

**ORDINANCE 2009-O-3C**

**AN ORDINANCE OF THE CITY OF ANGLETON, TEXAS AMENDING CHAPTER 27 OF THE ANGLETON CODE OF ORDINANCES AND ORDINANCES NO 2322 AND 2004-O-6A; INCREASING STORAGE, STANDBY, DOLLY AND WRECKER FEES FOR NON-CONSENT TOWS IN THE CITY OF ANGLETON, TEXAS; PROVIDING FOR WRECKERS TO CARRY ABSORBENT ADEQUATE TO CLEAN UP SPILLS, WRECKER DRIVERS TO WEAR REFLECTIVE VESTS AND THAT NO CHARGES ARE TO BE MADE FOR TOWING TRAILERS CONNECTED TO WRECKED VEHICLES; PROVIDING THAT ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith SHALL BE REPEALED TO THE EXTENT OF THE CONFLICT ONLY; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING A PENALTY NOT TO EXCEED \$500.00 FOR EACH VIOLATION AND THAT EACH DAY THE VIOLATION CONTINUES WILL BE CONSIDERED A SEPARATE VIOLATION; PROVIDING AN OPEN MEETINGS CLAUSE, AN EFFECTIVE DATE CLAUSE, AND PROVIDING FOR OTHER PURPOSES.**

**WHEREAS**, the fees allowed for non-consent tows in the City of Angleton have not been increased since 2004; and

**WHEREAS**, the costs of fuel and insurance has increased significantly in the last five years;

**WHEREAS**, the City Council deems it in the public interest to require additional safety requirements on wreckers and their drivers to better protect the public:

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ANGLETON, TEXAS:**

**SECTION 1** That the matters and facts recited in the preamble hereof are hereby found and determined to be true and correct and are hereby incorporated into the body of this Ordinance

**SECTION 2** That Article III (Wreckers) of Chapter 27, subsection 27-83 (1) c.3 of the Code of Ordinances of the City of Angleton, Texas and Ordinances 2322 and 2004-O-6A are hereby amended to read as follows:

Sec. 27-83(1) c.3. is amended to read as follows:

3. Storage fees and wrecker fees shall be posted with the city and all citizens whose vehicles are towed or stored are to be treated equally in all respects to include the amount charged for wrecker towing and storage fees, regardless of where that citizen resides. Storage fees and wrecker tow fees on vehicles towed and stored as a result of calls from the City of Angleton Police Department shall not exceed \$115.00 for a non-consent wrecker tow or \$20.00 per day for vehicle storage. Wreckers can charge a standby fee after 30 minutes on the scene of an accident or for other non-consent wrecker tows at a rate of \$10.00 for every 15 minutes not to exceed a \$40.00 maximum standby fee. A dolly fee of \$40.00 may also be charged with no roll back fee. If a wrecked vehicle has a connected trailer, the trailer will not be charged a non-consent wrecker tow fee unless it is damaged so severely that a second truck would be needed to remove the trailer.

**SECTION 3-** That the Code of Ordinance of the City of Angleton, Texas Ordinance 2322 and 2004-O-6A are hereby amended by amending section 27-83 adding two new subsections to be numbered subsection 27-83 (3) and 27-83 (4), which subsections read as follows:

Section 27-83 is amended to add new subsections (3) and (4) after subsection 27-83 (2) to read as follows:

(3) Wreckers must carry adequate quantities of absorbent necessary to clean up any fluid spilled. All wrecker drivers must wear an orange, yellow or other adequate type of reflection vest at all times when removing a vehicle from or alongside a roadway.

(4) All persons holding a wrecker permit or engaging in a wrecker business in the City of Angleton shall fully comply with this Article III, of Chapter 27, of the Code of Ordinances of the City of Angleton, Texas (City Code) well as all other applicable provisions of the City Code, Chapter 2303 and 2308 of the Texas Occupations Code (*Vernon*) (*Tex. Occupation Code Ann.*) applicable provisions of the Texas Transportation Code and all other applicable laws, as these laws may now read or hereinafter be amended.

**SECTION 4 - PROVIDING FOR SEVERABILITY** If any provision, section, sentence, clause or phrase of this Ordinance, or the application of same to any person or set of circumstances is for any reason held to be unconstitutional, void, invalid, or unenforceable, the validity of the remaining portions of this Ordinance or its application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council of the City of Angleton in

adopting, and of the Mayor in approving this Ordinance, that no portion hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality or invalidity of any portion, provision or regulation.

**SECTION 5 - REPEALER** All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict only.

**SECTION 6 - PENALTY** Any person, firm, corporation, association or other entity that violates this Ordinance shall be subject to a fine of not more than \$500.00 for each violation and each day that the violation continues will constitute a separate violation.

**SECTION 7 - OPEN MEETINGS COURSE** It is hereby found and determined that the meeting at which this Ordinance is considered is open to the public and that notice of the time, place and purpose thereof was given in accordance with provisions of the Texas Government Code – Chapter 551, as amended and that a quorum of the City Council was present.

**SECTION 8 – PUBLICATION** The City Secretary of the City of Angleton is hereby directed to publish this ordinance, or its caption and penalty clause, in the official City newspaper as required by the Charter of the City of Angleton, Texas.

**SECTION 9 - EFFECTIVE DATE** This Ordinance shall take effect immediately from and after its passage and the penalty provided in this ordinance shall be effective after the publication in accordance with the provisions of *Chapt. 52, Tex. Loc.Gov't Code* and the City of Angleton Charter.

**READ, PASSED, AND APPROVED ON THIS THE 24th DAY OF MARCH, 2009.**

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**J. PATRICK HENRY, MAYOR  
CITY OF ANGLETON**

**ATTEST:**

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**SHELLY DEISHER, CITY SECRETARY**

**APPROVED AS TO FORM:**

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**HERBERT L. PROUTY, INTERIM CITY ATTORNEY**