

**Ordinance amending sections 57-231, “Denial, suspension and revocation of permit—procedure, appeal”; 57-233, “Promulgation of wrecker regulations”; 57-243, “Responding to calls”; and 57-249, “Maximum auto wrecker service and storage fees” of the City Code and providing for severance, publication, and an effective date.**

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CORPUS CHRISTI, TEXAS THAT:**

**SECTION 1.** Section 57-231 of the Corpus Christi City Code is hereby amended by adding language that is underlined (added) and deleting the language that is stricken (~~deleted~~) to the existing text as set forth below:

**Sec. 57-231. Denial, suspension and revocation of permit—Procedure, appeal.**

- (a) The chief of police may deny an application, suspend, or revoke a permit if the applicant, owner or wrecker company has:
- (1) A criminal conviction, or has pleaded guilty or nolo contendere to an offense, before the date of the application, for a felony or a misdemeanor punishable by confinement in jail or by a fine in an amount that exceeds ~~five hundred dollars~~ (\$500.00);
  - (2) Violated any provisions of ~~V.T.C.A., Texas~~ Occupations Code ~~ch. Chapter~~ 2308, rules or regulations promulgated by the Texas Department of Licensing and Regulation, any provisions of the city ordinance, or rules or regulations promulgated by the chief of police including an order for sanctions or administrative penalties;
  - (3) Knowingly submitted false or incomplete information on the application, or the applicant failed in any material way to comply with this article;
  - (4) ~~The applicant or owner has had~~Had a permit revoked under this chapter; or
  - (5) ~~The applicant or owner is delinquent~~A delinquency on outstanding fines or fees due to the Texas Department of Licensing and Regulation or the city.
  - (6) Demonstrated a pattern of violations of this article or regulations promulgated by the Texas Department of Licensing and Regulation within the last 2 years.
  - (7) Demonstrated conduct which would violate the trust of the citizens at large of the City within the last year.
- (b) Notwithstanding any penal provisions contained in this Code, the chief of police shall be authorized to deny, revoke or suspend any auto wrecker or rotation list permit for a violation of the state law, city ordinance or any other rules or regulations governing the operation of an auto wrecker, if committed by an auto wrecker owner, his agents or employees. Such denial, suspension or revocation shall be made in accordance with the following procedures:
- (1) Upon complaint by any person or the chief of police or motion against any owner, agent or employee of a wrecker company for violating any provision of the city

ordinance, the chief of police and Texas Department of Licensing and Regulation rules or regulations governing auto wrecker, or state law, the chief of police ~~or his designee~~, after giving ~~ten (10)~~ days' notice of the grounds of such complaint to the wrecker company shall hold a hearing. The notice shall contain the specific ordinance or state law violations alleged. After proper notice is given and the owner fails to appear for the hearing, the chief of police or his designee may proceed with the hearing by taking testimony or evidence from any person or witnesses who are present. For good cause and at the chief of police's ~~or his designee's~~ sole discretion, a hearing may be rescheduled one ~~(1)~~ time at the owner's request provided that the chief of police ~~or his designee~~ receive the written reschedule request at least two ~~(2)~~ working days before said hearing. At the conclusion of said hearing, the chief of police ~~or his designee~~ may issue:

- a. A warning to the owner;
- b. Deny the permit; or
- c. Permanently revoke or suspend the permit.

Previous warnings or suspensions within the preceding two ~~(2)~~ years may be considered by the chief of police ~~or his designee~~ in making the decision.

- (2) If the chief of police ~~or his designee~~ suspends the permit, the suspension shall not be more than ~~sixty (60)~~ days. ~~The chief's action shall be final.~~
- (3) All suspensions and revocations shall apply to the wrecker company and its permitted affiliates.
- (4) If the chief of police ~~or his designee~~ revokes a permit permanently, suspends, or ~~denydenies~~ a permit, he shall notify the owner in writing. The notice shall be deemed sufficient if deposited in the United States mail addressed to the owner's business address as contained in the original or renewal application for a permit, and by electronic mail or facsimile.
- (5) The owner shall have the right to appeal the chief of police's decision to revoke a permit, suspend a permit, or deny a permit application, within ~~ten (10)~~ days from the date of the notice of revocation, suspension or denial, by sending a letter addressed to the city manager stating that an appeal from the chief of police's decision is desired. If an appeal is perfected, the chief of police's decision shall be suspended pending a hearing by the city manager or his designee. If no valid permit exists at the time of the hearing, the owner's business shall remain unpermitted. The city manager or his designee shall promptly, within ~~thirty (30)~~ days, hear such appeal and shall either sustain, modify, or revoke the chief of police's decision. ~~If no appeal is taken or if it is untimely filed, or if the city manager or his designee does not hear the appeal within thirty (30) days from receiving the notice of appeal, the chief of police's decision shall be final and the permit is denied, revoked, or suspended.~~ When a permit revocation is upheld, the owner shall remove, within five ~~(5)~~ working days, the city permit number from the sides of all wreckers previously permitted and the annual permit decal from the windshields.

**SECTION 2.** Section 57-233 of the Corpus Christi City Code is hereby amended by adding language that is underlined (added) and deleting the language that is stricken (~~deleted~~) to the existing text as set forth below:

Sec. 57-233. – ~~Promulgation of regulations~~Administration.

The police chief shall administer and enforce this article. The city may enter into a contract to delegate authority to administer all or part of this article to a third-party vendor, other than:

1) any law enforcement authority related to Sec. 57-221; or

2) the right to choose which towing companies will perform towing services for police-initiated tows.

Selection of a vendor shall be done in accordance with the laws of the State of Texas. If the city enters into such a contract, the contract shall specify the authority and responsibilities of the third-party vendor or towing companies. Any responsibilities outlined in this article that are not delegated to the third-party vendor or the towing companies through the contract are retained by the police chief.

The chief of police is authorized to issue rules and regulations relating to the operation of auto wreckers consistent with the provisions of this article and designed to effectuate the general purpose of this article. Violation of any provisions of the chief of police rules and regulations may result in denial, suspension, or revocation of the auto wrecker permit and/or denial or removal from rotation list. The appeal process described in section 57-231 will apply to alleged violations of any such provisions.

**SECTION 3.** Section 57-243 of the Corpus Christi City Code is hereby amended by adding language that is underlined (added) and deleting the language that is stricken (~~deleted~~) to the existing text as set forth below:

**Sec. 57-243. - Responding to calls.**

(a) Each owner or wrecker company on the rotation list shall have sufficient personnel, equipment, and auto wreckers to respond to all tow assignments given by the police dispatcher. Response time shall not exceed ~~thirty (30)~~ minutes for Category A Wreckers and 60 minutes for Category B wreckers after the police dispatcher's notification of the assignment.

(b) The owner, his agent or employee shall not refuse an assignment except for safety reasons or if all owner's auto wreckers are already performing other police tow work. If the owner, his agent or employee refuses an assignment, he must notify the police dispatcher of the reason. Documentation may be required if the reason is auto wrecker equipment failure or prior tow work.

(c) If an owner or wrecker company fails to respond or refuses an assignment, the police chief may revoke or suspend the wrecker company or owner's auto wrecker rotation list permit.

(d) A revocation or suspension may be appealed in the manner set out in section 57-231.

**SECTION 4.** Section 57-249 of the Corpus Christi City Code is hereby amended by adding language that is underlined (added) and deleting the language that is stricken (~~deleted~~) to the existing text as set forth below:

Sec. 57-249. Maximum auto wrecker service and storage fees.

The following towing fees shall be paid by the person reclaiming the towed vehicle:

- (1) Fees associated with police-initiated nonconsent rotation list or incident management tows will be paid to the city at the city vehicle impound lot.
- (2) All other fees will be paid to the auto wrecker company according to that company's policy.
- (3) If a vehicle owner or operator pays a drop fee and the police officer at the scene authorizes the release of a vehicle after an auto wrecker has arrived at the scene and started physically attaching the vehicle to the auto wrecker but before the vehicle has been towed from the location, then the auto wrecker owner or driver shall release the vehicle.
- (4) Maximum towing, storage and administrative fees.
  - a. *Category A auto wrecker* (Vehicle Weight of 10,000lbs or less):
    1. Normal rotation list nonconsent tow (~~includes double hook up and towing of truck and trailer as one (1) unit...~~\$150.00~~\$180.00~~)
    2. Private property impound...~~\$145.00~~\$155.00
    3. Drop fee...\$50.00
    4. Four wheel drive tow truck utility fee...\$75.00

(remote beach/off-road tows only)

5. Additional allowable labor charge for unusual circumstances such as ~~winching for~~ removal from a ditch or water, or righting an overturned vehicle ~~or for similar unusual circumstances (all inclusive)~~...~~\$30.00~~\$50.00
6. Total maximum towing fee including the use of dollies and additional labor, but excluding additional time at the scene and unusual distance:
  - (i) Rotation list tow...~~\$255.00~~\$305.00
  - (ii) Private property impound tow...~~\$145.00~~\$155.00
7. Additional fee for each half-hour or portion thereof at the scene in excess of one-half hour not caused by delay on the part of the permit holder, per ~~thirty (30)~~ minutes...~~\$25.00~~\$50.00

8. Unusual distance charge:

- (i) Additional fee for a tow originating from US 77/IH 37 and from the area within city limits west of US 77/IH 37...~~\$25.00~~\$50.00
- (ii) Additional fee for a tow originating from the area within city limits east of the JFK Causeway Bridge to Port Aransas city limits...~~\$25.00~~\$50.00
- (iii) Additional fee for a tow originating from the area within the city limits north of Burluson St. to Portland city limits...\$50.00
- (iv) Additional fee for a tow originating from outside city limits...\$50.00

9. Cleanup only, no tow required...\$60.00

(debris only, not including hazardous material clean ups)

b. *Category B auto wreckers:*

- 1. Normal rotation list nonconsent tow (includes double hookup and towing of tractor and trailer as one (1) unit, removal of shaft or axle, application of air to brake system, and/or caging brakes, to prepare for tow)...~~\$475.00~~
  - (i) Medium Duty Tow - Vehicles weighing from 10,001 lbs. to 24,999 lbs...\$475.00
  - (ii) Heavy Duty Tow - Vehicles weighing 25,000 lbs, or more...\$400 per hour with a two-hour minimum. After the first two hours, an additional hourly charge will be applied every ¼ hr. at a rate of \$100 per ¼ hr.
- 2. Additional fee allowed in subsection (4)b.1. above, for unusual circumstances not utilizing a rotator such as includes rigging up, winching for removal from ditch or water, or righting an overturned vehicle., clean up, or for similar unusual circumstances, per hour...\$350.00~~\$450.00~~
- 3. Private property impound (include double hookup and towing of tractor and trailer as one (1) unit, removal of shaft or axle, application of air to brake system, and additional labor such as cleanup, winching for removal from ditch or water, righting an overturned vehicle, pulling an axle or for similar unusual circumstances) ...\$520.00
- 4. Additional costs for specialized equipment owned by the towing company or one of its other entities, such as: a crane, backhoe, forklift, or air bag recovery system, may charge actual cost (within industry standard); if the towing company is leasing or renting equipment, a maximum of twenty-five (25) per cent up charge may be added.
- 5. Rotators will be set at a rate of 850.00 per hour, with a two-hour minimum charge. Once the third hour begins, an additional hourly charge will be applied every ¼ hr. at a rate of \$212.50 per ¼ hr. Should the rotator be

utilized as a conventional Category B Heavy wrecker, the tow will be charged within the guidelines of section 57-249(4)(b)(1) & (2).

- c. *Daily storage fees:* The maximum amount authorized pursuant to Texas Administrative Code Sec. 85.722, with the exception of recovered stolen vehicles, which shall accrue at a rate of \$5.00 Storage for all or part of the first ~~twenty-four (24)~~ hours, and for each subsequent twenty-four-hour period or part thereof:

- ~~1. Recovered stolen vehicles...\$5.00~~
- ~~2. Vehicles not longer than twenty-five (25) feet...\$20.00~~
- ~~3. Vehicles longer than twenty-five (25) feet...\$35.00~~

- d. *Impoundment fee:* Impoundment fee for any action that is taken by or at the direction of the owner or operator of the facility and is necessary to preserve, protect, or service a vehicle stored or parked at the facility be assessed in accordance with Texas Administrative Code Sec. 85.722. ~~...\$20.00~~

- e. *Notification fees for:* Vehicle registration research, certified letters, newspaper advertisements and preparation necessary to inform the last registered owner and lien holder(s). Can be charged only if actually performed...\$50.00

- f. *Administrative fee:* per vehicle recovered by owner from city vehicle impound lot (only payable to city)...\$20.00

- g. *Third Party Tow Management Fee:* Administrative cost per vehicle recovered by owner at vehicle storage facility...contract price per agreement approved by City Council.

~~(5) Multiple vehicles.~~

- ~~a. When a vehicle and trailer are both towed by one (1) auto wrecker, only one (1) towing fee shall be paid to the owner. If the vehicle and trailer are too large or too heavy to be safely towed by a single wrecker, another wrecker may be used and an additional fee charged.~~
- ~~b. When more than one (1) vehicle is transported by one (1) auto wrecker, e.g., motorcycles or parts of vehicles, only one (1) towing fee shall be paid to owner.~~

(5)(6) Invoices.

- a. Each customer invoice shall include the owner's company name, business address and phone number, permit number, name of the auto wrecker who performed the specific assignment being invoiced, date and time of assignment, date and time assignment completed (i.e., delivery of the vehicle), hours when vehicles can be reclaimed, and an itemized statement of charges. A fee schedule listing the maximum towing, storage, etc., fees shall be attached to each tow invoice.

- b. The city shall provide each owner with the basic fee schedule copies to attach to the consent tow customer invoices. Failure to attach the fee schedule shall be grounds for revocation or suspension of owner's permit, unless the vehicle owner or agent consents to the omission.
- c. Only service provided by an auto wrecker permitted under an auto wrecker or rotation list permit number shall be invoiced to that permit; service provided under any other permit number other than the permit number under which it is billed is in violation of this article and shall be grounds for revocation of the permit.
- d. Owner shall invoice the police department for nonconsent (impound) or incident management tows, which shall include an itemized statement of charges and an explanation of all charges above the normal towing only fee.
- e. The chief of police will review each invoice and either approve, reject or modify charges for services rendered.

~~(6)(7)~~ An auto wrecker company and owner shall charge no fees for servicing a police initiated nonconsent or incident management tow in excess of the fees authorized under city ordinance for vehicles towed. Further, the auto wrecker owner shall not obligate the vehicle owner in a nonconsent or incident management tow to pay any fees in excess of those authorized for a vehicle delivered to a state licensed vehicle storage facility without the consent of the vehicle owner. The chief of police may require the auto wrecker owner or wrecker company to reimburse the vehicle owner or operator for any overcharges or unauthorized charges. Any overcharges or unauthorized charges shall be reimbursed to vehicle owner within five ~~(5)~~ business days, and the chief of police may suspend the auto wrecker company permit if it fails to comply.

**SECTION 5.** If for any reason any section, paragraph, subdivision, clause, phrase, word or provision of this ordinance shall be held invalid or unconstitutional by final judgment of a court of competent jurisdiction, it shall not affect any other section, paragraph, subdivision, clause, phrase, word or provision of this ordinance, for it is the definite intent of this City Council that every section, paragraph, subdivision, clause, phrase, word or provision hereof be given full force and effect for its purpose.

**SECTION 6.** Publication shall be made in the official publication of the City of Corpus Christi as required by the City Charter of the City of Corpus Christi.

**SECTION 7.** This ordinance shall go into effect October 1, 2022.

That the foregoing ordinance was read for the first time and passed to its second reading on this the \_\_\_\_ day of \_\_\_\_\_, 2022, by the following vote:

Paulette Guajardo \_\_\_\_\_  
Roland Barrera \_\_\_\_\_  
Gil Hernandez \_\_\_\_\_  
Michael Hunter \_\_\_\_\_  
Billy Lerma \_\_\_\_\_

John Martinez \_\_\_\_\_  
Ben Molina \_\_\_\_\_  
Mike Pusley \_\_\_\_\_  
Greg Smith \_\_\_\_\_

That the foregoing ordinance was read for the second time and passed finally on this the \_\_\_\_ day of \_\_\_\_\_ 2022, by the following vote:

Paulette Guajardo \_\_\_\_\_  
Roland Barrera \_\_\_\_\_  
Gil Hernandez \_\_\_\_\_  
Michael Hunter \_\_\_\_\_  
Billy Lerma \_\_\_\_\_

John Martinez \_\_\_\_\_  
Ben Molina \_\_\_\_\_  
Mike Pusley \_\_\_\_\_  
Greg Smith \_\_\_\_\_

PASSED AND APPROVED on this the \_\_\_\_ day of \_\_\_\_\_, 2022.

ATTEST:

\_\_\_\_\_  
Rebecca Huerta  
City Secretary

\_\_\_\_\_  
Paulette Guajardo  
Mayor