CITY ORDINANCE #081026-1

AN ORDINANCE AMENDING CHAPTER 24 ARTICLE X OF THE CITY OF EDGEWOOD CODE OR ORDINANCES REGARDING THE REGULATION OF TOW TRUCK AND VEHICLE STORAGE BUSINESS; PROVIDING MINIMUM REQUIREMENTS; PROVIDING RESTRICTIONS ON LOCATIONS; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EDGEWOOD, TEXAS:

WHEREAS, Tow Truck and Vehicle Storage Business, as a category of commercial uses; and

WHEREAS, The City of Edgewood, Texas has the authority to regulate businesses; and

WHEREAS, The City of Edgewood, Texas has the authority to regulate who the city departments contract with;

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

That the Code of Ordinances of the CITY OF EDGEWOOD is hereby amended as attached hereto as Exhibit "A":

Conflict Clause.

If any article, section, paragraph, phrase or sentence is in conflict this ordinance shall prevail.

Severablity Clause.

If a Section or Subsection of this Chapter, or certain applications of a Section or Subsection, is found unconstitutional, the remaining Sections or Subsections, or applications of those Sections or Subsections, will continue in force as law.

FURTHER, The City Secretary is hereby directed to give notice hereof by causing the caption of this ordinance to be published in a local newspaper of general circulation.

THIS ORDINANCE SHALL BECOME EFFECTIVE IMMEDIATELY UPON PASSAGE AND PUBLICATION.

PASSED AND APPROVED this the 10th th day of August 2026

Louis Dunn, Mayor

ATTEST:

Kathleen Jordan, City Secretary

ARTICLE X. TOW TRUCK AND VEHICLE STORAGE BUSINESS REGULATIONS

Sec. 24-300. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Consent tow means any tow of a 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 "consent tow" does not include a tow of a vehicle initiated by a peace officer investigating a traffic accident or a traffic incident that involves the vehicle.

Non-consent tow means any tow of a vehicle that is not a consent tow.

Parking facility means any public or private property used, in whole or in part, for restricted and/or paid parking of vehicles. The term "parking facility" includes a restricted space on a portion of an otherwise unrestricted parking facility, a commercial parking lot, a parking garage, and a parking area serving or adjacent to a business, church, school, home, apartment complex, property governed by a property owner's association, or government-owned property leased to a private person.

Person means an individual, a corporation, organization, business trust, estate, trust, partnership, joint venture, association, or other legal entity.

Tow away means a tow that is conducted from a parking facility and without the consent of the owner or operator of that vehicle, but with the parking facility's authorization.

Tow business means the business of towing or removing vehicles for compensation, or the expectation of compensation, regardless of whether the purpose of the towing is to remove, repair, wreck, store, trade, or purchase vehicles.

Tow rotation list means a list prepared and maintained by the city police department of tow companies, which have requested and qualified to appear thereon.

(1) Light-duty tow truck has a 15,000-pound GVW or greater, a boom capacity of 8,000 minimum with dual winches and a wheel lift with at least 4,000-pound capacity; 100 feet of three-eighths wire rope.

(2) Rollback/car carrier rated for one vehicle has a 19,000-pound GVW; for two vehicles has a 25,500-pound GVW minimum requirement.

Tow truck means any motor vehicle, including a wrecker, used for the purpose of towing or removing disabled, abandoned or wrecked vehicles.

Tow truck license means the certification of registration issued to a tow company by the state department of transportation, listing all tow trucks licensed to operate for that tow company within the state.

Towing company means a person operating a tow truck registered under V.T.C.A., Transportation Code ch. 643. The term "towing company" includes the owner, operator, employee or agent of a towing company but does not include a political subdivision of the state.

Vehicle means a device in, on, or by which a person or property may be transported on a public roadway. The term "vehicle" includes an operable or inoperable automobile, truck, motorcycle, recreational vehicle, or trailer, but does not include a device moved by human power or used exclusively on a stationary rail or track.

Vehicle storage facility (VSF) means a facility operated by a person licensed under V.T.C.A., Occupational Code ch. 2303.

Vehicle storage facility license means the license issued by the state department of transportation/motor carrier division authorizing a business to store vehicles.

(Ord. No. 070226, § 1, 2-26-2007)

Sec. 24-301. License required.

It shall be unlawful for any person to engage in the tow business and make non-consent tows in the city unless such person possesses a current, valid tow truck license issued by the state that lists each tow truck operated by that tow company.

(Ord. No. 070226, § 2, 2-26-2007)

Sec. 24-302. Vehicle storage facility.

Each tow company performing non-consent tows shall utilize a state department of transportation licensed VSF located in the city limits or within ~~the extraterritorial jurisdiction (ETJ)~~ five (5) miles of the city limits.

(Ord. No. 070226, § 3, 2-26-2007)

Sec. 24-303. Police inspection.

Any tow truck performing non-consent tows within the city limits may be inspected by an official of the city police department at any time the tow truck is being operated on the public streets as a tow truck. Such inspections may be conducted to ensure required licenses and compliance with this article and state law. Further, upon the request of the chief of police or his designee, a tow company performing non-consent tows within the city shall produce records from VSF used for non-consent tows to ensure compliance with the maximum rates established under this article and other requirements of this article and state law.

(Ord. No. 070226, § 4, 2-26-2007)

Sec. 24-304. Tow rotation list.

(a) *Qualifications.*

(1) 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. To be eligible for the rotation list each tow company is required to comply with all of the following requirements:

a. To qualify, a company must maintain a 24-hour tow service;

b. Have one telephone number which is answered 24 hours a day, seven days a week; and

c. Uses a VSF that meets or exceeds the Texas Accessibility Standards ("TAS") accessibility criteria, approved by the United States Department of Justice.

(2) 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 are authorized to respond to a rotation call. Each tow company will maintain its own office within the city limits or ~~the ETJ of the city~~ within five (5) miles of the city limits. A tow company may not substitute a tow truck from a different tow company or utilize drivers employed by another tow company to respond to a non-consent call. 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.

(b) *Drivers.* Each tow 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 that will be operating the tow trucks included on the company's license along with their address, phone number, state driver's license number and a criminal background for each driver. Drug-related offenses, theft or crimes of moral turpitude can be grounds for denial. Each driver must have a minimum of one-year verifiable experience as a tow truck operator.

(c) *License.* Each tow company requesting placement on the tow rotation list must possess a tow truck license issued by the state that lists each tow truck operated by that tow company.

(d) *Forfeiture of calls.* Failure of any tow truck to check in while en route, by radio or phone, to the designated location within ten minutes of dispatch making contact with the listed phone number of the tow company or arriving at the designated location dispatched by the city within 25 minutes of being called will result in the forfeiture of that call and shall be considered a violation of this article. Three such forfeitures within 12 months will result in removal from the rotation list.

(e) *Temporary removal from list.* Should a tow company wish to be removed from the tow rotation list for a specific period of time, the tow company shall notify the city police department dispatch, in writing if the time off requested is five days or longer. It shall be the tow company's responsibility to notify dispatch when the tow company wishes to return to the tow rotation list.

(f) *Unneeded calls.* If a tow company is called to respond to a scene by a police officer and subsequently is not needed, that tow company will be placed as next in line on the tow rotation list. If a tow truck responds and performs minor service that enables the vehicle to be driven, and for which no fee is charged, that tow company will be placed as "next in line" on the tow rotation list. This situation is considered a drop fee incident.

(g) *Method of receiving payment.* Each qualified tow company must be able to accept cash or credit card payments for services rendered.

(Ord. No. 070226, § 5, 2-26-2007)

Sec. 24-305. Truck permits required for rotation non-consent tows.

(a) *Unlawful to operate tow trucks without permit.* It shall be unlawful for any person to engage in the tow truck business and make rotation non-consent and or police-directed/initiated tows in the city unless such a person possesses a current, valid permit for that tow truck issued by the city police department.

(b) *Truck permits.* The permit shall be affixed to the front windshield so that it can be read from the exterior of the vehicle. Permits will be issued upon successful inspection of each vehicle according to prescribed standards and/or equipment listed in the application. Permits may be suspended and/or revoked by the chief of police or his designee.

(c) *Issuance or renewal of truck permits.* Permits, unless suspended or revoked, shall be issued/renewed by January 31 of each year and will expire January 31 the following year. All tow truck inspections will be done

in the month of January. Permits may be issued for tow trucks added to the tow truck business during the course of the year, provided all necessary paperwork is completed.

(d) *Tow truck permit fee.* The permit fee charged by the city police department shall be imposed per tow truck, annually, to cover the cost of inspections and maintaining records regarding the ability to safely and adequately operate each tow truck. The permit fee shall be in an amount as established by the mayor and council from time to time.

(e) *Paperwork information.* Any applicant for a tow truck permit shall submit, on a form supplied by the city police department, a verified application form containing or accompanied by the following:

(1) The true trade name, true owners name, address, and telephone number of the tow truck company.

(2) A detailed description of each tow truck proposed to be operated, including a state tow truck license plate number.

(3) A copy of the state issued tow truck license (cab card).

(4) The original certificate of insurance that lists public liability, property damage and any and all other amounts as prescribed by the state and must show city as certificate holder. The original will be returned to the owner after a photocopy has been made.

(5) A photocopy of the vehicle storage facility license issued by the state which must include the physical address and phone number of the facility to be used. The VSF must be located within the ETJ of the city and must be publicly listed with local telephone companies.

(6) Written proof that the VSF meets TAS standards.

(7) A copy of an updated non-consent tow fee schedule.

(8) If a tow company owner does not own a VSF, a letter from the proposed VSF storage facility granting permission to store vehicles (to that company owner/business) is required.

(f) *Inspection of tow trucks.* Every tow truck to be used by the applicant for non-consent tows in the tow truck business shall be inspected annually by the city police department delegate prior to the issuance of a permit to ascertain if it has met all state requirements along with the following items:

(1) Current state department of transportation license (listing all trucks registered with state department of transportation).

(2) Current tow truck license plate registration.

(3) Current safety inspection certificate.

(4) The company name and phone number must be permanently displayed on both sides of the tow truck at least four inches in height.

(5) One fire extinguisher, type ABC dry chemical, at least ten pounds, or equivalent. Each extinguisher shall have a number permanently affixed that correlates with the truck it belongs on.

(6) Light set sufficient to provide rear brake/turn lights and taillights for the towed load (tow lights).

(7) Three portable red emergency reflectors or reflective orange safety cones.

(8) Broom and scoop along with a container to contain any and all debris removed from a scene. Each shall have a number permanently affixed that correlates with the truck it belongs on.

(9) Amber colored overhead rotating/flashing lights that are to be used only while under the direction of a law enforcement officer at the scene of an accident or while assisting/hooking up to a disabled vehicle on a roadway.

(g) *Operating without required equipment.* It shall be unlawful for any permitted tow truck to operate at any time without the required equipment stipulated by state law or this article.

(Ord. No. 070226, § 6, 2-26-2007)

Sec. 24-306. Influence by police as to selection of tow truck prohibited.

No police officer investigating or present at the scene or site of any wreck, accident or collision on a public street shall, directly or indirectly, either by word, gesture, sign or otherwise, recommend to any person the name of any particular person engaged in the tow truck service or repair business; nor shall any such police officer influence or attempt to influence in any manner the decision of any person in choosing or selecting tow truck or repair service.

(Ord. No. 070226, § 7, 2-26-2007)

Sec. 24-307. Maximum fees to be charged for non-consent tows.

The maximum fee charged by tow companies for non-consent tows shall not exceed the limitations set by the Texas Department of Licensing and Regulation (TDLR).

(Ord. No. 070226, § 8, 2-26-2007)

Sec. 24-308. Driving tow trucks to scene of collision prohibited.

No tow company shall drive, or cause to be driven, a tow truck to or near the scene of a collision on a street within the city unless such tow company has been called to the scene by the city police department or by a vehicle owner/operator involved in the collision.

(Ord. No. 070226, § 9, 2-26-2007)

Sec. 24-309. Soliciting towing business on a city street prohibited.

No tow company shall solicit in any manner, directly or indirectly, a person owning/operating any vehicle which is wrecked or involved in a traffic accident on a public street. This prohibition applies regardless of whether the solicitation is for the purpose of soliciting the business of towing, repairing, selling, or purchasing such vehicle.

(Ord. No. 070226, § 10, 2-26-2007)

Sec. 24-310. Impound tows.

Any police officer investigating an accident or offense within the city may order the impoundment of any vehicle involved therein when, in the judgment of such officer, criminal prosecution will be involved as a result of such event, or when it is necessary to impound such vehicle to secure evidence, or when the owner or occupant of the vehicle is unable or fails to have such vehicle removed. The fees to be charged for impound tows will not exceed the maximum rates allowed under this article or state law.

(Ord. No. 070226, § 11, 2-26-2007)

Sec. 24-311. Duties of tow companies.

It shall be the obligation of all tow companies under this section to operate the tow business in a safe manner, to include, but not be limited to, the following:

(1) *Taking direction from investigating officer.* Upon arrival at the scene of a collision within the city, tow truck operators shall take directions on when to engage or tow from the police officer investigating the collision.

(2) *Removing debris of collision.* Tow truck operators that engage and tow any vehicle from the scene of a collision within the city shall remove all debris of the collision from the public street. This duty specifically includes the removal of vehicle parts, glass, and other debris. Such debris shall be disposed of in a lawful manner, which will keep it out of the gutters, storm sewers, streams, public rights-of-way, or property not belonging to the tow company.

(3) *Disengaging.* A tow truck that removes a vehicle from the original location shall not disengage from the vehicle until the vehicle has been deposited with the appropriate VSF except when the vehicle is released to the owner or operator or when the owner or operator specifies the location of disengagement. This restriction is enacted to prohibit tow trucks from engaging an unauthorized vehicle in a parking facility and moving it to a close location, then returning for another unauthorized vehicle, ultimately towing all the relocated vehicles to a VSF.

(4) *Drops.* A tow truck that has connected a vehicle for towing shall release the vehicle to its owner or operator upon receiving payment and will not tow the vehicle, except when the vehicle is being taken into custody by a police officer. A vehicle is connected if it is at least partially attached to the tow truck or when skates/dollies have been placed under the vehicle. A vehicle is not connected if the tow truck has merely backed up to the vehicle.

(Ord. No. 070226, § 12, 2-26-2007)

Sec. 24-312. Report of towing of unauthorized vehicle to police dispatcher.

(a) The VSF that receives a vehicle from a tow truck that removed the vehicle from private or public property within city and on a non-consent basis shall notify the city police department dispatch office within one hour of receiving the vehicle. The information to be provided in such notification shall include:

(1) The general description (brand, model, color) of the vehicle towed, including the state and the license plate, if any;

(2) The tow company name that towed the vehicle;

(3) The location/address from which the vehicle was towed and reason;

(4) The date and time the vehicle was removed from the location;

(5) The date and time the vehicle was accepted at the VSF; and

(6) The street address and phone number of the VSF where the vehicle is located.

(b) Such reports shall be made by fax, e-mail or in person. A VSF must release vehicles during the time the VSF accepts vehicles. If the VSF accepts vehicles on a 24-hour a day basis, it shall release vehicles on the same basis, with one hour of notice.

(Ord. No. 070226, § 13, 2-26-2007)

Sec. 24-313. Administrative penalties for violations.

In addition to the criminal penalties imposed for violations of state law or this article, any tow company on the tow rotation list that violates this article or state law may be subject to sanctions by the chief of police or designee, depending upon the nature of infraction, number of infractions, and other circumstances. The sanctions shall range from written notification of violation with warning to, and including, removal from the tow rotation list.

(Ord. No. 070226, § 14, 2-26-2007)

Sec. 24-314. Appeal of sanctions.

An individual who has been issued a sanction may appeal the chief of police's or designee's decision by submitting a written request to the mayor no later than the tenth day after the effective date of the decision. The individual must include a statement of the grounds for the appeal. The mayor shall schedule a hearing no later than the 15th day after receipt of the notice of appeal. The mayor shall give notice of the time and place set for the hearing to the chief of police and the appellant not less than five days before the hearing.

(Ord. No. 070226, § 15, 2-26-2007)

Sec. 24-315. Appeal procedure.

(a) At the appeal hearing under section 24-314, the chief of police and the appellant may present evidence, testimony, and argument.

(b) The mayor's decision is final.

(Ord. No. 070226, § 16, 2-26-2007)

Sec. 24-316. Criminal penalties.

Any person found to be in violation of any of the provisions of this article shall be deemed guilty of a misdemeanor and, upon final conviction thereof, fined in an amount not to exceed the amount allowed to be imposed under state law. A person who violates a provision of this article is guilty of a separate offense for each day or portion of a day during which the violation is committed, continued or permitted.

(Ord. No. 070226, § 17, 2-26-2007)

Secs. 24-317—24-335. Reserved.