

Ordinance

Amending Chapter 57, Article V “AUTOWRECKERS” of the Corpus Christi Code by modifying permitting, regulatory, and enforcement procedures of auto wreckers, increasing fees for substitution of vehicle, and increasing wrecker service fees; Providing an effective date; Providing for severance; Providing for penalty; and Providing for publication.

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

SECTION 1. Chapter 57, Article V “AUTOWRECKERS” is revised to read as follows:

Sec. 57-220. - Definitions.

As used in this article, the following terms shall have the respective meanings ascribed to them:

Affiliate: means with respect to any corporation, partnership or other entity, any other such entity which is and at all times remains Controlled (as hereinafter defined) by, under common Control with or which Controls the first such entity, and (ii) “Control” means direct or indirect ownership of not less than 10% of all the voting stock of a corporation or not less than 10% of the legal and equitable interest in a partnership or other entity or the ability to direct management, operations or policy decisions of such corporation, partnership or other entity.

Auto wrecker: Means 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:
 - (1) A race car;
 - (2) A motor vehicle for exhibition; or
 - (3) 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:
 - (1) Is owned or operated by an entity the primary business of which is the rental of motor vehicles; and
 - (2) Only tows vehicles rented by the entity.

Certificate of insurance: A certificate prescribed by and filed with the chief of police in which an insurance carrier or surety company, approved in this state, warrants that a towing company for whom the certificate is filed has the minimum coverage as required by Chapter 2308 of the Occupations Code.

Chief of police: The chief of the police department of the City of Corpus Christi or his designated representative.

City: The City of Corpus Christi.

Closest wrecker: The owner of an auto wrecker permit which is located geographically closest to the scene of an emergency situation can be dispatched for an emergency disregarding the rotation list. This does not mean an auto wrecker which happens to be near the scene.

Consent tow: Has the meaning assigned by Section 2308.002 of the Occupations Code.

Disabled vehicle: Any motor vehicle located on any public street, alley, or sidewalk area which is incapable of being driven under its own power due to mechanical breakdown, collision, or for any other reason.

Driver's license: Has the meaning assigned by Section 521.001 of the Transportation Code.

Drop fee: The price to be charged in lieu of a towing fee where, after an auto wrecker has been dispatched to, or is at the scene of a tow, and has started to physically attach or connect the vehicle to the auto wrecker, and the vehicle has not been towed from the scene when the vehicle owner requests its release.

Emergency situation: A serious vehicle accident or similar situation in which the rapid arrival of an auto wrecker would considerably reduce a life or death risk or in which extreme blockage of a major thoroughfare is involved.

Impounded vehicle: Any vehicle which police officers are authorized to impound and remove under the provisions of any ordinance of the City of Corpus Christi, any law of the State of Texas, or any contract or agreement with any law enforcement agency.

Incident: An unplanned randomly occurring traffic event that adversely affects normal traffic operations.

Incident management tow: Has the meaning assigned by Section 2308.002 of the Occupations Code.

Nonconsent tow: Has the meaning assigned by Section 2308.002 of the Occupations Code.

Normal tow: All measures necessary to transport a disabled vehicle including but not limited to: double hook-up, multiple tow (vehicle and small trailer), cleaning of an accident scene; it does not include: winching, changing tire(s), use of dolly(ies), on-scene delays caused by other than the wrecker driver, or a second wrecker to tow or assist the first wrecker on a single disabled vehicle, which have additional fees.

Owner: The person, corporation, or partnership which has an auto wrecker permit and owns any auto wrecker which is permitted by article V. Owner includes all owner's employees and agents and shall be plural if the context so requires.

Parking facility: Has the meaning assigned by Section 2308.002 of the Occupations Code.

Parking facility authorized agent: Has the meaning assigned by Section 2308.002 of the Occupations Code.

Parking facility owner: Has the meaning assigned by Section 2308.002 of the Occupations Code.

Private property impound: A nonconsent tow from private property.

Private property tow: Has the meaning assigned by Section 2308.002 of the Occupations Code.

Public roadway: Has the meaning assigned by Section 2308.002 of the Occupations Code.

Rotation list: The list set up by section 57-~~243241~~ which determines the order in which auto wreckers are sent to tow a vehicle for the police department.

Rollback wrecker: A tow truck equipped with a moveable bed, which is adapted for winching a vehicle onto the bed for the purpose of recovering and transporting that vehicle.

Rotation wrecker: An auto wrecker company permitted to conduct police-initiated rotation or incident management tow and impound towing within the territorial limits of the city.

Scene: The location of a disabled or impounded vehicle.

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

Vehicle: Has the meaning assigned by Section 2308.002 of the Occupations Code.

Vehicle owner: Has the meaning assigned by Section 2308.02 of the Occupations Code.

Vehicle storage facility: Has the meaning assigned by Section 2308.02 of the Occupations Code.

Wrecker company: Means an individual, association, corporation, or other legal entity that controls, operates, or directs the operation of one (1) or more tow trucks over a public roadway for compensation within the territorial limits of the city.

Sec. 57-221. - Offenses; penalty.

Unless otherwise stated, a culpable mental state is not a required element of an offense under this article. Each day a violation continues shall constitute a separate offense.

- (a) A person commits an offense if the person intentionally or knowingly without consent of the vehicle owner, operator, or authorized representative of the owner tows or causes the towing of a vehicle from private property, other than an abandoned, junked, illegally parked, trespassing, repossessed, or unauthorized vehicle.
- (b) A person commits an offense if the person intentionally or knowingly tows or causes the towing of a vehicle from any public street, right-of-way, beach, or public property without the consent of the vehicle owner or operator, or at the direction of a sworn peace officer acting in his official capacity.
- (c) A person commits an offense if the person intentionally or knowingly tows or causes the towing of a vehicle as an unauthorized vehicle, in accordance with the Texas Occupations Code, from a parking facility that does not have a properly posted sign, or that the vehicle owner has not received proper notice, or that the vehicle was not left in violation of section 2308.254 of the Occupations Code, or that the vehicle was in or obstructing a paved driveway or abutting public roadway used for entering or exiting the facility.
- (d) A person commits an offense if the person violates any section of this article, any rules or regulations promulgated by the chief of police, the Texas Department of Licensing and Regulation, or Chapter 2308 of the Occupations Code.
- (e) A person commits an offense if the person charges or collects a fee that is not authorized or is greater than the amount authorized by this article.
- (f) A person commits an offense if the person allows an unapproved driver to operate an auto wrecker.
- (g) A person commits an offense if the person submits a falsified application, affidavit, business records, certification, training, drug or alcohol testing results.
- (h) A person commits an offense if the person consumes any alcoholic beverage or uses any controlled substance while on duty or operates an auto wrecker.
- (i) A person commits an offense if the person operates an auto wrecker without a valid permit issued by the chief of police.
- (j) A person commits an offense if the person works or allows another person to work at a vehicle storage facility without a license issued by the Texas Department of Licensing and Regulation.

Sec. 57-222. - City permit required.

~~Unless allowed by another law or regulation, a A wrecker company or an auto wrecker operator shall not operate or cause an auto wrecker to be operated on the public roadways perform a nonconsent tow within the territorial limits of the city unless the auto wrecker displays, in~~

accordance to section 57-229, a current permit issued by the chief of police for the auto wrecker under this article. A separate permit is required for each auto wrecker.

Sec. 57-223. - Application, contents, fees.

(a) Any person, firm, company, corporation, or partnership desiring to operate one (1) or more auto wreckers for ~~compensation nonconsent tows~~ in the city shall make an original or renewal application for an auto wrecker permit or an auto wrecker rotation list permit to the chief of police as follows.

(b) Original application. An applicant shall submit:

(1) An original application with the name, address, and current phone number of all owners.

a. If the owner of the auto wrecker is a partnership, the application shall contain the partnership's name, address, and phone numbers and the names, addresses, and phone numbers of all partners.

b. If the applicant is a corporation, the application shall state the corporate name, the office address, and phone number of the corporation, together with the names, addresses, and phone numbers of the president and secretary of the corporation.

(2) For a rotation list permit, a list of each wrecker the owner wants to permit and attach a copy of the Texas License Receipt and the Texas Tow Truck Registration for each wrecker. The permit issued by the chief of police is only valid to the person and for the wrecker applied. A person who succeeds to the ownership or operation of a wrecker service, and is not identified on a current wrecker service application, must submit a new application to the chief of police.

(3) For a rotation list permit, a list of each wrecker the owner wants to permit, the certification (category A or category B auto wrecker, see section 57-25450), and attach a copy of the Texas License Receipt and the Texas Tow Truck Registration for each auto wrecker. Wrecker company ~~established prior to June 1, 2014~~ must have at least two (2) properly operating type A wreckers ~~and one (1) properly operating type B wrecker~~ that are fully equipped, in accordance to section 57-224, ~~for each category wrecker company is applying to apply~~ for a type A permit. Wrecker company established after June 1, 2014 must have at least three (3) properly operating type A wreckers, that are fully equipped, in accordance to section 57-224, to apply for a type A permit. All permitted auto wreckers must be available for twenty-four (24) hours a day service when dispatched or assigned a call for service regardless of the assigned rotation schedule published by the chief of police each month.

(4) Proof of ownership of all auto wreckers listed on the auto wrecker permit or rotation list permit application.

- (5) A current certificate from the county tax assessor-collector to prove that taxes on all property, real and personal, to be used in connection with the owner's auto wrecker business are paid.
- (6) For a rotation list permit, the owner shall provide a copy of a deed to or lease for the proposed location for the auto wrecker business and storage facility and written verification of the zoning of the proposed location from the city planning department.
- (7) A written statement that he will comply with the provisions of this article and of all other ordinances, statutes and state laws applicable to motor vehicles and auto wrecker businesses. Further, owner will ensure that all owner's auto wrecker drivers will comply with said laws.
- (8) A copy of owner's Texas Sales and Use Permit.
- (9) A copy of owner's certificate of occupancy at the business location.
- (10) For an auto wrecker rotation list permit, a copy of the owner's current Texas Vehicle Storage Facility License issued by the Texas Department of Licensing and Regulation.
- (11) A copy of owner's certificate of insurance in the amounts required by Chapter 2308 of the Occupations Code.
- (12) For a rotation list permit, a list of all owner's auto wrecker drivers, including each driver's name, Social Security number, date of birth, drivers license number and state of license. All owners and drivers must successfully pass a criminal background check.
- (13) For a rotation list permit, a sworn affidavit indicating whether the owner and wrecker company have ever been disciplined by any agency that regulate auto wrecker business including the Texas Department of Licensing and Regulation and the chief of police. The affidavit should state the disciplinary agency, nature of the complaint or violation, date, location, and the penalty imposed. Owner and wrecker company are required to notify the chief of police, in writing and within ten (10) days from the date in which they receive notice of any disciplinary actions taken against the owner or wrecker company during the permit term.
- (14) For a rotation list permit, the owner shall file an affidavit of ownership and provide business records, if requested by the chief of police, to demonstrate that the wrecker company has been established ~~within the territorial limits of the city~~ for at least ~~one (1) year~~ two (2) years, and a sworn statement of whether the owner or wrecker company has received disciplinary actions against it by any agency that regulates the auto wrecker business. The chief of police may deny a rotation list permit to a company that has received disciplinary actions, ~~or to a company that is established after March 1, 2011 and does not meet the one (1) year~~ two (2) years' business requirement.

(15) List of all affiliated companies by name and address. Such list shall provide how affiliated companies are affiliated.

(c) Renewal application. To renew and maintain continuous licensure, the renewal requirements under this section must be completed prior to the expiration of the permit. A late renewal means the permit holder will have an unpermitted period from the expiration date of the expired permit to the issuance date of the renewed permit. During the unpermitted period, a tow truck may not be used, caused to be used or operated for towing on the public roadway within the territorial limits of the city. An applicant shall submit a renewal application that contains the name, address, and current telephone number of all owners, and the following:

- (1) Written confirmation of any changes to information supplied in the original or renewal application.
- (2) A current certificate or receipt marked paid from the county tax assessor-collector that all taxes on both real and personal property used in connection with the owner's auto wrecker business are paid. The chief of police may deny, suspend or revoke a permit if taxes of the preceding year are not paid in full by January 31 of each year.
- (3) For a rotation list permit, a copy of owner's current Texas Vehicle Storage Facility License issued by the Texas Department of Licensing and Regulation.
- (4) A current certificate of insurance in the amounts required by Chapter 2308 of the Occupations Code.
- (5) A copy of owner's current Texas License and Receipt and Texas Tow Truck Registration issued by the Texas Department of Licensing and Regulation to each auto wrecker listed in the application.
- (6) A copy of the insurance cab card certificate issued by the Texas Department of Licensing and Regulation for each auto wrecker listed in the application.
- (7) A list of all owners' current auto wrecker drivers and the required information [see subsection 57-223(b)(12)].
- (8) For a rotation list permit an owner and driver must successfully pass a criminal background check.
- (9) For a rotation list permit, a copy of continuing education record on all drivers. Continuing education courses must meet the guidelines set forth by the Texas Department of Licensing and Regulation.
- (10) For a rotation list permit a sworn affidavit indicating whether owner and wrecker company have ever been disciplined by any agency that regulate auto wrecker business including the Texas Department of Licensing and Regulation and the chief of police. The affidavit should state the disciplinary agency, nature of the complaint or violation, date,

location, and the penalty imposed. Owner and wrecker company are required to notify the chief of police, in writing and within ten (10) days from the date they receive notice of any disciplinary actions taken against the owner or wrecker company during the permit term.

(11) For a rotation list permit, the owner shall file an affidavit of ownership and provide business records, if requested by the chief of police, to demonstrate that the wrecker company has been established ~~within the territorial limits of the city for at least two (2) years~~ one (1) year, and a sworn statement of whether the owner or wrecker company has received disciplinary action against it by any agency that regulates the auto wrecker business. The chief of police may deny a rotation list permit to a company that has received disciplinary actions, ~~or to a company that is established after March 1, 2011 and does not meet the one (1) year two (2) years' business requirement.~~

(12) List of all affiliated companies by name and address. Such list shall provide how affiliated companies are affiliated.

(d) Original application or renewal application. The application for an auto wrecker or auto wrecker rotation list permit or renewal application shall be accompanied by an application fee of one hundred dollars (\$100.00). If application or renewal is approved, the owner shall pay the permit fees as provided in section 57-226. No more than one permit shall be issued to any auto wrecker company or owner of multiple auto wrecker companies that are established after March 1, 2011. This section does not impede the city's right not to issue a permit to any towing company.

(e) Inspection. Upon receipt of the application, the required information and fees, a police department representative will inspect the applicant's auto wrecker and storage facility, in accordance with the provisions of sections 57-224 and 57-~~240~~238.

Sec. 57-224. - Application and certification.

(a) The chief of police or the police chief's designee shall review each auto wrecker permit application and auto wrecker rotation list permit application for compliance with this article, and shall inspect and certify each auto wrecker, business location, and storage facility for rotation list permits if the auto wrecker meets the requirements of a rotation list category A or category B auto wrecker, and the business location and storage facility are acceptable and properly zoned.

(b) Category A. A category A auto wrecker shall meet the following requirements:

(1) ~~Be not less than one (1) ton (minimum ten thousand (10,000) pounds gross vehicle weight) in capacity~~ A manufacturer's gross vehicle weight rating of not less than 15,000 pounds, as reflected on the manufacturer's certificate. If the unit does not have a manufacturer's certificate, then the gross vehicle weight shall be determined by a testing procedure approved by the chief of police.

(2) Be equipped with a power winch, winch line, and or boom, with a factory-rated lifting capacity of not less than eight thousand (8,000) pounds, single-line capacity. If a

hydraulic wheel lift is installed, it must have a factory-rated capacity of not less than ~~four thousand (4,000)~~ three thousand five hundred (3,500) pounds. ~~If the unit does not have an established factory-rated lifting capacity, then such capacity shall be determined by a testing procedure approved by the chief of police.~~

(c) Category B. A category B auto wrecker shall meet the following requirements:

(1) ~~Be over twenty six thousand (26,000) pounds gross vehicle weight in capacity, as reflected on the manufacture's certificate~~ A manufacturer's gross vehicle weight rating of not less than 26,000 pounds. ~~If the unit does not have a manufacture's certificate, then the gross weight shall be determined by a testing procedure approved by the chief of police.~~

(2) Be equipped with a power operated winch, winch line, and boom with a factory-rated lifting capacity of not less than thirty-five thousand (35,000) pounds, single or double line capacity. ~~If the unit does not have a factory-rated capacity, then said capacity shall be determined by a testing procedure approved by the chief of police.~~

(d) Each auto wrecker and the equipment thereon shall be in good mechanical condition and shall comply with all applicable city ordinances and state laws. ~~Each auto wrecker shall have brakes that meet braking performance requirements under all loading conditions.~~

(e) Each auto wrecker at all times shall carry the following as standard equipment in good working order, except as otherwise noted:

(1) A tow sling or hydraulic lift which is sufficient to prevent the swinging of any equipment being transported.

(2) Steel safety chains ~~of a three-eighths inch link for category A auto wreckers and of one-half inch link for category B auto wreckers~~ must be certified grade 70 or above.

(3) One (1) ten-pound BC (or two (2) five-pound BC) fire extinguisher that is properly filled and located so that it is readily accessible for use.

~~(4) — One (1) crowbar or wrecking bar of not less than thirty-six (36) inches in length with a wedge head.~~

~~(5) — One (1) broom of a type designed for pushing with an eighteen (18) inch head and a handle of not less than thirty-six (36) inches.~~

~~(6) — One (1) flat-edged shovel of at least nine (9) inches with a handle of not less than thirty-six (36) inches.~~

~~(7) — Three (3) portable red emergency reflectors.~~

~~(8) — Towing dollies in working condition, category A rollback wreckers and category B and C wreckers are exempted.~~

~~(9) — A box or bucket to carry glass and debris cleaned from streets when picking up a wrecked vehicle.~~

~~(10) — Rope or wire suitable for securing doors, hoods, trunks, etc.~~

- ~~(11) — A spotlight or flashlight.~~
- ~~(12) — Outside rearview mirrors on both sides of the truck.~~
- ~~(13) — One (1) set of operating tow lights (for towed vehicle).~~
- ~~(14) — Wheel chocks: minimum two (2) each.~~

(4) Additional equipment required include one (1) crowbar, broom, flat edge shovel, three (3) portable red emergency reflectors, box or bucket for debris, rope or wire, spotlight or flashlight, one(1) set of operating tow lights, and two(2) wheel chocks.

~~(15) — A reflective, brightly colored safety vest, shirt, or jacket must be worn by the auto wrecker operator and employee at all times while working outside the auto wrecker; the reflective vest, shirt or jacket must meet the ANSI/ISEA requirements for high visibility safety apparel.~~

~~(16) (5) Auto wrecker operator and employee shall wear gloves, long pants, hard toe or steel toe shoes, and shirts long enough to remain inside the trouser belt line and keep the operator or employee's skin covered, appropriate safety gear and ANSI/ISEA approved high visibility safety vest.~~ All operators and employees shall maintain a neat appearance while on duty.

(f) Each auto wrecker must be labeled in accordance with Chapter 86 of the Texas Department of Licensing and Regulation Administrative Rules.

~~(g) — Each auto wrecker shall be equipped with a radio receiver set or portable telephone capable of clearly receiving transmissions by the owner's dispatcher.~~

~~(h) (g)~~ All auto wreckers shall have flashing or rotating overhead warning lights that are in good working order, with lenses free of oxidation, that rotate and are clearly visible during daylight hours, and in compliance with the applicable provisions of the Texas Transportation Code.

~~(i) (h)~~ If an auto wrecker is transporting a vehicle which does not have functioning lights, the auto wrecker driver must supply the towed vehicle with functioning lights. These lights must provide safe lighting of the towed vehicle. These lights, including turn signals, brake, and clearance lights, must be actuated by the auto wrecker.

~~(j) (i)~~ The owner and driver of each auto wrecker shall comply with all regulations governing auto wreckers contained in this article or any applicable laws of the City of Corpus Christi or the State of Texas.

~~(k) (j) All auto wreckers including rollback wreckers must have the capability to, and actually put, the impounded vehicle on the ground for the vehicle impound control officer's inspection at the city's impound lot and inventory prior to the impound control officer accepting the vehicle. The impound control officer shall not be required to climb onto any auto wrecker to inspect or inventory an impounded vehicle. After inspection, the owner or auto wrecker driver will put the vehicle into the parking spot assigned by the impound control officer. shall abide by all City impound lot rules and regulations.~~

~~(j)~~ **(k)** All auto wreckers must keep a current certificate of registration for tow truck service issued by the Texas Department of Licensing and Regulation, vehicle tag, motor vehicle inspection sticker, tow truck license displayed, and liability insurance certificate in the cab at all times. Said certificate of registration and insurance or a true and correct copy thereof must be provided by owner or any tow truck operator to the chief of police at any time upon request. The chief of police or his designee may inspect tow trucks at any time.

Sec. 57-225. - Notice of denial of application or renewal.

The chief of police or his designee shall give owner written notice of the denial of any application or renewal and the owner has the right to appeal the chief of police's decision in accordance to section 57-2~~33~~231.

Sec. 57-226. - Permit issuance; fees.

The chief of police shall issue an auto wrecker permit or auto wrecker rotation list permit to an owner whose application complies with all requirements of this article upon owner's payment of:

- (a) An auto wrecker operation fee: one hundred twenty-six dollars (\$126.00) for each auto wrecker.
- (b) An auto wrecker rotation list permit fee: three hundred fifteen dollars (\$315.00).
- (c) An auto wrecker permit fee: one hundred dollars (\$100.00).
- (d) The one hundred dollars (\$100.00) application fee shall be applied to the auto wrecker permit fee above, if the permit is approved.
- (e) The one hundred dollars (\$100.00) application fee shall be forfeited if an original or renewal application is denied.

~~Sec. 57-227. - Reserved.~~

Sec. 57-~~228~~227. - Permit term.

(a) Each auto wrecker and rotation list permit shall be issued for one (1) year from January 1 to December 31.

~~(b) — If any auto wrecker or rotation list permit is issued for less than one (1) year the three hundred fifteen dollar (\$315.00) permit fee and one hundred twenty six dollar (\$126.00) operation fee per auto wrecker shall be prorated based on the number of months remaining until December 31.~~

~~(e)~~**(b)** Renewal fees will be paid in the same manner as set out above.

~~(d)~~**(c)** There will be no refund of permit fees or operation fees.

Sec. 57-~~229~~228. - Permits numbered; identification on vehicle; drop fee sign.

- (a) An auto wrecker and rotation list permit issued by the chief of police shall be numbered consecutively and each permit holder shall affix the permit number in clearly legible numerals to all doors of the auto wrecker covered by said permit. All identifications and permit numbers shall be permanently affixed in letters no less than two (2) inches high.
- (b) The chief of police shall issue annual permit decals for each permitted wrecker. The decals shall be affixed to the windshield of the permitted wrecker.

Sec. 57-~~230~~229. - Substitution of vehicle; fees.

An owner may substitute an unpermitted auto wrecker for one which has been permitted upon providing written notice of intent to substitute. The notice shall contain all information required by section 57-223, and the owner shall pay a ~~twenty dollar (\$20.00)~~ fifty dollar (\$50) inspection fee for each substitute auto wrecker. If the substitute auto wrecker complies with the requirements of section 57-223, owner's permit shall be amended to add the substitute auto wrecker and delete the previous auto wrecker.

~~Sec. 57-231.— Adding vehicles; fees.~~

~~Owner may add one (1) or more additional auto wreckers to the permit by filing a supplemental application containing all information required by section 57-223. If the additional auto wrecker complies with the requirements of sections 57-223 and 57-224, owner's permit shall be amended to add the additional auto wrecker(s). The fee for adding auto wreckers to a permit shall be one hundred twenty six dollars (\$126.00) prorated based on the number of months remaining until December 31, provided, the minimum fee for adding an additional auto wrecker shall be fifty dollars (\$50.00).~~

Sec. 57-~~232~~230. - Insurance.

- (a) Owner shall maintain liability insurance for each auto wrecker to meet the requirements of Chapter 2308 of the Occupations Code and any other federal and state laws. In addition, owner shall maintain workers' compensation or occupational safety insurance for their employees ~~in the amounts and types required by law~~. All such policies, except workers' compensation or occupational safety insurance, shall be primary to any other insurance. At the time of initial registration, and upon renewal, a certificate of insurance must be filed with the chief of police. The certificate must certify the type and amount of insurance coverage. Owner shall provide immediate notice to the chief of police prior to any cancellation or material changes in the policy.
- (b) Unless state law permits an auto wrecker to be self-insured, any insurance required for an auto wrecker must be obtained from an insurer authorized to do business in this state pursuant to the Texas Insurance Code. Insurance covering permitted auto wrecker must be kept in full force and effect at all times. The certificate of insurance must contain a provision obligating the insurer

to give the chief of police notice in accordance with the policy provisions before the effective date of a policy cancellation date.

(c) All auto wrecker drivers shall be named or listed on owner's liability insurance policy.

(d) A permit issued under this article shall automatically be suspended upon the cancellation or expiration of the insurance policy and will not be reinstated until owner or wrecker company provides satisfactory proof of insurance certificate to the chief of police verifying that all required coverages are met.

(e) The policies shall contain a clause naming the city as an additional insured. The chief of police shall have authority to increase the insurance requirements upon thirty (30) days' written notice to all owners or wrecker companies.

(f) An original copy of the renewal certificate of insurance shall be provided to the chief of police at least fifteen (15) days before the ending date of any insurance in effect for each owner. Failure to comply will result in the wrecker company being deleted automatically from the rotation list until the next monthly rotation list is published following the receipt of said renewal certificate.

(g) Owner shall keep evidence of insurance in a form approved by the chief of police in the cab of each permitted auto wrecker.

(h) Owner shall fully indemnify and hold the city harmless from all claims, actions, and lawsuits for personal injury or property damage arising in connection with services provided by wrecker company. Owner and wrecker company are solely responsible for all vehicles towed by auto wrecker and for all properties inside vehicles.

Sec. 57-~~233~~231. - Denial, suspension, ~~probation~~ 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 Chapter 2308 of the Texas Occupations Code, 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; ~~or~~

(4) The applicant or owner has had a permit revoked under this chapter.; or

(5) The applicant or owner is delinquent on outstanding fines or fees due to the Texas Department of Licensing and Regulation or the City.

(b) Notwithstanding any penal provisions contained in this Code, the chief of police shall be authorized to deny, revoke, or suspend, ~~or place on probation~~ 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, ~~or probation~~ shall be made in accordance with the following procedures:

(1) Upon complaint by any person or the chief of police own 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 ~~five (5)~~ ten (10) days' notice of the grounds of such complaint to the wrecker company shall hold a hearing. After proper notice ~~was giving 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 ~~were~~ are present. For ~~a~~ good cause and at the chief of police or his designee's sole discretion, a hearing may be rescheduled one 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. ~~;~~

~~d. Put the permit on probation.~~

Previous warnings, ~~probations~~ 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. ~~If the chief of police places a permit on probation, the probation shall not be more than six (6) months.~~ The chief's action shall be final.

(3) All suspensions and revocations shall apply to the wrecker company and its permitted affiliates.

~~(3)~~ (4) If the chief of police or his designee revokes a permit permanently, suspends, ~~place a permit on probation,~~ or deny 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. 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. 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.

Sec. 57-~~234~~232. - ~~Same~~—Waiting period after revocation.

No person, firm, partnership, ~~or~~ corporation or affiliate whose auto wrecker or rotation list permit has been revoked shall be eligible to apply for a new permit for a period of at least one (1) year from the date of revocation.

Sec. 57-~~235~~233. - Promulgation of regulations.

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 suspension or revocation of the auto wrecker permit and/or denial or removal from rotation list. The appeal process described in section 57-~~233~~31 will apply to alleged violations of any such provisions.

Sec. 57-~~236~~234. - Maintenance of place of business and equipment.

No owner may operate a permitted auto wrecker business and storage facility, unless he maintains his place of business, his storage facility, and all of his equipment in a manner that continuously complies with the provision of this article and the zoning, fire prevention, and other city ordinances.

Sec. 57-~~237~~235. - One company per business location.

Only one (1) permitted auto wrecker business and storage facility may operate at any one (1) business address and/or location, regardless of whether the same person, partnership, or corporation owns more than one (1) permitted auto wrecker business. If two (2) or more auto wrecker businesses were in operation at the same business address and/or location prior to March 8, 1988 they are exempted from this section. However, any owner whose auto wrecker or rotation list permit is suspended or revoked by the chief of police, or who voluntarily removes himself from the wrecker rotation list, or who fails to renew his permit shall lose the exemption and may not resume auto wrecker operations at the same business address and/or location as another permitted auto wrecker business. Each owner may only operate auto wreckers which are permitted to him in response to any call for service from the police department.

Sec. 57-~~238~~236. - Twenty-four-hour service.

Owner and wrecker company who hold a rotation list permit shall maintain sufficient personnel and auto wreckers to provide twenty-four-hour a day auto wrecker service. Each owner and wrecker company shall have at least one (1) telephone number which is answered twenty-four (24) hours a day.

Sec. 57-~~239~~237. - Vehicle storage facility; attendant at business address and storage area.

An auto wrecker rotation list permit shall be issued only to an owner who has a properly zoned vehicle storage facility at its business address which meets the following requirements:

- (a) The storage area shall be completely enclosed with a wire or wooden fence at least six (6) feet in height or as required by the zoning ordinance, whichever requirements are greater, including a gate which is locked at all times when the owner, an agent or employee is not at the storage area. The fence shall be continuously maintained in good condition.
- (b) The storage area shall have an all-weather surface such as concrete, asphalt, black-top, stone, macadam, limestone, iron ore, gravel, caliche, or shell that enables the safe and effective movement of stored vehicles upon all portions of the lot, both under their own power and under tow, at all times, regardless of prevailing weather conditions. The surface shall also be free of overgrown vegetation.
- (c) The storage area shall have a sign at the entrance which is clearly readable from the street setting out the name of the auto wrecker business, the street address, correct telephone number, and the hours vehicles will be released to vehicle owners.
- (d) The storage area shall have a sign setting out the per diem charge for storage and all other fees which may be charged by the owner. This sign shall be clearly visible to a vehicle owner prior to the payment of any fees.
- (e) Owner shall maintain adequate illumination levels throughout the vehicle storage facility which shall not be less than 250-watt element for each one-quarter ($\frac{1}{4}$) acre of storage area.
- (f) Owner, his employee, or agent shall be at the auto wrecker business address and shall have access to the vehicle storage facility, and all vehicles stored there, during normal business hours. A person who works at the vehicle storage facility must be licensed by the Texas Department of Licensing and Regulation and must produce the license upon request of the chief of police. The vehicle storage facility attendant must have the authority to release vehicles.
- (g) Owner shall have a publicly listed phone which is answered at the business address during normal business hours using the name permitted to owner. Use of an answering service which places the police dispatcher on hold, an answering machine or voice mail is prohibited.
- (h) The police dispatcher shall not be placed on hold to answer other incoming calls. Placing the police dispatcher on hold prior to obtaining all pertinent information may subject the owner to being moved to the bottom of the rotation list at the chief of police discretion.

(i) Owner must provide at least five (5) days' written notice to the chief of police before the business address or phone number is changed.

Sec. 57-~~240~~238. - Inspection of vehicle storage facility.

Prior to the issuance of an auto wrecker rotation list permit, the chief of police or his designee shall inspect the vehicle storage area to determine that it meets the provisions of section 57-~~239~~237 and that it is reasonably secured to protect stored vehicles against theft and vandalism. The inspector shall also check with the department of planning to ascertain whether the storage area is located in a zoning district which allows auto wrecker businesses and vehicle storage facilities. Any auto wrecker company which holds a permit issued under this chapter shall permit inspection of its vehicle storage facility at any time deemed necessary by the chief of police. Failure to permit inspection within eight (8) hours of a request by the chief of police or his designee shall be deemed grounds for revocation of permit.

Sec. 57-~~241~~239. - Prerequisite to towing impounded or disabled vehicles.

(a) No auto wrecker shall winch, right, or tow any vehicle which exceeds the auto wrecker's weight limitations, except in case of an emergency as determined by a certified peace officer at the scene.

(b) Rotation list or incident management tow. Impounded vehicles towed by police-initiation off the rotation list shall be taken to the city impound lot. Disabled vehicles shall be taken to the wrecker's vehicle storage facility. The auto wrecker dispatched for a rotation list or incident management tow shall be the next scheduled rotation wrecker, unless the owner or driver of the vehicle to be towed requests the on-scene police officer to send another permitted auto wrecker prior to the time the next scheduled rotation wrecker is dispatched to the scene.

~~(c) — Consent tow. The auto wrecker dispatched for a consent tow shall be the next scheduled rotation wrecker unless the vehicle owner or driver:~~

~~(1) — Personally calls an auto wrecker of his/her preference; or~~

~~(2) — A not for hire wrecker belonging to the owner may be called by the owner for a consent tow.~~

~~(d) — No vehicle shall be towed by an auto wrecker which does not display a Texas tow truck plate, a Texas license plate, and a City of Corpus Christi wrecker permit decal.~~

~~(e)~~(c) In a situation where safety or time dictates otherwise, the peace officer on the scene may direct actions inconsistent with these requirements.

Sec. 57-~~242~~240. - Transfer of disabled vehicles by wrecker not under permit.

No disabled vehicle shall be moved by any auto wrecker not permitted unless the owner or driver of said disabled vehicle personally calls an auto wrecker of his own preference prior to the time that the next scheduled rotation wrecker has been dispatched to the scene and the response time is within thirty (30) minutes.

Sec. 57-~~243~~241. - Dispatching in rotation.

(a) The chief of police shall establish an equitable rotation list system comprised of all auto wrecker companies holding auto wrecker rotation list permits, where each wrecker company is dispatched in rotation to a police-initiated or incident management tow. No police officer or dispatcher shall cause any auto wrecker to go to the scene of a disabled or impounded vehicle other than the next scheduled rotation wrecker unless: ~~(1) The the closest wrecker is sent because:~~ ~~a. An an extreme emergency situation exists. where a human life is at stake; or~~ ~~b. An accident has blocked a traffic lane on the Harbor Bridge, Nueces Bay Causeway, JFK Bridge or causeway, Interstate Highway 37, State Highway 77, State Highway 286, State Highway 358, State Highway 44/358 interchange, or the respective highway access road intersections where traffic congestion is causing traffic to backup on those highways; or~~ (2) The owner or driver of a disabled or impounded vehicle wants to use another auto wrecker than the next scheduled rotation wrecker and requests that company prior to the next scheduled rotation wrecker being dispatched to the scene.

(b) If the owner or driver of a disabled vehicle wants to use an auto wrecker company other than the next scheduled rotation wrecker not on the rotation list, the owner or driver must contact that company directly but not through the police officer or dispatcher.

~~(c) No police officer shall suggest or recommend that the owner or driver of a disabled vehicle call any auto wrecker company other than the next scheduled rotation wrecker.~~

~~(d)~~(c) However, in a situation where safety or time indicates otherwise, the peace officer on the scene may direct actions inconsistent with these requirements.

Sec. 57-~~244~~242. - Soliciting wrecker business on city streets prohibited; presence at scene of collision as prima facie evidence of violation.

(a) A person commits an offense if:

(1) The person arrives at the scene of a traffic accident or an incident to perform a nonconsent or incident management tow of a motor vehicle without first being contacted by the police department or vehicle owner;

(2) The person directly or indirectly solicits, on streets located in the city, towing services, including towing, removing, repairing, wrecking, storing, trading, selling, or purchasing related to a vehicle that has been damaged in an accident to the extent that it cannot be normally and safely driven; or

(3) The person enters the scene of a traffic accident, an incident, or other area under the control of a peace officer without the permission of the peace officer.

(b) The presence of any auto wrecker company vehicle or employee that was not dispatched by the police department or requested by the vehicle owner at ~~or near~~ the scene of an accident in the city after the accident or prior to the removal of all disabled vehicles shall be prima facie evidence of solicitation in violation of this section.

Sec. 57-~~245~~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 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-~~233~~231.

Sec. 57-~~246~~244. - Removal of wreckage and debris, etc., at the scene of an accident.

The owner shall completely remove from an accident scene all resulting wreckage and debris, including all broken glass and metal fragments, before leaving the scene. This debris shall be properly disposed of, and shall be removed to the extent that the debris will not enter the gutters, storm sewers, streams, and public rights-of-way. Property not belonging to the auto wrecker company shall be collected and removed from the scene but shall not be disposed of without the property owner's prior consent.

Sec. 57-~~247~~245. - Notice of location of storage facility.

(a) If the vehicle owner or driver of a disabled vehicle is at the scene and capable of receiving information, wrecker company shall notify the vehicle owner or driver of the disabled vehicle by giving him or her a fee schedule and a card which notifies him or her that the disabled vehicle will be towed to owner's vehicle storage facility unless the vehicle's owner or operator requests that the vehicle be towed elsewhere.

(b) The card shall contain the business's name, address, phone number, hours during which the vehicle can be reclaimed, and a statement that there will be charges for all services provided.

(c) Failure to provide the card and fee schedule may result in revocation or suspension ~~or probation~~ of owner's auto wrecker or rotation list permit, which may be appealed as set out in section 57-~~233~~231.

Sec. 57-~~248~~246. - Auto wrecker drivers.

(a) An auto wrecker driver must hold a driver's license and at least eighteen (18) years of age, and must be ~~trained, in accordance to the~~ licensed by the Texas Department of Licensing and Regulation, ~~in the use and operation of any specialized equipment to be used in towing~~

~~disabled and impounded vehicles for the police department.~~ Non rotation drivers must hold either Incident Management Tow Operator License or Private Property Tow Operator License and rotation auto wrecker driver must have an Incident Management Tow Operator License.

~~(b) — An auto wrecker driver must be familiar with the city road system in order to promptly respond to the scene and any request for service.~~

~~(c) — The chief of police may request documentation of training or demonstration of a potential driver's ability to tow a disabled or impounded vehicle and/or test his/her knowledge of the city roadway system prior to approving a driver. For rotation wrecker companies, drivers are required to complete continuing education courses approved by the Texas Department of Licensing and Regulation.~~

~~(d) — Only approved auto wreckers drivers may perform towing operations and operate permitted auto wreckers. An invoice with an unapproved auto wrecker driver will not be paid by the police department.~~

~~(e)~~ (b) For rotation wrecker list, owner and wrecker company shall require drug and alcohol tests of drivers who will be new to the rotation wrecker list and must submit drug and alcohol test results to the chief of police (test results must be from a test taken within ninety (90) days from the date of expected employment) and the following information at least five (5) working days before the expected employment of an auto wrecker driver:

- (1) Driver's full name, including any aliases;
- (2) Date of birth;
- (3) Social Security number;
- (4) Copy of current Texas and all other states driver's licenses issued to the driver within five (5) years prior to the submission of the application;
- (5) Current address and each address where driver has resided in the ten (10) years prior to the application;
- (6) Whether driver has been arrested for any criminal offense in this state or any other state or country, the date of the arrest or confinement, and the place, court and case number;
- (7) Evidence that the applicant has passed a drug screening test administered within fifteen (15) days preceding the date of the application;
- (8) Driver must submit himself or herself at such times and places designated by the police chief or his designee to be photographed and fingerprinted;
- (9) Complete any forms required by the chief of police or his designee to obtain or perform criminal history or background check; and
- (10) Such other information as the chief of police or his designee finds relevant.

The chief of police shall conduct a criminal history or background check on all auto wrecker drivers and send a written approval or denial, within ten (10) working days, to the owner or wrecker company indicating whether the driver is eligible to operate an auto wrecker. The chief of police shall investigate or cause to be investigated the character, experience, and qualifications of the driver's in order to determine the driver's fitness to operate an auto wrecker consistent with the public safety and welfare, and shall consider whether approving the driver would constitute an unreasonable risk to the public safety and welfare. The chief of police shall consider whether the driver has been guilty of a criminal act directly related to the occupation of auto wrecker. In determining whether the criminal act directly relates to said occupation, the chief of police shall consider:

- a. The nature and seriousness of the crime;
- b. The relationship of the crime to the operating an auto wrecker, for example, the following are deemed to have such a relationship because of the danger to the public and their property and potential for criminal activities enhanced by the large number of public contacts:
 - i. Theft and other crimes of dishonesty,
 - ii. Assaultive and harassment crimes,
 - iii. Solicitation of prostitution,
 - iv. Sexual abuse crimes,
 - v. Crimes of alcohol or drug abuse, or
 - vi. Traffic offenses;
- c. The extent to which the approval might offer an opportunity to engage in further criminal activity of the same type;
- d. The extent and nature of the past criminal activity;
- e. The age of the driver when the crime was committed;
- f. The amount of time elapsed since the driver's last criminal activity;
- g. The conduct and work activity of the person prior to and following the criminal activity;
- h. Evidence of rehabilitation efforts;
- i. Other evidence of personal fitness submitted by the driver such as recommendations from prosecution, law enforcement, correctional officers.

~~(c)~~ (c) For rotation wrecker companies, owner or wrecker company shall submit the above required driver's information on all drivers to the chief of police ~~semi~~annually on June 1 and December 1. Owner shall notify the chief of police within five (5) working days after termination of any driver.

~~(g)~~ (d) For rotation list wrecker companies, no auto wrecker may be operated by any driver who has received three (3) moving violations or traffic citations within the preceding twelve-month period, unless all three (3) violations arose out of one (1) incident. Unless directed otherwise by a police officer, auto wrecker driver shall adhere to all traffic regulations.

~~(h)~~ (e) For rotation list wrecker companies, owner shall require each driver to submit to an alcohol and drug testing in accordance to Chapter 2308 of the Occupations Code and Chapter 86 of the Texas Department of Licensing and Regulation Administrative Rules and shall submit the results to the chief of police within five (5) working days. Drivers are required to sign a consent form authorizing the test and permitting release of test results to the Corpus Christi Police Department. The failure or refusal by a driver or applicant to cooperate fully by signing necessary consent forms or other required documents or the failure or refusal to submit to any test or any procedure under this chapter in a timely manner will be grounds for denial, revocation or suspension of permit. The submission by a driver or applicant of a urine sample that is not his/her own or is a diluted specimen shall be grounds for denial, revocation or suspension of permit.

~~(i)~~ (f) For rotation list wrecker companies, owner shall inform the chief of police in writing of any towing operator convicted (including pleas of guilty and nolo contendere) of any offenses listed in this section within five (5) working days of the conviction.

~~(j)~~ (g) For rotation list wrecker companies, owner shall notify the chief of police, within fifteen (15) days, in writing, of any changes to driver's home address.

~~Sec. 57-249. - Reassembly of parts.~~

~~Whenever it is necessary to disassemble parts to a vehicle in order to tow said vehicle, the owner or wrecker company shall reassemble such parts upon reaching his storage facility if requested by the vehicle owner or if the vehicle is to be reclaimed by the vehicle owner.~~

Sec. 57-~~250~~247. - Storing wreckers on public streets or rights-of-way prohibited.

No owner shall store any disabled vehicle or auto wrecker on the public streets or rights-of-way.

Sec. 57-~~251~~248. - Dispatching of category A, and category B. Assignments

~~When the police dispatcher assigns a rotation wrecker to the scene of a disabled or impounded vehicle, the assignment will include how many and what category of auto wrecker shall be sent to the scene. The owner, his agent or employee will advise the police dispatcher how many of its permitted auto wreckers are available at the time of the call.~~

~~Each owner may only operate auto wreckers which are permitted to them in response to any call for service for a rotation wrecker.~~

Owner shall not refer an assignment to another auto wrecker company, even if the owner owns the other company. Any such referral may result in revocation or suspension of owner's auto

wrecker permit, which may be appealed as set out in section 57-~~233~~231, at the chief of police discretion.

On category B wrecker assignments, the primary (on call) or personally requested wrecker company is in charge of handling the incident. This includes the use of other wreckers and/or specialized equipment.

~~If an auto wrecker is not at owner's business location, or if an auto wrecker has been assigned to the scene of a disabled or impounded vehicle and not already on its way back to owner's business address at the time of the police dispatcher's call, an auto wrecker is not available for being assigned a new scene.~~

Neither owner nor his agents or employees shall drive a disabled or impounded vehicle which they have been assigned to tow, except for the loading and unloading of a vehicle onto or off a wrecker.

~~**Sec. 57-252. -- Officer at the scene.**~~

~~A police officer shall stay at the scene of an accident until the scene is completely cleared whenever practical.~~

~~**Sec. 57-253. -- Emergency dispatches.**~~

~~No auto wrecker shall be dispatched on an emergency run without a police escort.~~

Sec. 57-~~254~~249. - Maximum auto wrecker service and storage fees.

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

(a) Police-initiated nonconsent rotation list or incident management tow fees will be paid to the city at the city vehicle impound lot.

(b) All other fees will be paid to the auto wrecker company according to that company's policy.

(c) 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.

(d) Maximum towing, storage and administrative fees.

1. ~~All permitted wreckers other than rotation list category B wreckers~~ Category A auto wrecker:

- a. Normal rotation list non-consent tow (includes double hook up and towing of truck and trailer as one unit~~\$110.00~~150.00
- b. Private property impound~~\$ 115.00~~145.00
- c. Drop fee50.00

~~d. --- Tire change rather than use dollies:~~

~~i. --- One tire15.00~~

- ii. ~~Two tires20.00~~
- Required use of dollies, go jacks or skates30.00
 - d. Four wheel drive tow truck utility fee \$75.00
(remote beach / off-road tows only)
 - e. Additional labor such as winching for removal from a ditch or water, righting an overturned vehicle or for similar unusual circumstances (all inclusive)30.00
 - f. Total maximum towing fee including the use of dollies and additional labor, but excluding additional time at the scene and unusual distance:
Rotation list tow~~170.00~~ 255.00
Private property impound tow145.00
 - g. 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 30 minutes~~15.00~~ 25.00
 - h. Unusual distance charge:
 - i. ~~Additional fee for a tow originating from the area within city limits west of Callicoate Road to US 775.00~~
 - ii.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~~15.00~~ 25.00
 - iii. ~~Additional fee for a tow originating from the area within city limits east of the JFK Causeway to Fish Pass5.00~~
 - iv.ii. Additional fee for a tow originating from the area within city limits east of the JFK Causway Bridge to Port Aransas city limits~~15.00~~ 25.00
 - i. Cleanup only, no tow required~~35.00~~ 60.00
(debris only, not including hazardous material clean ups)
- 2. Category B auto wreckers:
 - a. Normal rotation list Nonconsent tow (includes double hookup and towing of tractor and trailer as one unit, removal of shaft or axle, application of air to brake system, and/or caging brakes, to prepare for tow)~~325.00~~ 475.00
 - b. Additional fee allowed in subsection 57-~~25450~~ (d)(2)(a) includes rigging up, winching for removal from ditch or water, righting an overturned vehicle, clean up, or for similar unusual circumstances, per hour~~275.00~~ 350.00
 - c. Private property impound (include double hookup and towing of tractor and trailer as one 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)~~400.00~~ 520.00

- d. Additional costs (specialized equipment such as crane, backhoe, fork lift, air bag recovery system) actual cost (within industry standard) for leasing or renting equipment plus a maximum of twenty-five (25)-per cent up charge.
 3. Daily storage fees: Storage for all or part of the first 24 hours, and for each subsequent 24-hour period or part thereof:
 - a. Recovered stolen vehicles5.00
 - b. Vehicles not longer than 25 feet20.00
 - c. Vehicles longer than 25 feet35.00
 4. 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 facility20.00
 5. 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 performed50.00
- (e) Multiple vehicles.
1. 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.
 2. 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.
- (f) Invoices.
1. 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.
 2. 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.
 3. 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.

4. 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.

5. The chief of police will review each invoice and either approve, reject or modify charges for services rendered.

(g) 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.

Sec. 57-250. Disposition of property left in towed vehicles.

Upon request of an individual demonstrating ownership or right to possession of a vehicle, a vehicle storage facility shall give that individual access to a vehicle in the facility and allow removal of any personal property left in the towed vehicle, unless otherwise indicated by a law enforcement officer. All such personal property must be surrendered to the property owner regardless of whether or not any or all fees associated with the towing or storage of the vehicle have been paid. "Personal property" for purposes of this section refers to property in the vehicle which is not permanently affixed to the vehicle. The vehicle storage facility must request a receipt from the person to whom the personal property is released for any such property removed from the stored vehicle. Nothing in this provision is intended to conflict with the provisions of 16 Tex. Admin. Code § 85.708.

Sec. 57-~~256~~251. - Cease and desist order.

The chief of police may issue a cease and desist order as necessary to enforce this article if the chief of police determines the action is necessary to prevent a violation of this article and to protect public health and safety.

Sec. 57-~~257~~252. - Logs required to be kept for tow.

Each wrecker company on the rotation list shall keep a record of each vehicle towed for the rotation list, the make, model, color, license number of said vehicle, the name of the person requesting the pull, the location where the vehicle was picked up, and the location where deposited. This log of rotation tows will be open to the police department inspection at any time. It shall be unlawful for a wrecker company or owner to fail or refuse to produce this log to the police department for inspection.

Sec. 57-253. - Photographs for Private Property Tows

All wreckers conducting private property tows shall photograph the vehicle to be towed from multiple angles and the signs posted prior to hookup in order illustrate conditions warranting the tow and to demonstrate compliance with State laws. All photographs must be maintained for inspection by the City for one year following the tow.

Sec. 57-~~258~~254. - Towing fee study

- (a) In this section, a "towing fee study" is a study to determine the fair market value of a non-consent tow originating in the city, considering financial information provided to the city by the wrecker company requesting the study.
- (b) A wrecker company may request that the city conduct a towing fee study by filing a written request with the city manager by certified mail, return receipt requested, or by hand delivery.
- (c) Within ninety (90) days after the filing of an initial request, additional wrecker companies may join the request by filing written requests in accordance with subsection (b).
- (d) The city shall conduct a towing fee study if the initial requestor and the additional requestors, if any:
 - (1) Accounted for not less than fifty (50) per cent of the non-consent tows performed in the city during the preceding twelve-month period, as determined by the city manager; and
 - (2) Deposit with the city manager a fee of five thousand dollars (\$5,000.00).
- (e) If the towing fee study is not conducted the city shall refund the fee, less an administrative fee of five hundred dollars (\$500.00).
- (f) Each wrecker company requesting the towing fee study shall cooperate with the city to conduct the study and such wrecker company shall provide to the city information determined by the city manager to be reasonably necessary to determine the fair market value of towing services regulated under this article.
- (g) The city shall complete a towing fee study not later than the 180th day after receiving all information required under subsection (f).
- (h) The city manager shall present to the city council the results of the towing fee study. The city manager shall give each wrecker company that owns or leases auto wrecker registered with the city written notice of the time, date, and location of the city council meeting at which the study is to be considered. The notice must be sent by United States regular mail to the wrecker company's address listed in the latest registration application on file with the chief of police.
- (i) Based on the results of the towing fee study, the city council may change the non-consent towing fees. The maximum fees must represent the fair market value of the services of a wrecker company performing non-consent tows originating in the city.
- (j) The city is not required to conduct more than one (1) towing fee study within a two-year time period, measured from the date the city council most recently considered a towing fee study.

Sec. 57-255. - Notification to permit holders of pending changes to permit regulations. Holders of permits under Article V of this chapter of the City Code shall be notified by the City of Corpus Christi of any pending changes in Article V.

SECTION 2. This ordinance takes effect after official publication.

SECTION 3. 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 4. Penalties are as provided in Section 1-6 of the Code of Ordinances.

SECTION 5. Publication shall be made one time in the official publication of the City of Corpus Christi as required by the City Charter of the City of Corpus Christi.

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

Nelda Martinez	_____	Brian Rosas	_____
Rudy Garza	_____	Lucy Rubio	_____
Chad Magill	_____	Mark Scott	_____
Colleen McIntyre	_____	Carolyn Vaughn	_____
Lillian Riojas	_____		

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

Nelda Martinez	_____	Brian Rosas	_____
Rudy Garza	_____	Lucy Rubio	_____
Chad Magill	_____	Mark Scott	_____
Colleen McIntyre	_____	Carolyn Vaughn	_____
Lillian Riojas	_____		

PASSED AND APPROVED, this the _____th day of _____, _____.

ATTEST:

Rebecca Huerta
City Secretary

Nelda Martinez
Mayor