

AN ORDINANCE AMENDING CHAPTER 25, "TRAFFIC", OF THE CODE OF ORDINANCES OF THE CITY OF GRAND PRAIRIE, TEXAS; BY CREATING SECTION 25-59.5 "PARKING OF VEHICLES WITH INVALID OR EXPIRED LICENSE PLATES" TO REQUIRE VEHICLES STOPPED, STANDING, OR PARKED IN A PUBLIC RIGHT OF WAY TO DISPLAY LAWFUL, VALID, AND CURRENT REGISTRATION; AND AMENDING SECTION 25-60 "AUTHORITY TO REMOVE; PROCEDURE, FEES" TO AUTHORIZE DESIGNATED EMPLOYEES TO REMOVE VEHICLES UNDER CERTAIN CIRCUMSTANCES; PROVIDING A PENALTY; PROVIDING A SAVINGS CLAUSE AND A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE UPON PASSAGE AND PUBLICATION

WHEREAS, State law prohibits vehicles from operating on a roadway without valid registration, but does not govern motor vehicle registration requirements on vehicles stopped, standing, or parked in a public right of way; and

WHEREAS, stolen vehicles are increasingly displaying invalid license plates or other proof of registration, including license plates assigned to other vehicles; and

WHEREAS, authorizing non-police officers to remove vehicles will allow the Police Department to most effectively utilize Police Department resources; and

WHEREAS, in accordance with Texas Occupations Code Section 2308.354(a) and Grand Prairie's Home Rule Authority, the City of Grand Prairie is authorized to pass an ordinance regulating on-street parking and designate an employee to have illegally parked vehicles and abandoned vehicles removed; and

WHEREAS, to protect the health, safety, and welfare of the community, the City has determined that all motor vehicles stopped, standing, or parked in a public right of way should be required to lawfully display current and valid registration.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND PRAIRIE, TEXAS THAT:

SECTION 1. Subsection 25-59.5 "Parking of Vehicles with Expired or Invalid License Plates" of Chapter 25, "Traffic," of the Code of Ordinances of the City of Grand Prairie, Texas, is hereby created to read as follows:

- "(a) It is unlawful to stop, stand, or park a vehicle within a public right-of-way, if the vehicle does not have lawfully affixed thereto:
- (1) a valid license plate or tag (temporary license plate) assigned to that vehicle for the current registration period, or
 - (2) a valid and current motor vehicle dealer or authorized agent license plate or tag.
- (b) It is an exception to the offense established by subsection (a) that the registration of the vehicle that is stopped, standing, or parked in violation of subsection (a) has been expired for less than fifteen (15) calendar days."

SECTION 2. Subsection 25-60 "Authority to Remove; Procedure; Fees" of Chapter 25, "Traffic," of the Code of Ordinances of the City of Grand Prairie, Texas, is hereby amended to read as follows:

- "(a) *Removal by Police Officer.* A police officer is authorized to remove or tow a vehicle or other property of any description from any street or highway to a place or garage designated or maintained by the police department when:
- (1) The vehicle or property is left unattended upon any bridge, viaduct, or causeway, or in any tube or tunnel where such vehicle or property constitutes an obstruction to traffic;
 - (2) A vehicle upon a highway is so disabled as to constitute an obstruction to traffic and the persons in charge of the vehicle are, by reason of physical injury or other condition, incapacitated to such an extent as to be unable to provide for its custody or removal;

- (3) A vehicle is left unattended upon a street or within the street right-of-way and parked illegally;
 - (4) A vehicle is left unattended on a street or within the right-of-way in violation of section 25-50;
 - (5) A vehicle is illegally parked and blocks the entrance to any private driveway;
 - (6) A vehicle is found upon a street and a report has been made that the vehicle has been stolen and such report has not been retracted;
 - (7) An officer has reasonable grounds to believe that the vehicle has been abandoned;
 - (8) A vehicle is left unattended upon a street or within a street right-of-way and constitutes a danger to the traveling public; or
 - (9) An officer arrests the driver and/or the person having control of a vehicle for an offense and the officer is by law required to take the person arrested immediately before a magistrate.
- (b) *Removal by Non-Police Officer.* Employees designated by the Chief of Police to enforce parking regulations may enforce parking violations provided in the Grand Prairie Code of Ordinances and remove or tow a vehicle from any street or highway to a place or garage designated or maintained by the police department when:
- (1) The vehicle is parked illegally; or
 - (2) The vehicle is parked legally, has been unattended for more than 48 hours, and the designated employee has reason to believe the vehicle is abandoned.
- (c) *Redemption; fees.* A vehicle removed and towed pursuant to the provisions of this section shall be kept at the place designated by the chief of police until the owner or other person entitled to possession pays all costs of towing, impoundment and storage. The chief of police shall charge fees for towing and storage of vehicles at city pound locations in accordance with the following regulations:
- (1) For vehicles or equipment twenty (20) feet or less in length and seven (7) feet or less in width, the storage fee is twenty dollars (\$20.00) for each day or portion of a day.
 - (2) For vehicles or equipment more than twenty-five (25) feet in length, the storage fee is thirty-five dollars (\$35.00) for each day or portion of a day.
 - (3) Storage fees on stolen vehicles shall be charged as outlined in subsections (c)(1) and (2) of this section, commencing on the day following notice to the owner of the vehicle or his agent that he may claim the vehicle.
 - (4) Storage fees on vehicles owned by arrested persons shall be charged as outlined in subsections (c)(1) and (2) of this section, commencing on the date of impoundment.
 - (5) Storage fees shall not be collected when a vehicle is not involved in an accident but is taken into protective custody and the driver is incapacitated due to physical injury or other illness to the extent he is unable to care for his vehicle.
 - (6) Storage fees on vehicles involved in motor vehicle accidents shall be charged as outlined in subsections (c)(1) and (2) of this section, commencing on the date of impoundment.
 - (7) A service fee of fifty dollars (\$50.00), in addition to applicable towage, impoundment and storage fees, shall be charged when a vehicle has been in the automobile pound for five (5) days unless an administrative hold has been placed on the vehicle. The period of any administrative hold shall not be included in the computation of the five-day period required before a service fee may be imposed.
 - (8) An impoundment fee of twenty dollars (\$20.00), in addition to applicable towage and storage fees, shall be charged for a vehicle that has been removed and towed to a city pound location.
 - (9) Towing fees shall be at the rate of one hundred seventy-one dollars (\$171.00) per vehicle for regular duty tow, and two hundred forty-six dollars (\$246.00) per hour for heavy-duty tow. Additional fees may be charged when specialized equipment is used.
- (d) *Release without payment.* The chief of police or his designee may release a vehicle without payment of storage, impoundment or towage fees under the following circumstances:
- (1) A vehicle taken into protective custody when the incident did not involve an arrest, violation or automobile accident.

- (2) A vehicle is owned by or belongs to an individual who is entitled to diplomatic immunity.
- (3) Subsequent investigation of an arrested person results in a determination that there was no probable cause to warrant the arrest.
- (e) *Violation.* A person commits an offense if he removes or attempts to remove a vehicle from a city pound location without first paying the towage, impoundment and storage fees which have accrued on the vehicle.
- (f) *Storage for commercial purposes.* As a consequence of the fees to be charged for vehicles stored at city pound locations and for purposes of state law, the city council hereby designates all city pound locations as storage facilities operated for commercial purposes.”

SECTION 3. Chapter 25, “Traffic,” of the Code of Ordinances of the City of Grand Prairie, Texas, as amended, shall be and remain in full force and effect save and except as amended by this Ordinance.

SECTION 4. The terms and provisions of this Ordinance are severable and are governed by Section 1-4 of the Code of Ordinances of the City of Grand Prairie, Texas.

SECTION 5. A violation of any provision of this Ordinance shall be a misdemeanor punishable in accordance with Section 1-8 of the Code of Ordinances of the City of Grand Prairie, Texas.

SECTION 6. All ordinances or parts of ordinances not consistent or conflicting with the provisions of this Ordinance are hereby repealed. Provided that such repeal shall be only to the extent of such inconsistency and in all other respects this Ordinance shall be cumulative of other ordinances regulating and governing the subject matter covered in this Ordinance.

SECTION 7. This Ordinance shall be and become effective immediately upon and after its passage and publication.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF GRAND PRAIRIE, TEXAS, ON THIS THE 21st DAY OF MARCH 2023.

APPROVED:



Ron Jensen, Mayor

ATTEST:

APPROVED AS TO FORM:

City Secretary

City Attorney