

ORDINANCE NO. 839

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS, AMENDING CHAPTER 9. MOTOR VEHICLES AND TRAFFIC OF THE ADDISON CODE, BY ADDING ARTICLE VII WRECKER SERVICE; PROVIDING FOR A PENALTY; PROVIDING FOR A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS:

SECTION 1. That the Addison Code Chapter 9 Motor Vehicles and Traffic is hereby amended by adding Article VII Wrecker Service as follows:

ARTICLE VII WRECKER SERVICE

Sec. 9-215. Definitions.

For the purpose of this article, the terms used herein shall be interpreted as follows:

Accident - means any occurrence which renders a vehicle wrecked or disabled;

Chief of Police - means the Chief of Police of the Town of Addison or his designate;

City - means the Town of Addison, Texas;

Disabled Vehicle - means a vehicle which has been rendered unsafe to be driven as a result of some occurrence other than a wreck, including, but not limited to, mechanical failures or breakdowns, fire, vandalism, or a vehicle which is in a safe driving condition, but the owner is not present, able or permitted to drive, so as to reasonably necessitate that the vehicle be removed by a wrecker;

Licensee - means a person licensed to engage in wrecker service;

Person - means an individual, assumed name entity, partnership, joint-venture, association, corporation, or other legal entity;

Street - means any street, alley, avenue, lane, square or highway within the corporate limits of the City;

Vehicle - means every device in, upon, or by which any person or property is or may be transported or drawn upon a street, except devices moved by human power or used exclusively upon stationary rails or tracks;

Wrecked Vehicle - means a vehicle that has been damaged as the result of overturning or colliding with another vehicle or object so as to reasonably necessitate that the vehicle be removed by a wrecker;

Wrecker - means a vehicle designed to be used primarily for removing wrecked or disabled vehicles upon any street;

Wrecker Service - means the business of towing or removing vehicles from, to, or within the Town of Addison;

Sec. 9-216. License.

No person shall drive, operate, or cause to be operated, nor shall any person employ, permit, or allow another to drive, operate or cause to be operated any wrecker over any street in the City, nor shall any person remove, move or tow any vehicle for compensation without first having obtained from the Town of Addison under the provisions of this Ordinance, a license authorizing such operation of a wrecker service and a permit authorizing use of the wrecker.

Sec. 9-217. Application for License.

Any person desiring a license to operate a wrecker service in the Town of Addison shall file with the Chief of Police or his authorized representative, a written application for such license. Such application shall be filed in letter form and shall be verified by the oath of the Applicant and shall give, among other details, the following information:

(a) The name, age, and a residence of the applicant, if a natural person. If the applicant is a partnership, the name, age, and residence of all partners, general and limited. If the applicant is a corporation, its name, date and place of incorporation, the address of its principal place of business, the name, age and residence of all its stockholders owning ten percent or more of the total issued capital stock, the amount of stock owned by each of them, the total amount and nature of its authorized capital stock, the amount thereof fully paid up, as well as a certified copy of its charter and by-laws, and further if the applicant is a foreign corporation, a duly certified copy of its permit to do business in Texas;

(b) The length of time the applicant has been a resident of the Town of Addison and the County of Dallas;

(c) The trade name, if any, under which the applicant proposes to operate;

(d) The address of the place of business for which the applicant proposes to operate and the telephone number of said place of business;

(e) The make, type, model, capacity, and condition of each wrecker proposed to be operated; the design and color scheme of each wrecker, and the lettering and marks to be used thereon;

(f) The number of wreckers to be used;

(g) A full list of any unpaid judgments of record against the applicant, which list shall include the name and address of each owner of a judgment, and the amount of such judgment. If the applicant is a partnership, a like list shall be furnished for the partnership and for each individual partner, general or limited. If the applicant is a corporation, a like list shall be furnished by the corporation;

(h) A full list of convictions of the applicant for violation of any and all federal, state, or municipal laws other than traffic statutes. If the applicant is a partnership a like list shall be furnished for each individual partner, general or limited. If the applicant is a corporation, then a like list shall be furnished for each of its officers and directors, as well as for each stockholder owning ten percent or more of the total issued capital stock;

(i) A full list of any and all liens, mortgages, and other encumbrances of the wreckers owned by the operator for which permits are requested;

(j) A certificate from the Tax Assessor-Collector showing that no delinquent taxes are due the City by the applicant;

(k) Full information pertaining to the extent, quality, and nature of the wrecker service the applicant proposes to render;

(l) A full list of charges for services and storage fees that will be in effect for the licensing period.

Sec. 9-218. License - Appeal from Refusal to Issue or Renew; from Decision to Revoke.

(a) If the Chief of Police or his authorized representative approves or denies the issuance of a license this action is final unless the applicant or a licensee, within 10 days after

the date of action by the Chief of Police or his authorized representative files a written appeal with the City Secretary to the City Council setting forth specific grounds for the appeal. The City Council shall within 45 days, grant a hearing to consider the action. The City Council has authority to sustain, reverse, or modify the action appealed. The decision of the City Council is final.

(b) If the Chief of Police or his authorized representative refuses to approve the renewal of a license or revokes a license issued to a licensee this action is final unless the licensee, within ten days after the date of action by the Chief of Police or his authorized representative, files a written appeal with the City Secretary to the City Council setting forth specific grounds for the appeal. The City Council shall within 45 days, grant a hearing to consider the action. The City Council has authority to sustain, reverse, or modify the action appealed. The decision of the City Council is final.

Sec. 9-219. Permit for each Wrecker of Licensee

After issuance or renewal of a wrecker license, the licensee shall present all wreckers to be driven or operated in Addison to the Chief of Police or his duly authorized representative and upon verifying that the vehicle meets the following minimum requirements and payment of an annual \$24.00 permit fee per vehicle, the Chief of Police or his authorized representative shall affix a wrecker permit to the front windshield of the vehicle. Permit fees will be prorated. One permit shall be needed for each wrecker operated. All such permits shall expire on December 31 of the year for which they are issued. Said permits are not transferable and no permit shall be used on any vehicle other than the one for which it was issued. This permit fee is collected under the police power of the City for the purpose of regulation.

(a) Each wrecker shall be not less than one ton in size and be equipped with booster brakes and dual rear wheels, except that a wrecker licensed under this ordinance within 30 days after the time of the passage of this ordinance and continuously so licensed thereafter for a period not to exceed two years shall not be less than three-quarter ton in size and shall be equipped with booster brakes and dual rear wheels;

(b) Each wrecker shall be equipped with a power operated winch, winch line, and boom. The power operated winch shall have a factory rated lifting capacity of not less than 8,000 pounds;

(c) Each wrecker and all of its equipment shall be in safe and good working condition;

(d) Each wrecker shall carry as standard equipment: a tow bar, safety chains, wrecking bar, flags and flares, broom, and fire extinguisher;

(e) Each wrecker shall have inscribed on each side thereof in letters not less than three inches in height the name of the licensee and telephone number. This name shall be painted on the truck or on a sign permanently affixed to the side of the truck;

(f) Each operator shall furnish the serial number of the wrecker bed or winch of the wrecker for which a permit is requested;

(g) Each operator shall furnish a certificate of insurance showing valid policies in force on each wrecker in amounts of not less than the following sums:

- (1) For damage arising out of bodily injury to or death of one person in any one accident.....\$100,000.00
- (2) For damages arising out of bodily injury to or death of two or more persons in any one accident.....\$300,000.00
- (3) For injury to or destruction of property in any one accident.....\$100,000.00

Sec. 9-220. Permit - Displayed

All wrecker permits shall be visibly displayed on the front windshield of each wrecker vehicle operated in the City.

Sec. 9-221. Logs to be Kept of Tows.

Each wrecker service shall keep a record of each vehicle towed, the make, model, color, license number of said vehicle, the name of the person requesting the pull, the location where the vehicle was picked up and the location where deposited. This log will be open to inspection by the police at any time. It shall be unlawful for a wrecker service or owner or employee of same to fail to produce this log to the Addison Police Department for inspection upon request by the Police Department.

Sec. 9-222. Report to Police All Tows.

Before leaving the point of pick up of a vehicle to be towed without the permission of the owner or operator, each wrecker service shall report to the Communications office of the Addison Police Department the point of pick up, the license

number of the car pulled, the location to which the car is being pulled, and the name of the wrecker service towing said vehicle.

Sec. 9-223. Signs Required.

No vehicle may be towed without the permission of the owner from private parking lots except upon the order of a peace officer unless signs are prominently displayed at all entrances to the parking lot which indicate:

- (a) Unauthorized vehicles will be towed at owners expense;
- (b) The name and phone number of the wrecker service towing the vehicle;
- (c) The location where the vehicle is to be stored;
- (d) The name and phone number of the owner or business authorizing the removal of the vehicle.

Sec. 9-224. Removal and storage distance limit.

No vehicle towed without the permission of the owner or operator shall be removed or stored a distance greater than five (5) miles from the Addison City limits.

Sec. 9-225. Required Service at Scene of Accident.

Each wrecker called to the scene of an accident shall remove from the street all resulting wreckage or debris, including all broken glass, before leaving site.

Sec. 9-226. No Wrecker at Scene Unless Called by Police or Owner.

No person shall drive a wrecker to the scene of an accident within the Town of Addison unless such person has been called to the scene by the owner of the vehicle or his authorized representative or by the Police Department.

Sec. 9-227. Right to Inspect Storage Location.

Any location used for the storage of vehicles pulled by wrecker shall be open to inspection by the police at any time. It shall be unlawful for a wrecker service or owner or employee of same to fail to open such for inspection by the Addison Police Department upon request by the Police Department.

Sec. 9-22~~6~~. Changes in Application Information to be Reported.

Any change in the information submitted with the application for a license to operate a wrecker service shall be reported to the Chief of Police or his authorized representative within seven days of the change.

SECTION 2. That any person, firm, or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City as heretofore amended, and upon conviction shall be punished by a fine not to exceed the sum of Two Hundred Dollars (\$200.00) for each offense and that each day such violation shall continue to exist shall constitute a separate offense.

SECTION 3. That should any paragraph, sentence, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole or any part or provisions thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of this ordinance as a whole.

SECTION 4. The importance of this ordinance creates an emergency and an imperative public necessity, and the ordinance shall take effect and be in force from and after its adoption.

DULY PASSED BY THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS, on this the 8th day of November, 1982.

MAYOR

ATTEST:

Jacque Kuse
CITY SECRETARY

11-17-82 published