

**TOWN OF ADDISON, TEXAS**

**ORDINANCE NO. 004-037**

**AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS AMENDING CHAPTER 22, "BUSINESSES," OF THE TOWN OF ADDISON CODE OF ORDINANCES, BY ADDING A NEW ARTICLE VI, "TOW TRUCK SERVICES," REGULATING THE FEE THAT MAY BE CHARGED FOR NON-CONSENT TOWS; REQUIRING THAT NON-CONSENT TOW VEHICLES BE TAKEN TO A FACILITY THAT IS LOCATED NO MORE THAN 15 MILES FROM THE LOCATION FROM WHICH THE VEHICLE IS TOWED; REGULATING THE FORM OF PAYMENT THAT CAN BE REQUIRED FOR A NON-CONSENT TOW; ESTABLISHING OTHER APPROPRIATE REGULATIONS; PROVIDING A PENALTY OF \$500; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, the city council of the Town of Addison has determined that it is in the public interest to exercise its authority to establish certain regulations governing tow truck services pursuant to Chapters 643 and 684 of the Texas Transportation Code, and the Town's general police power as a home-rule municipality; Now, Therefore,

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

**Section 1.** That Chapter 22, "Businesses," of the Town of Addison Code of Ordinances is amended by adding a new Article VI to read as follows:

**"ARTICLE VI. TOW TRUCK SERVICES**

**Sec. 22-202. Purpose.**

The purpose of this article is:

- (1) to assure the rights of property owners to have unattended and unwanted motor vehicles removed from their property;
- (2) to assure the rights of towing companies to collect a fair fee for service; and
- (3) to assure the rights of vehicle owners to obtain expeditious recovery of their vehicles for a fair fee.

**Sec. 22-203. 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 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 investigating a traffic accident or a traffic incident that involves the vehicle.

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

*Vehicle storage facility* means a facility operated by a person licensed under Chapter 2303, Texas Occupations Code.

**Sec. 22-204. Maximum Fee for Non-Consent Tow.**

(a) The maximum fee that may be charged for a Non-consent tow, whether a tilt-bed wrecker or a conventional wrecker is used, is:

- (1) \$95.00 for a vehicle with a manufacturer's gross vehicle weight rating of not more than 10,000 pounds;
- (2) \$150.00 for a vehicle with a manufacturer's gross vehicle weight rating of more than 10,000 pounds but not more than 26,000 pounds; and
- (3) \$350.00 for a vehicle with a manufacturer's gross vehicle weight rating of more than 26,000 pounds.

(b) No additional fee may be charged for linkage of a vehicle prior to the tow or for the use of dollies, go-jacks or similar equipment.

(c) No additional fee may be charged for post-towing restoration of a vehicle to its owner.

**Sec. 22-205. Fee Study.**

(a) The operator or owner of a towing company or tow truck services business may request that a towing fee study be performed to determine if the fees established by this article represent the fair value of the services.

(b) A company or business requesting a fee study shall provide to the Town financial or accounting information related to tow services. Such information shall be verified as required by the Town.

(c) The city council shall amend the allowable fees for non-consent tows at amounts that represent the fair value of the services of such companies and are reasonably related to any financial or accounting information provided to the council.

(d) A fee study shall not be required if such a study has been performed within the preceding 24 months prior to receiving the request.

**Sec. 22-206. Release of Vehicle Prior to Removal and Maximum Fee for Restoring Vehicle to Owner.**

If an owner or operator of a vehicle that is about to be towed, pursuant to a non-consent tow, but before the actual removal of the vehicle from the property from which it is being towed, returns to the tow location, he or she may demand immediate release of the vehicle by the tow truck operator. Upon satisfactory proof meeting the requirements of state law and payment of 40 percent of the

applicable non-consent towing fee established by this article, the operator shall comply with the demand.

**Sec. 22-207. Location of Storage Facility.**

Vehicles towed as a result of non-consent tows shall be taken to a vehicle storage facility that is located no more than 15 miles from the location from which the vehicle was removed.

**Sec. 22-208. Payment.**

A towing company or the owner or operator of a tow truck or tow truck services shall provide a vehicle owner the option of paying the fee for vehicle tow service by cash or major credit card.

**Sec. 22-209. Penalty.**

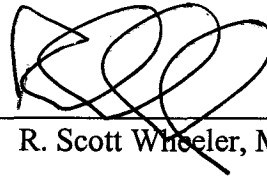
A violation of this article is punishable by a fine of five hundred dollars (\$500)."

**Section 2.** That Chapter 22 of the Town of Addison Code of Ordinances shall remain in full force and effect save and except as amended by this Ordinance.

**Section 3.** That the sections, paragraphs, sentences, phrases, clauses and words of this Ordinance are severable, and if any section, paragraph, sentence, phrase, clause or word in this Ordinance or application thereof to any person or circumstance is held invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance, and the City Council hereby declares that it would have adopted such remaining portions of this Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

**Section 4.** That this Ordinance shall take effect upon passage and publication as provided by law.

**PASSED AND APPROVED** by the City Council of the Town of Addison, Texas this 24<sup>th</sup> day of August, 2004.

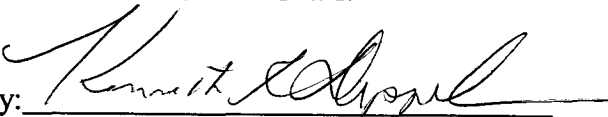


R. Scott Wheeler, Mayor

ATTEST:

By:   
Carmen Moran, City Secretary

APPROVED AS TO FORM:

By:   
Ken Dippel, City Attorney

Published  
NWOM NEWS  
9-17-04

