

ORDINANCE NO. 088-008

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS, AMENDING CHAPTER 9 RELATING TO WRECKERS, MOTOR VEHICLES AND TRAFFIC, OF THE CODE OF ORDINANCES, TOWN OF ADDISON, TEXAS, PROVIDING FOR DEFINITIONS; REQUIRING STATE REGISTRATION AND CITY LICENSE; PROVIDING FOR REPEAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR PENALTIES; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Chapter 9 of the Code of Ordinances, Town of Addison, Texas, is hereby amended to amend Sec. 9-215 by changing the definition of "Wrecker" to read as follows:

Sec. 9-215. Definitions.

"Wrecker" or "Tow Truck" means a Vehicle designed to be used primarily for removing Wrecked or Disabled Vehicles upon any Street .

SECTION 2. That Chapter 9 of the Code of Ordinances, Town of Addison, Texas, is hereby amended to amend Sec. 9-215 by adding the following definitions:

Sec. 9-215. Definitions.

"Consent Tow" means tow conducted with the permission of, or at the direction of, the Vehicle's legal or registered owner, or such owner's authorized representative. Except as set forth in the definition of "Nonconsent Tow" below, a tow will be considered a Consent Tow where the owner is able to give consent.

"Nonconsent Tow" means any tow conducted without the permission of, or not at the direction of, the Vehicle's legal or registered owner, or such owner's authorized representative, regardless of the Vehicle's location or condition. Towing the Vehicle of a Person who has been taken into custody by a law enforcement agency is considered a Nonconsent Tow. Any tow from the scene of an accident is considered a Nonconsent Tow.

SECTION 3. That Chapter 9 of the Code of Ordinances, Town of Addison, Texas, is hereby amended to amend Sec. 9-216 to read as follows:

Sec. 9-216. Registration With State and License From City Required.

Any Wrecker Service required to do so shall register its Tow Trucks with the State pursuant to S.B. 666 (1987). In addition to any registrations required by the State of Texas, the following Wrecker Services shall obtain from the City, under the provisions of this article, a license authorizing operation of a Wrecker Service and a permit authorizing use of the Wrecker:

- (a) those having a place of business located within the boundaries of City; and
- (b) those having Tow Trucks which perform Nonconsent Tows within the boundaries of City regardless of the location of the place of business of the Tow Truck owner.

No Wrecker Service which is required to have a permit or license from the City as hereinabove prescribed shall allow its Tow Truck to pick up and tow any Vehicle in the City for compensation without first having obtained such license or permit.

SECTION 4. That all ordinances of the City in conflict with the provisions of this ordinance be, and the same are hereby repealed and all other ordinances of the City not in conflict with the provisions of this ordinance shall remain in full force

and effect.

SECTION 5. That should any paragraph, sentence, subdivision, clause, phrase or section of this ordinance be adjudged or be held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole or any part or provision thereof other than the part so decided to be invalid, illegal, or unconstitutional.

SECTION 6. Any person, firm or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be punished by a penalty of fine only not to exceed the sum of Four Hundred and no/100 Dollars (\$400.00) for each offense, and each and every day such offense is continued shall constitute a new and separate offense.

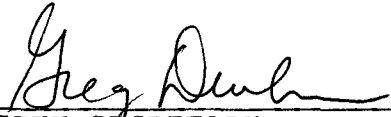
SECTION 7. The fact that the present code of Ordinances does not provide for licensing by certain wreckers and therefore, inadequate to properly safeguard the general public health and safety, creates an emergency and an imperative public necessity, and the ordinance shall take effect and be in force from and after its adoption.

DULY PASSED by the City Council of the Town of Addison, Texas, this the 9th day of February, 1988.

APPROVED:

  
MAYOR

ATTEST:

  
CITY SECRETARY