

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF DENTON AMENDING CERTAIN PROVISIONS OF CHAPTER 23 “POLICE” OF THE CODE OF ORDINANCES OF THE CITY OF DENTON TO CONFORM WITH CERTAIN PROVISIONS OF STATE LAW; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR A PENALTY NOT TO EXCEED \$500 FOR VIOLATIONS OF THIS ORDINANCE; AND PROVIDING AN EFFECTIVE DATE.

THE COUNCIL OF THE CITY OF DENTON HEREBY ORDAINS:

SECTION 1. Section 23-152 “Towing restricted” is hereby amended to read as follows:

**Sec. 23-152. Towing restricted.**

In accordance with Section 86.455(c) of the Texas Administrative Code, a towing company that intends to remove a vehicle from a parking facility as allowed by Chapter 2308 of the Texas Occupations Code may not tow a vehicle when the vehicle owner objects to the tow, tenders the payment of the drop fee authorized in the towing fee schedule established by the city council and maintained on file in the office of the city secretary, and removes the vehicle.

SECTION 2. Subparagraphs (g) and (h) of Section 23-154 “Towing fee schedule; payment” is hereby amended to read as follows:

**Sec. 23-154. Towing fee schedule; payment.**

(g) For payment of any fee under this article, a towing company or vehicle storage facility shall accept payment by cash, electronic check, debit card, and credit card for any charge associated with delivery or storage of a vehicle. However, payment by credit or debit card may be refused if the named cardholder is not present.

(h) Release of a vehicle may not be denied based on the inability of the towing company or vehicle storage facility to accept payment by electronic check, debit card, and credit card of any charge associated with delivery or storage of a vehicle, unless the inability to accept such payment is due to factors outside the control of the towing company or vehicle storage facility, such as a power outage or machine malfunction. In such case, payment due shall be frozen until a 12-hour period of time has elapsed.

SECTION 3. Subparagraph (b) of Section 23-157 “Removal to a designated facility” is hereby deleted entirely.

SECTION 4. This ordinance shall repeal every prior ordinance in conflict herewith, but only insofar as the portion of such prior ordinance shall be in conflict; and as to all other sections of the ordinance not in direct conflict herewith, this ordinance shall be and is hereby made cumulative except as to such prior ordinances or portions thereof as are expressly repealed hereby.

SECTION 5. Any person violating any provision of this ordinance, shall upon conviction, be fined a sum not exceeding \$500.00. Each day that a provision of this ordinance is violated shall constitute a separate and distinct offense.

SECTION 6. If any provision of this ordinance or application thereof to any person or circumstance is held invalid by any court, such holding shall not affect the validity of the remaining portions of this ordinance, and the City Council of the City of Denton, Texas hereby declares that it would have enacted the remaining portions despite any such validity.

SECTION 7. Save and except as amended hereby, all the sections, subsections, and clauses of Chapter 23 "Police" of the Code of Ordinances of the City of Denton, Texas shall remain in full force and effect.

SECTION 8. This ordinance providing for a penalty shall become effective January 1, 2016, and the City Secretary is hereby directed to cause the caption of this Ordinance to be published twice in the *Denton Record-Chronicle*, the official newspaper of the City of Denton, Texas, within 10 days of the date of its passage.

PASSED AND APPROVED this the \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
CHRIS WATTS, MAYOR

ATTEST:  
JENNIFER WALTERS, CITY SECRETARY

BY: \_\_\_\_\_

APPROVED AS TO LEGAL FORM:  
ANITA BURGESS, CITY ATTORNEY

BY: Stephanie M. Berry