

ORDINANCE NO. 14-100

AN ORDINANCE AMENDING CHAPTER 25 OF THE CODE OF ORDINANCES OF THE CITY OF FORT STOCKTON, TITLED WRECKER SERVICES* & REPEALING ALL OTHER ORDINANCES OR PORTIONS THEREOF IN CONFLICT, A SEVERABILITY & PENALTY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council has determined that the changes set forth would be in the best interest of the citizens of the City of Fort Stockton.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FORT STOCKTON, TEXAS:

CHAPTER 24 – WRECKER SERVICES *

Sec. 25-1. Definitions.

For the purpose of this chapter, the following terms shall have the meanings hereinafter ascribed to them.

Certificate: Safety inspection certificate or permit issued by the Chief of Police of the City of Fort Stockton, under provisions of this chapter, to authorize a wrecker to perform non-consent tows in the city limits of the City of Fort Stockton.

Chief of Police: The Chief of Police of the City of Fort Stockton or a person designated by him to act in his stead for the purposes of this chapter.

Consent Tow: Any tow of a motor vehicle in which the tow truck is summoned by the vehicle owner or operator of the vehicle or by a person who has possession, custody, or control of the vehicle. The term does not include an incident management tow or a private property tow.

Cab Card: A statement that a tow truck(s) has been issued a permit by the Texas Department of Licensing and Regulation under Chapter 2308.108, Texas Occupations Code.

TDLR: The Texas Department of Licensing and Regulation.

Incident Management Tow: Any tow of a vehicle in which the tow truck is summoned to the scene of a traffic accident or to an incident, including the removal of a vehicle, commercial cargo, and commercial debris from an accident or incident scene.

Non-consent Tow: Any tow of a motor vehicle that is not a consent tow, including:

- (A) An Incident Management Tow; and
- (B) A Private Property Tow.

Motor Vehicle (vehicle): A device in, on, or by which a person or property may be transported on a public roadway. The term includes an operable or inoperable automobile, truck, motorcycle, recreational vehicle, or trailer but does not include a device moved by human power or used exclusively on a stationary rail or track.

Towing Company Registration Permit: Authorization granted by the City of Fort Stockton under the provisions of this chapter to engage in the wrecker business in the city.

Permit holder: Any towing company **Registered** with the City of Fort Stockton Police Department possessing a current, valid certificate or permit to perform no consent tows in the city limits of the City of Fort Stockton.

Point of Origin: The point where a vehicle is picked up for towing.

Parking Facility: Public or private property used, wholly or partly, for restricted or paid vehicle parking. The term includes:

- (A) A restricted space on a portion of an otherwise unrestricted parking facility; and
- (B) A commercial parking lot, a parking garage, and a parking area serving or adjacent to a business, church, school, home that charges a fee for parking, apartment complex, property governed by a property owners' association, or government-owned property leased to a private person, including:
 - (i) A portion of the right-of-way of a public roadway that is leased by a governmental entity to the parking facility owner; and
 - (ii) The area between the facility's property line abutting a county or municipal public roadway and the center line of the roadway's drainage way or the curb of the roadway, whichever is farther from the facility's property line.

Parking Facility Authorized Agent: An employee or agent of a parking facility owner with the authority to:

(A) Authorize the removal of a vehicle from the parking facility on behalf of the parking facility owner; and

(B) Accept service on behalf of the parking facility owner of a notice of hearing requested under this chapter.

Parking Facility Owner:

(A) An individual, corporation, partnership, limited partnership, limited liability company, association, trust, or other legal entity owning or operating a parking facility;

(B) A property owners' association having control under a dedicatory instrument, as that term is defined in Section 202.001, Texas Property Code, over assigned or unassigned parking areas; or

(C) A property owner having an exclusive right under a dedicatory instrument, as that term is defined in Section 202.001, Texas Property Code, to use a parking space.

Private Property Tow: Any tow of a vehicle authorized by a parking facility owner without the consent of the vehicle owner or operator of the vehicle.

Property Owners' Association: Has the meaning assigned by Section 202.001, Texas Property Code.

Public Roadway: A public street, alley, road, right-of-way, or other public way, including paved and unpaved portions of the right-of-way.

Towing Company: An individual, association, corporation, or other legal entity that controls, operates, or directs the operation of one or more tow trucks over a public roadway in this state but does not include a political subdivision of the state.

Tow Operator's License: A license issued, under Chapter 2308, Subchapter D, Texas Occupations Code, to operate a tow truck permitted under Chapter 2308, Subchapter C, Texas Occupations Code.

Unauthorized Vehicle: A vehicle parked, stored, or located on a parking facility without the consent of the parking facility owner.

Vehicle: A device in, on, or by which a person or property may be transported on a public roadway. The term includes an operable or inoperable automobile, truck, motorcycle, recreational vehicle, or trailer but does not include a device moved by human power or used exclusively on a stationary rail or track.

Vehicle Owner: A person:

(A) Named as the purchaser or transferee in the certificate of title issued for the vehicle under Chapter 501, Texas Transportation Code;

(B) In whose name the vehicle is registered under Chapter 502, Transportation Code, or a member of the person's immediate family;

(C) Who holds the vehicle through a lease agreement;

(D) Who is an unrecorded lienholder entitled to possess the vehicle under the terms of a chattel mortgage; or

(E) Who is a lienholder holding an affidavit of repossession and entitled to repossess the vehicle.

Vehicle Storage Facility: A vehicle storage facility, as defined by Section 2303.002, that is operated by a person who holds a license issued under Chapter 2303, Texas Occupations Code, to operate the facility.

Wrecker/Tow Truck: A motor vehicle, including a wrecker, equipped with a mechanical device used to tow, winch, or otherwise move another motor vehicle. The term does not include:

(A) A motor vehicle owned and operated by a governmental entity, including a public school district;

(B) A motor vehicle towing:

(i) A race car;

(ii) A motor vehicle for exhibition; or

(iii) An antique motor vehicle;

(C) A recreational vehicle towing another vehicle;

(D) A motor vehicle used in combination with a tow bar, tow dolly, or other mechanical device if the vehicle is not operated in the furtherance of a commercial enterprise;

(E) A motor vehicle that is controlled or operated by a farmer or rancher and used for towing a farm vehicle; or

(F) A motor vehicle that:

(i) Is owned or operated by an entity the primary business of which is the rental of motor vehicles; and

(ii) Only tows vehicles rented by the entity.

Wrecker Rotation Lists: Lists prepared by the Fort Stockton Police Department in accordance with the provisions of this chapter of wrecker services which have registered and qualified for placement upon such lists.

Sec. 25-2. Tow Truck Certificate Required.

- (a) It shall be unlawful for a person to operate a tow truck within the city for the purpose of responding to or performing non-consent tows unless such person possesses valid certificate issued by the City of Fort Stockton Police Department therefore.
- (b) It shall be unlawful to drive or cause to be driven a tow truck for which no valid State of Texas certificate of registration is possessed, visible on the front windshield, and maintained in the tow truck.
- (c) It shall be unlawful to drive or cause to be driven a tow truck for which no valid State of Texas certificate of inspection is possessed and visible on the front windshield of the tow truck.
- (d) The provisions of paragraph (a) of this section shall not apply to a wrecker tow which originates outside the limits of the city.
- (e) It is unlawful to operate a tow truck without the below requirements under Section 2308.109, Texas Occupations Code:
 - (a) A permit holder shall display on each permitted tow truck:
 - (1) The permit holder's name;
 - (2) The permit holder's telephone number;
 - (3) The city and state where the permit holder is located; and
 - (4) The permit number for the tow truck.
 - (b) The information required to be displayed must be:
 - (1) Printed in letters and numbers that are at least two inches high and in a color that contrasts with the color of the background surface; and
 - (2) Permanently affixed in conspicuous places on both sides of the tow truck.
- (f) It shall be unlawful to operate a tow truck without also possessing a valid tow operator's license issued by the Texas Department of Licensing and Regulation under Chapter 2308, Subchapter D, Texas Occupations Code.
- (g) Notwithstanding any other provision of this chapter, in any circumstance in which a vehicle or other object is so located on a public street as to constitute a hazard or obstacle, or to interfere with traffic, or in the event a stolen vehicle is found, or in any other circumstances in which a Police Officer in the course of his duty deems it necessary, he may require such vehicle or object to be removed at the vehicle owner's or operator's expense by any practical means, including use of the wrecker rotation lists in accordance with the provisions of this chapter.

Sec. 25-3. Towing Company Registration Certificate Application and Fee.

- (a) Applications for towing company registration certificates shall be made upon forms supplied by the City Secretary, shall be verified by notary, and shall contain the following information:
 - (1) The legal business name, any "doing business as" name, physical address, mailing address, and telephone number of the towing company.
 - (2) The number and category of wreckers proposed to be operated.
 - (3) The names and addresses of the true owners of the towing company and, if the business is a corporation, the names and addresses of the corporate officers.
 - (4) The true owners of the wreckers to be used, if different from the true owners of the business.
 - (5) The statement from the city Tax Assessor-Collector that all city taxes on the permit applicant's property, both real and personal, to be used in the business are current.
 - (6) A certificate of public liability and property damage insurance issued by a casualty insurance company authorized to do business in the State of Texas, in the standard form approved by the Texas Department of Insurance, containing a provision that at least ten (10) days' prior notice of cancellation of said insurance shall be given to the City Secretary by the insurance company and with the insured provision of such policy including the City as an additional insured and the coverage provision of such policy insuring members of the public from any loss or damage that may arise to any person or property by reason of the operation of the permit holder's towing company and providing that the amount of coverage shall comply with the limits set forth in this chapter.
 - (7) A copy of the most recent cab card issued by the Texas Department of License and Regulations.
- (b) The annual fee for a towing company registration certificate shall be **fifty dollars (\$50.00)** and shall entitle the holder to operate a towing company performing non-consent tows inside the city limits of

the city of Fort Stockton and in compliance with this chapter for one (1) year from the date of issuance.

- (c) Towing company registration certificates shall be prominently displayed at the permit holder's place of business.

Sec. 25-4. Tow Truck Certificate Application, Requirements and Fee.

- (a) A permit holder desiring to have a wrecker certified shall do the following:
- (1) Submit a copy of the State of Texas vehicle registration to the Chief of Police or his designated representative along with a request for certification on a form provided by the City Secretary.
 - (2) Submit such wrecker for inspection by the Chief of Police or his designated representative.
- (b) Following a determination that such wrecker complies with applicable state law and the provisions of this chapter, the Chief of Police or his designated representative shall issue a certificate of safety compliance to the permit holder and cause to be affixed to the vehicle windshield a bumper sticker or such other device as the Chief of Police shall deem to be of assistance in identifying properly certified wreckers.
- (c) The permit holder shall pay a nonrefundable fee of **fifteen dollars (\$15.00)** for each wrecker for which certification is sought.

Sec. 25-5. Wrecker Requirements.

Wreckers shall be classified as Class I or Class II and shall meet the following equipment requirements for Class I certification:

CLASS I

- (1) Shall have a gross vehicle weight rating (GVRW) of eight thousand six hundred (8,600) pounds to twenty-six thousand (26,000) pounds or less, as reflected on the State of Texas registration or title, or by certification by a mechanical engineer licensed as a professional engineer in the State of Texas.
- (2) Shall have brakes that meet reasonable braking performance requirements under all loading conditions. May be equipped with air brakes.
- (3) Wreckers with a GVRW of ten thousand (10,000) or less shall be equipped with a winch, winch line and boom with a lifting capacity of not less than eight thousand (8,000) pounds, single-line capacity or a hydraulic wheel lift with a lifting capacity of not less than thirty-five hundred (3,500) pounds. Wreckers with GVRW of ten thousand (10,000) to twenty-six thousand (26,000) pounds shall be equipped with a ten thousand (10,000) pound winch capacity per winch line and boom with a rated or tested lifting capacity of not less than twenty-four thousand (24,000) pounds capacity. Car carriers (Flatbeds) are not required to be equipped with a boom.
- (4) Shall carry as standard equipment at least: a tow sling or hydraulic lift which is sufficient to prevent the swinging of any equipment being transported; 5/16-inch steel safety chains, minimum; rope, wire or straps suitable for securing doors, hoods, trunks, etc.; outside rearview mirrors on both sides of the truck. Any truck towing from the scene of an accident must be equipped with the following: tow truck with a gross vehicle weight rating (GVWR) of eight thousand six hundred pounds (8,600) to twenty-six thousand (26,000) pounds or less shall carry a five-pound fire extinguisher, properly filled, operable and located so it is readily accessible for use; one (1) crowbar or wrecking bar; one (1) set of dollies; a broom; three (3) portable red emergency reflectors, orange safety cones or flares; a container to carry glass and debris cleaned from streets when picking up a damaged or disabled vehicle; a spotlight or flashlight; set of wired or wireless tow lights; alternately flashing warning lights that comply with Chapter 547, Texas Transportation Code, which allows the use of red and/or amber lenses only (red lenses may be used only under the direction of a law enforcement officer or while hooking up a disabled vehicle in the roadway).
- (5) If a tow truck is pulling a vehicle, the tow truck operator must supply the towed vehicle with functioning tow lights. The tow lights must provide safe lighting of the towed vehicle.
- (6) If a tow truck uses a winch, a safety wrap must be performed.
- (7) Safety chains must be used on all tows.
- (8) Each tow truck must display a tow truck license plate issued by the Texas Department of Motor Vehicles under Chapter 504.508, Texas Transportation Code.
- (9) Each tow truck shall have the tow truck owner's business name, address, telephone number, and permit number issued by the Texas Department of Licensing and Regulation as reflected on the permit permanently inscribed or affixed on each side of the truck in letters no less than two (2) inches high. The lettering should be of a color sufficiently different from the color of the truck to make it clearly and readily visible.
- (10) Shall be in such condition that it can safely and reliably be used as a wrecker.

- (11) Shall comply within the regulations adopted by the Texas Department of Licensing and Regulation.
- (12) No tow truck shall tow more than the combined capacity of the equipment and the GVRW of the tow truck.

All Class II wreckers shall meet the following additional requirements:

CLASS II

- (1) Shall have a gross vehicle weight rating (GVRW) of twenty-six (26,000) pounds or more, as reflected on the State of Texas registration or title, or by certification by a mechanical engineer licensed as a professional engineer in the State of Texas.
- (2) Shall be equipped with air brakes.
- (3) Shall be equipped with a twenty-five thousand (25,000) dual winch lines and boom with a rated or tested lifting capacity of not less than twenty-five thousand (25,000) pounds capacity.
- (4) Shall carry at least two (2) snatch blocks.
- (5) Shall carry a ten-pound fire extinguisher or two (2) five-pound fire extinguishers.
- (6) No tow truck shall tow more than the combined capacity of the equipment and GVWR of the tow truck.

Sec. 25-6. Insurance.

All permit holders shall maintain public liability and property damage insurance in the following minimum amounts:

- (1) **Class I Wreckers:**
 - (a) At least \$500,000 of liability insurance for the tow truck; and
 - (b) At least \$50,000 of cargo, on-hook insurance for the tow truck.

Each tow truck must be insured so as to meet the requirements of all other applicable statutes in addition to meeting the insurance requirements set forth in the Chapter 2308, Texas Occupations Code.

- (2) **Class II Wreckers:**
 - a) \$500,000 combined single limit coverage.
 - b) \$50,000 cargo, on-hook.

Each tow truck must be insured so as to meet the requirements of all other applicable statutes in addition to meeting the insurance requirements set forth in the Chapter 2308, Texas Occupations Code.

Sec. 25-7. Equipment Safety Requirements.

All wreckers must be equipped as follows:

- (1) Shall display atop the highest part of the wrecker revolving amber or amber and red light.
- (2) Two (2) white floodlights projecting to the rear of the wrecker, mounted in such a manner as to light up the vehicle being loaded or unloaded, and which lights shall be extinguished while towing is in progress.

Sec. 25-8. Permit and Certificate Issuance and Suspension or Revocation.

The City Secretary shall issue a towing company registration certificate to those towing companies complying with the requirements of this chapter. The Police Chief shall issue a tow truck certificate for any approved wrecker complying with the requirements of this chapter. Since the proper and safe functioning of wreckers has critical impact on the health, safety and welfare of the public, involves use of the public streets of the city, often in conditions necessitating the prompt and safe removal of dangerous obstructions to traffic on said streets, the privilege of operating a wrecker within the city shall be subject to strict regulations in order to protect the public, including the following administrative actions in lieu of or in addition to any permitted criminal or civil remedy at law:

- (1) **Suspension of Permit.** Grounds for suspension of a permit include the following:
 - a. Failure to meet requirements of this chapter for a permit at any time.
 - b. Operating a wrecker in such a manner as to endanger any person or property.
 - c. Collecting or charging any fees in excess of those set out in this chapter.
 - d. Violation of state law or city ordinance by a permit holder or his employee in connection with the operation of the towing company.
 - e. Allowing a person not equipped with a valid tow operator license to operate a tow truck under Chapter 2308, Texas Occupations Code.

- (2) **Revocation of Permit.** Grounds for revocation shall be the repeated violation of those items listed for suspension, but revocation shall not be done unless the permit holder has been suspended at least twice within a twelve-month period immediately preceding the revocation.
- (3) **Suspension of Certificate.** The certificate of any wrecker may be suspended and the evidence of certification removed from the wrecker for the following:
 - a. Operating a wrecker in such condition that it cannot safely tow a vehicle.
 - b. Operating a wrecker not covered by insurance as required by this chapter.
 - c. Operating a wrecker that does not meet the requirements for certificate set out in this chapter.

Sec. 25-9. Suspension and Revocation Procedures; Appeals.

- (a) Suspension or revocation of a permit may be accomplished by the Chief of Police after a hearing before the Chief of Police until such time as the deficiency under Section 25-8(1)a. is corrected or not more than fifteen (15) days for a violation of Section 25-8(1)b., c., d., or e. Notice of the hearing, the administrative action proposed to be taken, and the grounds therefor shall be given to the permit holder ten (10) days prior to the hearing. Mailing such notice by certified mail to the last-known business address of the permit holder not less than ten (10) days prior to the hearing shall constitute adequate notice. Suspension of a permit shall be accomplished by a notice in writing to the permit holder within ten (10) days of the hearing. Said notice shall set out the date of the suspension and the date of reinstatement and shall advise the permit holder that he may appeal such decision to the City Manager. Revocation of a permit may be accomplished in the same manner. Following revocation, no new permit shall be given to that former permit holder for a period of at least six (6) months from the date of the revocation.
- (b) Suspension of a certificate may be accomplished by the Chief of Police or by any Police Officer who shall discover a wrecker in operation that is deficient under the provisions of Section 25-8(1) a., b. or c. Suspension will be accomplished by the removal of the device signifying certificate from the wrecker. Such certification shall be reissued when the condition is corrected and the vehicle re-inspected by the Chief of Police or his authorized representative. Cost for such re-inspection shall be twenty dollars (\$20.00). Such suspension may be appealed by giving written notice of such appeal to the Chief of Police within ten (10) days of the suspension of such certificate. Such hearing shall be had before the Chief of Police within ten (10) days of the receipt of the written notice. The Chief of Police shall notify the certificate holder of his decision upon the certificate in writing within ten (10) days of the hearing. If such suspension is upheld, the notice of decision shall state what action will be necessary to have a certificate reissued and that such decision may be appealed to the City Manager.

Sec. 25-10. Maximum Fees.

Maximum fees shall comply with regulations adopted by Texas Department of Licensing and Regulation.

Sec. 25-11. Driving Wrecker to Scene of Collision Prohibited; Exceptions.

No person shall drive, or cause to be driven, a wrecker to the scene of a collision on a public street in the city unless such person has been called to the scene by the Fort Stockton Police Department; provided, that when a wrecker is involved in a collision, it shall not be in violation of this section.

Sec. 25-12. Solicitation of Towing Service Prohibited on Public Streets.

No person shall solicit in any manner, directly or indirectly, on the public streets of Fort Stockton wrecker business involving a vehicle wrecked on such streets. This prohibition applies regardless of whether such solicitation is for the business of towing, removing, repairing, wrecking, storing, trading, selling or purchasing such wrecked vehicle. The presence of a wrecker at the scene of a collision, which wrecker was not called by the Fort Stockton Police Department or a party to the collision, shall be prima facie proof of such solicitation as is herein prohibited.

Sec. 25-13. Interception of Police Calls Prohibited.

No person for purposes of facilitating violation of this chapter or of any other law or ordinance shall intercept any message emanating on Fort Stockton Police Department radio frequencies or frequencies that may in the future be assigned the Fort Stockton Police Department, nor shall the contents of any such intercepted message be divulged to another for purposes of facilitating violation of this chapter or any other law or ordinance.

Sec. 25-14. Private Parking Hauls.

- (a) No permit holder shall tow a vehicle parked on a parking facility within the City of Fort Stockton onto a public street within the city unless the parking lot has signs that are in full compliance with Chapter 2308, Subchapter G, Texas Occupations Code.
- (b) Whenever it becomes necessary under this section for the permit holder to disassemble parts of a vehicle in order to tow such vehicle, the permit holder shall reassemble such parts upon reaching his place of business.

- (c) No permit holder shall give any form of compensation to the owner or operator of a parking facility from which the permit holder has towed a vehicle.
- (d) No permit holder shall have the vehicle owner or operator of a vehicle which has been towed from a parking facility sign a release from liability until the owner has inspected the vehicle. Any such release shall contain a notation of such inspection as well as an enumeration of any damages alleged by the vehicle owner or operator to be the responsibility of the permit holder. The release shall be a full release except as to specifically enumerated damages.
- (e) A vehicle storage facility accepting a vehicle from private property shall immediately upon accepting the vehicle into storage shall notify the City of Fort Stockton Police Department of such removal and acceptance of storage of the vehicle. Such notification shall include the following:
 - (1) The physical description and license number or vehicle identification number, if there are no license plates, of the vehicle to be removed;
 - (2) The name of the permit holder removing the vehicle; and
 - (3) The location of storage of the vehicle.
 - (4) The name of the tow operator that removed the vehicle.
- (f) The maximum fee which may be charged by a permit holder for the removal and impoundment of a vehicle from a parking facility under this section shall not exceed what is allowable by law.

Sec. 25-15. Police Wrecker Rotation Lists.

- (a) The Fort Stockton Police Department shall establish and maintain Class I and Class II wrecker rotation lists. Towing Companies upon such lists shall be positioned in an alternated basis with one position for each qualified Towing Company. A towing company is qualified to be listed upon the Class I list if:
 - (1) At least one (1) certified wrecker of at least twenty-six thousand (26,000) pounds or less gross vehicle weight is maintained ready for use.
 - (2) A 24-hour service response from towing company with continuous phone service is maintained seven (7) days a week.
 - (3) A vehicle storage facility with a capacity of at least twenty (20) automobiles upon a single site is maintained within one (1) miles of the city's police jurisdiction. The vehicle storage facility must be in compliance with Chapter 2303, Texas Occupations Code.

A towing company is qualified to be listed upon the Class II list if in addition to meeting the requirements of subparagraphs (a)(2) and (a)(3) of this section, at least one (1) certified wrecker of at least twenty-six thousand (26,000) pounds or more gross vehicle weight rating and is maintained ready for use.

- (b) When the Police Officer investigating a collision determines that any vehicle involved in such collision is unable to safely proceed under its own power, or when the Police Officer determines that the driver of a vehicle involved in a collision is unable to safely move the vehicle to a location where it will not create a traffic hazard, the officer shall request the driver to designate a licensed Incident Management towing company that he desires to have remove the vehicle. When such designation has been made and the requested towing company is authorized to tow in the city, the officer shall communicate the designation to the Police Department, which shall cause the designated party to be called and directed to the scene of the collision. If the designated wrecker is not authorized, or cannot have a tow truck at the scene of the collision within thirty (30) minutes from the time the Police Dispatcher has notified the towing company of the request, the requestor will be notified and asked to request an alternate.
- (c) If the vehicle owner or operator of a vehicle involved in a collision which must be removed by wrecker is unable, fails or refuses to designate a licensed Incident Management towing company that he desires to have move the vehicle, the officer shall notify the Police Dispatcher, who shall call the towing company on call on the appropriate wrecker rotation list to remove the damaged vehicle.
- (d) Failure of the towing company called to respond with an appropriate class wrecker at the scene of the collision within thirty (30) minutes of notification without justification acceptable to the Police Department shall cause the permit holder to forfeit that call to the next towing company upon the appropriate wrecker rotation list. Failure to respond three (3) times during a month without justification acceptable to the Police Department shall cause for the towing company to be removed from the rotation list for a period of one (1) month. A towing company which has been passed over two (2) times within a one-year period shall be removed from the list for a period of three (3) months upon the next occurrence of two (2) failures to respond.
- (e) It shall be unlawful for a Police Officer at the scene of a collision to directly or indirectly recommend to any person the name of any towing company or to influence or attempt to influence in any manner the decision of any person choosing or selecting a wrecker.
- (f) A towing company desiring to be placed upon any wrecker rotation list shall be required to make written application to the Police Chief of the city and shall execute an agreement to hold the City of Fort Stockton harmless from any claims arising from performance of wrecker services in connection with such listing upon a wrecker rotation list.

- (g) In the event that the Police Officer initiates the tow of a vehicle without the knowledge of the owner of the vehicle, the police department shall as soon as possible attempt to determine the owner of such vehicle and notify such person by the fastest available means of the impoundment of the vehicle.

Sec. 25-16. Duties of Permit Holders.

- (a) It shall be the obligation of all permit holders under this article to operate wreckers so as to provide safe and prompt removal of wrecked or disabled vehicles from public streets of the City of Fort Stockton when properly called upon to do so in accordance with provisions of this chapter.
- (b) The duty to provide safe and prompt wrecker service upon call includes, but is not limited to, the following specific duties:
- (1) Upon receiving a call from the Police Department, the permit holder shall immediately dispatch the requested capacity wrecker to the desired location, or, if the permit holder does not wish to respond or cannot respond for some reason, then he shall so inform the Police Department at once.
 - (2) Upon arriving at the scene of a collision within the city, the permit holder shall take direction from the Police Officer in charge of the investigation of the collision, in accordance with state law. Failure of the permit holder to take direction from the Police Officer in charge at the scene shall cause the permit holder to be removed from the wrecker rotation list for a period of three (3) months.
 - (3) The personnel of a permit holder hauling a vehicle from the scene of a collision within the city of Fort Stockton shall remove all debris of the collision from the street. This duty specifically includes the removal of broken glass and metal fragments and the spilled load of any vehicle. Such debris should be disposed of in a manner which will keep it out of the gutters, storm sewers, streams, public right-of-way, and property not belonging to the wrecker without consent of the property owner. The officer on the scene may assist in locating a place for disposal of such debris.
 - (4) No permit holder shall store any vehicle or wrecker on public streets or public right-of-way in the city. Permit holders shall use reasonable care in the towing and storage of vehicles so as to minimize the possibility of further damage or theft.
 - (5) All permit holders shall comply with all state laws and city ordinances, including zoning, health and fire prevention ordinances.

Sec. 25-17. Penalties.

Violation of any of the provisions of this chapter shall be subject to such administrative action as are set out herein in addition to being guilty of a misdemeanor and, upon conviction thereof, subject to a fine not to exceed two hundred dollars (\$200.00).

If any provisions, section, exception, subsection, paragraph, sentence, clause or phrase of this ordinance or the application of same to any person or set of circumstances, shall for any reason be held unconstitutional, void or invalid, such invalidity shall not affect the validity of the remaining provisions of this ordinance or their application to other persons or sets of circumstances and to this end all provisions of this ordinance are declared to be severable.

All ordinances or parts of ordinances inconsistent with the terms of this ordinance are hereby repealed; provided however, that such repeal shall be only to the extent of such inconsistency and in all other respects this ordinance shall be cumulative of other ordinances regulating and governing the subject matter covered by this ordinance.

It is ordered and ordained that this ordinance take effect immediately upon its passage and publication, as required by law.

PASSED, APPROVED & ADOPTED this 24TH day of February, 2014.

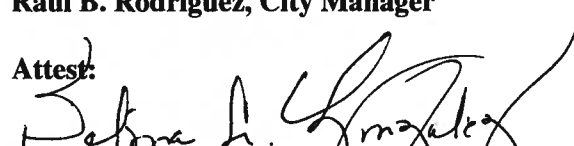
CITY OF FORT STOCKTON



William C. Lannom, Mayor



Raul B. Rodriguez, City Manager

Attest:


Delma A. Gonzalez, City Secretary