

ORDINANCE NO. 166

AN ORDINANCE OF THE CITY OF WALLIS PASSED AND APROVED ON JUNE 13, 2007, BEING AN ORDINANCE REGULATING THE OPERATION OF WRECKERS IN THE CITY OF WALLIS, TEXAS, DEFINING CERTAIN WORDS AND PHRASES; PROHIBITING THE FOLLOWING OF EMERGENCY VEHICLES IN A WRECKER; PROHIBITING THE PARKING OR STOPPING OF WRECKERS AT THE SCENE OF AN ACCIDENT UNLESS SUCH WRECKERS HAVE BEEN CALLED AS HERIEN PROVIDED; PROHIBITING THE SOLICITATION OF WRECKER BUSINESS ON PUBLIC STREETS; PROVIDING A PROCEDURE FOR CALLING FOR WRECKERS SERVICE;REGULATING OPERATIONS OF VEHICLE STORAGE LOTS; REQUIRING PERMIT FOR OPERATIONS OF VEHICLE STORAGE LOTS; PROVIDING A PENALTY OF NOT LESS THAN \$50.00 NOR MORE THAN \$500.00 FOR A VIOLATION; PROVIDING FOR SEVERABILITY.

BE IT ORDAINED BY THE CITY COUNCIL OF OF THE CITY OF WALLIS, TEXAS.

Ordinance No. 166 of the City of Wallis Texas passed and approved on 13 June, 2007, is hereby approved, to read as follows.

Section 1. Definitions for purpose of this Ordinance:

- (a) The term "street" means the entire width between the boundary lines of every right of way when any part thereof is open to the use of the public for purpose of vehicular travel. A "street" is also commonly known as a highway, alley, or road.
- (b) The term Vehicle means every device in, upon or by which any person or property is or may be transported or drawn upon a street, except devices moved by human power or used exclusively upon stationary rails or tracks.
- (c) The term "motor vehicle" means every vehicle that is self propelled but not operated upon rails.
- (d) The term "wrecker" means any motor vehicle used for the purpose of towing or removing disabled or wrecked vehicles.
- (e) **The term "vehicle storage lot" means a location that is approved by the City of Wallis, Texas. Where a wrecker driver stores vehicles. The approved storage lot shall not exceed three (3) miles from the Wallis, Tx. city limits and must have prior approval of the Wallis City Council before being issued a permit to operate-**

within the approved operating area, established by the City Council.

- (f) The term “ consent tow” means the towing of a vehicle with the consent of the owner or the operator of the vehicle.
- (g) The term “non-consent tow” means the towing of a vehicle without the consent of the owner or operator of the vehicle.

Section 2. Following OF Emergency Vehicle’s Prohibited

No person shall follow in a wrecker any emergency vehicle which is traveling on a public street while that emergency vehicle is using emergency signals.

Section 3. Stopping or Parking at the Scene of an Accident Prohibited

No person shall stop or park a wrecker within three hundred (300) feet of the scene or site of a vehicle accident or collision while disabled, damaged, or wrecked vehicle remains at such scene or site. The provisions of this section shall not apply to any wrecker that is authorized by the investigating officer or any wrecker that is called to the scene or site of an accident or collision by the Police Department of the City of Wallis, Texas.

Section 4. Soliciting on Streets Prohibited

To maintain traffic safety for the public, no person shall solicit in any manner directly or indirectly, in the streets of the City of Wallis, Texas, the service of towing, removing, repairing, storing, wrecking or buying any vehicle which is wrecked or disabled on a public street.

Section 5. Procedures for Calling a Wrecker

The Chief of Police will determine the procedures used by the City of Wallis Police Department for notifying wreckers for non-consent tows.

Section 6. Regulations of Operation

- (a) No driver of a wrecker shall remove any vehicle which has been involved in an accident or collision from the place where such accident

or collision has occurred, or attach his wrecker to such wrecked, damaged or disabled vehicle until the police officer investigating such accident or collision shall have instructed the wrecker driver to do so.

- (b) It shall be the duty of each driver of each wrecker that removes a wrecked damaged or disabled vehicle from the place where the accident occurred to clear the street of any and all debris, parts or glass.

Section 7. Vehicle Storage Lots

- (a) It shall be unlawful for any person, firm or corporation to operate a vehicle **storage lot in the City of Wallis, Texas, approved operating area** without first obtaining a permit from the City of Wallis, Texas.
- (b) Each vehicle storage lot in the **City of Wallis, Texas, approved operating**
- (c) **area** shall be completely enclosed by a fence or wall at least six (6) feet in
- (d) height, with a gate which is locked at all times when the vehicle storage lot is
- (e) not opened for business. The fence or wall for storage lots located in the City
- (f) of Wallis, Texas, shall be:
 - 1. Chain link fence; or
 - 2. Pressurized and treated wood; or
 - 3. An opaque barrier approved by the City Administrator or the City Administrator's designee.
- (g) Such fences and walls shall be maintained in good repair and shall be kept, vertical, uniform and structurally sound.
- (h) Each vehicle storage lot located **in the City of Wallis, Texas, approved**
- (i) **operating area** shall have an all weather surface such as concrete, asphalt,
- (j) blacktop, stone, limestone, gravel, shell or sand that makes delivery and
- (k) release of automobile feasible in all weather conditions.
- (l) Each vehicle storage lot shall have a sign, at the main entrance, clearly visible and readable from the street, setting out the name of the vehicle storage lot, the street address, the vehicle release contact phone numbers and the City Permit number.
- (m) Each vehicle storage lot shall have personnel available to release motor vehicles twenty four (24) hours a day. The vehicle storage lot owner may maintain a telephone contact system and respond within one hour of a request for release instead of having an employee on site.

- (n) Each vehicle storage lot shall have an operable telephone which must be publicly listed where the wrecker business, or its employees and agents may be contacted.
- (o) Each vehicle storage lot shall have adequate illumination which will make release of vehicles feasible at night.
- (p) Each vehicle storage lot shall be covered by a policy of liability insurance which shall include coverage for comprehensive or specific perils in collision and shall be issued by a company duly authorized to write insurance in the State of Texas and shall be in an amount of not less than \$50,000 for injury to, or destruction or property of others. Such policy shall be kept in full force during the entire duration of any City permit. A copy of the policy will be maintained by the city permit office.
- (q) The City Administrator shall approve the location of each vehicle storage lot located in the City of Wallis, Texas.

Section 8. Permits

- (a) All persons desiring to obtain a permit for a vehicle storage lot shall make application in writing on a form prescribed for that purpose to the City of Wallis Permit Office, which application shall contain;
 - 1. The name, address and home telephone number of the applicant.
 - 2. The name of the registered owner of the vehicle storage lot, for which the permit is to be issued;
 - 3. Proof of ownership or control of the vehicle storage lot;
 - 4. Location of vehicle storage lot, and
 - 5. Any other information that the Chief of Police may require.
 - 6. Each applicant for a vehicle storage lot permit, shall be sworn to by the applicant and shall be accompanied by a permit fee amount of fifteen (\$15.00) dollars per twelve (12) month period.
- (b) Said permit shall be non-transferable and shall expire twelve months after issuance.
- (c) Owners of all vehicle storage lots in **Wallis, Texas, approved operating area** are required to obtain a vehicle storage lot permit from the City of Wallis, Texas.

Section 9. Obedience to, Interference with Police Officers

All auto wrecker drivers arriving at the scene of an accident or collision or any police authorized tows shall obey all lawful orders given them by any police officer at the scene and shall not interfere with such police officer in the performance of his duties.

Any auto wrecker driver may be denied to match for tow if the wrecker is observed violating any laws of the State or City while en route to any call for service, this shall be at the discretion of the investigating police officer at the scene.

Section 10. Charges, Police Authorized tows and Non-Consent Tows.

The standard auto wrecker service charge for towing a vehicle as a non- consent tow or as a police-authorized tow, shall not exceed one hundred and twenty five dollars (\$125.00) and shall be towed from the pick up site to the approved vehicle storage lot located in the City of Wallis, Texas,. approved operating area. No vehicle may be towed to any other vehicle storage lot outside of the city of Walli, Tx. approved operating area..

The fee for a heavy duty wrecker is not to exceed two hundred and fifty (\$250.00) dollars an hour with a one (1) hour minimum. This charge shall apply whether the tow is performed during the day, at night, on a saturday or sunday, or on a holiday.

Section 11. Wrecker Drivers

It shall be unlawful for any person to drive an auto wrecker within the City of Wallis, Texas, unless such person is a duly licensed vehicle operator under the law. The City of Wallis shall keep a copy of each wrecker driver's state drivers license.

Section 12. Rotation of Auto Wreckers

The rotation system for non-consent and police authorized tows shall be enforced by the Chief of Police in the following prescribed manner.

1. A list of all authorized auto wrecker's for the City of Wallis will be given to the Austin County Sheriffs Office in Bellville, Texas and the dispatcher's shall dispatch the next rotation wrecker on the list, and such list shall be maintained by Austin County Sheriff Office.
2. When the first rotation wrecker is dispatched to the scene and the tow has been completed as required in this ordinance, then the second wrecker on the list shall rotate to the next rotation wrecker and shall be dispatched to the next request for service by the City of Wallis, Texas. As each wrecker is dispatched from the top of the list, it shall then be placed at the bottom of the list and will rotate back up to the top in turn as the above wreckers are dispatched.
3. There shall be a time period of **fifteen (15) minutes** from the time the next rotation wrecker is dispatched for the wrecker to arrive on scene.

If the dispatched auto wrecker driver does not arrive on scene within the fifteen (15) minute time period, it shall then be disregarded and rotated to the bottom of the list and the next rotation wrecker shall be dispatched to the scene.

If the first wrecker driver that was disregarded arrives on scene after his fifteen (15) minute time period has expired, he will be denied the tow and the second dispatched wrecker that is en route shall receive the tow.

Section 13. Penalty

Any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a Class-C Misdemeanor and upon a conviction in a Municipal Court shall be subject to a fine of not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) for each offense. Each day such offense shall continue shall be deemed a separate offense.

Section 14. Revocation

A permit issued under the provisions of this ordinance may be denied,

suspended, canceled or revoked by order of the Chief of Police for any of the following reasons.

- (a) The permit holder has not been in compliance with the requirements of this ordinance at any time since the permit has been issued.
- (b) The permit holder has committed any violation of state law regulating auto wreckers;
- (c) The permit holder has committed any violation of the city's ordinances regulating auto wreckers'
- (d) The permit holder has violated any rules or regulations issued by the authority of the Chief of Police;
- (e) There have been three (3) or more violations of the City's ordinances regulating auto wreckers within a one (1) year period by any one (1) driver operating a wrecker of the permit holder or by any other agents or employees of the permit holder;
- (f) There have been four (4) or more moving violations of the motor vehicle traffic laws of the state within any one (1) year by any one (1) driver while operating a wrecker of the permit holder;
- (g) The permit holder knowingly supplied false or incomplete information to obtain or maintain a permit;
- (h) The permit holder has been convicted of a felony within the last three (3) years, placed on probation, or convicted of a crime involving moral aptitude within ten (10) years; or
- (i) The permit holder, his agent or employee fails to respond to wrecker calls from the police department in such a manner as to create unnecessary delays in the removal of wrecked or disabled vehicles from the roadway.

Section 15. Appeal

Upon the denial, suspension, cancellation, or evocation of a permit issued under the provisions of this ordinance, the applicant or permit holder shall have the right to appeal such denial, suspension, cancellation, or revocation to the City Council within ten (10) days of written notice of such decision, which appeal shall be perfected by delivering, in writing, seven copies of same to the City Council, stating that an appeal, from the decision is desired and the facts regarding same. The City Council will schedule a hearing as

soon as practicable after receiving such notice of appeal, grant a hearing thereof, and after the hearing of the appeal, shall within a reasonable period, sustain, modify, or reverse the decision. If no appeal is taken within the time provided above, the decision regarding the permit shall be final; or otherwise, the decision of the City Council shall be final.

Section 16. Validity

If any section, subsection, sentence, clause, phrase or portion of this ordinance is, for any reason held invalid or unconstitutional by any court; of competent jurisdiction, such section, subsection, sentence, clause, phrase or portion, shall be deemed a separate, distinct and independent provision and such holdings shall not affect the validity of the remaining portions thereof.

Section 17. Conflicts


All previous enacted ordinances or parts of ordinances in conflict with this Ordinance herewith are hereby REPEALED.

PASSED AND APPROVED THIS 18th DAY OF August 2007.



TONY I. SALAZAR, Mayor

ATTEST:



D.J. SOMMERS, City Secretary