chief of Police.
- 4) Any violation of this section shall constitute grounds for a civil penalty and permit revocation as provided in Sec. 63-44.

Sec. 63-37. High-Visibility Safety Apparel Required.

- 1) Whenever performing work or standing on or adjacent to any roadway in the course of a dispatch, all wrecker operators and spotters shall wear ANSI/ISEA 107-compliant Class II (or higher) high-visibility safety apparel (vest, jacket, or shirt) with retroreflective striping.
- 2) Apparel shall be properly fastened and worn over outer clothing at all times while on scene.
- 3) Failure to comply with this section shall constitute a violation subject to penalties under Sec. 63-44.

Sec. 63-38. Scene Cleanup and Debris Removal.

- 1) Upon completion of any tow or recovery, the wrecker operator shall remove all non-hazardous debris (e.g., broken glass, metal shards, vehicle parts) from the public right-of-way or other scene area.
- 2) The operator shall apply absorbent material (oil-dry or equivalent) to any spilled automotive fluids (oil, coolant, fuel) and broom or sweep the area to eliminate residual hazards.
- 3) Failure to comply with this cleanup requirement shall constitute a violation subject to penalties under Sec. 63-44.

Sec. 63-39. Fees, Rates, and Consumer Protections.

1) General Payment Rules

- a. All tows performed under this Chapter shall be charged rates not to exceed the maximum rates set forth below, plus any fees authorized by resolution of the City Council.
- b. Vehicle owners (or their agents) may recover towed vehicles upon payment of all accrued charges, with no additional fees.
- c. Wrecker operators must accept at least two major credit or debit cards and provide a written or printed receipt at the time of payment.

2) Towing and Recovery Fees

- a. Standard Tow (Scene to Yard):
 - i. Class A (10,000 pounds or less): \$200 per tow
 - ii. Class B (10,001–26,000 pounds): \$400 per tow
 - ii. Class C (over 26,000 pounds): \$600 per tow
 - iii. Rotator-equipped Class C: \$800 per tow
- b. Tandem or Towed Trailers:
 - i. Up to 40 feet in tandem: \$75 per trailer
 - ii. Over 40 feet in tandem: \$200 per trailer
- c. Rescue Operations (Righting and Winching):

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Rate structure for all classes: first hour at the class rate; additional time prorated in ten-minute increments

- i. Class A: \$75 first hour; \$12.50 per ten-minute increment
 - ii. Class B: \$200 first hour; \$33.33 per ten-minute increment
 - iii. Class C standard: \$350 first hour; \$58.33 per ten-minute increment
 - iv. Class C rotator tandem: initial \$600 (or \$800 for dual rotators), then \$350 first hour; \$58.33 per ten-minute increment
 - v. Air Lifting bags lift: \$0.035 per pound lifted
- d. Standby or Delay (if delayed more than 15 minutes through no fault of the operator):
- i. Class A: \$75 per hour; \$12.50 per ten-minute increment
 - ii. Class B: \$200 per hour; \$33.33 per ten-minute increment
 - iii. Class C: \$350 per hour; \$58.33 per ten-minute increment

3) Storage Fees

- a. Passenger and Light Duty Vehicles:
 - i. First day (after 24 hours): \$30
 - ii. Each additional day: \$30 per day
- b. Medium and Heavy-Duty Vehicles: \$75 per day per vehicle
- c. After-Hours Release: \$35 per release (outside Mon–Fri, 8:00 a.m.–5:00 p.m.)
- d. Outside City Limits Tow: \$5 per mile from the city boundary
- e. No-Charge Days: no storage fee on days the lot is open fewer than four hours

4) Ancillary Services

- a. Plastic crash wrap: \$30 per vehicle
- b. Forklift or heavy equipment: commercial rental rate plus 10 percent per hour (operator included)
- c. Credit or debit card surcharge: not to exceed 4 percent per transaction
- d. Oil dry: \$5 per 10lb.

5) Administrative and Lien Sale Fees

- a. ALDOR portal entry: no fee; entries must occur between 48- and 120-hours post-tow
- b. Lien sale processing: up to \$150; includes NMVTIS search and certified notices; documentation must be retained

6) Rate Review and Updates

- a. The Police Traffic Unit shall review all fees annually in January.
- b. Recommended changes shall be submitted to the City Council for adoption by ordinance amendment.
- c.

7) Scope Exclusion

These rates apply only to nonconsensual tows under the Wrecker Selection List. Consensual tows are not governed by this Section.

Sec. 63-40. Recordkeeping and Reporting.

1) Tow Tickets and Service Records

- a. Each wrecker company shall maintain sequentially numbered tow tickets or digital service records for every dispatch accepted from the City's Selection List.

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Records shall be legible and pre-printed (or system-generated) with the company's name, address, and phone number, and shall include:

- i. Date and time of dispatch request and operator acknowledgment
- ii. Name of person requesting service (officer or owner)
- iii. Exact location of the vehicle at time of tow request
- iv. Vehicle description, including license plate and VIN
- v. Owner or operator of the vehicle, if known
- vi. Itemized list of all fees and charges
- vii. Name of the operator performing the service
- viii. Date, time, and party to whom the vehicle was released, and method of payment
- ix. Related police accident, incident, or case number, if applicable

2) Receipts

- a. Regardless of payment method, the operator shall provide a written or electronic receipt containing the information in subsection (1).
- b. A copy of each receipt must be retained with the company's records.

3) Inspection and Access

- a. All records required by this section shall be available for inspection by the Chief of Police or designee between 8:00 a.m. and 5:00 p.m., Monday through Friday, without prior notice.
- b. The City's right to inspect records is also governed by Sec. 63-27 (Right to Inspect).

4) Retention Period

- a. All paper and electronic records required herein shall be retained for at least three (3) years from the date of service.

5) Monthly Unclaimed Vehicle Report

- a. Each wrecker company shall submit to the Police Traffic Unit, by the tenth day of each month, a list of vehicles unclaimed for thirty (30) days or more.
- b. The report shall include vehicle description, tow date, storage location, and owner/contact information, where available.

6) Abandoned Motor Vehicle Disposition

- a. Wrecker companies shall maintain a separate log of all abandoned vehicles towed.
- b. Any abandoned vehicle sold or disposed of shall follow the procedures in Ala. Code § 32-13-1 et seq. ("Disposition of Abandoned Vehicles") and the company shall retain sale/disposal records for three (3) years.

Article V: Enforcement and Penalties

Sec. 63-41. - General violations.

Any person, wrecker company, agent or employee of a wrecker company, or wrecker operator, found guilty of violating this chapter shall be subject to being punished as prescribed in chapter 1, article II, of this Code, with a fine not to exceed five hundred dollars (\$500.00) plus court costs, or by community service for a period not exceeding six (6) months, or by both fine and community service at the discretion of the municipal judge.

Sec. 63-42. - Kickbacks for business.

It shall be unlawful and an offense against the city for any person to offer or pay any reward or remuneration to any city employee, officer, or agent, police officer or any employee of the city, for the purpose of obtaining the solicitation of business for any wrecker company.

Sec. 63-43. - Rotation list violations.

Violation of any rule, regulation, or provision of this article as it relates to wrecker services for rotation list dispatches may be cause for suspension or removal of the wrecker company from the rotation list. The department shall notify the wrecker company in writing of a violation and the applicable penalty.

- 1) Upon receipt of notification, the wrecker company may, within fifteen (15) days thereof, deliver a written request to the city clerk and the department's representative for a hearing to be held before the city council. The receipt of a written request for a hearing within the prescribed time shall stay the penalty pending final disposition unless it is determined by the chief of the department that it would endanger public safety to allow said wrecker company to continue on the rotation log.
- 2) A hearing shall be held within twenty-one (21) days after the filing of a written request for a hearing before the city council. The city clerk shall notify the wrecker company and the department of the time, date, and place of the hearing. At such public hearing, the wrecker company shall be provided an opportunity to be heard. The city council may hear from department and any other city representatives who may have relevant information.
- 3) The city council shall render a decision by resolution within ten (10) days from the date of such hearing. Such resolutions shall set forth the decision of the city council and the reasons for the same.
- 4) The department will reinstate to the rotation list a suspended wrecker company upon written application after the period of suspension has elapsed and after the department has determined that such wrecker company is in compliance with all regulations of this article.
- 5) If any violations of the regulations or provisions of this article are deemed by the city representative to be of such a nature as to endanger public safety, the department shall immediately suspend from the rotation list the wrecker company committing such violation, then provide notice pursuant to the provisions of subsection (1) above.
- 6) No applications for reinstatement to the rotation list resulting from violation of these regulations will be considered by a transferee of the suspended wrecker company's business interest unless such transfer was the result of a bona fide sale of a majority of the assets of the business for a reasonable consideration. All documents demonstrating the same must be provided to the department.

Sec. 63-44. Penalties.

In addition to any other potential penalties for violating this chapter, the following penalties shall be assessed for rotation list violations:

- 1) First violation: written warning;

- 2) Second violation within twelve (12) months: thirty-day suspension;
- 3) Third violation within twelve (12) months of first: six-month suspension;
- 4) Fourth violation within twelve (12) months of second: permanent removal.

Sec. 63-45. - Enhanced penalties.

Penalties for violations involving failure to arrive on the scene of a dispatched rotation list dispatch, charging in excess of the rates established herein or any infraction which jeopardizes the safety of the public, depending upon the severity thereof, may be accelerated up to and including permanent removal without following the above progressive penalty steps. There shall be no written warnings for any of such violations. Upon receipt of a suspension under this section, a hearing before the city council shall be held at the next immediately scheduled council meeting.

Article VI. Miscellaneous

Sec. 63-46. Severability.

If any provision of this Chapter is held invalid or unconstitutional by a court of competent jurisdiction, that invalidity shall not affect the remaining provisions, which shall remain in full force and effect. The City Council hereby declares that it would have adopted this Chapter and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more provisions be declared invalid.

Sec. 63-47. Repealer.

All ordinances and parts of ordinances in conflict with Chapter 63, "Wrecker Services and Wrecker Selection List," are repealed to the extent of such conflict. This repeal shall not affect any right or liability accrued, or any proceeding begun under the provisions of the former law.

Sec. 63-48. Effective Date and Jurisdiction.

This Chapter shall become effective immediately upon its passage and publication in the official newspaper of the City of Mobile, as required by law. It shall apply within the corporate limits of the City of Mobile and the City's police jurisdiction.

The ordinance was read by the City Clerk, whereupon Councilmember Daves moved to adopt the ordinance, which was seconded by Councilmember Woods

Councilmember Reynolds moved to amend the ordinance as follows:

WHEREAS the City of Mobile, by and through its City Council, has heretofore adopted the "Wrecker Service" ordinance currently published in Chapter 63 of the City Code; and

WHEREAS the City of Mobile now intends to delete the existing Chapter 63 and restate Chapter 63 in its entirety in order to clarify certain rules and regulations concerning wrecker operations, including requirements for participation on and procedures pertaining to the City-maintained wrecker rotation list; and

WHEREAS these amendments are necessary to ensure the City's public safety needs are met efficiently and that its citizens access to and cost to retrieve towed vehicles is reasonable and fair when using private, for-profit wrecker companies to respond to traffic hazards; and

WHEREAS amendments are also being made to increase the rates paid to wrecker companies for services performed in response to a Wrecker Rotation List dispatch and to clarify the penalties and procedures for violations of certain wrecker rotation list procedures; and

WHEREAS the City Council finds that this ordinance is necessary to perform essential minimum functions of the Council; and

WHEREAS, pursuant to Ala. Code § 11-45-1, municipalities may adopt ordinances and resolutions not inconsistent with state law "to provide for the safety, preserve the health,

promote the prosperity, and improve the morals, order, comfort and convenience of the inhabitants of the municipality,” and enforce obedience to such ordinances.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA that Chapter 63 of the Mobile, Alabama, Code of Ordinances is hereby deleted and restated in its entirety as follows:

Chapter 63 – Wrecker Services and Wrecker Selection Lists

Article I. General

Sec. 63-1. Findings.

- 3) The presence of wreckage, disabled and abandoned vehicles, illegally parked vehicles, vehicles involved in crimes, and other vehicles on the public rights of way pose hazards to the traveling public and threaten public safety.
- 4) Regulations governing the removal and storage of these vehicles by properly equipped and licensed wrecker companies are necessary to protect public safety.

Sec. 63-2. Scope and Purpose

This chapter establishes and provides for:

- 7) General rules and regulations related to the operation of wreckers, wrecker business, wrecker companies;
- 8) Establishes the City’s single Wrecker Selection List for non-consensual dispatch.
- 9) Rules and regulations related to nonconsensual tows;
- 10) Reasonable towing rates for wreckers who are eligible to participate in the City’s wrecker rotation list;
- 11) Fair and honest practices in the nonconsensual towing business to protect consumers and the public at large; and
- 12) Such other regulations that promote public health, safety, and welfare.

Sec. 63-3. Jurisdiction.

This chapter shall apply to all towing companies operating within the corporate limits and the police jurisdiction of the city.

Sec. 63-4. Administration and Enforcement.

The Chief of Police of the Mobile Police Department, or his or her designee, shall be responsible for the administration and enforcement of this chapter.

Sec. 63-5. Definitions

In addition to the definitions and rules of construction set forth in Sec. 1-2 of the City Code, the following words and their derivations shall have the meaning set forth in this section.

Abandoned vehicle shall mean any vehicle left on the wrecker company's premises for more than 30 days.

Air Lifting Bags shall mean specialized air bags used during a recovery to lift a vehicle.

Closest wrecker shall mean the wrecker company on the wrecker selection list whose place of business (as defined below) is closest in actual driving distance to the vehicle being towed as determined by the Computer Aided Dispatch (CAD) system.

Department shall mean the Mobile Police Department.

Disabled motor vehicle is any vehicle which has lost its ability of self-propulsion or its ability to be transported or drawn on a public street by normal methods other than by a wrecker.

Fire department emergency incident commander is the high-ranking fire department official who is in charge of hazardous material incidents and other emergency situations which may arise while executing the mission of the fire department, duties include but are not limited to the following: management decisions related to personnel, equipment, procedures, etc. at the scene of any emergency incident.

Fire extinguisher shall mean a portable device used for extinguishing fires as defined by the National Board of Fire Underwriters, dry chemical extinguisher with a 20-B.C. rating and underwriters' laboratory approval in a quick release carrier which is capable of extinguishing fires.

Hazardous material shall mean a substance or material, including a hazardous substance, which has been determined by the secretary of transportation, or other state or federal agency, to be capable of posing an unreasonable risk to health, safety and property when transported to commerce, and which has been so designated, including any residue, vapors and fumes from such substance.

Hazardous Material Wreckers shall be classified as those wreckers which have had an advanced level of hazardous materials training which exceeds the "Awareness level" of training and which have been certified by DOT/Interstate Commerce as a hazardous materials handler along with possessing at all relevant times the special insurance rider required by federal law in order to handle hazardous materials.

Heavy Duty Large wreckers (Class C) shall mean any wrecker designed to tow vehicles in excess of twenty-nine thousand (29,000) pounds (large trucks, road tractor/trailers and similar vehicles), and meets this chapter's minimum requirements;

Impoundment shall mean the removal from the streets, sidewalks, alleys or other public places in the city or its police jurisdiction, any vehicle left thereon in violation of any municipal traffic or parking law or ordinance pursuant to Section 61-101 through 61-107 of the City Code.

Light / Regular Duty Wrecker (Class A) shall mean any wrecker designed to tow vehicles weighing ten thousand (10,000) pounds or less, (passenger cars, pickup trucks, motorcycles, small trailers, and similar vehicles and meets this Chapter's minimum requirements.

Medium Duty Wrecker (Class B) shall mean any wrecker designed to tow vehicles weighing between ten thousand (10,000) pounds and twenty-nine thousand (29,000) pounds or multiple vehicles weighing ten thousand (10,000) pounds respectively (medium-sized trucks, road tractors/trailers and similar vehicles) and meets this Chapter's minimum requirements.

Motor vehicle shall mean every vehicle which is self-propelled.

Nonconsensual tow shall mean any act of towing a vehicle without the prior consent or authorization of the owner or operator of the motor vehicle being towed.

Owner is any person who holds a legal title to a motor vehicle or who has the legal right of possession thereof.

Person is any individual, firm, partnership or association, corporation, company or organization, or any legal entity of any kind.

Place of business shall mean the place where the wrecker company conducts business and is licensed pursuant to the City's business licensing requirements found within City Code Secs. 34-41 through 64.

Righting or uprighting shall mean restoring a vehicle, trailer, or other equipment to a normal or upright position.

Rotator means a wrecker/recovery vehicle consisting of a rotating superstructure (center post or turntable), adjusting booms, operating machinery, and one or more operator's

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stations mounted on a frame attached to a truck chassis. Such vehicle has the ability to lift, lower and swing loads at various radii.

Scene shall mean the site of an accident, traffic emergency, hazard or such other obstruction caused by a disabled or abandoned motor vehicle.

Skilled laborers are those individuals who possess specialized skills gained either by experience, education, or training, over and above the minimum skills necessary to perform the services or duties of this chapter.

Standard / Light Duty Wrecker see “Light / Regular Duty Wrecker (Class A).” **Street** is a thoroughfare including public streets, lanes, alleys, etc. within the city and its police jurisdiction which is reserved for vehicle traffic.

Traffic hazard is any disabled vehicle, attended or unattended, which obstructs the normal movement of traffic on any public street or otherwise threatens public safety.

Trespass tow means the towing or removal of a motor vehicle from private property without the consent of the motor vehicle’s owner or operator as allowed by Sec. 61-268 of the Mobile City Code.

Unskilled laborers are individuals who possess little or no special training or experience in the field for which he or she is being paid to perform work related services pursuant to the terms of this chapter.

Vehicle shall mean every device in or by which a person or property is or may be transported or drawn upon a public street, except devices moved only by human power, or used exclusively upon stationary rails or tracks, and shall include trailers and semitrailers.

Vehicular accident is any incident involving contact between a vehicle and any other object or vehicle which results in disabling damage to any vehicle requiring the service of a wrecker.

Winching shall mean the removal of a vehicle, trailer, or other piece of equipment from a location inaccessible to a wrecker to a location where the object of removal may be safely secured and towed by a wrecker. (Not to be included in uprighting vehicles)

Wrecker shall mean any motor vehicle used for the purpose of towing or removing motor vehicles from one location to another location, for any purpose, including large wreckers and rotator wreckers.

Wrecker business shall mean the act of towing or removing motor vehicles from one location to another location, for any reason, where either the beginning or ending location is within the city or its police jurisdiction. This definition shall not include situations whereby a business owns or leases wreckers for the sole purpose of towing other vehicles owned or leased by the business.

Wrecker company shall mean any individual, corporation or entity engaged in the wrecker business.

Wrecker operator is any person who drives or otherwise uses a wrecker for wrecker business as defined herein.

Wrecker Selection list means a sequential list, as maintained by the department, of those wrecker companies qualified and authorized pursuant to the provisions of this chapter to receive and respond to calls from the department, when the vehicle owner/operator has not or cannot express a preference or consent for such services from a specific operator or towing company. The wrecker selection list may also be used, at the city’s discretion, for wrecker services in regard to impoundments or when other public safety needs warrant the use of a wrecker.

Article II: General Towing Operations

Sec. 63-6. General Wrecker Operations.

No wrecker company shall engage in the wrecker business or operate wreckers on the city streets within the city without first obtaining a business license pursuant to Sec. 34-47 of the City of Mobile Code of Ordinances.

Sec. 63-7. Insurance Requirements.

A. Risks and Limits of Liability. Every person engaged in the wrecker business, and every wrecker company or wrecker operator, must provide proof of the following insurance coverages upon issuance or renewal of their City of Mobile business license and at any time demanded by the Department:

- 5) **General Liability Insurance.** Commercial General Liability Insurance, including coverage for bodily injury, property damage, personal injury, death, and products/completed operations, in an amount not less than One Million Dollars (\$1,000,000) per occurrence and Two Million Dollars (\$2,000,000) in the aggregate.
- 6) **Automobile or Garage Liability Insurance.** Shall maintain **either**:
 - c. **Automobile Liability Insurance** covering all owned, non-owned and hired vehicles used with a combined single limit for bodily injury and property damage of not less than One Million Dollars (\$1,000,000) per occurrence, and including a minimum of One Hundred Thousand Dollars (\$100,000) On-Hook Coverage; **or**
 - d. **Garage Liability Insurance** covering garage operations (premises and operations) and providing coverage for liability arising out of the ownership, maintenance or use of vehicles (on or off premises), with a combined single limit for bodily injury and property damage of not less than One Million Dollars (\$1,000,000) per occurrence, including a minimum of One Hundred Thousand Dollars (\$100,000) On-Hook Coverage, and endorsed with an MCS-90 endorsement (to satisfy any federal motor carrier financial responsibility requirements).

No separate Automobile Liability policy shall be required so long as Operator maintains the Garage Liability policy specified in clause 2.b above, which shall be deemed to satisfy the requirements of clause 2.a.

- 7) **Garage Keepers Legal Liability** (required only if the wrecker company is storing towed vehicles on its business premises), covering perils of fire and explosion, theft of an entire vehicle, riot and civil commotion, vandalism and malicious mischief to customers' vehicles, in an amount not less than One Hundred Thousand Dollars (\$100,000) per vehicle.
- 8) **Workers' Compensation.** Workers' Compensation coverage as prescribed by the laws of the State of Alabama.

B. Evidence of Insurance, Maintenance of Policies and Other Requirements. All Certificates of Insurance evidencing the aforementioned types and limits of insurance shall be properly executed by an authorized representative of an insurer authorized to do business in the State of Alabama. The policyholder shall not cancel, reduce coverage, or alter any required insurance without thirty (30) days' prior written notice to the City of Mobile. If the policyholder receives notice of non-payment of premium or cancellation of the policy by the insurer, the policyholder shall immediately give written notice of same to the City of Mobile.

C. Insurance Coverage—Ongoing Obligations. For any issuance, extensions or renewals, Operators shall maintain insurance in accordance with these requirements. Prior to beginning performance under this Chapter, upon the Police Chief's request (or designee), and each time coverage is renewed or updated, Operators shall furnish the City of Mobile **and the Traffic Safety Unit** with current Certificates of Insurance, endorsements, policy declarations pages, or other policy documents evidencing adequate coverage. Operators shall be responsible for and pay (1) all premiums, and (2) any claims or losses to the extent of any deductible amounts. Operators waive any claim for reimbursement of premiums or deductibles against the City, its officers, agents, or employees.

D. Additional Insured, Primary/Non-Contributory and Waiver of Subrogation. The City of Mobile shall be named as an Additional Insured on all policies (except Workers' Compensation) on a primary, non-contributory basis and shall enjoy the same coverage as the named insured. Operators waive any right of subrogation against the City, its officers, agents, and employees, and each policy must contain a waiver of subrogation endorsement in favor of the City. All Certificates of Insurance shall be accompanied by endorsements for:

Additional Insured – Primary and Non-Contributory coverage (General Liability and Automobile or Garage Liability policies); Waiver of Subrogation (General Liability, Automobile or Garage Liability, and Workers' Compensation); and Thirty-Day Notice of Cancellation in favor of the City and the Traffic Safety Unit.

E. Notice of Cancellation or Non-Renewal. Operators shall give thirty (30) days' advance written notice if any required insurance policy is canceled or non-renewed. Within that period, Operators must procure replacement coverage to maintain uninterrupted compliance. In addition to any other provided penalties, failure to comply authorizes the City of Mobile to immediately suspend participant from Wrecker Selection List.

Certificate of Insurance and renewals shall be provided to the City (Certificate Holders) as follows:

City of Mobile	Mandatory Copy to: City of Mobile
Post Office Box 1827	Traffic Safety Unit
Mobile, AL 36633	Wrecker Inspection Officer
	850 Virginia Street
	Mobile, AL 36603

Sec. 63-8. Towing of Vehicles from city streets.

No person, wrecker company, agent or employee of a wrecker company, or wrecker operator, shall tow or cause a vehicle parked or left on a city street without either:

- 5) The prior consent or authorization of the owner, an agent of the owner, or operator of the vehicle to be towed;
- 6) There having been first issued a ticket or citation for violation of any traffic law, parking law, or ordinance by a city police officer and authorization from a city police officer for the vehicle to be towed to the city impound lot; or
- 7) By order of a city police officer or fire department incident commander when authorized under chapter 61 of the City Code or when necessary for the public health, safety, welfare, or order.
- 8) Vehicles towed from city streets by authorization from a city police officer after issuance of a ticket or citation, or by order of a city police officer or fire department emergency incident commander when necessary for public health, safety, welfare, or order, shall be towed to the city impound lot.

Sec. 63-9. Wreckers declared not to be emergency vehicles.

It is hereby declared and determined that wreckers and large wreckers are not emergency vehicles within the provisions of the traffic code of the city. Wreckers and large wreckers shall comply with all laws and ordinances relating to motor vehicles.

Sec. 63-10. Authority at scene.

The authority at the scene shall be the police officer or the fire department emergency incident commander. The authority shall have the ultimate authority to direct all activities concerning the removal of vehicles and any clean-up activities, including requesting additional assistance, or canceling unneeded wreckers, vehicles, or other matter deemed necessary to protect public safety and welfare.

Sec. 63-11. Removal of vehicle from accident scene.

Any police officer at the scene of an accident may direct the wrecker to a designated location for any lawful purpose. When so directed by an officer, the city will be responsible for payment of the towing fee.

Sec. 63-12. Unauthorized presence of wrecker at accident scene.

No wrecker shall proceed to the scene of a vehicular accident or disabled vehicle on the streets of the city without first being requested to do so by the police department, or the owner or person in charge of the vehicle. No person shall solicit wrecker business in any manner for a wrecker company at the scene of a vehicular accident or disabled vehicle, on the streets of the city. The unauthorized presence of any wrecker parked on any public street or highway in the city at or near the scene of any accident, collision, or disabled vehicle shall be prima facie evidence of a solicitation in violation of this section.

Sec. 63-13. Trespass Tow.

Any wrecker company performing a trespass tow authorized by the City Code Sec. 61-268 of the Mobile City Code of Ordinances (parking vehicle on private property after warning) shall notify the police communications center within 30 minutes of conducting the tow and provide the following information: the vehicle identification number, the make, model, year, color and tag number of the vehicle, the name of the person requesting the tow, the property location from which the vehicle was removed and the location to which the vehicle is moved.

Sec. 63-14. Repossession.

Any wrecker company performing a tow on behalf of a repossession agency shall, prior to repossession, notify the police communications center and give the vehicle identification number along with the make, model, year, color and tag number of the vehicle, the name of the person requesting the tow, the property location from which the vehicle was removed and the location to which the vehicle is moved.

Article III: Requirements to Participate in City's Wrecker Selection List; Wrecker Permit

Sec. 63-15. City Wrecker Selection List.

The City shall maintain one Wrecker Selection List of all qualified wrecker companies, with each entry classified by truck class:

- 4) Class A (Light Duty);
- 5) Class B (Medium Duty); and
- 6) Class C (Heavy Duty).

Dispatch for a requested class shall be made to the closest available wrecker on this single list.

A wrecker company may dispatch either a conventional or rollback wrecker in response to a rotation call unless the wrecker company is advised by the department that a particular wrecker is needed due to the existing circumstances on the scene.

Sec. 63-16. Wrecker Permit.

No wrecker company shall participate in the Wrecker Selection list without undergoing a vehicle inspection, submitting an application for a Wrecker Permit for each wrecker to be operated, and providing proof of insurance with applicable policy limits in accordance with section 63-7 of this chapter. The requirement for a permit hereinabove described is a

requirement separate and apart from, and in addition to, any county or municipal requirements for a business license. The required wrecker permit is a regulatory permit and not a revenue license.

A wrecker company must show that it has been in business, operating in the corporate limits or police jurisdiction of Mobile for a minimum of three (3) consecutive years before it will be eligible to apply for a permit to operate on the City of Mobile Wrecker Selection list.

Sec. 63-17. Facilities

Each operator shall maintain sufficient space to accommodate the storage of all vehicles resulting from wrecker rotation lists tows.

- 5) Storage of all towed vehicles shall be at the operator's place of business from which the wrecker was dispatched, **except** that vehicles removed by Class C (Heavy-Duty) wreckers may be stored at a separate, permit-approved facility.
- 6) The storage lots shall be **well-lit** with at least one foot-candle of illumination at ground level and enclosed by a locked gate. Each wrecker company must place on the exterior of its business location a clearly visible sign indicating the company name, telephone number and business hours.
- 7) At least one person must be present at the business from 8 am to 5 pm Monday through Friday (excluding state or federal holidays) to conduct business with customers or department members.
- 8) Vehicle owners may reclaim belongings from a car stored at the wrecker operator's storage facility during business hours without being required to pay any outstanding fees or charges that have accrued pursuant to Sec. 63-39 of this Chapter.

Sec. 63-18. Wrecker selection list participation

All wreckers on the wrecker selection list must have a current wrecker permit. Participation in the wrecker selection list shall be exclusively assigned to the wrecker company holding the wrecker permit thereof and shall constitute authorization only to that definite legal entity operating a bona fide wrecker service and shall not be subject to transfer, nor shall the company sublet, assign or permit participation by another in any manner of company's equipment, wreckers or name on the selection list. Participation on the wrecker selection list shall not constitute a property interest but rather is a mere license.

In addition to a permit and an approved business license, the wrecker company seeking to be included on the wrecker rotation list in accordance with this Chapter shall:

- 6) Maintain business hours from 8 am – 5 pm, Monday through Friday at this location; and
- 7) Have an employee present from 8 am – 5 pm, Monday through Friday at this location; and
- 8) Answer phone calls and dispatch wreckers from this location; and,
- 9) Store vehicles associated with their wrecker business at this location.
- 10) With exception of the Heavy Duty (Class C) or Medium Duty (Class B) wreckers, the location of the business must be located within the corporate limits of the City of Mobile.

Sec. 63-19. Application for Wrecker Permits.

Applications for wrecker permits shall be submitted to the department on such forms as may, from time to time, be developed for that purpose, and made publicly available.

Sec. 63-20. Standards for Issuance of Permit.

Each wrecker company seeking a Wrecker Permit shall comply with the following equipment requirements. This equipment will be inspected by the department annually to ensure compliance with the minimum standards.

- 6) **Light / Regular Duty (Class A) Wrecker** - Capable of towing vehicles weighing ten thousand (10,000) pounds or less, (passenger cars, pickup

trucks, motorcycles, small trailers, and similar vehicles) shall meet the following minimum requirements:

c. Conventional Wrecker –

- i. A minimum gross vehicle weight rating (GVWR) of not less than fourteen thousand five hundred (14,500) pounds.
- ii. Factory recommended, three-quarter-ton capacity dual wheels. Dummy dual wheels are prohibited.
- iii. Individual boom capacity of not less than eight thousand (8,000) pounds as rated by the manufacturer.
- iv. Individual PTO or hydraulic power winch capacity of not less than eight thousand (8,000) pounds as rated by the manufacturer with a least one hundred (100) feet of three-eighths (3/8) inch cable.
- v. A manufactured wheel-lift with a retracting lifting capacity of not less than three thousand five hundred (3,500) pounds as rated by the manufacturer, with safety chains.
- vi. Dual rear wheels
- vii. A brake lock device.
- viii. Tow Dolly
- ix. Additional safety equipment as specified by the regulations.
- x. Come-A-Longs, chains, or other similar devices shall not be used as substitutes for winch and cable.
- xi. A rubber cradle or cradles attached to the wrecker in order to prevent any vehicle being hauled or towed from being further damaged by coasting, rocking, swinging, or slamming into the wrecker or any part thereof. (Required only for sling lift wreckers)
- xii. Tow bars, safety chains, a fire extinguisher mounted in an accessible location, wrecking bars, minimum of three (3) reflective triangles or flares, brooms, shovel, and an axe. There shall be further proof furnished that the wrecker company has one (1) dolly available for its wreckers when and if necessary.
- xiii. A flashing warning amber light shall be affixed above the top of the cabin or upper most elevated portion of the equipment of the wrecker. Sirens are prohibited. The flashing lighting shall only be used when loading and unloading vehicles to be towed. No flashing warning lighting is to be used during transit.
- xiv. The name, address and telephone number of the wrecker company permanently affixed and displayed in letters clearly visible from one hundred (100) feet on both sides. The letters for the name shall be at least four (4) inches high and letters for the address and telephone numbers shall be at least two (2) inches high.
- xv. Nothing on vehicles, building, equipment, clothing, or correspondence implying any official relationship between the wrecker company and any law enforcement agency.
- xvi. Clearance and marker lights and all other equipment as required by law.
- xvii. Dual rear adjustable floodlights with minimum of twenty thousand (20,000) candlepower each. The floodlights may be used when loading and unloading vehicles to be towed. No flashing warning lighting is to be used during transit.

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- xviii. When using a sling or self-loading wheel lift a remote tow light shall be affixed to the rear portion of the towed vehicle making the brake/taillights visible to other traffic.
- xix. A minimum of a 40lb bag of oil dry.

d. Rollback Wrecker –

- i. A minimum gross vehicle weight rating (GVWR) of not less than fourteen thousand five hundred (14,500) pounds.
- ii. Must have at least an eight thousand (8,000) pound winch as rated by the manufacturer with at least fifty (50) feet of three-eighths (3/8) inch cable or larger.
- iii. A brake lock device.
- iv. A minimum of two safety tie down chains.
- v. Additional safety equipment as specified by the regulations.
- vi. Come-A-Longs, chains, or other similar devices shall not be used as substitutes for winch and cable.
- vii. Tow bars, safety chains, a fire extinguisher mounted in an accessible location, wrecking bars, minimum of three (3) reflective triangles or flares, brooms, shovel, and an axe. There shall be further proof furnished that the wrecker company has one (1) dolly available for its wreckers when and if necessary.
- viii. A flashing warning amber light shall be affixed above the top of the cabin or upper most elevated portion of the equipment of the wrecker; however, sirens are prohibited. The flashing lighting shall only be used when loading and unloading vehicles to be towed. No flashing warning lighting is to be used during transit.
- ix. The name, address and telephone number of the wrecker company permanently affixed and displayed in letters clearly visible from one hundred (100) feet on both sides. The letters for the name shall be at least four (4) inches high and letters for the address and telephone numbers shall be at least two (2) inches high.
- x. Nothing on vehicles, building, equipment, clothing, or correspondence implying any official relationship between the wrecker company and any law enforcement agency.
- xi. Clearance and marker lights and all other equipment as required by law.
- xii. Dual rear adjustable floodlights with minimum of twenty thousand (20,000) candlepower each. The floodlights may be used when loading and unloading vehicles to be towed. No flashing warning lighting is to be used during transit.
- xiii. One (1) fire extinguisher.
- xiv. When using a sling or self-loading wheel lift a remote tow light shall be affixed to the rear portion of the towed vehicle making the brake/taillights visible to other traffic.
- xv. A minimum of a 40lb bag of oil dry.

7) Medium Duty (Class B) Wrecker – Capable of towing vehicles weighting between ten thousand (10,000) and twenty-nine thousand (29,000) pounds or multiple vehicles weighting ten thousand (10,000) pounds respectively (medium-sized trucks, road tractors/trailers and similar vehicles), shall meet the following requirements:

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- a. The tow truck chassis shall have a minimum gross vehicle weight rating (GVWR) of not less than twenty-six thousand and one (26,001) pounds.
- b. Must have at least a twelve-ton boom assembly as rated by the manufacturer.
- c. Two winches, each of ten thousand (10,000) pound capacity or more as rated by the manufacturer.
- d. A manufactured wheel-lift with a retracting lifting capacity of not less than six thousand five hundred (6,500) pounds as rated by the manufacturer, with safety chains.
- e. Come-A-Longs, chains, or other similar devices shall not be used as substitutes for winch and cable.
- f. Tow bars, safety chains, a fire extinguisher mounted in an accessible location, wrecking bars, minimum of three (3) reflective triangles or flares, brooms, shovel, and an axe. There shall be further proof furnished that the wrecker company has one (1) dolly available for its wreckers when and if necessary.
- g. A brake lock device.
- h. Additional safety equipment as specified by the regulations.
- i. A flashing warning amber light shall be affixed above the top of the cabin or upper most elevated portion of the equipment of the wrecker; however, sirens are prohibited. The flashing lighting shall only be used when loading and unloading vehicles to be towed. No flashing warning lighting is to be used during transit.
- j. The name, address and telephone number of the wrecker company permanently affixed and displayed in letters clearly visible from one hundred (100) feet on both sides. The letters for the name shall be at least four (4) inches high and letters for the address and telephone numbers shall be at least two (2) inches high.
- k. Nothing on vehicles, building, equipment, clothing, or correspondence implying any official relationship between the wrecker company and any law enforcement agency.
- l. Clearance and marker lights and all other equipment as required by law.
- m. Dual rear adjustable floodlights with minimum of twenty thousand (20,000) candlepower each. The floodlights may be used when loading and unloading vehicles to be towed. No flashing warning lighting is to be used during transit.
- n. When using a sling or self-loading wheel lift a remote tow light shall be affixed to the rear portion of the towed vehicle making the brake/taillights visible to other traffic.
- o. A minimum of a 40lb bag of oil dry.

8) **Heavy Duty (Class C) Wrecker** – Capable of towing vehicles in excess of twenty-nine thousand (29,000) pounds (large trucks, road tractor/trailers and similar vehicles), shall meet the following minimum requirements: The wrecker company shall provide documentation of lifting capacity from the factory or qualified testing facility.

- a. Truck chassis having a minimum gross vehicle weight rating (GVWR) of not less than forty-six thousand (46,000) pounds.
- b. Tandem axles.
- c. A single or double boom with a capacity of not less than fifty thousand (50,000) pounds as rated by the manufacturer.

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- d. A single winch with a capacity of fifty thousand (50,000) pounds as rated by the manufacturer or an individual power winch capacity of not less than twenty-five thousand (25,000) pounds as rated by the manufacturer and a total rating with both winches of fifty thousand (50,000) pounds.
 - e. A manufactured wheel-lift with a retracting lifting capacity of not less than twelve thousand (12,000) pounds as rated by the manufacturer, with safety chains.
 - f. A minimum of two hundred (200) feet of five-eighths (5/8) inch cable or larger, plus fifty (50) feet of five-eighths (5/8) inch drop cable.
 - g. A brake lock device.
 - h. Airbrakes constructed so as to lock wheels automatically upon failure.
 - i. Tow bars, safety chains, a fire extinguisher mounted in an accessible location, wrecking bars, minimum of three (3) reflective triangles or flares, brooms, shovel, and an axe. There shall be further proof furnished that the wrecker company has one (1) dolly available for its wreckers when and if necessary.
 - j. Air control valve for the purpose of providing braking capability for the vehicle or trailer being towed or removed.
 - k. Two (2) chock blocks to prevent rolling or slippage of the wrecker. These chock blocks should have the capability of being tied to the wrecker and of a width equal to that of the dual wheels of the wrecker.
 - l. One (1) pair of bolt cutters with a minimum of one-half-inch opening; two (2) fire extinguishers mounted in an accessible location; external air hookups and hoses; at least six (6) safety cones or triangle reflectors; and forty (40) pounds of sand or suitable equivalent.
 - m. A flashing warning amber light shall be affixed above the top of the cabin or upper most elevated portion of the equipment of the wrecker; however, sirens are prohibited. The flashing lighting shall only be used when loading and unloading vehicles to be towed. No flashing warning lighting is to be used during transit.
 - n. The name, address and telephone number of the wrecker company permanently affixed and displayed in letters clearly visible from one hundred (100) feet on both sides. The letters for the name shall be at least four (4) inches high and letters for the address and telephone numbers shall be at least two (2) inches high.
 - o. Nothing on vehicles, building, equipment, clothing, or correspondence implying any official relationship between the wrecker company and any law enforcement agency.
 - p. Clearance and marker lights and all other equipment as required by law.
 - q. Dual rear adjustable floodlights with minimum of twenty thousand (20,000) candlepower each. The floodlights may be used when loading and unloading vehicles to be towed. No flashing warning lighting is to be used during transit.
 - r. When using a sling or self-loading wheel lift a remote tow light shall be affixed to the rear portion of the towed vehicle making the brake/taillights visible to other traffic.
 - s. A minimum of a 40lb bag of oil dry.
- 9) A towing company shall be prepared to transport up to one (1) motorist or passenger involved in an incident if necessary.

10) Rate-Setting and Cost Transparency.

- a. Filing & Effective Date.

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- i. Each permittee shall file with the Traffic Safety Unit and post at its place of business its maximum fees for towing, hookup, per-mile mileage, storage, vehicle release, and defined ancillary services (e.g., battery jump-start, winching, tire change, administrative fees).
 - iii. Such fee schedules must be filed and posted within 30 days of adoption and shall specify an effective date not earlier than 30 days after filing.
- f. Rate Limitation.
 - ii. No permittee shall charge any customer fees in an amount exceeding the maximum rate authorized by this chapter.
- g. Annual Adjustment.
 - iii. A permittee may adjust its filed rates once per calendar year.
 - iv. Revised schedules for the upcoming year must be submitted in writing to the Traffic Safety Unit no later than January 1 and posted concurrently.
- h. Public Transparency.
 - ii. The Traffic Safety Unit shall compile and maintain an online list of all permittee fee schedules on the City's website.
- i. Enforcement.
 - i. Failure to comply with any requirement of this section shall constitute a municipal violation punishable by a fine of up to \$500.00 per day.
 - ii. The Traffic Safety Unit may audit fee schedules against actual invoices and assess additional penalties for over-charging.

Sec. 63-21. Assumption of Liability.

Each wrecker company who moves or otherwise makes contact with any vehicle to be towed following a dispatch from the wrecker selection list, assumes liability for injury to persons, property damage, fire, theft, or any other acts of negligence stemming from the towing process.

Sec. 63-22. Certification of Availability.

By Applying for the Wrecker Permit, the wrecker company is certifying its ability to be fully capable of providing twenty-four-hour, seven-day-a-week wrecker service and access to its storage facility during regular business hours.

Sec. 63-23. When issued.

The department shall issue an annual Wrecker Permit for each wrecker proposed to be operated by the applicant upon finding that all provisions of this chapter and other ordinances of the City have been complied with, and upon being satisfied by the revenue officer of the city that the wrecker company has procured all necessary city, state and federal licenses. The Wrecker Permit shall be affixed to each wrecker in the lower passenger side corner of the windshield and shall not be transferable.

Sec. 63-24. Permit not a franchise.

No permit issued pursuant to the provisions of this chapter shall be construed to be a franchise grant, nor shall it be construed to be the consent of the city to the operation of a private enterprise on the city's streets.

Sec. 63-25. Companies removed from police jurisdiction due to a change in jurisdiction limits.

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A qualified wrecker company that has been on one or more wrecker selection list for at least five (5) consecutive years, and which is removed from the city's police jurisdiction due to a change in the city's jurisdictional limits, may remain qualified to apply for a Wrecker Permit and inclusion on the wrecker selection lists so long as the company complies with the following:

- 5) The company continues to maintain its principal and primary place of business at the same location and street address as it did before the change in the city's jurisdictional limits;
- 6) The company continues to comply with all the requirements and regulations of this chapter, and the rules and directives of the city and the police department;
- 7) The company agrees in writing, in a form approved by the department, to comply with all the requirements and regulations of this chapter, and the rules and directives of the city and the police department; and
- 8) The company must possess a city business license authorizing the conduct of a wrecker business from the city to operate a wrecker in addition to any other business license which the company may possess.

Sec. 63-26. Monthly Report.

At least once per month the department will publish a monthly report of the department's wrecker selection call-out list on its web page.

Sec. 63-27. Right to inspect.

The department's representative has the right to inspect any wrecker or equipment of a wrecker company on the city's wrecker selection list at any time to ascertain if it is being maintained and all required equipment is on the wrecker and in proper operating order.

Article IV: City Wrecker Selection List: Procedures; Fees; Records.

Sec. 63-28. Accident Scenes and Emergency Tows.

- 1) When a motor vehicle is involved in an accident or collision within the City's corporate limits or police jurisdiction and is unable to proceed safely—or when the driver is incapacitated—the officer on scene shall ask the driver to select one (1) wrecker company from the City's Wrecker Selection List to tow the vehicle.
- 4) If the driver:
 - d. is physically unable to make a selection;
 - e. declines to choose; or
 - f. selects a company that is unavailable or not on the Selection List;then the Communications Center shall dispatch the closest available wrecker on the City's Wrecker Selection List.
- 5) For all other department-directed tows—including traffic-hazard removal, impounds, and obstruction clearance—the closest available wrecker on the Selection List shall be dispatched.

Sec. 63-29. Impoundments and Abandoned Vehicles.

When the City wrecker is not available:

- 4) The department may dispatch wrecker companies from the City's Wrecker Selection List to tow vehicles under the circumstances enumerated in City Code Sec. 61-101(a)(1)–(5).
- 5) Dispatch shall be made to the closest available wrecker in accordance with Sec. 63-30.
- 6) A wrecker company dispatched under this section shall tow the vehicle directly to a permit-approved impound yard, unless otherwise authorized by the department.

Sec. 63-30. Closest Wrecker Dispatch.

- 5) When a police officer on scene determines that towing is required for an accident, disabled vehicle, traffic hazard, or impound under City Code § 61-101(a)(1)–(5), the officer shall immediately notify the Communications Center to request tow service.
- 6) The Communications Center shall dispatch the closest available wrecker company on the City's Wrecker Selection List, as defined in Sec. 63-5, using CAD-calculated driving distance.
- 7) The dispatched wrecker company shall proceed directly to the scene and remain until the vehicle is safely removed as directed by the officer.
- 8) All dispatches under this section shall follow the procedures set forth in Sec. 63-31.

Sec. 63-31. Department Operations; Procedure Upon Receiving Tow Request.

- 5) Upon receipt of a tow request, the Communications Center shall identify the closest available wrecker company on the City's Wrecker Selection List using CAD-calculated driving distance and place the first call to that company.
- 6) If that company is unavailable or unwilling to respond, the Communications Center shall call the next-closest company, noting each attempted call in the dispatch log, until a wrecker accepts the request.
- 7) Notwithstanding subsections (1) and (2), the department may, in emergency or special circumstances, dispatch any qualified wrecker company it deems best able to handle the situation or reach the scene most quickly.
- 8) The first dispatched wrecker to arrive at an accident scene shall have priority to tow the vehicle(s) selected unless the officer in charge directs otherwise.

Sec. 63-32. Response Requirements for Wrecker Companies and Operators.

- 1) Upon dispatch, the Communications Center's CAD system shall notify the closest available wrecker company on the City's Wrecker Selection List. The company—or its designated operator- must arrive on scene with appropriate equipment within thirty (30) minutes under normal driving conditions (Class C wreckers must arrive within one hour).
- 2) If the company or operator cannot respond, it must immediately notify the Communications Center. Dispatch shall then proceed to the next-closest company on the Selection List.
- 3) A wrecker company shall not accept dispatch unless it has, at the time of the call, an operator, properly equipped wrecker, and all necessary tools immediately available to perform the requested service.
- 4) Dispatched wreckers must be prepared to transport up to one (1) motorist or passenger per vehicle and must provide the owner or operator with the company's name, address, phone number, and tow-rate information at the time of service.
- 5) If a dispatched wrecker fails to arrive within the thirty-minute window (unless delayed by circumstances beyond its control), or if public-safety exigencies require, the Communications Center may dispatch the next-closest available wrecker. Companies with unjustified late responses may face penalties as set forth in Sec. 63-44.

Sec. 63-33. Single Listing per Wrecker Class.

- 1) Each permitted wrecker company shall hold one (1) entry on the City's single Wrecker Selection List for each class of wrecker (Class A, B, or C) in which it is qualified, as set out in Sec. 63-18.

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- 6) Listings shall use the legal business name submitted in the company's permit application. No company may obtain additional entries by using alternate, fictitious, or trade names for the same location, or by operating multiple offices under the same corporate ownership.
- 7) A single corporate entity—whether an individual owner, partnership, or parent corporation—may not hold more than one (1) listing per wrecker class, regardless of the number of branch offices or trade names.
- 8) Each listing must be supported by a permanent business location meeting the facility requirements of Sec. 63-17, including staffed dispatch (8 a.m.–5 p.m., Mon–Fri), distinct dispatch lines, vehicle/equipment logs, and conspicuous posting of City permits and business licenses.
- 9) The department may grant a separate listing for both Class B and Class C wreckers only if the applicant demonstrates fully distinct operational capacity and facilities for each class in accordance with Sec. 63-17.

Sec. 63-34. Response with Own Wreckers.

- 1) Each wrecker company shall respond to a dispatch using only its own permitted wrecker and properly trained operator, equipped as required by Sec. 63-20. No company may substitute or dispatch another company's unit without prior written approval from the Chief of Police.
- 4) If, in the officer in charge's reasonable judgment, the dispatched wrecker lacks the capability or equipment to safely perform the requested service, the officer may direct the Communications Center to dispatch the next-closest qualified wrecker company pursuant to Secs. 63-30 and 63-31.
- 5) Any unauthorized delegation of a dispatch or failure to use one's own permitted equipment shall constitute a violation subject to penalties under Sec. 63-44.

Sec. 63-35. Impaired Operation Prohibited.

- 4) No person shall operate a wrecker or respond to a dispatch while under the influence of alcoholic beverages, controlled substances, or any other substance that impairs safe operation. "Under the influence" has the same meaning as in Ala. Code § 32-5A-191.
- 5) Any officer or supervisor at the scene who reasonably suspects impairment may require the operator to submit to chemical or breath testing in accordance with City policy and state law. Refusal to submit constitutes grounds for immediate suspension of the operator's authority to perform tows and shall be reported to the Police Traffic Unit.
- 6) Violation of this section shall result in immediate suspension of the company's permit and may incur additional penalties under Sec. 63-44.

Sec. 63-36. Conviction-Related Disqualification.

- 1) No operator may serve as the listed operator for any wrecker company on the City's Wrecker Selection List who, within the past five (5) years, has been:
 - d. Convicted (including plea of guilty or nolo contendere) of any felony;
 - e. Convicted of any misdemeanor involving moral turpitude, fraud, dishonesty, theft, assault, or domestic violence; or
 - f. Convicted of any offense under Ala. Code § 32-5A-191 (DUI) or its federal equivalent.
- 5) Upon learning of a disqualifying conviction, the Police Traffic Unit shall:

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- b. Immediately suspend the operator's certification and notify the permittee in writing; and
- 6) A disqualified operator may apply for reinstatement after the five-year period by submitting certified court records and undergoing a background check. Reinstatement is subject to approval by the Chief of Police.
- 7) Any violation of this section shall constitute grounds for a civil penalty and permit revocation as provided in Sec. 63-44.

Sec. 63-37. High-Visibility Safety Apparel Required.

- 4) Whenever performing work or standing on or adjacent to any roadway in the course of a dispatch, all wrecker operators and spotters shall wear ANSI/ISEA 107-compliant Class II (or higher) high-visibility safety apparel (vest, jacket, or shirt) with retroreflective striping.
- 5) Apparel shall be properly fastened and worn over outer clothing at all times while on scene.
- 6) Failure to comply with this section shall constitute a violation subject to penalties under Sec. 63-44.

Sec. 63-38. Scene Cleanup and Debris Removal.

- 4) Upon completion of any tow or recovery, the wrecker operator shall remove all non-hazardous debris (e.g., broken glass, metal shards, vehicle parts) from the public right-of-way or other scene area.
- 5) The operator shall apply absorbent material (oil-dry or equivalent) to any spilled automotive fluids (oil, coolant, fuel) and broom or sweep the area to eliminate residual hazards.
- 6) Failure to comply with this cleanup requirement shall constitute a violation subject to penalties under Sec. 63-44.

Sec. 63-39. Fees, Rates, and Consumer Protections.

1) General Payment Rules

- a. All tows performed under this Chapter shall be charged rates not to exceed the maximum rates set forth below, plus any fees authorized by resolution of the City Council.
- d. Vehicle owners (or their agents) may recover towed vehicles upon payment of all accrued charges, with no additional fees.
- e. Wrecker operators must accept at least two major credit or debit cards and provide a written or printed receipt at the time of payment.

8) Towing and Recovery Fees

- a. Standard Tow (Scene to Yard):
 - i. Class A (10,000 pounds or less): \$200 per tow
 - ii. Class B (10,001–26,000 pounds): \$400 per tow
 - iv. Class C (over 26,000 pounds): \$600 per tow
 - v. Rotator-equipped Class C: \$800 per tow
- e. Tandem or Towed Trailers:
 - i. Up to 40 feet in tandem: \$75 per trailer
 - iii. Over 40 feet in tandem: \$200 per trailer
- f. Rescue Operations (Righting and Winching):

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Rate structure for all classes: first hour at the class rate; additional time prorated in ten-minute increments

- vi. Class A: \$75 first hour; \$12.50 per ten-minute increment
- vii. Class B: \$200 first hour; \$33.33 per ten-minute increment
- viii. Class C standard: \$350 first hour; \$58.33 per ten-minute increment
- ix. Class C rotator tandem: initial \$600 (or \$800 for dual rotators), then \$350 first hour; \$58.33 per ten-minute increment
- x. Air Lifting bags lift: \$0.035 per pound lifted
- g. Standby or Delay (if delayed more than 15 minutes through no fault of the operator):
 - iv. Class A: \$75 per hour; \$12.50 per ten-minute increment
 - v. Class B: \$200 per hour; \$33.33 per ten-minute increment
 - vi. Class C: \$350 per hour; \$58.33 per ten-minute increment

9) Storage Fees

- a. Passenger and Light Duty Vehicles:
 - i. First day (after 24 hours): \$30
 - iii. Each additional day: \$30 per day
- f. Medium and Heavy-Duty Vehicles: \$75 per day per vehicle
- g. After-Hours Release: \$35 per release (outside Mon–Fri, 8:00 a.m.–5:00 p.m.)
- h. Outside City Limits Tow: \$5 per mile from the city boundary
- i. No-Charge Days: no storage fee on days the lot is open fewer than four hours

10) Ancillary Services

- a. Plastic crash wrap: \$30 per vehicle
- e. Forklift or heavy equipment: commercial rental rate plus 10 percent per hour (operator included)
- f. Credit or debit card surcharge: not to exceed 4 percent per transaction
- d. Oil dry: \$5 per 10lb.

11) Administrative and Lien Sale Fees

- a. ALDOR portal entry: no fee; entries must occur between 48- and 120-hours post-tow
- c. Lien sale processing: up to \$150; includes NMVTIS search and certified notices; documentation must be retained

12) Rate Review and Updates

- a. The Police Traffic Unit shall review all fees annually in January.
- d. Recommended changes shall be submitted to the City Council for adoption by ordinance amendment.

13) Scope Exclusion

These rates apply only to nonconsensual tows under the Wrecker Selection List. Consensual tows are not governed by this Section.

Sec. 63-40. Recordkeeping and Reporting.

5) Tow Tickets and Service Records

- b. Each wrecker company shall maintain sequentially numbered tow tickets or digital service records for every dispatch accepted from the City's Selection List. Records shall be legible and pre-printed (or system-generated) with the company's name, address, and phone number, and shall include:
 - i. Date and time of dispatch request and operator acknowledgment

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- x. Name of person requesting service (officer or owner)
- xi. Exact location of the vehicle at time of tow request
- xii. Vehicle description, including license plate and VIN
- xiii. Owner or operator of the vehicle, if known
- xiv. Itemized list of all fees and charges
- xv. Name of the operator performing the service
- xvi. Date, time, and party to whom the vehicle was released, and method of payment
- xvii. Related police accident, incident, or case number, if applicable

7) Receipts

- c. Regardless of payment method, the operator shall provide a written or electronic receipt containing the information in subsection (1).
- d. A copy of each receipt must be retained with the company's records.

8) Inspection and Access

- c. All records required by this section shall be available for inspection by the Chief of Police or designee between 8:00 a.m. and 5:00 p.m., Monday through Friday, without prior notice.
- d. The City's right to inspect records is also governed by Sec. 63-27 (Right to Inspect).

9) Retention Period

- b. All paper and electronic records required herein shall be retained for at least three (3) years from the date of service.

10) Monthly Unclaimed Vehicle Report

- c. Each wrecker company shall submit to the Police Traffic Unit, by the tenth day of each month, a list of vehicles unclaimed for thirty (30) days or more.
- d. The report shall include vehicle description, tow date, storage location, and owner/contact information, where available.

11) Abandoned Motor Vehicle Disposition

- c. Wrecker companies shall maintain a separate log of all abandoned vehicles towed.
- d. Any abandoned vehicle sold or disposed of shall follow the procedures in Ala. Code § 32-13-1 et seq. ("Disposition of Abandoned Vehicles") and the company shall retain sale/disposal records for three (3) years.

Article V: Enforcement and Penalties

Sec. 63-41. - General violations.

Any person, wrecker company, agent or employee of a wrecker company, or wrecker operator, found guilty of violating this chapter shall be subject to being punished as prescribed in chapter 1, article II, of this Code, with a fine not to exceed five hundred dollars (\$500.00) plus court costs, or by community service for a period not exceeding six (6) months, or by both fine and community service at the discretion of the municipal judge.

Sec. 63-42. - Kickbacks for business.

It shall be unlawful and an offense against the city for any person to offer or pay any reward or remuneration to any city employee, officer, or agent, police officer or any employee of the city, for the purpose of obtaining the solicitation of business for any wrecker company.

Sec. 63-43. - Rotation list violations.

Violation of any rule, regulation, or provision of this article as it relates to wrecker services for rotation list dispatches may be cause for suspension or removal of the wrecker company from the rotation list. The department shall notify the wrecker company in writing of a violation and the applicable penalty.

- 7) Upon receipt of notification, the wrecker company may, within fifteen (15) days thereof, deliver a written request to the city clerk and the department's representative for a hearing to be held before the city council. The receipt of a written request for a hearing within the prescribed time shall stay the penalty pending final disposition unless it is determined by the chief of the department that it would endanger public safety to allow said wrecker company to continue on the rotation log.
- 8) A hearing shall be held within twenty-one (21) days after the filing of a written request for a hearing before the city council. The city clerk shall notify the wrecker company and the department of the time, date, and place of the hearing. At such public hearing, the wrecker company shall be provided an opportunity to be heard. The city council may hear from department and any other city representatives who may have relevant information.
- 9) The city council shall render a decision by resolution within ten (10) days from the date of such hearing. Such resolutions shall set forth the decision of the city council and the reasons for the same.
- 10) The department will reinstate to the rotation list a suspended wrecker company upon written application after the period of suspension has elapsed and after the department has determined that such wrecker company is in compliance with all regulations of this article.
- 11) If any violations of the regulations or provisions of this article are deemed by the city representative to be of such a nature as to endanger public safety, the department shall immediately suspend from the rotation list the wrecker company committing such violation, then provide notice pursuant to the provisions of subsection (1) above.
- 12) No applications for reinstatement to the rotation list resulting from violation of these regulations will be considered by a transferee of the suspended wrecker company's business interest unless such transfer was the result of a bona fide sale of a majority of the assets of the business for a reasonable consideration. All documents demonstrating the same must be provided to the department.

Sec. 63-44. Penalties.

In addition to any other potential penalties for violating this chapter, the following penalties shall be assessed for rotation list violations:

- 1) First violation: written warning;
- 2) Second violation within twelve (12) months: thirty-day suspension;
- 3) Third violation within twelve (12) months of first: six-month suspension;
- 4) Fourth violation within twelve (12) months of second: permanent removal.

Sec. 63-45. - Enhanced penalties.

Penalties for violations involving failure to arrive on the scene of a dispatched rotation list dispatch, charging in excess of the rates established herein or any infraction which jeopardizes the safety of the public, depending upon the severity thereof, may be accelerated up to and including permanent removal without following the above progressive penalty steps. There shall be no written warnings for any of such violations. Upon receipt of a suspension under this section, a hearing before the city council shall be held at the next immediately scheduled council meeting.

Article VI. Miscellaneous

Sec. 63-46. Severability.

If any provision of this Chapter is held invalid or unconstitutional by a court of competent jurisdiction, that invalidity shall not affect the remaining provisions, which shall remain in full force and effect. The City Council hereby declares that it would have adopted this Chapter and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more provisions be declared invalid.

Sec. 63-47. Repealer.

All ordinances and parts of ordinances in conflict with Chapter 63, "Wrecker Services and Wrecker Selection List," are repealed to the extent of such conflict. This repeal shall not affect any right or liability accrued, or any proceeding begun under the provisions of the former law.

Sec. 63-48. Effective Date and Jurisdiction.

This Chapter shall become effective immediately upon its passage and publication in the official newspaper of the City of Mobile, as required by law. It shall apply within the corporate limits of the City of Mobile and the City's police jurisdiction.

The move was seconded by Councilmember Gregory and the vote was as follows:

Ayes: Penn, Carroll, Small, Reynolds, Daves, Woods, and Gregory
Nays: None

The Presiding Officer declared the amendment adopted.

The Presiding Officer called for the vote on the original motion as amended and the vote was as follows:

Ayes: Penn, Carroll, Small, Reynolds, Daves, Woods, and Gregory
Nays: None

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the ordinance adopted as amended.

RESOLUTIONS HELD OVER

APPROVE PURCHASE ORDER TO EMERGENCY EQUIPMENT PROFESSIONAL, INC. FOR REPAIRS TO AERIAL FIRE TRUCK FOR MFRD; \$95,322.63. The following resolution which was introduced and read at the regular meeting of July 8, 2025, and held over until the regular meeting of July 15, 2025, was called up by the Presiding Officer.

RESOLUTION: 08-925-2025

Sponsored by: Mayor Stimpson

BE IT RESOLVED BY THE CITY COUNCIL OF MOBILE, ALABAMA, that the Purchasing Agent is authorized to execute, for and on behalf of the City of Mobile, a purchase order to the indicated vendor in the approximate amount stated, and to approve the supporting bid award if required, for the following requisition as indicated below and attached herein:

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Requisition	Fiscal Year	Department	Description	Amount	Vendor
<u>26437</u>	2025	(1510) FIRE ADMINISTRATION	ACCIDENT REPAIRS TO 2024 PIERCE ENFORCER AERIAL FIRE TRUCK FOR MFRD (SOLE SOURCE TO PROVIDE REPAIRS TO RETAIN MANUFACTURER WARRANTIES)	\$95,322.63	<u>(294963) EMERGENCY EQUIPMENT PROFESSIONAL, INC</u>

The resolution was read by the City Clerk, whereupon Councilmember Daves moved to adopt the resolution, which was seconded by Councilmember Gregory and the vote was as follows:

Ayes: Penn, Carroll, Small, Reynolds, Daves, Woods, and Gregory
Nays: None

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the resolution adopted.

APPROVE PURCHASE ORDER TO NORTH AMERICAN FIRE EQUIPMENT COMPANY, INC. FOR BLOCKING HOODS FOR MFRD; \$63,600.00. The following resolution which was introduced and read at the regular meeting of July 8, 2025, and held over until the regular meeting of July 15, 2025, was called up by the Presiding Officer.

RESOLUTION: 08-928-2025

Sponsored by: Mayor Stimpson

BE IT RESOLVED BY THE CITY COUNCIL OF MOBILE, ALABAMA, that the Purchasing Agent is authorized to execute, for and on behalf of the City of Mobile, a purchase order to the indicated vendor in the approximate amount stated, and to approve the supporting bid award if required, for the following requisition as indicated below and attached herein:

Requisition	Fiscal Year	Department	Description	Amount	Vendor
<u>26457</u>	2025	(1510) FIRE ADMINISTRATION	600 LION REDZONE PARTICULATE-BLOCKING HOODS FOR MFRD (SOURCEWELL COOPERATIVE PURCHASING AGREEMENT, NOT ON STATE CONTRACT)	\$63,600.00	<u>(149290) NORTH AMERICAN FIRE EQUIPMENT CO INC</u>

The resolution was read by the City Clerk, whereupon Councilmember Daves moved to adopt the resolution, which was seconded by Councilmember Gregory and the vote was as follows:

Ayes: Penn, Carroll, Small, Reynolds, Daves, Woods, and Gregory
Nays: None

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the resolution adopted.

APPROVE PURCHASE ORDERS TO RBC VEGETATION MANAGEMENT, LLC FOR RIGHT-OF-WAY TREE MAINTENANCE AND REMOVAL ON AZALEA ROAD;

MINUTES OF JULY 15, 2025

\$149,400.00. The following resolution which was introduced and read at the regular meeting of July 8, 2025, and held over until the regular meeting of July 15, 2025, was called up by the Presiding Officer.

RESOLUTION: 08-929-2025

Sponsored by: Mayor Stimpson

BE IT RESOLVED BY THE CITY COUNCIL OF MOBILE, ALABAMA, that the Purchasing Agent is authorized to execute, for and on behalf of the City of Mobile, a purchase order to the indicated vendor in the approximate amount stated, and to approve the supporting bid award if required, for the following requisition as indicated below and attached herein:

Requisitions	Fiscal Year	Department	Description	Amount	Vendor
<u>26831,</u> <u>26832</u>	2025	(2018) FORESTRY	ROW TREE MAINTENANCE AND REMOVAL ON AZALEA RD BETWEEN AIRPORT AND GOVERNMENT, AND HILLCREST ROAD BETWEEN OLD SHELL AND GIRBY (SEALED BID 5960)	\$149,400.00	<u>(298841) RBC VEGETATION MANAGEMENT LLC</u>

The resolution was read by the City Clerk, whereupon Councilmember Daves moved to adopt the resolution, which was seconded by Councilmember Gregory and the vote was as follows:

Ayes: Penn, Carroll, Small, Reynolds, Daves, Woods, and Gregory
Nays: None

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the resolution adopted.

APPROVE PURCHASE ORDER TO STRYKER SALES CORPORATION FOR PREVENTATIVE MAINTENANCE SERVICES FOR CHEST COMPRESSION DEVICES FOR MFRD; \$59,240.70. The following resolution which was introduced and read at the regular meeting of July 8, 2025, and held over until the regular meeting of July 15, 2025, was called up by the Presiding Officer.

RESOLUTION: 08-931-2025

Sponsored by: Mayor Stimpson

BE IT RESOLVED BY THE CITY COUNCIL OF MOBILE, ALABAMA, that the Purchasing Agent is authorized to execute, for and on behalf of the City of Mobile, a purchase order to the indicated vendor in the approximate amount stated, and to approve the supporting bid award if required, for the following requisition as indicated below and attached herein:

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Requisition	Fiscal Year	Department	Description	Amount	Vendor
<u>26422</u>	2025	(1510) FIRE ADMINISTRATION	ONE-YEAR OF PROCARE PREVENTATIVE MAINTENANCE SERVICES FOR 37 LUCAS CHEST COMPRESSION DEVICES FOR MFRD (SOURCEWELL COOPERATIVE PURCHASING AGREEMENT; SOLE SOURCE FOR DEALER SUPPORT)	\$59,240.70	<u>(295166) STRYKER SALES CORPORATION</u>

The resolution was read by the City Clerk, whereupon Councilmember Daves moved to adopt the resolution, which was seconded by Councilmember Gregory and the vote was as follows:

Ayes: Penn, Carroll, Small, Reynolds, Daves, Woods, and Gregory
Nays: None

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the resolution adopted.

REALLOCATE FUNDS FROM CAPITAL IMPROVEMENT FUND PROJECT EQUIPMENT-TENNIS TO CAPITAL PROJECT COPELAND COX TENNIS CENTER FOR TENNIS COURT REPAIRS AND RESURFACING; \$128,615.16. The following resolution which was introduced and read at the regular meeting of July 8, 2025, and held over until the regular meeting of July 15, 2025, was called up by the Presiding Officer.

RESOLUTION: 09-932-2025

Sponsored by: Mayor Stimpson and Councilmember Gregory

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MOBILE, ALABAMA, that the sum of \$128,615.16 in the Capital Improvement Fund (2000) be reallocated from Capital Project #E0018 Equipment-Tennis to Capital Project C0791 PK-Copeland Cox Tennis Center. These funds will be used for tennis court repairs and resurfacing.

The resolution was read by the City Clerk, whereupon Councilmember Daves moved to adopt the resolution, which was seconded by Councilmember Gregory and the vote was as follows:

Ayes: Penn, Carroll, Small, Reynolds, Daves, Woods, and Gregory
Nays: None

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the resolution adopted.

AUTHORIZE CHANGE ORDER NO. 1 WITH WIREGRASS CONSTRUCTION COMPANY, INC FOR U.S. HWY 45 STREETScape IMPROVEMENTS; \$527,041.12 INCREASE. The following resolution which was introduced and read at the regular meeting of July 8, 2025, and held over until the regular meeting of July 15, 2025, was called up by the Presiding Officer.

RESOLUTION: 13-933-2025

Sponsored by: Mayor Stimpson and Councilmember Penn

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WHEREAS, the CITY entered into a contract dated October 3, 2023, with Wiregrass Construction Company, Inc. (formerly John G Walton Construction Co., Inc.) for construction services on the project known as U.S. Hwy 45 Streetscape Improvements (COM Project No. 2022-3005-06); and

WHEREAS, the original contract amount was \$3,148,747.77 for a unit priced based contract for the construction improvements of U.S. Hwy 45; and

WHEREAS, during construction, unforeseen circumstances with utilities and with existing conditions caused additional work to become necessary for payment adjustments totaling \$527,041.12; and

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA, that the Council does hereby authorize the addition of Change Order #1 in the amount of \$527,041.12, for a total of \$3,675,788.89 to be paid to Wiregrass Construction Company, Inc. (formerly John G Walton Construction Co., Inc.), for the construction of U.S. Hwy 45 Streetscape Improvements (COM Project No. 2022-3005-06).

The resolution was read by the City Clerk, whereupon Councilmember Daves moved to adopt the resolution, which was seconded by Councilmember Gregory and the vote was as follows:

Ayes: Penn, Carroll, Small, Reynolds, Daves, Woods, and Gregory

Nays: None

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the resolution adopted.

AUTHORIZE EASEMENT AGREEMENT WITH ROBERTSON CONSTRUCTION COMPANY, LLC AND COLONY WOODS TOWNHOMES OWNERS' ASSOCIATION, INC. The following resolution which was introduced and read at the regular meeting of July 8, 2025, and held over until the regular meeting of July 15, 2025, was called up by the Presiding Officer.

RESOLUTION: 23-934-2025

Sponsored by: Mayor Stimpson

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA, that the Mayor and the City Clerk be, and they hereby are, authorized to execute and attest, respectively, for and on behalf of the City of Mobile, an Easement Agreement with Robertson Construction Co., LLC, an Alabama limited liability company, and Colony Woods Townhomes Owners Association, Inc., an Alabama nonprofit corporation, for the grant to the City of certain easement rights over, across and through the Private Roads in the Colony Woods Subdivision, to provide for the continuing maintenance of the Private Roads in the Colony Woods Subdivision by the Colony Woods Townhomes Owners Association, Inc, and to provide for the indemnification of the City from liability and claims for damages which may arise out of the Owners Association's breach of its obligations or the existence of said Private Roads. The Agreement is attached hereto or one with wording substantially similar, and made a part hereof, as though set forth in full to take further action necessary to effectuate the Agreement. A copy of said Agreement is on file in the office of the City Clerk.

The resolution was read by the City Clerk, whereupon Councilmember Daves moved to adopt the resolution, which was seconded by Councilmember Gregory and the vote was as follows:

Ayes: Penn, Carroll, Small, Reynolds, Daves, Woods, and Gregory

Nays: None

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the resolution adopted.

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CONSIDER THE APPLICATION OF INDIA BRACEY FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO OPERATE A SEDAN SERVICE. The following resolution which was introduced and read at the regular meeting of July 8, 2025, and held over until the regular meeting of July 15, 2025, was called up by the Presiding Officer.

RESOLUTION: 37-935-2025

Sponsored by: Mayor Stimpson

BE IT RESOLVED BY THE CITY COUNCIL OF MOBILE, ALABAMA, that pursuant to the provisions of Ordinance #59-073, 2005, that the application of India Bracey for a Certificate of Public Convenience and Necessity to operate a sedan service is hereby approved. A copy of said application is on file in the office of the City Clerk.

The resolution was read by the City Clerk, whereupon Councilmember Daves moved to adopt the resolution, which was seconded by Councilmember Gregory and the vote was as follows:

Ayes: Penn, Carroll, Small, Reynolds, Daves, Woods, and Gregory
Nays: None

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the resolution adopted.

ORDINANCES BEING INTRODUCED

CONSIDER REZONING PROPERTY LOCATED AT 720 MUSEUM DRIVE FROM R-1 TO B-2. The following ordinance was held over until the regular meeting of July 22, 2025.

ORDINANCE: 64-037-2025

Sponsored by: Councilmember Gregory

AN ORDINANCE AMENDING THE ORDINANCE ADOPTED BY THE CITY COUNCIL OF THE CITY OF MOBILE ON THE 12TH DAY OF JULY, 2022, SAID ORDINANCE BEING COMMONLY KNOWN AS THE UNIFIED DEVELOPMENT CODE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MOBILE AS FOLLOWS:

Section One: That the Ordinance commonly known as the Unified Development Code and adopted on July 12, 2022, together with the Zoning Map of the City of Mobile, be, and the same hereby is amended in respect to that certain property in the City of Mobile, State of Alabama, described as follows to-wit:

LOT 2, FORT HARDEMAN SUBDIVISION, ACCORDING TO THE PLAT THEREOF RECORDED IN INSTRUMENT #2021037217 OF THE RECORDS IN THE OFFICE OF THE JUDGE OF PROBATE OF MOBILE COUNTY ALABAMA.

ALSO,

A PORTION OF LOT 1, FORT HARDEMAN SUBDIVISION, RECORDED AS INSTRUMENT NO. 2021037217 OF THE RECORDS IN THE OFFICE OF THE JUDGE OF PROBATE, MOBILE COUNTY, ALABAMA;

MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF LOT 1, FORT HARDEMAN SUBDIVISION, RECORDED AS INSTRUMENT NO. 2021037217 OF THE RECORDS IN THE OFFICE OF THE JUDGE OF PROBATE, MOBILE COUNTY, ALABAMA; THENCE RUN SOUTH 00°-03'-46" EAST ALONG THE EAST LINE OF SAID LOT 1 A DISTANCE OF 58.03 FEET; THENCE RUN NORTH 89°-59'-5" WEST A DISTANCE OF 181.11 FEET TO THE NORTHWEST LINE OF SAID LOT 1; THENCE RUN NORTH 39°-24'-10"

MINUTES OF JULY 15, 2025

EAST ALONG SAID NORTHWEST LINE A DISTANCE OF 97.09 FEET TO THE OR THE NORTHERNMOST CORNER OF SAID LOT 1; THE CE RUN SOUTH 81°-53'-19" EAST ALONG THE NORTH LINE OF SAID LOT 1 A DISTANCE OF 120.63 FEET TO THE POINT OF BEGINNING. THE DESCRIBED PARCEL CONTAINS 10,259 SQUARE FEET, MORE OR LESS.

The classification of said property is hereby changed from R-1, Single-Family Residential Suburban District, to B-2, Neighborhood Business Suburban District, and it shall hereafter be lawful to construct on such property any structures permitted by the Ordinance of July 12, 2022, commonly known as the Unified Development Code and to use said premises for any use permitted by the terms of said Ordinance in a 8-2, Neighborhood Business Suburban District, provided, however, that the plans for any structure or building sought to be erected on said property shall be in compliance with the building laws of the City of Mobile, and that any structure shall be approved by the Building Inspector of the City of Mobile, and that any such structure be erected only in compliance with such laws, including the requirements of said Unified Development Code of July 12, 2022, and further provided, however, that no lot or parcel of land herein above described shall be used for any use allowed in a B-2, Neighborhood Business Suburban District, until the following conditions have been complied with: 1. Completion of the Subdivision process; and 2. Full compliance with all municipal codes and ordinances.

Section Two: This Ordinance shall be in force and effect from and after its adoption and publication.

SUSPENSION OF RULES FOR IMMEDIATE CONSIDERATION OF CONSENT RESOLUTIONS BEING INTRODUCED FOR THE FIRST TIME.

Councilmember Gregory moved for the suspension of the rules to consider consent resolutions 03-937 through 60-951 being introduced for the first time. The motion was seconded by Councilmember Daves, and the vote was as follows:

Ayes: Penn, Carroll, Small, Reynolds, Daves, Woods, and Gregory
Nays: None

The Presiding Officer declared unanimous consent granted for the items.

CONSENT RESOLUTIONS BEING INTRODUCED

APPOINT ALVIN GARVIN TO THE ADVISORY COMMISSION ON THE DISABLED.

The following resolution was introduced by Councilmember Daves.

RESOLUTION: 03-937-2025

Sponsored by: Councilmember Carroll

BE IT RESOLVED BY THE CITY COUNCIL OF MOBILE, ALABAMA, that Alvin Garvin is appointed to the Advisory Commission on the Disabled effective immediately for a term ending July 15, 2027.

The resolution was read by the City Clerk, whereupon Councilmember Daves moved to adopt the resolution, which was seconded by Councilmember Gregory and the vote was as follows:

Ayes: Penn, Carroll, Small, Reynolds, Daves, Woods, and Gregory
Nays: None

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the resolution adopted.

RE-APPOINT BRUCE HELBIG TO THE GOLF COURSE ADVISORY COMMITTEE.

The following resolution was introduced by Councilmember Daves.

RESOLUTION: 03-938-2025

MINUTES OF JULY 15, 2025

Sponsored by: Councilmember Daves

BE IT RESOLVED BY THE CITY COUNCIL OF MOBILE, ALABAMA, that Bruce Helbig is re-appointed to the Golf Course Advisory Committee effective September 11, 2026 for a term ending September 11, 2029.

The resolution was read by the City Clerk, whereupon Councilmember Daves moved to adopt the resolution, which was seconded by Councilmember Gregory and the vote was as follows:

Ayes: Penn, Carroll, Small, Reynolds, Daves, Woods, and Gregory

Nays: None

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the resolution adopted.

DESIGNATE DAUPHIN WAY BAPTIST CHURCH, 3661 DAUPHIN STREET, AS THE NEW VOTING PLACE FOR WARD NUMBER 5-5 FOR THE 2025 MUNICIPAL ELECTION. The following resolution was introduced by Councilmember Daves.

RESOLUTION: 27-939-2025

Sponsored by: Mayor Stimpson

WHEREAS, by Resolution 27-795-2025, the City Council of the City of Mobile designated and established voting places throughout the City for the August 26, 2025, City of Mobile Municipal Election and any necessary runoff election; and,

WHEREAS, in said Resolution the voting place for Ward No. 5-5 was designated and established as Holy Cross Lutheran Church, 3900 Airport Boulevard; and,

WHEREAS, a representative of Holy Cross Lutheran Church has notified the City Clerk that their facility will no longer be available as a voting place for the August 26, 2025, City of Mobile Municipal Election; and,

WHEREAS, although Code of Alabama§ 17-6-4(d) states that voting places shall not be changed within three months before an election is to be held, the Alabama Attorney General has stated in Opinion Nos. 84-00446 (Davis), 99-00273 (Watson) and 2020-038 (Ross) that in the event a governing body is notified that a polling place site is no longer available within three months of an election, it is then reasonable for a governing body to declare that an emergency exists and select a new voting place location.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Mobile as follows:

1. That an emergency now exists due to the fact that, within three months of the August 26, 2025, City of Mobile Municipal Election, Holy Cross Lutheran Church, 3900 Airport Boulevard, is no longer available for use as a voting place for Ward No. 5-5 for said election, and a new location must be selected.

2. The new voting place location for Ward No. 5-5 for the upcoming August 26, 2025, City of Mobile Municipal Election, and any necessary runoff election, is hereby designated and established to be: Dauphin Way Baptist Church, 3661 Dauphin Street, Mobile, AL 36608.

3. That as much notice as possible should be given to the public regarding the change of the voting place for Ward No. 5-5. The City Clerk and other City staff are therefore respectfully requested to cause the following actions to be performed:

- a. Signs should be installed at the former voting place, Holy Cross Lutheran Church, 3900 Airport Boulevard, giving directions to the new polling place established by this Resolution. Said church is respectfully requested to cooperate with City staff and allow the placement of such signs.
- b. Signs should be installed at the new voting place indicating its status.

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- c. Publish a notice advising the public of the new voting place in a newspaper of general circulation in the City of Mobile once a week for each week preceding August 26, 2025.
- d. Post a notice advising the public of the new voting place on the City's website and social media outlets.
- e. Send a notice advising the public of the new voting place to all local media outlets.
- f. Send a certified copy of this Resolution to the Judge of Probate of Mobile County.
- g. Provide reasonable assistance to any citizens needing help locating the new voting place.
- h. In the event voting place notice cards have already been sent out for Ward No. 5-5, updated notice cards should be sent out.

4. This Resolution amends City Council Resolution 27-795-2025 solely as to the updated voting location of Ward No. 5-5.

The resolution was read by the City Clerk, whereupon Councilmember Daves moved to adopt the resolution, which was seconded by Councilmember Gregory and the vote was as follows:

Ayes: Penn, Carroll, Small, Reynolds, Daves, Woods, and Gregory

Nays: None

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the resolution adopted.

RECOMMEND APPROVAL TO THE ABC BOARD FOR ISSUANCE OF A RETAIL BEER/TABLE WINE (OFF PREMISES ONLY) LICENSE TO SPEED STOP; 1861 GOVERNMENT BOULEVARD. The following resolution was introduced by Councilmember Daves.

RESOLUTION: 37-940-2025

Sponsored by: Councilmember Carroll

BE IT RESOLVED BY THE CITY COUNCIL OF MOBILE, ALABAMA, that the following application to the Alabama Alcoholic Beverage Control Board of the State of Alabama, is hereby recommended for grant of such license by said Board.

Type of application: Retail Beer/Table Wine (Off Premises Only) License

Submitted by: Jay Ranchodrai 2024, LLC

Location: Speed Stop
1861 Government Boulevard
Mobile, Al 36606

The resolution was read by the City Clerk, whereupon Councilmember Daves moved to adopt the resolution, which was seconded by Councilmember Gregory and the vote was as follows:

Ayes: Penn, Carroll, Small, Reynolds, Daves, Woods, and Gregory

Nays: None

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the resolution adopted.

RECOMMEND APPROVAL TO THE ABC BOARD FOR ISSUANCE OF A RESTAURANT RETAIL LIQUOR LICENSE TO PEDROS TACOS AND TEQUILA BAR;

MINUTES OF JULY 15, 2025

3649 AIRPORT BOULEVARD. The following resolution was introduced by Councilmember Daves.

RESOLUTION: 37-941-2025

Sponsored by: Councilmember Daves

BE IT RESOLVED BY THE CITY COUNCIL OF MOBILE, ALABAMA, that the following application to the Alabama Alcoholic Beverage Control Board of the State of Alabama, is hereby recommended for grant of such license by said Board.

Type of application: Restaurant Retail Liquor License

Submitted by: Pedros, Inc.

Location: Pedros Tacos and Tequila Bar
3649 Airport Boulevard
Mobile, Al 36608

The resolution was read by the City Clerk, whereupon Councilmember Daves moved to adopt the resolution, which was seconded by Councilmember Gregory and the vote was as follows:

Ayes: Penn, Carroll, Small, Reynolds, Daves, Woods, and Gregory
Nays: None

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the resolution adopted.

DECLARE THE STRUCTURE AT 607 BELSAW AVENUE A PUBLIC NUISANCE AND ORDER IT DEMOLISHED. The following resolution was introduced by Councilmember Daves.

RESOLUTION: 40-942-2025

Sponsored by: Councilmember Carroll

WHEREAS, under the provisions of Chapter 52, Article II of the Mobile City Code, Abatement of Unsafe Buildings and Structural Nuisances "adopted December 5, 2017, the accessory structure at 607 BELSAW AVENUE has been found by the Code Official of the City of Mobile to be dangerous and unsafe to the extent that it is a public. nuisance;

WHEREAS, the Code Official has identified the following factors, in accordance with Section 4, Subsection 5 of Article II of Chapter 52, in support of the determination that the structure is dangerous and unsafe to the extent that it is a public nuisance: Nuisance Abatement Inspection Checklist/Exhibit A• No. 1, 3, 4, 5, 7, 8 and 15; and

WHEREAS, the Mobile City Council has held a public hearing to determine whether said structure constitutes a public nuisance;

NOW, THEREFORE, BASED UPON THE EVIDENCE PRESENTED, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE that the structure at 607 BELSAW AVENUE described as:

LOTS 7 & 8 BLK 2 DIXIE PARK MBK 3 PG 273 #SEC 25 T4S R1W #MP29 07 25 0 002

Parcel Number: 29 07 25 0 002 021

Last Assessed to: TAYLOR MARV

is found and determined by the Mobile City Council to be dangerous and unsafe to the extent that it is a public nuisance and a blighted property, and it is hereby ordered that

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said structure be **demolished** in accordance with the terms of said Chapter 52, Article II of the Mobile City Code, "Abatement of Unsafe Buildings and Structural Nuisances."

BE IT FURTHER RESOLVED the City Clerk of the City shall mail a certified copy of this resolution by registered or certified mail to the interested persons listed above, and a certified copy of this resolution shall be published in the manner and as prescribed for the publication of municipal ordinances, and a certified copy of this resolution shall also be filed in the Office of the Judge of Probate of Mobile County, Alabama.

The resolution was read by the City Clerk, whereupon Councilmember Daves moved to adopt the resolution, which was seconded by Councilmember Gregory and the vote was as follows:

Ayes: Penn, Carroll, Small, Reynolds, Daves, Woods, and Gregory

Nays: None

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the resolution adopted.

DECLARE THE STRUCTURE AT 500 CHIN STREET A PUBLIC NUISANCE AND ORDER IT DEMOLISHED. The following resolution was introduced by Councilmember Daves.

RESOLUTION: 40-943-2025

Sponsored by: Councilmember Carroll

WHEREAS, under the provisions of Chapter 52, Article II of the Mobile City Code, Abatement of Unsafe Buildings and Structural Nuisances "adopted December 5, 2017, the accessory structure at 500 CHIN STREET has been found by the Code Official of the City of Mobile to be dangerous and unsafe to the extent that it is a public nuisance;

WHEREAS, the Code' Official has identified the following factors, in accordance with Section 4, Subsection 5 of Article II of Chapter 52, in support of the determination that the structure is dangerous and unsafe to the extent that it is a public nuisance: Nuisance Abatement Inspection Checklist/Exhibit A - No. 1, 3, 4, 5, 7, 8 and 15; and

WHEREAS, the Mobile City Council has held a public hearing to determine whether said structure constitutes a public nuisance;

NOW, THEREFORE, BASED UPON THE EVIDENCE PRESENTED, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE that the structure at 500 CHIN STREET described as:

LOT7 BLK 1 EAST HIGHLANDSS/D DBK 156'P 594#SEC44 T4S R1W #MP29 02 44 0 003

Parcel Number: 29 02 44 0 003 078

Last Assessed to: TOWNER LEMORA C/O RICHARD TOWNER

is found and determined by the Mobile City Council to be dangerous and unsafe to the extent that it is a public nuisance and a blighted property, and ii is hereby ordered that said structure be **demolished** in accordance with the terms of said Chapter 52, Article II of the Mobile City Code, "Abatement of Unsafe Buildings and Structural Nuisances."

BE IT FURTHER RESOLVED the City Clerk of the City shall mail a certified copy of this resolution by registered or certified mail to the interested persons listed above, and a certified copy of this resolution shall be published in the manner and as prescribed for the publication of municipal ordinances, and a certified copy of this resolution shall also be filed in the Office of the Judge of Probate of Mobile County, Alabama.

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The resolution was read by the City Clerk, whereupon Councilmember Daves moved to adopt the resolution, which was seconded by Councilmember Gregory and the vote was as follows:

Ayes: Penn, Carroll, Small, Reynolds, Daves, Woods, and Gregory
Nays: None

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the resolution adopted.

DECLARE THE STRUCTURE AT 7099 OLD SHELL ROAD A PUBLIC NUISANCE AND ORDER IT DEMOLISHED. The following resolution was introduced by Councilmember Daves.

RESOLUTION: 40-944-2025

Sponsored by: Councilmember Gregory

WHEREAS, under the provisions of Chapter 52, Article II of the Mobile City Code, Abatement of Unsafe Buildings and Structural Nuisances ",adopted December 5, 2017, the accessory structure at 7099 OLD SHELL ROAD , has been found by the Code / Official of the City of Mobile to be dangerous and unsafe to the extent that it is a public nuisance;

WHEREAS, the Code Official has identified the following factors, in accordance with Section 4, Subsection 5 of Article II of Chapter 52, in support of the determination that the structure is dangerous and unsafe to the extent that it is a public nuisance: Nuisance Abatement Inspection Checklist/Exhibit A - No. 3, 4, 5, 7, and 8; and

WHEREAS, the Mobile City Council has held a public hearing to determine whether said structure constitutes a public nuisance;

NOW, THEREFORE, BASED UPON THE EVIDENCE PRESENTED, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE ,that the structure at 7099 OLD SHELL ROAD described as:

THAT CERTAIN LOT OF LAND BDED BY LINE DESC AS FOLL TO-WIT TO FIND POB COMG AT PT ON S/L OF SEC 17 T4S R2W WHERE SAME IS INT BYE ROW OF CODY RD TH N ALG E/L OF CODY RD DIS OF 377.S FTTO PT WHICH IS POB OF PPTY HEREIN DESC FROM SD POB RUN E RT ANG TO ROW OF CODY RD DIS OF 100 FT TO PT RUN TH N PAR TO E R/W/L OF CODY RD DIS OF 112.7 FT TO PT ON S R/W/L TANNER-WILLIAMS RD TH WLY ALG S R/W/L OF TANNER WILLIAMS SD R/W/L BEING CURVE CONCAVE TO LT DIS OF 104.8 FT TO PT WHICH PT IS INT OF S R/W/L TANNE

Parcel Number: 2804173000043

Last Assessed to: LINS DON R & BARBARA RUTH LINS

is found and determined by the Mobile City Council to be dangerous and unsafe to the extent that it is a public nuisance and a blighted property, and it is hereby ordered that said structure be **demolished** in accordance with the terms of said Chapter 52, Article II of the Mobile City Code, "Abatement of Unsafe Buildings and' Structural Nuisances."

BE IT FURTHER RESOLVED the City Clerk of the City shall mail a certified copy of this resolution by registered or certified mail to the interested persons listed above, and a certified copy of this resolution shall be published in the manner and as prescribed for the publication of municipal ordinances and a certified copy of this resolution shall also be filed in the Office of the Judge of Probate of Mobile County, Alabama.

The resolution was read by the City Clerk, whereupon Councilmember Daves moved to adopt the resolution, which was seconded by Councilmember Gregory and the vote was as follows:

MINUTES OF JULY 15, 2025

Ayes: Penn, Carroll, Small, Reynolds, Daves, Woods, and Gregory

Nays: None

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the resolution adopted.

DECLARE THE WEEDS NOXIOUS, WEED LIEN GROUP 1666. The following resolution was introduced by Councilmember Daves.

RESOLUTION: 58-945-2025

A RESOLUTION DECLARING WEEDS GROWING UPON THE STREETS OR SIDEWALKS AND UPON PRIVATE PROPERTY WITHIN THE CORPORATE LIMITS OF THE CITY OF MOBILE TO BE NOXIOUS OR DANGEROUS AND TO BE PUBLIC NUISANCES AND PROVIDING FOR THE ABATEMENT OF SUCH NUISANCES.

WHEREAS, a survey has been made to determine the properties upon which or in front of which noxious or dangerous weeds are growing and the agents or employees of the City of Mobile have obtained the legal description of parcels of property in the City of Mobile upon which or in front of which such weeds are growing, and it has been determined to follow the provisions of Act No. 329 of the Legislature of the State of Alabama, approved on April 28, 1988, and to have caused such weeds to be cut or otherwise abated as public nuisances:

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF MOBILE AS FOLLOWS:

SECTION 1: It has been determined by the City Council of Mobile that the weeds growing on the privately owned lots or parcels of land described in Exhibit "A," a copy of which is on file in the Office of the City Clerk and made a part thereof as though set forth in full, known as Group #1666 under the caption "NOXIOUS OR DANGEROUS WEEDS GROWING ON PROPERTY," are noxious and dangerous, and such weeds are hereby declared to be public nuisances. The properties upon which such weeds are growing are all located within the corporate limits of the City of Mobile, about the streets referred to in the description which are more particularly described in said Exhibit "A."

SECTION 2: The weeds growing on or in front of the above-described parcels of property shall be abated by the removal of such noxious or dangerous weeds or they will be removed and the nuisances abated by the City of Mobile, in which case the cost of such removal will be assessed against the respective parcels of lands from which such weeds are removed, and such cost will constitute a lien upon such respective parcels of land until paid. A public meeting is hereby called to be held in the Auditorium of the Mobile Government Plaza, 205 Government Street, Mobile, Alabama, on the **19th day of August, 2025, at ten thirty a.m.**, for the purpose of hearing any objections to the declarations contained in this resolution and to the proposed removal of such weeds, at which time all objections will be heard and given due consideration by the City Council of Mobile; and it is directed that there shall be conspicuously posted in front of each parcel of property, a notice headed "NOTICE TO DESTROY WEEDS," such heading to be in words not less than one inch in height and substantially in the form set out in such Act No. 329, approved April 29, 1988.

The resolution was read by the City Clerk, whereupon Councilmember Daves moved to adopt the resolution, which was seconded by Councilmember Gregory and the vote was as follows:

Ayes: Penn, Carroll, Small, Reynolds, Daves, Woods, and Gregory

Nays: None

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the resolution adopted.

APPROVE AWARD OF SPECIAL BONUS TO THE FIREFIGHTER OF THE MONTH;

MINUTES OF JULY 15, 2025

HUMPRHRIES. The following resolution was introduced by Councilmember Daves.

RESOLUTION: 60-946-2025

Sponsored by: Mayor Stimpson

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA, that the Mayor, upon nomination by City supervisors, recommends to the City Council that it authorize awards, pursuant to Section 11-40-22 Code of Alabama 1975, of \$500 each to the following employee(s):

June 2025 FFOM – Reagan T. Humphries (Emp #19151)

This employee is to be commended for her exemplary work performance or innovations that significantly reduce costs or results in an outstanding improvement in service to the public.

The resolution was read by the City Clerk, whereupon Councilmember Daves moved to adopt the resolution, which was seconded by Councilmember Gregory and the vote was as follows:

Ayes: Penn, Carroll, Small, Reynolds, Daves, Woods, and Gregory

Nays: None

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the resolution adopted.

APPROVE AWARD OF SPECIAL BONUS TO THE OFFICER OF THE MONTH; HOWARD. The following resolution was introduced by Councilmember Daves.

RESOLUTION: 60-947-2025

Sponsored by: Mayor Stimpson

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA, that the Mayor, upon nomination by City supervisors, recommends to the City Council that it authorize awards, pursuant to Section 11-40-22 Code of Alabama 1975, of \$500 each to the following employee:

June 2025: Officer Hunter Howard

The employee is to be commended for his exemplary work performance or innovations that significantly reduce costs or result in an outstanding improvement in service to the public.

The resolution was read by the City Clerk, whereupon Councilmember Daves moved to adopt the resolution, which was seconded by Councilmember Gregory and the vote was as follows:

Ayes: Penn, Carroll, Small, Reynolds, Daves, Woods, and Gregory

Nays: None

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the resolution adopted.

DETERMINE AN APPROPRIATION TO DODGE ELEMENTARY SCHOOL SERVES A PUBLIC PURPOSE AND APPROVE PAYMENT. The following resolution was introduced by Councilmember Daves.

RESOLUTION: 60-948-2025

Sponsored by: Councilmember Reynolds

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WHEREAS, Councilmember Woods wishes to appropriate \$500.00 to Dodge Elementary School, from District 4 Discretionary Funds (10041020 42080); and

WHEREAS, Dodge Elementary School, is public school in Mobile, Alabama, which the Council may support pursuant to Code of Alabama § 16-13-36; and

WHEREAS, the Attorney General of the State of Alabama has opined that the granting of public funds is proper if the City Council determines that the same serves a public purpose; and

WHEREAS, the Mobile City Council determines that this appropriation to Dodge Elementary School, will be used to assist with the Robotics Team during the 2024-2025 competition season, which will serve a public purpose benefiting the City of Mobile and its citizens.

NOW, THEREFORE, BE IT RESOLVED that the Mobile City Council hereby finds and determines that an appropriation of \$500.00 to Dodge Elementary School for the purposes described hereinabove and pursuant to the language on request serves a public purpose and the Council further approves and directs the payment of same.

The resolution was read by the City Clerk, whereupon Councilmember Daves moved to adopt the resolution, which was seconded by Councilmember Gregory and the vote was as follows:

Ayes: Penn, Carroll, Small, Reynolds, Daves, Woods, and Gregory

Nays: None

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the resolution adopted.

DETERMINE AN APPROPRIATION TO DODGE ELEMENTARY SCHOOL SERVES A PUBLIC PURPOSE AND APPROVE PAYMENT. The following resolution was introduced by Councilmember Daves.

RESOLUTION: 60-949-2025

Sponsored by: Councilmember Woods

WHEREAS, Councilmember Woods wishes to appropriate \$500.00 to Dodge Elementary School, from District 6 Discretionary Funds (10041020 42080); and

WHEREAS, Dodge Elementary School, is public school in Mobile, Alabama, which the Council may support pursuant to Code of Alabama § 16-13-36; and

WHEREAS, the Attorney General of the State of Alabama has opined that the granting of public funds is proper if the City Council determines that the same serves a public purpose; and

WHEREAS, the Mobile City Council determines that this appropriation to Dodge Elementary School, will be used to assist with the Robotics Team during the 2024-2025 competition season, which will serve a public purpose benefiting the City of Mobile and its citizens.

NOW, THEREFORE, BE IT RESOLVED that the Mobile City Council hereby finds and determines that an appropriation of \$500.00 to Dodge Elementary School for the purposes described hereinabove and pursuant to the language on request serves a public purpose and the Council further approves and directs the payment of same.

The resolution was read by the City Clerk, whereupon Councilmember Daves moved to adopt the resolution, which was seconded by Councilmember Gregory and the vote was as follows:

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Ayes: Penn, Carroll, Small, Reynolds, Daves, Woods, and Gregory

Nays: None

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the resolution adopted.

DETERMINE AN APPROPRIATION TO THE MARCHING COUGARS BAND/BAND BOOSTER CLUB SERVES A PUBLIC PURPOSE AND APPROVE PAYMENT. The following resolution was introduced by Councilmember Daves.

RESOLUTION: 60-950-2025

Sponsored by: Councilmember Woods

WHEREAS, Councilmember Woods wishes to appropriate \$2,500.00 to Marching Cougars Band/Band Booster Club, from the District 6 Discretionary Fund (10041020 42080); and

WHEREAS, Marching Cougars Band/Band Booster Club, is an Alabama non-profit corporation which provides a service to the community; and

WHEREAS, the Attorney General of the State of Alabama has opined that the granting of public funds to private groups or corporations is proper if the City Council determines that the same serves a public purpose; and

WHEREAS, the Mobile City Council determines that this appropriation to Marching Cougars Band/Band Booster Club, will be used to assist with the purchase of instruments and transportation expenses.

NOW, THEREFORE, BE IT RESOLVED that the Mobile City Council hereby finds and determines that an appropriation of \$2,500.00 Marching Cougars Band/Band Booster Club, for the purposes described hereinabove and pursuant to language in the request serves a public purpose and the Council further approves and directs the payment of same.

The resolution was read by the City Clerk, whereupon Councilmember Daves moved to adopt the resolution, which was seconded by Councilmember Gregory and the vote was as follows:

Ayes: Penn, Carroll, Small, Reynolds, Daves, Woods, and Gregory

Nays: None

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the resolution adopted.

DETERMINE AN APPROPRIATION TO UNIVERSITY OF SOUTH ALABAMA JAG GIRLS SERVES A PUBLIC PURPOSE AND APPROVE PAYMENT. The following resolution was introduced by Councilmember Daves.

RESOLUTION: 60-951-2025

Sponsored by: Councilmember Woods

WHEREAS, Councilmember Woods wishes to appropriate \$2,500.00 to University of South Alabama Jag Girls, from the District 6 Discretionary Fund (10041020 42080); and

WHEREAS, University of South Alabama Jag Girls, is an Alabama non-profit corporation which provides a service to the community; and

WHEREAS, the Attorney General of the State of Alabama has opined that the granting of public funds to private groups or corporations is proper if the City Council determines that the same serves a public purpose; and

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WHEREAS, the Mobile City Council determines that this appropriation to University of South Alabama Jag Girls, will be used to assist with this year’s Sports Social on August 19, 2025.

NOW, THEREFORE, BE IT RESOLVED that the Mobile City Council hereby finds and determines that an appropriation of \$2,500.00 to University of South Alabama Jag Girls, for the purposes described hereinabove and pursuant to language in the request serves a public purpose and the Council further approves and directs the payment of same.

The resolution was read by the City Clerk, whereupon Councilmember Daves moved to adopt the resolution, which was seconded by Councilmember Gregory and the vote was as follows:

Ayes: Penn, Carroll, Small, Reynolds, Daves, Woods, and Gregory
Nays: None

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the resolution adopted.

SUSPENSION OF RULES FOR IMMEDIATE CONSIDERATION OF CIP RESOLUTIONS BEING INTRODUCED FOR THE FIRST TIME.

Councilmember Gregory moved for the suspension of the rules to consider CIP resolutions 08-952 and 08-953 being introduced for the first time. The motion was seconded by Councilmember Daves, and the vote was as follows:

Ayes: Penn, Carroll, Small, Reynolds, Daves, Woods, and Gregory
Nays: None

The Presiding Officer declared unanimous consent granted for the items.

CIP RESOLUTIONS BEING INTRODUCED

APPROVE PURCHASE ORDER TO TRANTEX TRANSPORTATION PRODUCTS OF TEXAS, INC. FOR TRAFFIC SPEED CUSHIONS FOR DISTRICT 6; \$31,698.00. The following resolution was introduced by Councilmember Daves..

RESOLUTION: 08-952-2025

Sponsored by: Mayor Stimpson

BE IT RESOLVED BY THE CITY COUNCIL OF MOBILE, ALABAMA, that the Purchasing Agent is authorized to execute, for and on behalf of the City of Mobile, a purchase order to the indicated vendor in the approximate amount stated, and to approve the supporting bid award if required, for the following requisition as indicated below and attached herein:

Requisition	Fiscal Year	Department	Description	Amount	Vendor
<u>25667</u>	2025	(2060) TRAFFIC ENGINEERING	27 SEVEN-FT TRAFFIC SPEED CUSHIONS FOR COUNCIL DISTRICT 6 FOR TRAFFIC ENGINEERING (BUYBOARD COOPERATIVE PURCHASING AGREEMENT, NOT ON STATE CONTRACT)	\$31,698.00	<u>(297168) TRANTEX TRANSPORTATION PRODUCTS OF TEXAS, INC</u>

The resolution was read by the City Clerk, whereupon Councilmember Daves moved to adopt the resolution, which was seconded by Councilmember Gregory and the vote was as follows:

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Ayes: Penn, Carroll, Small, Reynolds, Daves, Woods, and Gregory
Nays: None

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the resolution adopted.

APPROVE PURCHASE ORDER TO TRANTEX TRANSPORTATION PRODUCTS OF TEXAS, INC. FOR TRAFFIC SPEED CUSHIONS FOR DISTRICT 7; \$17,610.00. The following resolution was introduced by Councilmember Daves..

RESOLUTION: 08-953-2025

Sponsored by: Mayor Stimpson

BE IT RESOLVED BY THE CITY COUNCIL OF MOBILE, ALABAMA, that the Purchasing Agent is authorized to execute, for and on behalf of the City of Mobile, a purchase order to the indicated vendor in the approximate amount stated, and to approve the supporting bid award if required, for the following requisition as indicated below and attached herein:

Requisition	Fiscal Year	Department	Description	Amount	Vendor
<u>25667</u>	2025	(2060) TRAFFIC ENGINEERING	15 SEVEN-FT TRAFFIC SPEED CUSHIONS FOR COUNCIL DISTRICT 7 FOR TRAFFIC ENGINEERING (BUYBOARD COOPERATIVE PURCHASING AGREEMENT, NOT ON STATE CONTRACT)	\$17,610.00	<u>(297168)</u> <u>TRANTEX</u> <u>TRANSPORTATION</u> <u>PRODUCTS OF</u> <u>TEXAS, INC</u>

The resolution was read by the City Clerk, whereupon Councilmember Daves moved to adopt the resolution, which was seconded by Councilmember Gregory and the vote was as follows:

Ayes: Penn, Carroll, Small, Reynolds, Daves, Woods, and Gregory
Nays: None

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the resolution adopted.

SUSPENSION OF RULES FOR IMMEDIATE CONSIDERATION OF RESOLUTIONS BEING INTRODUCED FOR THE FIRST TIME. Councilmember Gregory moved for the suspension of the rules to consider resolutions 08-957, 08-958, 08-960, and 08-961 being introduced for the first time. The motion was seconded by Councilmember Daves, and the vote was as follows:

Ayes: Penn, Carroll, Small, Reynolds, Daves, Woods, and Gregory
Nays: None

The Presiding Officer declared unanimous consent granted for the items.

RESOLUTIONS BEING INTRODUCED

APPROVE PURCHASE ORDER TO EMERGENCY EQUIPMENT PROFESSIONAL, INC. FOR TWO FIRE PUMPER TRUCKS FOR MFRD; \$2,063,084.00. The following resolution was held over until the regular meeting of July 22, 2025.

RESOLUTION: 08-954-2025

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Sponsored by: Mayor Stimpson

BE IT RESOLVED BY THE CITY COUNCIL OF MOBILE, ALABAMA, that the Purchasing Agent is authorized to execute, for and on behalf of the City of Mobile, a purchase order to the indicated vendor in the approximate amount stated, and to approve the supporting bid award if required, for the following requisition as indicated below and attached herein:

Requisition	Fiscal Year	Department	Description	Amount	Vendor
<u>25763</u>	2025	(1510) FIRE ADMINISTRATION	TWO 2028 PIERCE ENFORCER FIRE PUMPER TRUCKS WITH PREPAYMENT DISCOUNT AND TRADE IN OF ONE 2012 E-ONE LADDER TRUCK AND FOUR AMBULANCES FOR MFRD (HGAC COOPERATIVE PURCHASING AGREEMENT, NOT ON STATE CONTRACT)	\$2,063,084.00	<u>(294963) EMERGENCY EQUIPMENT PROFESSIONAL, INC</u>

APPROVE PURCHASE ORDR TO KONE, INC. FOR REPLACEMENT OF ELEVATOR CONTROLLER SYSTEM AT MOBILE MUSEUM OF ART; \$164,042.49. The following resolution was held over until the regular meeting of July 22, 2025.

RESOLUTION: 08-955-2025

Sponsored by: Mayor Stimpson

BE IT RESOLVED BY THE CITY COUNCIL OF MOBILE, ALABAMA, that the Purchasing Agent is authorized to execute, for and on behalf of the City of Mobile, a purchase order to the indicated vendor in the approximate amount stated, and to approve the supporting bid award if required, for the following requisition as indicated below and attached herein:

Requisition	Fiscal Year	Department	Description	Amount	Vendor
<u>26784</u>	2025	(3037) BUILDING SERVICES	REPLACEMENT OF ELEVATOR CONTROLLER SYSTEM AT MOBILE MUSEUM OF ART (OMNIA COOPERATIVE PURCHASING AGREEMENT, NOT ON STATE CONTRACT; COM BID SC-019-23 AND CONTRACT)	\$164,042.49	<u>(273592) KONE, INC</u>

APPROVE PURCHASE ORDER TO LONG LEWIS FORD OF THE SHOALS, INC. FOR THREE FORD BRONCO SUVS; \$93,190.50. The following resolution was held over until the regular meeting of July 22, 2025.

RESOLUTION: 08-956-2025

Sponsored by: Mayor Stimpson

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BE IT RESOLVED BY THE CITY COUNCIL OF MOBILE, ALABAMA, that the Purchasing Agent is authorized to execute, for and on behalf of the City of Mobile, a purchase order to the indicated vendor in the approximate amount stated, and to approve the supporting bid award if required, for the following requisition as indicated below and attached herein:

Requisition	Fiscal Year	Department	Description	Amount	Vendor
<u>27072</u>	2025	(F7000) MOTOR POOL	THREE 2025 OR NEWER FORD BRONCO SPORT BIG BEND 4WD SUVS FOR MPRD (AL STATE CONTRACT)	\$93,190.50	<u>(290649) LONG LEWIS FORD OF THE SHOALS, INC</u>

APPROVE PURCHASE ORDER TO SCHAEFER PLASTICS NORTH AMERICA, LLC FOR GARBAGE CARTS FOR GARBAGE COLLECTION; \$41,943.00. The following resolution was introduced by Councilmember Daves.

RESOLUTION: 08-957-2025

Sponsored by: Mayor Stimpson

BE IT RESOLVED BY THE CITY COUNCIL OF MOBILE, ALABAMA, that the Purchasing Agent is authorized to execute, for and on behalf of the City of Mobile, a purchase order to the indicated vendor in the approximate amount stated, and to approve the supporting bid award if required, for the following requisition as indicated below and attached herein:

Requisition	Fiscal Year	Department	Description	Amount	Vendor
<u>25383</u>	2025	(2090B) GARBAGE COLLECTION	793 95-GAL GARBAGE CARTS FOR GARBAGE COLLECTION (HGAC & SOURCEWELL COOPERATIVE PURCHASING AGREEMENTS, NOT ON STATE CONTRACT)	\$41,943.00	<u>(297915) SCHAEFER PLASTICS NORTH AMERICA, LLC</u>

The resolution was read by the City Clerk, whereupon Councilmember Daves moved to adopt the resolution, which was seconded by Councilmember Gregory and the vote was as follows:

Ayes: Penn, Carroll, Small, Reynolds, Daves, Woods, and Gregory

Nays: None

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the resolution adopted.

APPROVE PURCHASE ORDER TO STIVERS FORD LINCOLN, INC. FOR FORD F150 PICKUP TRUCK FOR FACILITIES MAINTENANCE; \$47,418.00. The following resolution was introduced by Councilmember Daves.

RESOLUTION: 08-958-2025

Sponsored by: Mayor Stimpson

BE IT RESOLVED BY THE CITY COUNCIL OF MOBILE, ALABAMA, that the Purchasing Agent is authorized to execute, for and on behalf of the City of Mobile, a purchase order

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to the indicated vendor in the approximate amount stated, and to approve the supporting bid award if required, for the following requisition as indicated below and attached herein:

Requisition	Fiscal Year	Department	Description	Amount	Vendor
<u>25841</u>	2025	(F7000) MOTOR POOL	2025 FORD F150 SUPERCREW 4WD PICKUP TRUCK FOR FACILITIES MAINTENANCE (AL STATE CONTRACT)	\$47,418.00	<u>(292393) STIVERS FORD LINCOLN INC</u>

The resolution was read by the City Clerk, whereupon Councilmember Daves moved to adopt the resolution, which was seconded by Councilmember Gregory and the vote was as follows:

Ayes: Penn, Carroll, Small, Reynolds, Daves, Woods, and Gregory
Nays: None

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the resolution adopted.

APPROVE PURCHASE ORDER TO TRUCK EQUIPMENT SALES, INC. FOR FORD F250 PICKUP TRUCK FOR FACILITITES MAINTENANCE; \$61,193.00. The following resolution was held over until the regular meeting of July 22, 2025.

RESOLUTION: 08-959-2025

Sponsored by: Mayor Stimpson

BE IT RESOLVED BY THE CITY COUNCIL OF MOBILE, ALABAMA, that the Purchasing Agent is authorized to execute, for and on behalf of the City of Mobile, a purchase order to the indicated vendor in the approximate amount stated, and to approve the supporting bid award if required, for the following requisition as indicated below and attached herein:

Requisition	Fiscal Year	Department	Description	Amount	Vendor
<u>27077</u>	2025	(F7000) MOTOR POOL	2025 FORD F250 EXTENDED CAP PICKUP TRUCK WITH UTILITY BODY FOR FACILITIES MAINTENANCE (SEALED BID 5950)	\$61,193.00	<u>(208560) TRUCK EQUIPMENT SALES INC</u>

APPROVE PURCHASE ORDER TO UNIVERSITY OF SOUTH ALABAMA FOR FIRST-SEMESTER PARAMEDIC COURSES FOR MFRD; \$15,879.00. The following resolution was introduced by Councilmember Daves.

RESOLUTION: 08-960-2025

Sponsored by: Mayor Stimpson

BE IT RESOLVED BY THE CITY COUNCIL OF MOBILE, ALABAMA, that the Purchasing Agent is authorized to execute, for and on behalf of the City of Mobile, a purchase order to the indicated vendor in the approximate amount stated, and to approve the supporting bid award if required, for the following requisition as indicated below and attached herein:

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Requisition	Fiscal Year	Department	Description	Amount	Vendor
<u>26656</u>	2025	(1510) FIRE ADMINISTRATION	PARAMEDIC FIRST- SEMESTER CURRICULUM COURSES FOR THREE FIREFIGHTERS FOR USA 2025 SUMMER SEMESTER (INTERGOVERNMENTAL PURCHASE, PROFESSIONAL ACADEMIC SERVICES)	\$15,879.00	(281269) UNIVERSITY OF SOUTH ALABAMA

The resolution was read by the City Clerk, whereupon Councilmember Daves moved to adopt the resolution, which was seconded by Councilmember Gregory and the vote was as follows:

Ayes: Penn, Carroll, Small, Reynolds, Daves, Woods, and Gregory
Nays: None

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the resolution adopted.

APPROVE PURCHASE ORDER TO UNIVERSITY OF SOUTH ALABAMA FOR SECOND-SEMESTER PARAMEDIC COURSES FOR MFRD; \$21,740.00. The following resolution was introduced by Councilmember Daves.

RESOLUTION: 08-961-2025

Sponsored by: Mayor Stimpson

BE IT RESOLVED BY THE CITY COUNCIL OF MOBILE, ALABAMA, that the Purchasing Agent is authorized to execute, for and on behalf of the City of Mobile, a purchase order to the indicated vendor in the approximate amount stated, and to approve the supporting bid award if required, for the following requisition as indicated below and attached herein:

Requisition	Fiscal Year	Department	Description	Amount	Vendor
<u>26661</u>	2025	(1510) FIRE ADMINISTRATION	PARAMEDIC SECOND- SEMESTER CURRICULUM COURSES FOR FOUR FIREFIGHTERS FOR USA 2025 SUMMER SEMESTER (INTERGOVERNMENTAL PURCHASE, PROFESSIONAL ACADEMIC SERVICES)	\$21,740.00	(281269) UNIVERSITY OF SOUTH ALABAMA

The resolution was read by the City Clerk, whereupon Councilmember Daves moved to adopt the resolution, which was seconded by Councilmember Gregory and the vote was as follows:

Ayes: Penn, Carroll, Small, Reynolds, Daves, Woods, and Gregory
Nays: None

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The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the resolution adopted.

AUTHORIZE CONTRACT WITH HCL CONTRACTING, LLC FOR 2024 PAYGO RESURFACING COMMISSION DISTRICT 1; \$4,509,595.64. The following resolution was held over until the regular meeting of July 22, 2025.

RESOLUTION: 21-962-2025

Sponsored by: Mayor Stimpson and Councilmembers Carroll, Small, Reynolds, and Gregory

WHEREAS, bids for street resurfacing for districts 2,3, 4 and 7 were received and opened on March 21, 2025.

WHEREAS, the City Engineer has recommended award to the lowest bid meeting specifications from HCL Contracting, LLC., in the amount of \$4,509,595.64.

WHEREAS, the City Council finds that the lowest responsible bid was submitted by HCL Contracting, LLC.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA, that the Mayor and the City Clerk be, and they hereby are, authorized and directed to execute and attest, respectively, for and on behalf of the City of Mobile, a contract with the company listed below for work as outlined in the contract attached hereto and made a part hereof as through set forth in full. A copy of said contract is on file in the office of the City Clerk:

Name of Company: HCL Contracting, LLC

Project Name: 2024 PAYGO Resurfacing Commission District 1
MCR-2024-101 (D1, 2, 3, 4 &7)

Project Number: 2025-3005-01

Amount: \$4,509,595.64

AUTHORIZE CONTRACT WITH SOUTHERN EARTH SCIENCES, INC. FOR DOWNTOWN STREET OPTIMIZATION (RESURFACING & RESTRIPIING); \$50,700.00. The following resolution was held over until the regular meeting of July 22, 2025.

RESOLUTION: 21-963-2025

Sponsored by: Mayor Stimpson and Councilmember Carroll

WHEREAS, bids for street resurfacing for districts 2,3, 4 and 7 were received and opened on March 21, 2025.

WHEREAS, the City Engineer has recommended award to the lowest bid meeting specifications from HCL Contracting, LLC., in the amount of \$4,509,595.64.

WHEREAS, the City Council finds that the lowest responsible bid was submitted by HCL Contracting, LLC.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA, that the Mayor and the City Clerk be, and they hereby are, authorized and directed to execute and attest, respectively, for and on behalf of the City of Mobile, a contract with the company listed below for work as outlined in the contract attached hereto and made a part hereof as through set forth in full. A copy of said contract is on file in the office of the City Clerk:

Name of Company: Southern Earth Sciences, Inc.

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Project Name: Downtown Street Optimization (Resurfacing & Restriping)
(D2) COM Project #2025-3005-19

Cost: \$50,700.00

AUTHORIZE CONTRACT WITH SOUTHERN EARTH SCIENCES, INC. FOR 2024 PAYGO RESURFACING COMMISSION DISTRICT 1; \$78,750.00. The following resolution was held over until the regular meeting of July 22, 2025.

RESOLUTION: 21-964-2025

Sponsored by: Mayor Stimpson and Councilmembers Carroll, Small, Reynolds, and Gregory

BE IT RESOLVED BY THE CITY COUNCIL OF MOBILE, ALABAMA, That the Mayor and the City Clerk are hereby authorized and directed to execute and attest, respectively, on behalf of the City of Mobile, a contract between the City of Mobile and Southern Earth Sciences, Inc., for services related to testing and evaluating soils and materials in connection with the design and construction of the 2024 PAYGO Resurfacing Commission District 1 (Project No. 2025-3005-01), as more fully set forth in the contract attached hereto and made a part hereof by reference. A copy of said contract is on file in the Office of the City Clerk.

Name of Company: Southern Earth Sciences, Inc.

Project Name: 2024 PAYGO Resurfacing Commission District 1
(D2, 3, 4, & 7) COM Project #2025-3005-01

Cost: \$78,750.00

ACCEPT DEED FOR RIGHT-OF-WAY FROM THE MOBILE AIRPORT AUTHORITY; MICHIGAN AVENUE AND RAVEN DRIVE. The following resolution was held over until the regular meeting of July 22, 2025.

RESOLUTION: 23-965-2025

Sponsored by: Mayor Stimpson and Councilmember Small

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA, that the City hereby accepts the following Right-of-Way Deed, as needed from the Mobile Airport Authority to the City of Mobile, Michigan Avenue to Raven Drive.

1. Right-of-Way Deed for Public Road from Mobile Airport Authority to City of Mobile, Michigan Avenue to Raven Drive.

SAID DOCUMENT is by reference made a part of this resolution as fully as set forth herein and copies will be on file in the office of the City Clerk and in the office of the Real Estate Department, and in the office of City Engineering of the City of Mobile.

AUTHORIZE SETTLEMENT AGREEMENT AND RELEASE OF CLAIMS; HARTMAN. The following resolution was held over until the regular meeting of July 22, 2025.

RESOLUTION: 60-966-2025

Sponsored by: Mayor Stimpson

BE IT RESOLVED by the City Council of the City of Mobile, that the City Attorney and the City Council Attorney, or their respective designees, be, and they hereby are, authorized to execute for and on behalf of the City of Mobile and the City Council of the City of Mobile, Alabama, the Settlement Agreement and Release of Claims arising out of the claim of India Hartman as outlined in the Settlement Agreement and Release of Claims. A copy of said settlement agreement is on file in the Office of the City Clerk.

AUTHORIZE SETTLEMENT AGREEMENT AND RELEASE OF CLAIMS; RIVERSIDE BAPTIST CHURCH. The following resolution was held over until the regular meeting of July 22, 2025.

RESOLUTION: 60-967-2025

Sponsored by: Mayor Stimpson

BE IT RESOLVED by the City Council of the City of Mobile, that the City Attorney and the City Council Attorney, or their respective designees, be, and they hereby are, authorized to execute for and on behalf of the City of Mobile and the City Council of the City of Mobile, Alabama, the Settlement Agreement and Release of Claims arising out of the claim of Riverside Baptist Church as outlined in the Settlement Agreement and Release of Claims. A copy of said settlement agreement is on file in the Office of the City Clerk.

AUTHORIZE SETTLEMENT AGREEMENT AND RELEASE OF CLAIMS; VALDERRAMA. The following resolution was held over until the regular meeting of July 22, 2025.

RESOLUTION: 60-968-2025

Sponsored by: Mayor Stimpson

BE IT RESOLVED by the City Council of the City of Mobile, that the City Attorney and the City Council Attorney, or their respective designees, be, and they hereby are, authorized to execute for and on behalf of the City of Mobile and the City Council of the City of Mobile, Alabama, the Settlement Agreement and Release of Claims arising out of the claim for property damage of Manuel Valderrama as outlined in the Settlement Agreement and Release of Claims. A copy of said settlement agreement is on file in the Office of the City Clerk.

CALL FOR PUBLIC HEARINGS

CALL FOR PUBLIC HEARING TO CONSIDER THE MODIFICATION OF A PREVIOUSLY APPROVED PLANNED UNIT DEVELOPMENT FOR PROPERTY LOCATED AT 685 SCHILLINGER ROAD SOUTH (SCHEDULED FOR AUGUST 19, 2025) (DISTRICT 6). The following resolution was introduced by Councilmember Daves.

RESOLUTION: 41-969-2025

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA, that the City Clerk be, and she hereby is, instructed to publish in a newspaper of general circulation within the municipality the attached notice stating the time and place a proposed amendment to the Zoning Ordinance is to be considered by the City Council and further stating that at such time and place all persons who desire shall have an opportunity of being heard in opposition to or in favor of the proposed amendment.

Notice of Public Hearing for the Proposed Modification Of a Previously Approved Planned Unit Development For Property located at 685 Schillinger Road South.

Pursuant to Resolution of the Mobile, Alabama City Council adopted July 15, 2025, a public hearing will be held on the 19th day of August, 2024, at 10:30 a.m., to consider adoption of an ordinance to modify a previously approved Planned Unit Development for property located at 685 Schillinger Road South.

The public hearing will be held in the Auditorium of Government Plaza, 205 Government Street, Mobile, Alabama. All persons who desire shall have an opportunity to be heard in favor of or in opposition to the proposed amendment at such time and place. Further, the City Council may consider zoning classifications other than the ones sought by the applicant and may take other actions by law.

AN ORDINANCE AMENDING THE ORDINANCE ADOPTED BY THE CITY COUNCIL

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OF THE CITY OF MOBILE ON THE 12TH DAY OF JULY, 2022, SAID ORDINANCE BEING COMMONLY KNOWN AS THE UNIFIED DEVELOPMENT CODE.

WHEREAS, a Planned Unit Development was approved on September 6, 2012, allowing shared access and parking between multiple building sites located at 685 Schillinger Road South and described as follows:

LOT A, RESUBDIVISION OF LOT 4, SCHILLINGER TOWNE CENTRE, ACCORDING TO PLAT THEREOF RECORDED IN MAP BOOK 127, PAGE 118, OF THE RECORDS OF THE OFFICE OF THE JUDGE OF PROBATE, MOBILE COUNTY, ALABAMA.

BEING ALSO DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF LOT 3, SCHILLINGER TOWNE CENTRE, AS RECORDED IN MAP BOOK 72, PAGE 21, PROBATE COURT RECORDS, MOBILE, COUNTY, ALABAMA, RUN NORTH 89 DEGREES 35 MINUTES 09 SECONDS EAST, ALONG THE SOUTH LINE OF THOMAS ROAD (50 FOOT RIGHT OF WAY) AND ALONG THE NORTH BOUNDARY OF LOT A, RESUBDIVISION OF LOT 4, SCHILLINGER TOWNE CENTRE, AS RECORDED IN MAP BOOK 127, PAGE 118, SAID PROBATE RECORDS, A DISTANCE OF 901.14 FEET; THENCE CONTINUING ALONG SAID SOUTH RIGHT OF WAY LINE AND ALONG SAID NORTH BOUNDARY RUN NORTH 88 DEGREES 59 MINUTES 22 SECONDS EAST, 74.91 FEET, THENCE ALONG THE BOUNDARY OF SAID LOT A AS FOLLOWS: SOUTH 00 DEGREES 17 MINUTES 53 SECONDS WEST, 174.80 FEET; NORTH 89 DEGREES 54 MINUTES 57 SECONDS WEST, 74.82 FEET; SOUTH 00 DEGREES 13 MINUTES 13 SECONDS WEST, 418.23 FEET; NORTH 89 DEGREES 46 MINUTES 47 SECONDS WEST, 50 FEET; SOUTH 00 DEGREES 30 MINUTES 34 SECONDS WEST, 77.54 FEET; SOUTH 11 DEGREES 16 MINUTES 54 SECONDS WEST 40.33 FEET; SOUTH 08 DEGREES 52 MINUTES 38 SECONDS WEST, 21.61 FEET; SOUTH 00 DEGREES 25 MINUTES 56 SECONDS WEST, 51.75 FEET; SOUTH 07 DEGREES 59 MINUTES 43 SECONDS WEST, 98.38 FEET; SOUTH 48 DEGREES 58 MINUTES 51 SECONDS WEST, 52 FEET; SOUTH 29 DEGREES 09 MINUTES 01 SECONDS WEST, 27.86 FEET; SOUTH 09 DEGREES 18 MINUTES 36 SECONDS EAST 27.95 FEET; SOUTH 41 DEGREES 46 MINUTES 39 SECONDS EAST, 45.33 FEET; SOUTH 45 DEGREES 07 MINUTES 44 SECONDS EAST, 28.96 FEET; SOUTH 06 DEGREES 15 MINUTES 47 SECONDS EAST, 53.8 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF OLD GOVERNMENT STREET ROAD (50 FOOT RIGHT OF WAY); THENCE SOUTH 84 DEGREES 36 MINUTES 24 SECONDS WEST, ALONG SAID NORTH LINE AND ALONG THE SOUTH BOUNDARY OF SAID LOT A, A DISTANCE OF 18 FEET; THENCE ALONG THE BOUNDARY OF SAID LOT A, RUN NORTH 06 DEGREES 15 MINUTES 47 SECONDS WEST, 48.25 FEET; NORTH 45 DEGREES 07 MINUTES 44 SECONDS WEST, 166.26 FEET; NORTH 00 DEGREES 16 MINUTES 06 SECONDS EAST, 196.21 FEET; NORTH 89 DEGREES 43 MINUTES 54 SECONDS WEST, 188.5 FEET; NORTH 00 DEGREES 16 MINUTES 06 SECONDS EAST, 21 FEET TO A POINT ON THE SOUTH FACE OF THE WALL FOR AN EXISTING BUILDING CURRENTLY OCCUPIED BY WALMART; THENCE NORTH 89 DEGREES 43 MINUTES 54 SECONDS WEST, ALONG THE SOUTH FACE OF SAID WALL AND A PROJECTION THEREOF, A DISTANCE OF 65 FEET; THENCE CONTINUING ALONG THE BOUNDARY OF SAID LOT A RUN SOUTH 85 DEGREES 48 MINUTES 18 SECONDS WEST, 75.21 FEET; NORTH 89 DEGREES 26 MINUTES 38 SECONDS WEST, 99 FEET; SOUTH 00 DEGREES 13 MINUTES 13 SECONDS WEST, 56 FEET; NORTH 89 DEGREES 46 MINUTES 47 SECONDS WEST, 87.39 FEET; SOUTH 00 DEGREES 13 MINUTES 13 SECONDS WEST, 28 FEET; NORTH 89 DEGREES 46 MINUTES 47 SECONDS WEST, 425.23 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF SCHILLINGER ROAD; THENCE NORTH 00 DEGREES 04 MINUTES 20 SECONDS WEST, ALONG SAID EAST RIGHT OF WAY LINE AND ALONG THE WEST BOUNDARY OF SAID LOT A, A DISTANCE OF 585.48 FEET; THENCE SOUTH 89 DEGREES 47 MINUTES 55 SECONDS EAST, ALONG THE SOUTH BOUNDARY OF SAID LOT 3 AND THE NORTH BOUNDARY OF SAID LOT A, A DISTANCE OF 204.06 FEET; THENCE NORTH 45 DEGREES 14 MINUTES 50 SECONDS EAST, ALONG A BOUNDARY OF SAID LOT 3 AND A BOUNDARY OF SAID LOT A, A DISTANCE OF 56.58 FEET; THENCE NORTH 00 DEGREES 13 MINUTES 58 SECONDS EAST,

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ALONG THE EAST LINE OF SAID LOT 3 AND THE WEST LINE OF SAID LOT A, A DISTANCE OF 165.52 FEET TO THE POINT OF BEGINNING.

WHEREAS, on April 29, 2025, the owner of said property applied for a Major Modification of the Planned Unit Development allowing shared access and parking between multiple building sites, to allow construction of a drive-thru coffee shop with shared access and parking between multiple building sites.

WHEREAS, the Planning Commission held a public hearing on the requested Major Modification on June 12, 2025, and recommended approval of the Major Modification of the Planned Unit Development (PUD) subject to the following conditions:

1. Retention of the building sizes labeled in square feet on the Final PUD Site Plan;
2. Revision of the Final PUD Site Plan to depict the rights-of-way along Schillinger Road South and Thomas Road, as finalized with the associated subdivision request;
3. Provision of the lot sizes labeled in square feet and acres on the Final PUD Site Plan, adjusted for any required dedication resulting from the subdivision request, or provision of a table with the same information on the Final PUD Site Plan;
4. Revision of the Final PUD Site Plan to depict compliance with the off-street parking requirements of Article 3, Section 64-3-12.A. of the UDC, along with the provision of a table listing the number of required and provided parking spaces;
5. Revision of the Final PUD Site Plan to illustrate curbing and/or wheel stops demonstrating how vehicles will be prevented from encroaching beyond designated parking areas;
6. Provision of a note on the Final PUD Site Plan stating any required parking lot lighting will comply with the illumination standards of Article 3, Section 64-3-9.C. of the UDC and, if applicable, provision of a photometric plan at the time of permitting illustrating compliance with these standards;
7. Revision of the Final PUD Site Plan to illustrate compliance with the bicycle parking provisions of Article 3, Section 64-3-12.A.9. of the UDC, including the minimum number and location requirements;
8. Revision of the Final PUD Site Plan to illustrate compliance with the off-street facilities standards of Section 64-3- 12.B;
9. If applicable, revision of the Final PUD Site Plan to illustrate compliance with the vehicle stacking standards of Article 4, Section 64-4-6 of the UDC;
10. Revision of the Final PUD Site Plan to depict compliance with the on-site traffic circulation and maneuverability requirements of Article 3, Section 64-3-12 of the UDC;
11. Revision of the Final PUD Site Plan to illustrate the front, side, and rear yard setback standards of Article 2, Section 64-2-14.E. of the UDC;
12. Provision of a note on the Final PUD Site Plan stating the site will comply with the tree planting and landscape area requirements of Article 3, Section 64-3-7 of the UDC, along with the provision of a detailed landscape plan at the time of permitting illustrating compliance with these requirements;
13. Provision of a separate site plan reflecting a comprehensive layout of the existing PUD overlaid with the proposed development;
14. Provision of a note on the Final PUD Site Plan stating any dumpster placed on the property must meet the enclosure and placement standards of Section 64-3-13.A.4. of the UDC, or provision of a note stating curbside waste collection will be utilized;
15. Placement of a note on the Final PUD site plan stating future development or redevelopment of the properties may require additional modifications of the PUD to be approved by the Planning Commission and City Council;
16. Completion of the subdivision process;
17. Compliance with all Engineering comments noted in the staff report;
18. Compliance with all Traffic Engineering comments noted in the staff report;
19. Compliance with all Urban Forestry comments noted in the staff report;
20. Compliance with all Fire Department comments noted in the staff report;
21. Submittal to and approval by Planning and Zoning of the revised Modified Planned Unit Development site plan prior to its recording in Probate Court, and

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the provision of one (1) copy of the recorded site plan (hard copy and pdf) to Planning and Zoning; and,
22. Full compliance with all municipal codes and ordinances.

WHEREAS, the City Council finds that the proposed modification:

- A. Is consistent with all applicable requirements of this Chapter;
- B. Is compatible with the character of the surrounding neighborhood;
- C. Will not impede the orderly development and improvement of surrounding property;
- D. Having considered the applicable factors, the request will not adversely affect the health, safety or welfare of persons living or working in the surrounding neighborhood, or be more injurious to property or improvements in the neighborhood;
- E. Is subject to adequate design standards to provide ingress and egress that minimize traffic hazards and traffic congestion on the public roads;
- F. Is not noxious or offensive by reason of emissions, vibration, noise, odor, dust, smoke or gas; and
- G. Shall not be detrimental or endanger the public health, safety or general welfare.
- H. Benefits Consideration. In addition, consideration was given to the City's and the larger community's best interests and the need, benefit, or public purpose of the proposed request.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MOBILE AS FOLLOWS:

Section One: The modification of the Planned Unit Development is hereby approved with the following required conditions:

- 1. Retention of the building sizes labeled in square feet on the Final PUD Site Plan;
- 2. Revision of the Final PUD Site Plan to depict the rights-of-way along Schillinger Road South and Thomas Road, as finalized with the associated subdivision request;
- 3. Provision of the lot sizes labeled in square feet and acres on the Final PUD Site Plan, adjusted for any required dedication resulting from the subdivision request, or provision of a table with the same information on the Final PUD Site Plan;
- 4. Revision of the Final PUD Site Plan to depict compliance with the off-street parking requirements of Article 3, Section 64-3-12.A. of the UDC, along with the provision of a table listing the number of required and provided parking spaces;
- 5. Revision of the Final PUD Site Plan to illustrate curbing and/or wheel stops demonstrating how vehicles will be prevented from encroaching beyond designated parking areas;
- 6. Provision of a note on the Final PUD Site Plan stating any required parking lot lighting will comply with the illumination standards of Article 3, Section 64-3-9.C. of the UDC and, if applicable, provision of a photometric plan at the time of permitting illustrating compliance with these standards;
- 7. Revision of the Final PUD Site Plan to illustrate compliance with the bicycle parking provisions of Article 3, Section 64-3-12.A.9. of the UDC, including the minimum number and location requirements;
- 8. Revision of the Final PUD Site Plan to illustrate compliance with the off-street facilities standards of Section 64-3- 12.B;
- 9. If applicable, revision of the Final PUD Site Plan to illustrate compliance with the vehicle stacking standards of Article 4, Section 64-4-6 of the UDC;
- 10. Revision of the Final PUD Site Plan to depict compliance with the on-site traffic circulation and maneuverability requirements of Article 3, Section 64-3-12 of the UDC;
- 11. Revision of the Final PUD Site Plan to illustrate the front, side, and rear yard setback standards of Article 2, Section 64-2-14.E. of the UDC;

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12. Provision of a note on the Final PUD Site Plan stating the site will comply with the tree planting and landscape area requirements of Article 3, Section 64-3-7 of the UDC, along with the provision of a detailed landscape plan at the time of permitting illustrating compliance with these requirements;
13. Provision of a separate site plan reflecting a comprehensive layout of the existing PUD overlaid with the proposed development;
14. Provision of a note on the Final PUD Site Plan stating any dumpster placed on the property must meet the enclosure and placement standards of Section 64-3-13.A.4. of the UDC, or provision of a note stating curbside waste collection will be utilized;
15. Placement of a note on the Final PUD site plan stating future development or redevelopment of the properties may require additional modifications of the PUD to be approved by the Planning Commission and City Council;
16. Completion of the subdivision process;
17. Compliance with all Engineering comments noted in the staff report;
18. Compliance with all Traffic Engineering comments noted in the staff report;
19. Compliance with all Urban Forestry comments noted in the staff report;
20. Compliance with all Fire Department comments noted in the staff report;
21. Submittal to and approval by Planning and Zoning of the revised Modified Planned Unit Development site plan prior to its recording in Probate Court, and the provision of one (1) copy of the recorded site plan (hard copy and pdf) to Planning and Zoning; and,
22. Full compliance with all municipal codes and ordinances.

Section Two: This Ordinance shall be in force and effect from and after its adoption and publication.

The resolution was read by the City Clerk, whereupon Councilmember Daves moved to call for the public hearing, which was seconded by Councilmember Woods and the vote was as follows:

Ayes: Penn, Carroll, Small, Reynolds, Daves, Woods, and Gregory
Nays: None

The vote was then announced by the City Clerk, whereupon the Presiding Officer set the date for the public hearing as August 19, 2025.

CALL FOR PUBLIC HARING TO CONSIDER REZONING PROPERTY LOCATED AT 4154 AND 4164 MOFFETT ROAD FROM B-2 TO I-1 (SCHEDULED FOR AUGUST 19, 2025) (DISTRICT 1). The following resolution was introduced by Councilmember Daves.

RESOLUTION: 41-970-2025

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA, that the City Clerk be, and she hereby is, instructed to publish in a newspaper of general circulation within the municipality the attached notice stating the time and place a proposed amendment to the Zoning Ordinance is to be considered by the City Council and further stating that at such time and place all persons who desire shall have an opportunity of being heard in opposition to or in favor of the proposed amendment.

Notice of Public Hearing for the Proposed Rezoning of Property Located at 4154 and 4164 Moffett Road

Pursuant to Resolution of the Mobile, Alabama City Council adopted July 15, 2025, a public hearing will be held on the 19th day of August, 2025, at 10:30 a.m., to consider adoption of an ordinance for the rezoning of property located at 4154 and 4164 Moffett Road from B-2, Neighborhood Business Suburban District, to I-1, Light Industry District.

The public hearing will be held in the Auditorium of Government Plaza, 205 Government Street, Mobile, Alabama. All persons who desire shall have an opportunity to be heard in favor of or in opposition to the proposed amendment at such time and place. Further, the City Council may consider zoning classifications other than the ones sought by the

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applicant, and may take other actions allowed by law.

AN ORDINANCE AMENDING THE ORDINANCE ADOPTED BY THE CITY COUNCIL OF THE CITY OF MOBILE ON THE 12TH DAY OF JULY, 2022, SAID ORDINANCE BEING COMMONLY KNOWN AS THE UNIFIED DEVELOPMENT CODE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MOBILE AS FOLLOWS:

Section One: That the Ordinance commonly known as the Unified Development Code and adopted on July 12, 2022, together with the Zoning Map of the City of Mobile, be, and the same hereby is amended in respect to that certain property in the City of Mobile, State of Alabama, described as follows to-wit:

LOT 1, WOLF RIDGE COMMERCIAL PARK, AS RECORDED IN MAP BOOK 112 PAGE 120, PROBATE COURT RECORDS, MOBILE COUNTY, ALABAMA.

The classification of said property is hereby changed from B-2, Neighborhood Business Suburban District, to I-1, Light Industry District, and it shall hereafter be lawful to construct on such property any structures permitted by the Ordinance of July 12, 2022, commonly known as the Unified Development Code and to use said premises for any use permitted by the terms of said Ordinance in an I-1, Light Industry District, provided, however, that the plans for any structure or building sought to be erected on said property shall be in compliance with the building laws of the City of Mobile, and that any structure shall be approved by the Building Inspector of the City of Mobile, and that any such structure be erected only in compliance with such laws, including the requirements of said Unified Development Code of July 12, 2022, and further provided, however, that no lot or parcel of land herein above described shall be used for any use allowed in an I-1, Light Industry District, until the condition set forth below has been complied with: I. Full compliance with all other municipal codes and ordinances.

Section Two: This Ordinance shall be in force and effect from and after its adoption and publication.

The resolution was read by the City Clerk, whereupon Councilmember Daves moved to call for the public hearing, which was seconded by Councilmember Woods and the vote was as follows:

Ayes: Penn, Carroll, Small, Reynolds, Daves, Woods, and Gregory

Nays: None

The vote was then announced by the City Clerk, whereupon the Presiding Officer set the date for the public hearing as August 19, 2025.

CALL FOR PUBLIC HEARING TO CONSIDER THE APPLICATION OF KAHTAH AHMED FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO OPERATE AT SHUTTLE SERVICE (SCHEDULED FOR JULY 29, 2025). The following resolution was introduced by Councilmember Daves.

RESOLUTION: 41-971-2025

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA, that the City Clerk be, and she hereby is, instructed to publish in a newspaper of general circulation within the municipality the attached notice stating the time and place a proposed amendment to the Zoning Ordinance is to be considered by the City Council and further stating that at such time and place all persons who desire shall have an opportunity of being heard in opposition to or in favor of the proposed amendment.

NOTICE OF HEARING ON PROPOSED CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO OPERATE A SHUTTLE SERVICE

Notice is hereby given that the City Council of Mobile, Alabama, proposes to consider the application of Kahtan Ahmed to operate a shuttle service in the city of Mobile. The

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adoption of such Certificate will be considered by the City Council in the Auditorium of the Mobile Government Plaza, located at 205 Government Street, Mobile, Alabama, on **July 29, 2025, at 10:30 a.m.** at such time and place, all persons who desire shall have an opportunity to be heard in opposition to or in favor of the proposed resolution.

BE IT RESOLVED BY THE CITY COUNCIL OF MOBILE, ALABAMA, that pursuant to the provisions of Ordinance #59-073, 2005, that the application of Kahtan Ahmed for a Certificate of Public Convenience and Necessity to operate a shuttle service is hereby approved. A copy of said application is on file in the office of the City Clerk.

The resolution was read by the City Clerk, whereupon Councilmember Daves moved to call for the public hearing, which was seconded by Councilmember Woods and the vote was as follows:

Ayes: Penn, Carroll, Small, Reynolds, Daves, Woods, and Gregory

Nays: None

The vote was then announced by the City Clerk, whereupon the Presiding Officer set the date for the public hearing as July 29, 2025.

ANNOUNCEMENTS

Councilmember Carroll offered comments regarding resident concerns about the letter they received from ALDOT.

Councilmember Woods thanked Carl Lewis, Center Manager, at the Connie Hudson Senior Center for all his hard work.

Councilmember Reynolds offered comments regarding Resolution 08-929.

Councilmember Reynolds thanked Merceria Ludgood, Mobile County Commissioner, for always contributing to the Pay-As-You-Go road and bridge program.

NOTE: Councilmember Daves exists the meeting.

Councilmember Penn thanked Ryan Williams, Alabama Crimson Tide Wide Receiver, for hosting a youth football camp at Saraland High School on July 13, 2025.

Councilmember Penn invited citizens to attend a community event highlighting gun violence, and conflict resolution hosted by Dr. Hezekiah Brown at the Dotch Community Center on July 18, 2025, at 5:30 p.m.

Councilmember Penn announced that the Mobile Parks and Recreation Department will be hosting a free Adult Field Day on Saturday, July 19, 2025, from 6:00 – 8:00 p.m. at Sage Park.

Councilmember Gregory announced that the Mobile Museum of Art will be hosting a “Back to School Giveaway” on July 12, 2025, from 11:00 a.m. – 2:00 p.m.

Councilmember Small invited residents to the Mayoral Forum on Tuesday, July 22, 2025 at Ben C. Rain High School from 6:00 p.m. – 8:00 p.m.

Councilmember Reynolds moved to adjourn the meeting, which was seconded by Councilmember Woods and the vote was as follows:

Ayes: Penn, Carroll, Small, Reynolds, Daves, Woods, and Gregory

Nays: None

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the regular meeting adjourned at approximately 11:24 p.m.

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Adopted:

COUNCIL PRESIDENT

CITY CLERK