

ORDINANCE NO. 2016-O-078

AMENDING CHAPTER 32, (TOW SERVICES), SECTIONS 32-88, 32-91 TO 32-93, 32-100, 32-104, 32-105 AND 32-109 OF THE CODE OF THE CITY OF LAREDO, TEXAS BY MODIFYING PERMIT REQUIREMENTS AND DUTIES OF TOW SERVICES ON THE ROTATION LIST; ESTABLISHING AN INSPECTION FEE; INCREASING THE FEES FOR TOWING SERVICES, STORAGE FACILITIES, ROTATION LIST APPLICATIONS AND PERMITS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the State of Texas further requires that the political subdivision's governing body establish the allowable fees associated with non-consent tows at amounts that represent the fair value of the services; and,

WHEREAS, the Laredo Police Department has surveyed the rates associated with towing services in the Laredo area and determined the existing fees do not reflect the fair value of the towing services; and,

WHEREAS, the City Council of the City of Laredo further finds it in the public interest to modify the duties and requirements of towing companies to better serve the public, and

WHEREAS, the City of Laredo Texas deems it necessary and proper and in the best interests of the health, safety, and general welfare of its citizenry to amend provisions regulating towing services in the City, all of which are related to the goal of increasing safety in the City of Laredo.

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

Section 1. The City of Laredo Code of Ordinances, Chapter 32 (Tow Services), Article III is hereby amended as follows:

Sec. 32-88. - Duties of tow services on rotation list.

(6) Time for arrival; failure. The tow service that accepts a request by the police shall send a wrecker so that it arrives on the scene within ~~forty five (45)~~ **thirty-five (35)** minutes after the police requested the tow service, except if the scene is at or within one (1) mile of the Columbia Solidarity Bridge, then the wrecker shall arrive within sixty (60) minutes. Failure to arrive on the scene within the allowed time will immediately result in the forfeiture of position on that revolution of any rotation list or any of the other remedial actions listed in section 32-105 herein,

except if the tow service's wrecker encounters extreme circumstances beyond their control to include being stopped by a train, being stopped in a traffic jam or inclement weather, and this exception shall apply only if the tow service en route communicates the problem as to why they may be late to police communications so that police communications can notify the officer at the scene waiting on the wrecker and it shall be within the officer's discretion to continue to wait for such wrecker longer than an additional twenty (20) minutes after the initial time for the wrecker to arrive has expired before another tow service is requested.

(10) Notification and storage. All tow services storing a vehicle pursuant to a request to tow and store a vehicle by police shall follow all the notification and storage procedures set forth in any federal, state or local law, rule or regulation, as amended, including but not limited to ~~the following:~~ **the Texas Department of Licensing and Regulation.**

~~a. V.T.C.A., Transportation Code §§ 683.001—683.057 (Abandoned Motor Vehicles);~~

~~b. V.T.C.A., Transportation Code §§ 685.005—685.006 (Rights of Owners and Operators of Stored Vehicles);~~

~~c. Vernon's Ann. Civ. St. art. 6687—9a (Vehicle Storage Facility Act);~~

~~d. Texas Department of Transportation, 43 T.A.C. 18.80—18.94 (Motor Vehicle Storage Facility Regulation).~~

(15) Vehicle storage facility's and towing company's duty to report after towing or accepting a lawfully repossessed or towed vehicle.

a) Whenever a vehicle is removed from private property without the consent of the vehicle owner or a lienholder, a control number must be requested from the department within forty-five (45) minutes of the vehicle leaving the property by reporting the following information to the department:

1) A general description, including the year, make, model, and color;

2) The state and number of the vehicle's license plate, if any;

3) The vehicle identification number;

4) The date and time of the tow as well as the location from which the vehicle would have been towed;

5) The name of the company towing the vehicle;

**6) The name of the person or entity authorizing the tow and a valid contact phone number;
and**

7) The name of the vehicle storage facility to which the vehicle has been or will be taken.

b) Whenever any person tows, carries, transports or otherwise takes a motor vehicle pursuant to a request by a lienholder incident to a lawful repossession, the person so taking the vehicle shall, within forty-five (45) minutes of taking possession, report to the department:

- 1) A general description of the vehicle, including the year, make, model, and color;**
- 2) The state and number of the vehicle's license plate, if any;**
- 3) The vehicle identification number;**
- 4) The date and time of tow as well as the location from which the vehicle was towed;**
- 5) The name of the company towing the vehicle, the name of the state department of licensing and regulation number issued to the driver of the tow truck, and the name and location where the vehicle is being stored; and**
- 6) The name, title, and phone number of the lienholder causing the vehicle to be repossessed.**

c) The required report must be made by telephone, by facsimile, other electronic device, or delivered personally to the department.

Sec. 32-91. - Inspections. Modified

(a) *Inspections for permit.* Upon receipt of an application for any rotation list permit **and payment of a fee** the chief of police or his/her authorized representative shall review said application for conformance with the provisions of this article and shall inspect and certify each wrecker on said application.

Sec. 32-92. - Towing fees.

Tow fees. Tow services on any rotation list shall charge the following fees for any tow requested by police from the rotation list:

Tow fees

Service Amount

Average tow.....~~\$95.00~~ **\$110.00**

All city passenger cars and light trucks (tire size not to exceed seventeen (17) inches) **to include vehicles picked without consent by police for processing and evidence**50.00

Sec. 32-93. - Storage facility fees.

Tow services on any rotation list shall charge fees as follows for storage of any vehicle towed to that location pursuant to storage requested by police from the rotation list:

Storage facility fees

Service Amount

Storage fee:

(1) If the vehicle remains at the vehicle storage facility for less than twelve (12) hours there will be only a one-day charge regardless of when the vehicle was brought to the vehicle storage facility~~\$ 10.00~~ **\$20.00**

(2) If the vehicle remains at the vehicle storage facility for twelve (12) hours or more, there will be a first-day charge based on a day beginning and ending at midnight, even if the vehicle does not remain in storage the full day ~~10.00~~ **\$20.00**

(3) There will be a charge for each additional day, based on a day beginning and ending at midnight, after the first day for vehicles other than trucks and trailers exceeding thirty-five (35) feet in length even if the vehicle does not stay full days (per each additional day)~~10.00~~ **\$20.00**

(4) There will be a charge for each additional day, based on a day beginning and ending at midnight, after the first day for a truck and/or trailer exceeding thirty-five (35) feet in length even if the truck or trailer does not stay full days (per each additional day)35.00, as allowed by state law

Impoundment Fee: This fee may be charged if the requirements of the T.A.C., title 43 part 1, chapter 18, subchapter G, Vehicle Storage Facilities, §§ 18.92(h) and 18.93(3) have been met 20.00, as allowed by state law, 10.00 for all city vehicles

Notification fee: This fee may be charged unless the vehicle is removed by the owner before notification is sent, or within twenty-four (24) hours from the time the tow service received the vehicle\$50.00, as allowed by state law, \$32.00 for all city vehicles

Sec. 32-100. - Stolen vehicles recovered from Mexico.

Notwithstanding anything to the contrary in this article, stolen vehicles that have been recovered in Mexico and returned to the city police custody at the United States border shall be processed as follows:

(1) ~~Separate list of tow services to tow vehicles recovered from Mexico. The chief of police is hereby authorized to establish and maintain a separate list of tow services who have rotation list permits for the specific purpose of listing the tow services available to tow or store stolen~~

(5) Applicability. Unless otherwise addressed in this section, all other provisions of this article shall continue to apply.

DIVISION 2. - PERMITS

Sec. 32-104. - Rotation list permits. Permit required. No tow service shall engage in the business of towing and storing vehicles at the direction of police without first obtaining a rotation list permit from the city.

- (b) Permit and application fee. The annual permit fee shall be three hundred dollars ~~(\$300.00)~~ **(\$350.00)**
- (c) Duration. The permit shall remain valid for a period of one (1) year from the date of issuance, but all permits shall expire on June thirtieth of each year, unless sooner revoked or suspended.

Sec. 32-105. - Rotation list permit basic requirements. Modified

All tow services desiring to obtain and maintain a rotation list permit shall meet the following basic requirements:

(3) Wreckers.

a. All tow services shall have at least ~~three (3)~~ **four (4)** or more light duty wreckers that:

1. Are equipped according to this article;
2. Are registered by the state for each of the wreckers intended to be used by the tow service upon request by the police;
3. Have title; and
4. Have certificates of insurance evidencing coverage on each wrecker and providing year, make, model, state license number, and motor number of each wrecker.

Section 2. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council and are hereby approved and incorporated into the body of this ordinance as if copied in their entirety.

Section 3. Chapter 19, Article VI of the City Code of Laredo Texas, as Amended, will remain in full force and effect, save and except as amended by this Ordinance.

Section 4. Should any sentence, paragraph, subdivision, clause, phrase, or section of this Chapter be adjusted or held to be unconstitutional, illegal, or invalid, the same shall not affect the validity of this Chapter in whole or any part or provision thereof, other than the part so declared to be invalid, illegal or unconstitutional.

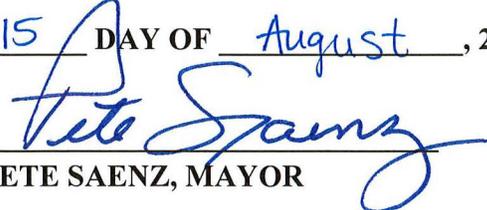
Section 5. The provisions of this Chapter shall be cumulative of all other ordinances or parts of ordinances governing or regulating the same subject matter as that covered herein; provided, however, that all prior ordinances or parts of ordinances inconsistent or in conflict with any of the provisions of this Chapter are hereby expressly repealed to the extent that such inconsistency is apparent. This Chapter shall not be construed to require or allow any act that is prohibited by any other ordinance.

Section 6. This Chapter shall take effect immediately from and after its passage and publication as may be required by law.

Section 7. It is hereby officially found and determined that the meeting at which this Chapter was passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

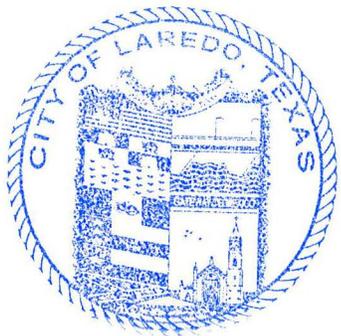
PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR ON THIS

15 DAY OF August, 2016.


PETE SAENZ, MAYOR

ATTEST:

HEBERTO L. RAMIREZ
ACTING CITY SECRETARY



APPROVED AS TO FORM:

**RAUL CASSO
CITY ATTORNEY**


KRISTINA K. LAUREL HALE
FIRST ASSISTANT CITY ATTORNEY

Final Reading of Ordinances

City Council-Supplemental Agenda

Meeting Date: 08/01/2016

Initiated By: Cynthia Collazo, Deputy City Manager

Staff Source: Kristina Laurel Hale, First Assistant City Attorney

SUBJECT

2016-O-078 Amending Chapter 32, (Tow Services), Sections 32-88, 32-91 to 32-93, 32-100, 32-104, 32-105 and 32-109 of the code of the City of Laredo, Texas by modifying permit requirements and duties of tow services on the rotation list; establishing an inspection fee; increasing the fees for towing services, storage facilities, rotation list applications and permits; repealing all ordinances or parts of ordinances in conflict therewith; providing a savings clause; providing for severability; providing for codification; providing for publication; and providing an effective date.

PREVIOUS COUNCIL ACTION

The City Council approved Ordinance No. 2008-0-062 on April 7, 2008.

BACKGROUND

The City of Laredo Police Department requires tow services to tow vehicles from time to time and case by case. The City currently operates under a permit system that requires tow services to get a permit and they are placed on a service rotation list. When police need a tow, they will call the tow service on rotation for that week to conduct the tow and storage of the vehicle.

The Texas Occupations Code regulates these matters pursuant to Section 2303.155 (storage fees) and Section 2308.203 (towing fees) and allows the governing body to establish or amend the allowable fees for non-consent tows at amounts. These fees must represent the fair value of the services of a towing company and be reasonably related to any financial or accounting information provided to the governing body.

The last increase for these fees was 8 years ago. The Laredo Police Department has since surveyed the rates associated with towing services in the Laredo area and determined the fees to be below the fair value for these services. Accordingly, the amendments will update the towing and storage fees and modify the requirements for towing companies so that they are in compliance with state law and better serve the general public.

COMMITTEE RECOMMENDATION

N/A

STAFF RECOMMENDATION

Staff recommends approval of the Ordinance as amended.

Fiscal Impact

Fiscal Year:

Budgeted Y/N?:

Source of Funds:

Account #:

Change Order: Exceeds 25% Y/N:

FINANCIAL IMPACT:

N/A

Attachments

Ordinance 2016-O-078

2006 Ford F-150 Supercab, motor 4.6, 107K mi., very good cond., \$5,900 OBO. 956-744-1948



2006 Ford F-150, 6cyl, a/c, good work truck, \$3,900. 956-319-0067



2006 Pathfinder, black, good condition, \$67,000 obo. (956) 251-6501



2006 Toyota Tundra, 53,700 miles, V8, \$12,500. (956)740-5406



2007 Dodge Ram, 4X4, SLT Texas Edition, Diesel engine, has gooseneck hitch, 155K mi., \$16,900, 956-237-1368



2007 Jeep Wrangler, 4 door, hardtop, \$14,500 obo, (956) 286-1802

2008 Chevy 3500 HD Quad Cab, auto., a/c, \$9,800. OBO. 956-635-5904



2008 Chevy Silverado, Titulo Azul Limpio, levantada, 77k Miles, \$12,000. OMO (956)334-8968



2008 Dodge Ram, standard, Diesel engine, has gooseneck hitch, 120K mi., \$12,950, 956-237-1368



2010 Ford F150 Lariat, fully loaded, 34k miles, \$18,200. (956)206-6237

2011 Ford 250 74K mi., good cond, ac, \$10,900. (956) 763-8748



2011 Ford F-150 XL V6, 157K miles, auto, Clean Title, exc. wheels & tires, \$8,800 OBO. 956-220-6494

ORDINANCE NO. 2016-O-104

SETTING THE MAXIMUM SPEED LIMIT ON THAT SECTION OF HIGHWAY FM 1472 APPROXIMATELY 0.285 OF A MILE NORTH OF LA BOTA RANCH TO 0.100 OF A MILE NORTH OF KILLAM INDUSTRIAL BOULEVARD, WITH IN THE CITY LIMITS OF LAREDO, WEBB COUNTY, TEXAS, AS 45 MPH, NORTHBOUND ONLY, FROM MILE POINT 13.400 TO MILE POINT 14.460 AS DEFINED IN THE TEXAS DEPARTMENT OF TRANSPORTATION CONTROL SECTION MAP 2150-04, TO BE IN EFFECT DURING THE CONSTRUCTION PROVIDING FOR THE INSTALLATION OF APPROPRIATE SIGNS TO INDICATE NEW SPEED CHANGES IN THE DESIGNATED AREAS AND PROVIDING FOR PUBLICATION AND EFFECTIVE DATE. L-16

ORDINANCE NO. 2016-O-102

AN ORDINANCE APPROVING THE ADOPTION OF A PET AGREEMENT FOR ALL SINGLE-FAMILY UNITS MANAGED ON BEHALF THE CITY OF LAREDO'S AIRPORT FEDERAL ACQUISITION REGULATION (FAR) PART 150 NOISE COMPATIBILITY PROGRAM AND THE JOSE A. FLORES DUPLEXES LOCATED AT THE OLD AIR FORCE BASE; SETTING FORTH THE TERMS AND CONDITIONS BY WHICH TENANTS SHALL BE ALLOWED TO KEEP A MAXIMUM OF TWO (2) PETS PER LEASED UNIT; ESTABLISHING A NON-REFUNDABLE ONE HUNDRED (\$100.00) DOLLAR SECURITY DEPOSIT FEE EFFECTIVE OCTOBER 1, 2016; PRESCRIBING OTHER MISCELLANEOUS REQUIREMENTS FOR ADMINISTRATION AND ENFORCEMENT OF THE AGREEMENT; PROVIDING FOR INDEMNIFICATION OF THE LAREDO MUNICIPAL HOUSING, ITS AGENTS, AND EMPLOYEES; AND PROVIDING FOR AN EFFECTIVE DATE. L-14

ORDINANCE NO. 2016-O-094

AMENDING THE ZONING ORDINANCE (MAP) OF THE CITY OF LAREDO BY AUTHORIZING A CONDITIONAL USE PERMIT FOR CHILDREN'S AMUSEMENT SERVICES (INDOORS) ON LOT 3, BLOCK 1, SAN ISIDRO / MCPHERSON NO. III SUBDIVISION, LOCATED AT 9902 CRYSTAL COURT, SUITES 103, 104 AND 105; PROVIDING FOR EFFECTIVE DATE AND PUBLICATION. L-10

ORDINANCE NO. 2016-O-095

AMENDING THE ZONING ORDINANCE (MAP) OF THE CITY OF LAREDO BY REZONING THE EAST HALF (1/2) OF LOT 6, BLOCK 765, WESTERN DIVISION, LOCATED AT 2820 SAN AGUSTIN AVENUE, FROM R-3 (MIXED RESIDENTIAL DISTRICT) TO B-1 (LIMITED BUSINESS DISTRICT); PROVIDING FOR PUBLICATION AND EFFECTIVE DATE. L-11

ORDINANCE NO. 2016-O-078

AMENDING CHAPTER 32, (TOW SERVICES), SECTIONS 32-88, 32-91 TO 32-93, 32-100, 32-104, 32-105 AND 32-109 OF THE CODE OF THE CITY OF LAREDO, TEXAS BY MODIFYING PERMIT REQUIREMENTS AND DUTIES OF TOW SERVICES ON THE ROTATION LIST; ESTABLISHING AN INSPECTION FEE; INCREASING THE FEES FOR TOWING SERVICES, STORAGE FACILITIES, ROTATION LIST APPLICATIONS AND PERMITS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE. L-09

Excellent leather interior Manual trans, 190k miles \$3,500 obo 956 290-5790



SEE THE CLASSIFIEDS LEGALS 250

clean 32,300 (956)324-1



2006 Mercedes 350, convey very good \$10,500 (956) 334-1

ORDINANCE NO. 2016-O-09

AMENDING THE ZONING ORDINANCE (MAP) OF THE CITY OF LAREDO REZONING 18.09 ACRES, A FURTHER DESCRIBED BY ME AND BOUNDS IN ATTACHED EXHIBIT "A", LOCATED SOUTH OF DOUGLAS DRIVE AND CHEYENNE DRIVE INTERSECTION FROM R-1 (SINGLE-FAMILY RESIDENTIAL DISTRICT) TO B-1 (LIMITED COMMERCIAL DISTRICT); PROVIDING FOR PUBLICATION AND EFFECTIVE DATE. L-12

ORDINANCE 2016 - O - 103

AMENDING CHAPTER 19, MOTION VEHICLE AND TRAFFIC, ARTICLE STOPPING, STANDING OR PARKING SECTION 19-364, RESTRICTED PARKING AREAS, OF THE CODE OF ORDINANCES CITY OF LAREDO: SPECIFICALLY ADDING SUB-SECTION 19-364 (18) WHICH ESTABLISHES THE EAST AND WEST NORTHCREST DRIVE, BETWEEN SOUTHWEST AVENUE AND NORTHSTAR DRIVE AVENUE, AS A "NO PARKING ANYTIME TOW AWAY" ZONE; PROVIDING FOR SEVERABILITY AND FOR AN EFFECTIVE DATE AND PUBLICATION. L-15

ORDINANCE NO. 2016-O-09

AMENDING THE ZONING ORDINANCE (MAP) OF THE CITY OF LAREDO BY AUTHORIZING A SPECIAL USE PERMIT FOR OIL AND/OR GAS EXTRACTION AND PRODUCT STORAGE PLUG/ABANDONMENT OF MCNARY-RAMSEY #1 WELL ON ONE ACRE, LOCATED NORTH OF WORMSER ROAD AND EAST OF CUATRO VIENTOS ROAD; PROVIDING FOR EFFECTIVE DATE AND PUBLICATION. L-13

A PUBLIC HEARING ON THE PROPOSED ANNUAL BUDGET CAN BE VIEWED ON MONDAY THROUGH FRIDAY AT THE CITY COUNCIL CHAMBERS, 1110 HOUSTON STREET, THURSDAY 9:00 A.M. TO 8:00 P.M., AT 1120 EAST CALTON ROAD, ON TUESDAY AT BERNARDO AVE., ON MONDAY THROUGH WEDNESDAY AT CERRALVO DRIVE, AND ON MONDAY THROUGH WEDNESDAY AT MCKENDRICK DRIVE. THE BUDGET IS PROPOSED FOR FISCAL YEAR 2017.