

CITY OF EASTLAND
ORDINANCE NO. 722

An ordinance establishing regulations and guidelines for the operation of tow trucks and wreckers in the City of Eastland, amending Chapter 17 of the Code of Ordinances by adding Article VII, Sections 17.200 through 17.230, entitled “TOW TRUCKS and WRECKERS”, defining terms used in the Article VII, establishing procedures for non-consent tows of vehicles, notification requirements, and establishing penalties for non-compliance.

WHEREAS, the City Commission for the City of Eastland, Texas desires to protect persons who operate motor vehicles within the city limits, to insure that the streets, public ways and public property of the City of Eastland remain open and free of hazard to the public and to further effectuate the efficient enforcement of the City’s traffic, it is deemed necessary to register and regulate businesses engaged in vehicle wrecker or towing services when said services are performed for the City of Eastland;

NOW, THEREFORE, BE IT ORDAINED by the City Commission for the City of Eastland that the following language is hereby adopted and codified as an amendment to Chapter 17 of the Code of Ordinances by adding Article VII, Sections 17.200 through 17.230:

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ARTICLE VII. TOW TRUCKS and WRECKERS

17.200 PURPOSE

[\(TOC\)](#)

The proper and safe functioning of the Wrecker Business has a critical impact on the safety and welfare of the public since it involves the use of the public streets of the City, often in circumstances necessitating prompt removal of dangerous obstructions to traffic. Therefore, the privilege of any Person to engage in the Wrecker Business in the City shall be subject to regulation in order to protect the health, safety and welfare of the public.

17.201 COMPLIANCE WITH STATE LAW

[\(TOC\)](#)

Any Person operating a Tow Truck and/or Wrecker shall comply with all applicable state laws. A failure to comply with applicable state laws is a violation of this Article.

17.202 DEFINITIONS

[\(TOC\)](#)

For the purposes of this Article, the following words, terms and phrases, shall have the meaning ascribed to them except where the context clearly indicates a different meaning:

- (1) Accident or Collision shall mean any occurrence which renders a Vehicle wrecked or disabled.
- (2) Certificate Holder shall mean any Person possessing a current, valid Certificate of Registration to engage in the Wrecker Business in the City of Eastland.
- (3) Certificate of Registration shall mean written authorization granted by the Chief of Police, under the provisions of this Article, to a Wrecker Company having a place of business within the City or outside the City operating a Tow Truck that performs Non-consent Tows.
- (4) Chief of Police shall mean the Chief of Police for the City of Eastland or the Person designated by him/her to act in his/her stead for the purposes of this Article.
- (5) City, shall include all areas that have been fully annexed by the City of Eastland.
- (6) Consent Tow shall mean any tow of a Motor Vehicle initiated by the Owner or operator of the Vehicle or by a Person who has possession, custody, or control of the Vehicle. The term does not include a tow of a Motor Vehicle initiated by a peace officer.
- (7) Certificate of Inspection shall mean written authorization granted by the Chief of Police under the provisions of this Article, which shall be carried in a Tow Truck used by a Wrecker Company on the Rotation List, indicating that the Tow Truck has passed the required inspection.
- (8) Manufacturer's Certificate shall mean a plate permanently affixed to a truck, Wrecker equipment or tow sling by the manufacturer of the equipment, which states the Vehicle or equipment's gross poundage capacity.
- (9) Motor Vehicle shall mean any Vehicle which is self-propelled. This does not include motor assisted bicycles as defined by the laws of the State of Texas.
- (10) Non-consent Tow shall mean any tow of a Motor Vehicle that is not a Consent Tow.
- (11) Owner shall mean any Person who holds the legal title to a Motor Vehicle, or has the legal right of possession thereof. This does not include any Person who has gained possession of a Motor Vehicle only as a result of Wrecker services performed.

(12) Person shall mean an individual, a corporation, a partnership, joint venture, or association.

(13) Repossession shall mean a tow made by, or on behalf of a lien holder taking possession of collateral.

(14) Rotation List shall mean the list prepared in accordance with the provisions of this Article, of Wrecker Companies which have applied and qualified to appear thereon, and which maintain inspected Tow Trucks of a capacity required to be on said list.

(15) Tow Truck shall mean a Motor Vehicle, equipped with a mechanical device used to tow, winch, or otherwise move another Motor Vehicle.

(16) Vehicle shall mean every device in, upon, or by which any Person or property is or may be transported or drawn upon a public highway, including, but not limited to, Motor Vehicles, but not including devices moved only by human power, or used exclusively on stationary rails or tracks.

(17) Wrecker shall have the same definition as Tow Truck.

(18) Wrecker Business shall mean the business of towing Vehicles not belonging to the Wrecker Company on a public street within the incorporated limits of Eastland for compensation, or with the expectation of compensation including, but not limited to, compensation for towing, storage, and repair. It does not include towing a Vehicle to a point outside the City when the Owner requests that it be towed to a point outside the City, except as otherwise provided in this Article.

(19) Wrecker Company shall mean any Person engaged in the Wrecker Business.

17.203 REQUIREMENTS TO PERFORM NON-CONSENT TOWS

[\(TOC\)](#)

(1) It shall be unlawful for a Person to operate a Tow Truck that performs Non-consent Tows in the City unless the Person has a Certificate of Registration issued by the Chief of Police, except as provided in (2)(i), below.

(2) An applicant for a Certificate of Registration to perform Non-consent Tows shall submit, on a form provided by the Chief of Police, a verified application containing or accompanied by the following:

(a) The true name, the trade name, principal business address, and telephone number, that is answered twenty-four (24) hours a day, of the Wrecker Company.

(b) The list of Wreckers proposed to be operated by the Wrecker Company, including but not limited to the Motor Vehicle Identification number, make, unit number and the name of the owner of the Wrecker listed (the Wrecker Company affiliate), if different from the Wrecker Company applying for the Certificate of Registration.

(c) The name of the owner(s) of the Wrecker Company, partners or corporation officers.

(d) A certificate of public liability and property damage insurance, for each Tow Truck to be registered issued by a casualty company authorized to do business in the State of Texas, in the standard form approved by the City Attorney, containing a provision that at least ten (10) days' prior notice of cancellation of said insurance shall be given to the Chief of Police by the insurance company, and with the insured provision of such policy including the City as an additional insured and the coverage provision insuring members of the public from any loss or damage that may arise to any Person or property by reason of the operation of a Certificate Holder's business and providing that the combined single limit liability insurance coverage amount for bodily injury to or death of an individual per occurrence, loss or damage to property shall be \$300,000.00 for Wreckers, whose gross vehicle weight is less than 26,000 pounds and \$500,000.00 for Wreckers whose gross vehicle weight is 26,000 pounds or more.

(e) A certificate of on-hook cargo insurance to cover damage to a towed Vehicle during hookup and/or towing in the minimum amount of fifty thousand dollars (\$50,000.00).

(f) A copy of a vehicle storage facility license issued by the Texas Department of Transportation, pursuant to the *Vehicle Storage Facility Act, Article 6687-9a, Revised Civil Statutes*, as now enacted or as hereafter amended.

(g) A copy of the motor carrier certificate of registration issued by the Texas Department of Transportation.

(h) A fee of \$15.00.

(i) This Section does not apply to nor prohibit a Wrecker Company which obtained a motor carrier certificate of registration from the Texas Department of Transportation and having a place of business outside the incorporated city limits, from making a Consent Tow within the City.

17.204 CERTIFICATE OF REGISTRATION FOR NON-CONSENT TOWS, ISSUANCE, AND EXPIRATION
(TOC)

(1) The Chief of Police or authorized designee shall register a Wrecker Company and issue a Certificate of Registration to a Wrecker Company that is determined to be in compliance with the requirements under Section 17.203. However, the Chief of Police may deny an application for a Certificate of Registration, if the applicant:

(a) has had a registration revoked under *Texas Transportation Code Section 643.252*, as now enacted or as hereafter amended;

(b) operates a Tow Truck after the state registration has been revoked;

(c) causes or allows the operation of a Tow Truck by an unlicensed driver on the public roadways;

(d) operates a Tow Truck performing Non-consent Tows without a Certificate of Registration on the public roadways;

(e) submits false information on a registration application;

(f) fails to maintain insurance required by State law for the operation of a Wrecker Company or its equipment; or

(g) other legal grounds exist for denying such Certificate of Registration.

(2) Each Certificate of Registration issued shall expire at midnight on December 31st of the calendar year of issuance, and will be renewable only upon compliance with the provisions of this Article and any other applicable laws, ordinances, or regulations which shall be in effect at the time of the renewal application.

(3) Each Wrecker Company which has received a Certificate of Registration under this Section shall at all times carry a copy of its Certificate of Registration in each Wrecker it operates.

(4) Each Wrecker Company which has received a Certificate of Registration shall be responsible for updating the information provided in the application by submitting supplemental information on forms provided by the Chief of Police. Failure to provide updated information, such as, but not limited to, replacement or additions of Tow Trucks, drivers' license suspensions or revocations, change in insurance company, or expiration of storage facility license, shall be grounds for suspension or revocation of a Certificate of Registration.

17.205 SUSPENSION AND REVOCATION OF CERTIFICATE OF REGISTRATION FOR NON-CONSENT TOWS [\(TOC\)](#)

The Chief of Police may suspend or revoke a Certificate of Registration issued under Section 17.204, or place a Wrecker Company on probation, if the Wrecker Company or any of its Wreckers fall out of compliance with State law or the requirements set out in this Article, or for any other lawful reason.

17.206 ROTATION LIST ESTABLISHED FOR NON-CONSENT TOWS [\(TOC\)](#)

The Chief of Police shall establish and maintain a Rotation List, from which list Wreckers shall be picked to answer calls for Non-consent Tows. Each Wrecker Company who applies and meets the requirements herein shall be entitled to one (1) place on said list. The names of the Wrecker Companies on the list shall be listed in numerical order, beginning with the date the application is approved.

17.207 ROTATION LIST QUALIFICATIONS [\(TOC\)](#)

(1) A Wrecker Company may participate on the Rotation List if the Wrecker Company meets the following requirements:

- (a) it has registered and received a Certificate of Registration and Certificate of Inspection for each Tow Truck it owns or will use while on the Rotation List under this Article;
- (b) it owns, leases, or otherwise lawfully possesses and operates a storage facility located within the incorporated limits of the City where all Motor Vehicles it tows on behalf of the City shall be stored at all times and which (i) is enclosed by a permanent six (6) foot solid wood or steel chain link fence, and (ii) has a gate which is locked, when there is no attendant on duty or after normal business hours;
- (c) it maintains at least one (1) Wrecker;
- (d) it maintains twenty-four (24) hour Wrecker service and its principle place of business is located within the Eastland city limits, with a local telephone number that is answered twenty-four (24) hours a day;
- (e) it is able to respond to any location in the City within thirty (30) minutes of being notified by telephone. Tow Trucks 2 ½ tons or more in size must be able to respond within forty-five (45) minutes after notification.
- (f) it has someone available twenty-four (24) hours a day to release any Vehicle impounded within one (1) hour of a request by the Owner or the Police Department.
- (g) it or the owner of the leased storage facility holds a license issued by the Texas Department of Transportation, pursuant to the *Vehicle Storage Facility Act, Article 6687-9a, Revised Civil Statutes*, as now enacted or as hereafter amended.
- (h) it submits an application for placement on the Rotation List.

(2) A Wrecker Company shall submit a verified application for placement on the Rotation List, on a form provided by the Chief of Police, containing or accompanied by the following:

- (a) A copy of a vehicle storage facility license issued by the Texas Department of Transportation for a storage facility within the City.
- (b) A list of all drivers' names, dates of birth, and Texas Drivers License numbers. Said list shall be updated as new drivers are added or when a driver's license is suspended or revoked.

(c) A Certificate of Insurance form indicating General Liability in the amount of \$1,000,000.00, in addition to the insurance requirements under Section 17.203.

(d) A certificate from the appropriate tax assessor-collector agency that certifies that all city taxes on all properties, real and personal, to be used in connection with the applicant's Wrecker Business are current. The certificate shall list the name of the Wrecker Business, its subsidiaries or assumed names.

(3) A schedule of fees charged by Wrecker Companies under this Article for the use of Wreckers on the Rotation List shall be included with the application, and the schedule of fees shall be posted prominently at the Vehicle Storage Facilities used by said Wreckers.

(4) A Wrecker Company will automatically be removed from the Rotation List on the expiration date of its Certificate of Registration, as provided in Section 17.204 and will be placed back on the list only upon compliance with the provisions of this Article and any other applicable laws, ordinances, or regulations which shall be in effect at the time of the renewal request application.

(5) Each Wrecker Company having a place on the Rotation List shall be responsible for updating the information provided in the application by submitting supplemental information on forms provided by the Chief of Police. Failure to provide updated information, such as, but not limited to, replacement or additions of Tow Trucks, drivers' license suspensions or revocations, change in insurance company, change in storage facility, change in fees, or expiration of storage facility license, shall be grounds for suspension or removal from the Rotation List.

17.208 SUSPENSION AND REMOVAL FROM THE NON-CONSENT ROTATION LIST [\(TOC\)](#)

The Chief of Police may suspend or remove a Wrecker Company from a place on the Rotation List if a Wrecker Company or any of its Tow Trucks fails to comply with any of the requirements in this Article.

17.209 CERTIFICATE OF INSPECTION [\(TOC\)](#)

(1) In order to receive a Certificate of Inspection, each Wrecker shall meet the following minimum requirements:

(a) Shall have a capacity of not less than one (1) ton.

(b) Shall display in a permanent manner the name and twenty-four (24) hour phone number of the holder of the Certificate of Registration on both sides of each Wrecker.

(c) Shall display in a permanent manner the names of the Wrecker Companies listed on the Certificate of Registration as affiliates.

(d) Shall be in a condition such that it can be safely and reliably used as a Wrecker.

(e) Shall include the Manufacturer's Certificate and be equipped with a power-operated winch, winch line and boom, with a rated or tested lifting capacity of not less than eight thousand (8,000) pounds single line capacity.

(f) Shall carry at all times the following standard equipment:

- (i) slings and/or tow bars along with "J" hooks and chains
- (ii) safety chain
- (iii) 10 lb. fire extinguisher (or the equivalent)
- (iv) shovel
- (v) wrecker bar

- (vi) broom
- (vii) dolly (except for slide bed Tow Trucks)
- (viii) ropes or other device for securing steering wheel
- (ix) overhead visibar or beacon type light (amber in color) visible from front and rear
- (x) tow lights

(g) Any other information the Chief of Police may determine is necessary for the safe operation of a Tow Truck under this Article.

(2) A Certificate of Inspection shall be denied if the safety requirements provided for in this Section are not met.

17.210 CERTIFICATE OF INSPECTION - ISSUANCE AND EXPIRATION [\(TOC\)](#)

(1) The Chief of Police or authorized designee shall issue a Certificate of Inspection for a Tow Truck if in compliance with the requirements under Section 17.209. An inspection fee of \$15.00 is required and shall be charged for each Tow Truck inspected. The inspection fee is non-refundable and shall be paid whether or not the Tow Truck passes inspection. The Chief of Police may deny the issuance of a Certificate of Inspection on the same grounds as provided for in Section 17.209(1)(a)-(g) above.

(2) Each Certificate of Inspection issued shall expire at midnight on December 31st of the calendar year of issuance, and will be renewable only upon compliance with the provisions of this Article and any other applicable laws, ordinances, or regulations which shall be in effect at the time of the renewal application.

(3) Each Tow Truck which has received a Certificate of Inspection under this Section shall carry the Certificate of Inspection in the Tow Truck, and shall display it at the request of any peace officer.

(4) Each Wrecker Company which has received a Certificate of Inspection for a Tow Truck shall be responsible for keeping the Tow Truck in compliance with the safety requirements provided for in Section 17.209, at all times. Failure to comply with the safety requirements provided for in Section 17.209, shall be grounds for suspension or revocation of a Certificate of Inspection.

17.211 SUSPENSION AND REVOCATION OF A CERTIFICATE OF INSPECTION [\(TOC\)](#)

The Chief of Police may suspend or revoke a Certificate of Inspection issued under Section 17.210, or place a Wrecker Company on probation, if the Wrecker Company or any of its Wreckers fail to comply with State law or the requirements set out in this Article, or for any other lawful reason.

17.212 INSPECTION OF WRECKER EQUIPMENT AND STORAGE FACILITIES [\(TOC\)](#)

Any Wrecker Company, Certificate Holder, or applicant, by virtue of making an application with the City, agrees to allow during normal business hours, the inspection of Wreckers, Wrecker equipment, and storage facilities for compliance under this Article. This authority shall be cumulative of any other authority held by the Chief of Police, other law enforcement officials, or other legally authorized public officials.

17.213 PROCEDURES FOR NOTIFYING WRECKER SERVICES [\(TOC\)](#)

(1) When the police officer investigating a Collision determines that (i) any Vehicle involved in a Collision is unable to safely proceed under its own power; or (ii) the driver of any Vehicle involved in a Collision is physically unable to safely move the Vehicle to a location where it will not create a traffic hazard, such officer shall request the Owner to designate a Wrecker Company which he/she desires to remove the Vehicle.

(a) Such designation by the Owner will be indicated in writing on a form provided by the Chief of Police and signed by the Owner.

(b) When the designation has been properly made, the police officer shall communicate the name of the designated Wrecker Company, auto repair shop, automobile dealer, or automobile club to the police communications center.

(c) The police communications center shall cause the designated Wrecker Company, auto repair shop, automobile dealer, or automobile club to be called and directed to send a Wrecker capable of removing the Vehicle.

(d) If the designated Wrecker Company, auto repair shop, automobile dealer, or automobile club does not have available a Wrecker of the type required to move the Vehicle, the Owner will be requested to make another designation.

(2) If the Owner of a Vehicle is (i) physically unable to designate the Wrecker Company, auto repair shop, automobile dealer, or automobile club he desires to remove the Vehicle; (ii) fails or refuses to designate one; (iii) has no preference; or (iv) is not available, then the police officer shall communicate that fact to the police communications center, and advise as to the type of Wrecker required.

(a) Such designation by the Owner will be indicated in writing on a form provided by the Chief of Police and signed by the Owner if he/she is physically able. If the Owner is not able or is not available, the police officer shall so indicate by a notation on the form.

(b) The police communications center shall call the Wrecker Company next in line on the Rotation List, and request the Wrecker Company to tow the Vehicle from the scene.

(c) Upon the inability or refusal of a Wrecker Company to send a Wrecker, the next Wrecker Company on the Rotation List shall be called. After the last Wrecker Company on said list has been called, the next such call shall go to the first Wrecker Company on said list.

(3) If the Wrecker Company, after arrival at the scene, determines in conjunction with the police officer in charge, that assistance is needed from another Wrecker Company, then the police officer shall communicate that fact to the police communications center, which shall proceed under paragraph (2)(b) of this Section.

(4) Failure of any Wrecker Company selected under paragraph (1) or paragraph (2) of this Section to deliver a Wrecker to the scene within thirty (30) minutes of notification or forty-five (45) minutes for a Tow Truck 2 ½ tons or more in size without justification acceptable to the police officer on the scene shall cause the Wrecker Company to forfeit that call. Additionally, the Chief of Police shall have the discretion to suspend or revoke a Wrecker Company from a place on the Rotation List for failure to timely respond.

(5) In any circumstance in which a Vehicle or other object is so located on a public street as to constitute a hazard or obstacle, or to interfere with traffic, or in the event a stolen Vehicle is found or in any other circumstance in which a police officer in the course of his duty directs the removal of a Vehicle from or to any location, any police officer may require its removal at the Owner's expense, by any practicable means, including but not limited to, use of a Wrecker selected by the Owner, or failing that, selected by the use of the Rotation List.

17.214 UNLAWFUL FOR POLICE TO INFLUENCE SELECTION

[\(TOC\)](#)

It shall be unlawful for a police officer to directly or indirectly recommend to any Person the name of any Wrecker Company, auto repair shop, automobile dealer, or automobile club engaged in the Wrecker Business; nor shall any such police officer influence or attempt to influence in any manner the decision of any Person in choosing or selecting a Wrecker Company, auto repair shop, automobile dealer, or automobile club.

17.215 PARKING OF WRECKER AT THE SCENE OF A COLLISION

[\(TOC\)](#)

Whenever a Wrecker arrives at the place where a Motor Vehicle has been disabled by an Accident, the Wrecker driver shall park his Wrecker as close to the street curb as possible and otherwise dispose of it in such a manner as not to interfere with traffic. The Wrecker driver shall not park the Wrecker within a distance of fifty (50) feet from a wrecked or disabled Vehicle, unless permitted to do so by a police officer.

17.216 WRECKER DRIVERS TO OBEY ORDERS OF POLICE OFFICER

[\(TOC\)](#)

It shall be unlawful for the driver of any Wrecker arriving at the place where any Accident has occurred or an abandoned Vehicle is located to disobey any lawful order given them by any police officer of the City investigating such Accident or to interfere in any manner with such officer in the performance of his/her duty.

17.217 DUTY TO REMOVE DEBRIS

[\(TOC\)](#)

It shall be the duty of each Wrecker that removes a wrecked, damaged, or disabled Vehicle from the place where an Accident has occurred to clear and remove from the street any and all debris, parts, or glass accumulated as a result of the Accident from the street.

17.218 SOLICITATION PROHIBITED

[\(TOC\)](#)

It shall be unlawful for any Wrecker Company or its employees to solicit in any manner, directly or indirectly, on the streets of the City, for Wrecker Business involving any Vehicle that is wrecked or disabled on a public street. This prohibition applies regardless of whether the solicitation is for the purpose of soliciting the business of towing, removing, repairing, wrecking, storing, trading, selling, or purchasing such Vehicle. Proof of the presence of any Person engaged in the Wrecker Business or of the presence of any Wrecker, whether or not certified or identified under the provisions of this Article, except a Wrecker called pursuant to the provisions of this Article, at or near the scene or site of a Collision on any public street in the City after the wreck occurs and prior to removal of all disabled or damaged Vehicles shall be prima facie evidence of a solicitation in violation of this subsection.

17.219 ADMINISTRATIVE DISPOSITION OF VIOLATIONS

[\(TOC\)](#)

In lieu of or in addition to any criminal prosecution or civil remedy for the violation of any provision of this Article, the Chief of Police shall have, as to the holders of any Certificate of Registration or Certificate of Inspection, or as to any applicant therefore, the duty and authority to enforce the provisions of this Article by administrative action in accordance with the principles and procedures set forth hereinafter.

(1) The proper and safe functioning of the Wrecker Business has critical impact on the health, safety, and welfare of the public and involves use of the public streets of the City of Eastland often in circumstances necessitating prompt removal of dangerous obstructions to traffic on said streets. Accordingly, the privilege of any Person to engage in the Wrecker Business in the City of Eastland shall be subject to strict regulation in order to protect the public.

(2) For purposes of invoking any administrative remedy against a Certificate Holder, the acts or omissions of any agent or employee of said holder shall be considered to be the acts or omissions of said holder.

(3) Administrative remedies which the Chief of Police may employ to enforce the provisions of this Article include, but are not limited to:

- (a) suspension or revocation of any Certificate of Registration or Certificate of Inspection; or
- (b) suspension, revocation or removal of a Wrecker Company from the Rotation List.

(4) Grounds for suspension or revocation of a Certificate of Registration include (i) any conduct in the Wrecker Business which endangers the life or safety of any Person; (ii) repeated violations of the provisions of this Article; (iii) violation of the zoning ordinance or fire prevention code for one (1) week after notice of said violation has been given to said Wrecker Business by the building official or the fire marshal, respectively; (iv) failure to maintain in effect any insurance required by this Article; and (v) fraud or theft in the conduct of the Wrecker Business.

(5) Grounds for suspension or revocation of a Certificate of Inspection include responding to a Non-consent Tow call when said Wrecker:

- (a) is in such condition that it cannot safely tow a Vehicle;
- (b) is not then covered by insurance as required in this Article; or
- (c) does not then meet all requirements for an Certificate of Inspection.

(6) Grounds for removal of a Wrecker Company from the Rotation List include:

- (a) failure to meet at all times the requirements for a place on the list;
- (b) failure to maintain at all times at least one (1) Wrecker in a condition that meets the requirements for an Certificate of Inspection and for eligibility to be on the Rotation List;
- (c) responding to a Non-consent Tow call with a Wrecker which does not then meet the requirements of the Rotation List;
- (d) driving a Wrecker in response to a Non-consent Tow call in a manner which endangers the life or safety of any Person;
- (e) driving a Wrecker to a location to perform Wrecker services in response to a call made by the police communications center, when the Wrecker Company is not the next company on the list, the Wrecker Company owning that Wrecker shall be subject to removal from the list for a period of at least thirty (30) days;
- (f) collecting or charging any fees or charges in excess of those set out in this Article;
- (g) violation of the zoning ordinance or fire protection ordinance, as determined by the building official or the fire marshal, respectively;
- (h) failing to answer within the required time when called by the police communications center; or
- (i) declining to respond to a call from the police communications center to perform Wrecker services.

17.220 CERTIFICATE OF REGISTRATION, CERTIFICATE OF INSPECTION AND ROTATION LIST
APPEALS [\(TOC\)](#)

(1) Suspension or revocation of a Certificate of Registration may be ordered by the Chief of Police. The reasons for suspension or revocation of a Certificate of Registration shall be given in writing to the Certificate Holder whose Certificate of Registration is being suspended or revoked within ten (10) days of such suspension or revocation. Mailing of such notice to the last known business address provided on the application of said Certificate Holder shall constitute sufficient notice. The notice shall provide an opportunity for a hearing before the Chief of Police on the suspension or revocation by filing a request for a hearing within five (5) days from the receipt of the notice. Pending a ruling by the Chief of Police, a Certificate of Registration that has been suspended or revoked

shall be considered suspended or revoked. If a written request for a hearing is not filed within the required time, the suspension or revocation shall be final.

(2) Suspension or revocation of a Certificate of Inspection may be ordered by the Chief of Police without notice. The reasons for suspension or revocation of a Certificate of Inspection shall be given in writing to the Wrecker Company within five (5) days of such suspension or revocation. Faxing of such notice to the last known business fax number provided on the application of said Wrecker Company shall constitute sufficient notice. The notice shall provide an opportunity for a hearing before the Chief of Police on the suspension or revocation of the Certificate of Inspection by filing a request for a hearing within five (5) days from the receipt of the notice. Pending a ruling by the Chief of Police, a Certificate of Inspection that has been suspended or revoked shall be considered suspended or revoked. If a written request for a hearing is not filed within the required time, the suspension or revocation shall be final.

(3) Suspension or removal from the Rotation List may be ordered by the Chief of Police without notice. The reasons for suspension or removal from the list shall be given in writing to the Wrecker Company within five (5) days of such suspension or removal. Faxing of such notice to the last known business fax number provided on the application of said Wrecker Company shall constitute sufficient notice. The notice shall provide an opportunity for a hearing before the Chief of Police on the suspension or removal by filing a request for a hearing within five (5) days from the receipt of the notice. Pending a ruling by the Chief of Police, the Wrecker Company shall be considered suspended or removed from the list. If a written request for a hearing is not filed within the required time, the suspension or removal shall be final.

(4) If after a Certificate of Registration has been suspended or revoked, the condition for which it was suspended or revoked has been corrected, and proof of such correction is made to the Chief of Police, then a new Certificate of Registration shall be issued upon proper application, fee payment, and proof of meeting all requirements.

(5) Appeals from a ruling by the Chief of Police shall be made in writing to the City Manager within twenty (20) days of such ruling. A hearing or personal appearance shall be at the discretion of the City Manager. Written notice of the ruling of the City Manager shall be given to the Certificate Holder within thirty (30) days of the date of the appeal. Pending a ruling by the City Manager, a Certificate of Registration, Certificate of Inspection that has been suspended or revoked or a Wrecker Company that has been suspended or removed from the Rotation List shall be considered suspended, revoked or removed. If a written request to appeal is not filed within the required time, the suspension, revocation or removal shall be final.

(6) If a Certificate of Inspection is revoked, a new Certificate of Inspection shall not be issued for that Tow Truck for a period of at least six (6) months from the date of revocation.

17.221 GENERAL PROHIBITIONS

[\(TOC\)](#)

(1) It shall be unlawful for any Person to drive, or cause to be driven, a Wrecker to or near the scene of a Collision on a street within the City unless such Person has been called to the scene by the Police Department or by a party involved in the Collision; provided, however, that the prohibition of this subsection shall not be applicable when such actions are necessary to prevent death or bodily injury to any Person involved in a Collision.

(2) It shall be unlawful for any Person to engage in Non-consent Tows in the City unless such Person possesses a current, valid Certificate of Registration. The Police Department shall be authorized to summon Wreckers without Certificate of Registration in emergency situations.

(3) It shall be unlawful for any Person to operate a Tow Truck in the City, unless it is equipped as required by state law; and Section 17.207 herein, if the Wrecker Company is participating in the Rotation List, as described herein. A Tow Truck and its required equipment shall be in safe operating condition at all times when the Tow Truck is operating on the public roadway.

17.222 REMOVAL OF MOTOR VEHICLES FROM PRIVATE PROPERTY

[\(TOC\)](#)

The driver of a Tow Truck who removes a Vehicle from private property under this Article shall notify the Eastland Police Department within 30 minutes of such removal. The information to be provided in such notification shall include:

- (1) The date, time and location of the removal;
- (2) The physical description and license or registration number of the Vehicle;
- (3) The name of the Certificate Holder which performed the removal; and
- (4) The storage location of the Vehicle.

17.223 REPOSSESSION OF VEHICLES

[\(TOC\)](#)

The driver of a Tow Truck who removes a Vehicle for the purpose of repossessing the Vehicle shall be required to do the following:

- (1) contact the Police Department prior to making such Repossession; and
- (2) present a written notice from the Lien Holder requesting such Repossession which shall include the following information:
 - (a) Name of Owner of said Vehicle;
 - (b) Date, time and location of the removal;
 - (c) The physical description and license or registration number of the Vehicle;
 - (d) The name of the Certificate Holder which is to perform the removal; and
 - (e) The storage location of the Vehicle.

17.224 MAXIMUM FEES TO BE CHARGED FOR NON-CONSENT TOWS.

The maximum fees charged by Wrecker 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 Rotation List, and criminal penalties against the offender. Towing fees may be reviewed by the City of Eastland bi-annually. A towing fee study shall be performed in conjunction with this review.

(Fees listed below are for Non-Consent tows)

Light-Duty Tow Trucks

Wrecker Fee - \$110.00

Hook-up Fee - \$35.00

Wait Time (1/2 hour) - \$30.00

The above-listed fees do not include incidental fees such as drive-shaft removal, dollies, winches, cleanup time, etc.

[\(TOC\)](#)

(Sections 17.225 thru 17.230 reserved)

READ AND APPROVED on first reading this the 21st day of May, 2007.

READ AND APPROVED AND ADOPTED on second reading this the 18th day of June, 2007.

/s/ Mark Pipkin
Mayor, City of Eastland, Texas

ATTEST:

/s/ Shirley Stuart
Eastland City Secretary