

**ORDINANCE NO. 1417-2024**

**AN ORDINANCE OF THE CITY OF RIVER OAKS, TEXAS AMENDING ARTICLE 4.07 “WRECKERS AND WRECKER COMPANIES” OF THE RIVER OAKS CODE OF ORDINANCES (2020) AS AMENDED; SPECIFICALLY IN SECTION 4.07.005 “WRECKER ROTATION LIST” IN ORDER TO ALLOW FOR THE EXTENDED SERVICE AREA AND IN SECTION 4.07.006 “PERMIT ISSUANCE; CONDITIONS” UPDATING THE REQUIRED INSURANCE REQUIREMENTS; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY FOR VIOLATIONS; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of River Oaks is a home rule city acting under its Charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Texas Local Government Code; and

**WHEREAS**, the City of River Oaks occasionally requires the services of tow trucks; and

**WHEREAS**, such wrecker services are necessary to protect the safety of the citizens of the City of River Oaks; and

**WHEREAS**, the City Council on February 6, 2024 adopted Ordinance # 1407-2024 that expanded the distance for non-consent tows to within the territorial limits of Tarrant County; and

**WHEREAS**, by extending the distance would allow the police department to expand the current rotation list and will increase the probability of wrecker response times and to expedite the recovery of nonconsensual towed vehicles to restore safe transportation to the owner or operator; and

**WHEREAS**, by expanding the distances of non-consent tows, both Sections 4.07.005 “Wrecker rotation list” and in Section 4.07.006 “Permit issuance; conditions” of Article 4.07 “Wreckers and Wrecking Companies” shall be amended to coincide with the expanded service area; and

**WHEREAS**, the City Council has determined and concurred with the recommendation of the Police Chief to amend Article 4.07 in both Sections 4.07.005 “Wrecker rotation list” and in Section 4.07.006 “Permit issuance; conditions that will coincide with the new expanded distances; and

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

**SECTION 1.**

The City Council of the City of River Oaks, Texas hereby with the adoption of this Ordinance amends Article 4.07, “Wreckers and Wrecker Service” specifically in Section 4.07.005 “Wrecker rotation list” shall be revised to now read as follows:

## **Article 4.07. Wreckers and Wrecker Companies.**

### **“Section 4.07.005 – Wrecker rotation list**

(a) When filing the application, or at any time subsequent thereto, a wrecker service may also make an application in writing to the police chief for its placement on the wrecker rotation list. Subject to the approval of the police chief of the city, or his designee, the applicant’s name shall be added to the rotation list. The police chief, however, shall not withhold his approval of such an application unless the wrecker service has violated any of the provisions of this chapter or has had its business and wrecker permit previously revoked for any of the grounds specified in section 4.07.010 of this article.

(b) When an authorized wrecker service on the rotation list is called by the police department, the wrecker operator shall be required to give his or her ETA. In emergency situations the police department shall retain the right to utilize another wrecker service in accordance with the order of the rotation list if the ETA given is more than thirty (30) minutes or is determined by the police department to cause a delay that threatens the safety of any individual present at the scene.

(c) Each wrecker service authorized on the rotation list shall have a secured area to store wrecked, disabled or impounded motor vehicles; all vehicles that are towed will be placed inside these facilities.

(1) Within the city limits, secured areas shall comply with all applicable zoning regulations and city ordinances and may consist of a six-foot chain-link fence with at least three strands of barbed wire on the upper portion of the fence upon approval by the city council. Fencing shall be a minimum of seven feet in total height. Structures consisting of a fully enclosed building with secure lockable doors shall also be acceptable as a secured area.

(2) Outside the city limits, secured areas shall comply with all the applicable zoning regulations and city ordinances in the jurisdictions where they are located. Fencing shall be a minimum of six feet in total height. Structures consisting of a fully enclosed building with secure lockable doors shall also be acceptable as a secured area.”

## **SECTION 2.**

The City Council of the City of River Oaks, Texas hereby with the adoption of this Ordinance amends Article 4.07, “Wreckers and Wrecker Service” specifically in Section 4.07.006 “Permit issuance; conditions” shall be revised to now read as follows:

## **Article 4.07. Wreckers and Wrecker Companies.**

### **“Section 4.07.006 – Permit issuance; conditions**

The police chief shall issue a permit to engage in the wrecker business to all applicants complying with the provisions of this chapter. No permit authorizing the operation of a wrecker on the streets of the city shall be issued unless the following requirements are met and certified by the police

chief:

- (1) Each wrecker shall be not less than three-quarter-ton in size and be equipped with booster brakes.
- (2) Each wrecker shall be equipped with a power winch, winch line and boom, with a factory-rated lifting capacity of not less than five thousand pounds, single-line capacity.
- (3) Each wrecker shall carry as standard equipment tow bars, safety chains, a fire extinguisher, wrecker bars, brooms and an axe.
- (4) The applicant shall procure and keep in full force and effect a policy of public liability and property damage insurance issued by a casualty insurance company authorized to do business in the state on the standard form approved by the board of insurance commissioners of the state. The insuring provision for such policy is to include the city as insured, and a coverage provision insuring the public from any loss or damage that may arise to any person or property by reason of the operation of a wrecker of such company and providing that the amount of recovery on each wrecker shall be limits of not less than the following sums:
  - (A) \$100,000.00 for property damage to any one person;
  - (B) \$300,000.00 for property damage in any one accident;
  - (C) \$500,000.00 for personal injury to any one person; and
  - (D) \$1,000,000.00 for personal injury in any one accident."

### **SECTION 3.**

This Ordinance shall be cumulative of all provisions of ordinances and of the Code of Ordinances of the City of River Oaks, Texas, as amended, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances and such code, in which event the conflicting provisions of such ordinances and such Code are hereby repealed.

### **SECTION 4.**

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining, phrases, clauses, sentences, paragraphs or sections of this Ordinance since the same would have been enacted by the City Council without incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

### **SECTION 5.**

Whenever in this code or in any ordinance of the city an act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or whenever in such code or ordinance the doing of any act is required or the failure to do any act is declared to be unlawful, and no specific penalty is provided therefor, the violation of any such provision of this code or any such

ordinance shall be punished by a fine of not exceeding five hundred dollars (\$500.00). However, a fine or penalty for the violation of a rule, ordinance or police regulation that governs fire safety, zoning or public health and sanitation other than dumping of refuse may not exceed two thousand dollars (\$2,000.00); a fine or penalty for the violation of a rule, ordinance, or police regulation that governs the dumping of refuse may not exceed four thousand dollars (\$4,000.00). Provided, however, that no penalty shall be greater or less than the penalty provided for the same or a similar offense under the laws of the state. Each day any violation of this code or of any ordinance shall continue shall constitute a separate offense. In the event that any such violation is designated as a nuisance under the provisions of this code, such nuisance may be summarily abated by the city. In addition to the penalty prescribed above, the city may pursue other remedies such as abatement of nuisances, injunctive relief and revocation of licenses or permits.

**SECTION 6.**

All rights and remedies of the City of River Oaks, Texas, are expressly saved as to any and all violations of the provisions of the Code of Ordinances of the City of River Oaks, Texas or any other ordinances affecting wreckers and wrecking companies which have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances same shall not be affected by this Ordinance, but may be prosecuted, until final disposition by the courts.

**SECTION 7.**

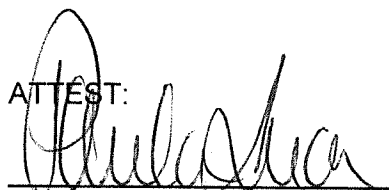
The City Secretary is directed to publish in the official newspaper of the City, the caption, penalty clause, savings clause, publication clause and effective date clause of this ordinance one time as authorized by Chapter 5, Section 5.02(c) of the Charter of the City of River Oaks.

**SECTION 8.**

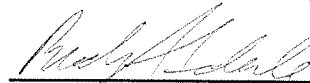
This Ordinance shall be in full force and effect upon its passage and legal publication, if required, as provided by law, and it is so ordained.

**PASSED AND APPROVED THIS 5<sup>th</sup> DAY OF MARCH 2024.**

  
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Mayor

ATTEST:  
  
\_\_\_\_\_  
City Secretary

APPROVED AS TO FORM:

  
\_\_\_\_\_  
City Attorney