

CITY OF ROYSE CITY, TEXAS

ORDINANCE NO. 06-02-496

AN ORDINANCE OF THE CITY OF ROYSE CITY, TEXAS, FOR THE SOLE PURPOSE OF ESTABLISHING REGULATIONS FOR THE ROYSE CITY POLICE DEPARTMENT RELATED TO TOWING AND IMPOUNDING MOTOR VEHICLES OPERATED IN VIOLATION OF TEXAS TRANSPORTATION CODE SECTION 601.051 (PROOF OF FINANCIAL RESPONSIBILITY); PROVIDING FOR PENALTIES, REPEALING, SAVINGS AND SEVERABILITY CLAUSES; AND PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE.

WHEREAS, The Texas Transportation Code Section 601.051 (The Code) states in part "*A person may not operate a motor vehicle in this state unless financial responsibility is established for that vehicle...*" and the City Council of the City of Royse City, Texas, (the "City Council") believes its residents and all nonresidents of the City of Royse City should abide by all laws and statutes of the State of Texas; and

WHEREAS, the City Council has further investigated and determined that the Texas Department of Public Safety estimates that over 20 percent of Texas drivers carry no insurance while operating vehicles on state roads; and

WHEREAS, the City Council has further investigated and determined that Texas Department of Insurance statistics indicate that in 2003 Texans paid approximately \$861 million in premiums relating to uninsured motorist coverage; and

WHEREAS, the City Council has further investigated and determined that the residents of Royse City and all non residents traveling through Royse City should be protected from the unreasonable burden of replacing or repairing their personal and private property lost as a result of the actions of another; and

WHEREAS, the City Council has further investigated and determined that it is essential that the Texas Transportation Code as well as existing Traffic Ordinances of Royse City be obeyed and enforced in order to preserve property values, to promote traffic safety and the safety of the residents of Royse City and all non residents traveling through Royse City; and

WHEREAS, the City Council has further investigated and determined that the current law enforcement practice of issuing a citation and allowing a violator of The Code to continue to operate a motor vehicle in violation of The Code has not had the desired effect of increasing the percentage of Texas Drivers who comply with The Code; and

WHEREAS, Royse City has complied with all notices and public hearings as required by law.

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

SECTION 1: Findings Incorporated. The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2: Authorization. The City Council hereby authorizes the Chief of the Royse City Police Department or his designee to establish a formal policy regarding the towing and impounding of vehicles operated in violation of The Code. The policy should include the following:

Authorization for any officer to tow and cause to be impounded the vehicle of any violator of The Code who is stopped for a traffic violation or is involved in an accident. The officer involved should be required to conduct a reasonable investigation to determine if the vehicle is insured before impounding the vehicle. The officer should be required to make reasonable efforts to provide for the safety of the driver and any occupants of any impounded vehicle. The impounded vehicle should be towed by the City's contract towing service to a designated impoundment facility. The owner or operator of an impounded vehicle should not be allowed to obtain release of the vehicle without providing proof of compliance with The Code.

SECTION 3: Fees and Penalties. Any person, firm, corporation or business entity violating this Ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined a sum not exceeding Five Hundred Dollars (\$500.00). Each separate violation under this Ordinance shall constitute a separate offense. In addition to any fine imposed against those who are found to be in violation of this ordinance, an administrative fee not to exceed \$25.00 may be imposed to recoup the cost of verifying proof of compliance with The Code. The penal provisions imposed under this Ordinance shall not preclude Royse City from filing suit

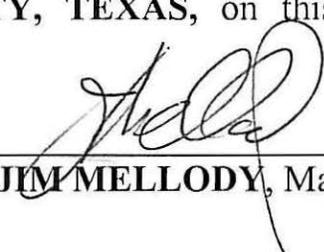
to enjoin the violation. Royse City retains all legal rights and remedies available to it pursuant to local, state and federal law.

SECTION 4: Savings/Repealing Clause. All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

SECTION 5: Severability. Should any section, subsection, clause or phrase of this Ordinance be declared unconstitutional or invalid by any court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full for force and effect. Royse City hereby declares that it would have passed this Ordinance, and each section, subsection, clauses and phrases be declared unconstitutional or invalid.

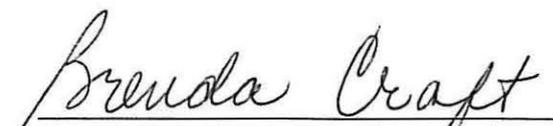
SECTION 6: Effective Date. This Ordinance shall be effective immediately upon its passage and publication as required by the City Charter and by law.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROYSE CITY, TEXAS, on this 21ST day of February 2006.



JIM MELLODY, Mayor

**ATTESTED AND CORRECTLY
RECORDED:**



BRENDA CRAFT, City Clerk

Dates of Publication 1st March 1, 2006 2nd March 8, 2006
Royse City Herald Banner