

ORDINANCE NO. 1669

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF JACKSONVILLE, TEXAS, AMENDING CHAPTER 19 "TRAFFIC" TO DELETE ARTICLE XII "TOW TRUCKS" SECTION 19-325 "TOW FEES FOR LIGHT AND MEDIUM DUTY TOWS" AND SECTION 19-327 "MAXIMUM FEES FOR NON-CONSENT TOWS" AND REPLACE WITH THE FOLLOWING SECTIONS 19-325 AND 19-327 CREATING A NEW ROTATION SCHEDULE AND UPDATING RATES FOR NON-CONSENT TOWING FEES; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the City of Jacksonville is a home rule municipality having full power of local self-government pursuant to Article 11, Section 5 of the Texas Constitution and its Home Rule Charter; and

WHEREAS, the City has previously established a rotation schedule for light and medium duty tows as well as maximum fees for non-consent tows; and

WHEREAS, the City is presently reviewing the fees charged for certain services including non-consent tows; and

WHEREAS, the City has adopted revised fees charged for certain non-consent tows and desires to codify the new changes by ordinance; and

WHEREAS, the City has received requests for a change in the towing schedule from a daily to a weekly basis; and

WHEREAS, the City of Jacksonville desires to protect the health, safety and welfare of its residents.

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

Section I.

The Code of Ordinances of the City of Jacksonville, Texas Chapter 19, Article XII Section 19-325 is deleted in its present form is hereby amended to read as follows:

Sec. 19-325. - Tow rotation list for light and medium duty tows.

- (a) *Qualifications.* The city police department shall establish and maintain a tow rotation list. Each tow company is required to complete any and all applications and provide required information necessary to apply for the tow rotation list for light and medium duty tows. To be eligible for the rotation list, each tow company is required to comply with all of the following requirements: To qualify, a company must use a VSF that meets or exceeds the Texas Accessibility Standards ("TAS") accessibility criteria, approved by the United States Department of Justice. To be eligible to be placed on the tow rotation list, a tow company shall certify in writing that the VSF meets or exceeds the criteria set forth by TAS, a copy of which will be provided by the city at the time the tow company applies for inclusion on the tow rotation list. Only those tow trucks that are included on the tow company's tow truck license and are permitted by the city are authorized to respond to an incident management rotation call. Each tow company will maintain its own office within the city limits or the ETJ of the City of Jacksonville. Each tow company is required to maintain a minimum of two light-duty tow trucks with only one of the two tow trucks being a rollback/car carrier design. All conventional tow trucks must be equipped with hydraulic recovery boom and wheel lifts. The tow rotation list shall be capped at four (4) tow companies. In the event any two or more tow companies share a VSF, those two or more companies shall share a slot in the tow rotation. In the event of the change of ownership of a towing company to a person or entity not related to the disposing party within the 3rd degree consanguinity or affinity, the company must re-apply for a slot on the rotation and will not be allowed on the rotation until approval of such application by the police chief or his/her designee.
- (b) *Drivers.* Each towing company must submit and maintain a list of operator/drivers, a minimum of two operator/drivers must be maintained to be eligible to be on rotation, which will be operating the tow trucks included on the company's license along with their address, phone number, and Texas driver's license number for each driver. Each driver must possess a TDLR incident management license and submit to the city a copy of the license.
- (c) *License.* Each tow company, requesting placement on the tow rotation list must possess a tow truck license, issued by the State of Texas that lists each tow truck operated by that tow company.
- (d) All tow companies included in the tow rotation list shall be placed on a weekly rotation that changes every Monday at 5:00 A.M. On their days of rotation, all such companies

shall be able to remove all vehicles as required by Jacksonville Police Department with their own equipment or have agreements in place with other companies included on the tow rotation list to remove vehicles within 20 minutes after being contacted by City of Jacksonville dispatch.

- (e) *Coverage for time off.* Should a tow company wish to be reassigned a different slot on the rotation on a temporary basis, it is the responsibility of such tow company to make arrangements with another tow company on the tow rotation list to “trade” or “cover” its rotation and the tow company shall notify the city police department dispatch, in writing, fax or e-mail. Any vehicles towed by a tow company substituting for another making a tow to a VSF shall deliver such vehicle to the originally scheduled tow company's VSF instead of that belonging to the tow company actually making the tow.
- (f) In order to obtain a rotation slot with the City of Jacksonville, the applicant shall be required to execute an agreement to be promulgated by the Jacksonville Police Department.
- (g) Towing companies shall be listed only once and only under the name under which they are qualified to do business in the State of Texas.
- (h) *Method of receiving payment.* Each qualified tow company must be able to accept cash or credit/debit card payments for services rendered.

Section II

The Code of Ordinances of the City of Jacksonville, Texas Chapter 19, Article XII Section 19-327 is deleted in its present form is hereby amended to read as follows:

Sec. 19-327. - Maximum fees to be charged for non-consent tows.

The maximum fees charged by tow companies for non-consent tows are hereby established by the city as set forth below and reflect fair value of towing services. Itemized receipts shall be provided to owners or operators at the time payment of tow related fees are made. Violations of this provision may result in suspension or removal from the tow rotation list, and criminal penalties against the offender. Towing fees may be reviewed by the City of Jacksonville bi-annually.

(Fees listed below are for non-consent tows)

(Fees listed below include all charges related to tow, to include but not be limited to hook-up, storage for one day from time of hook-up and 24-hours thereafter, the use of dollies, go-jacks clean-up of debris when called for), winching 50 feet or less, mileage to and from VSF, no after hours or inclement weather fees, kitty litter or other normal supply fee)

Light or Medium-Duty Tow Trucks	Heavy-Duty Tow Trucks
Incident Management—\$550.00	Incident Management—\$1,250.00
Private Property Tow—\$255.00	Private Property Tow—\$459.00 or \$918.00 if towed vehicle is 25k lbs. or more
Drop Fee—\$127.00	Drop Fee—\$229.00 or \$458.00 if towed vehicle is 25k lbs. or more
Stand-by Time over 1 hour—\$125.00 per additional hour	Stand-by Time over 1 hour—\$250.00 per additional hour
Tows made pursuant to an arrest or otherwise per JPD arrest - \$400.00	

Other than a \$20.00 fuel surcharge, there shall be no charge for towing any City owned vehicle weighing one ton or less or any ambulance up to a distance of twenty (20) miles for mechanical issues or winched from a stuck position.

Any City owned vehicle involved in an accident that is subject to insurance claims shall be towed to the appropriate location when necessary to remove any City equipment. The vehicle may then be released to the tow company to be stored at an approved Vehicle Storage Facility (VSF) owned by that tow company for insurance adjustment. The tow company may request compensation from or charge a fee to the insurance company for towing, storage and allowable fuel surcharge.

Miscellaneous fees allowed.

Rollover vehicle requiring winching - \$100.00;

Fuel surcharge. Flat rate of \$20.00 per tow.

Hazardous materials involving more than 25 gallons of fuel or other substance - \$100.00 per hour plus expenses involving rental equipment, materials, engagement of hazardous material companies;

Heavy duty wrecks - \$500.00 per hour after first hour on scene;

Large scale or difficult scenes - \$100 per hour plus expenses involving rental equipment, trailers, materials, extra personnel.

Section III.

Severability. It is the intention of the City Council of the City of Jacksonville that if any phrase, sentence, word, section or paragraph of this ordinance be declared unconstitutional or otherwise invalid by final judgement by a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remainder of this ordinance since the same would have been enacted by the City Council without the incorporation of the unconstitutional or invalid phrase.

Section IV.

Compliance. A notice was posted and this ordinance was passed in accordance with the Texas Open Meetings Act.

Section V.

Effectiveness. The City Council by the City Jacksonville, Texas declares that this ordinance shall go into effect after its passage, approval and publication according to law.

Passed and adopted on the 9TH day of April 2024.

Randy Gorham, Mayor

ATTEST:

Greg Lowe, City Clerk

APPROVED AS TO FORM:

D. Brett Brewer, City Attorney