

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
CORNICANA, TEXAS, AMENDING CHAPTER 4, *BUSINESS AND
COMMERCE*, ARTICLE 4.300, *WRECKER CODE*, SECTIONS 4.301 AND
4.303 OF THE CITY CODE OF ORDINANCES.**

BE IT ORDAINED by the City Council of the City of Corsicana, Texas that Chapter 4, *Business and Commerce*, Article 4.300 *Wrecker Code*, Section 4.301 *Wrecker Permits*, and Section 4.303, *Wrecker Rotation* of the City Code of Ordinances shall be amended and hereafter read as follows:

CHAPTER 4 BUSINESS AND COMMERCE

ARTICLE 4.300 WRECKER CODE

Sec. 4.301 - Wrecker Permits

- (a) Permits Required on all Wreckers: 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 of Corsicana without first having obtained from the City of Corsicana, under the provisions of this section, a permit authorizing such operation and act of said wrecker vehicle.
- (b) Exception: This section shall not be construed to prohibit the transportation by a non-resident wrecker company of a wrecked or disabled vehicle from some point in the City of Corsicana, other than the original accident scene to some point outside the City nor shall it be construed to prohibit the transportation within the City by a nonresident wrecker company of a wrecked or disabled vehicle from a point outside the City limits to a point inside or outside the City limits.
- (c) Application for Permit-Necessary Information: Any person desiring a permit to operate a wrecker in the City of Corsicana shall file with the City a written application for such permit. Such application shall be filled out and filed on forms obtained from the Chief of Police, shall be verified by the oath of the applicant and shall give, among other details, the following information:
 - (1) The name, age and 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.
 - (2) The length of time the applicant has been a resident of the City of Corsicana and the County of Navarro.
 - (3) The trade name, if any, under which the applicant proposes to operate.

- (4) The address of the place of business for which the applicant proposes to operate and the telephone number of said place of business.
 - (5) The make, type, model, capacity, and condition of each wrecker proposed to be operated; the design and color scheme of wrecker, and the lettering and marks to be used thereon.
 - (6) The number of wreckers for which permits are desired.
 - (7) Full information pertaining to the extent, quality, and nature of the wrecker service the applicant proposes to render.
 - (8) All applicant providing wrecker service under this article must operate their business within the City limits of the City of Corsicana. Texas.
- (d) Permit Not Transferable—Permit Fee: Every application for a wrecker permit shall be accompanied by the payment of a fee, as established in Chapter 13 of the City Code of Ordinances, for each wrecker to be operated by the applicant. All such permits shall expire on December 31 of the year in which they were issued regardless of the date issued. Said permits shall not be transferable without permission of the City. Said permits shall not be issued or renewed and may be revoked unless the applicant is in good standing with the City of Corsicana, to include payment of all fines, fees and taxes due and is in compliance with all state and local regulations for conduct of business in the city limits of Corsicana. Applicant shall not be placed in rotation until all such issues are clear.
- (e) Chief of Police to Issue Permits-Minimum Equipment Necessary: The City of Corsicana shall issue said permits to all applicants complying with the provisions of this Article after the applications have been completed and filed in his office, the permit fees paid, and after the Chief of Police or his duly authorized representative has inspected each such wrecker and determined that the wrecker complies with the following requirements:
- (1) Each wrecker shall not be less than three quarter ton in size.
 - (2) Each wrecker shall be equipped with a power or hand-operated winch, winch line, and boom, with a factory-rated capacity of not less than five thousand pounds (5,000 lbs.) single line capacity.
 - (3) Each wrecker shall carry as standard equipment: tow bar, safety chains, a fire extinguisher, wrecking bar, broom, axe, shovel, flags and flares.
 - (4) Each wrecker shall have inscribed on each side thereof in letters not less than three inches (3") in height the name and address of the operator.
 - (5) Each operator shall furnish a certificate of insurance showing valid policies in force on each wrecker vehicle in amounts of at least those required by state statutes.

- (f) Permit May be Revoked: The Chief of Police, after an administrative hearing, may revoke the permit issued on any or all wreckers belonging to an operator on any of the following grounds:
- (1) If a permit was procured by fraudulent conduct or false statement of a material fact concerning applicant not disclosed at the time the application was made.
 - (2) If the applicant or any of his agents, servants, or employees proceeds to the scene of an accident in violation of the provisions of the article.
 - (3) If the applicant or any of his agents, servants, or employees, solicits any business in violation of the provisions of this article.
 - (4) If operating unsafe or illegal tow trucks (unlicensed).

Such revocation of the permit shall terminate all authority and permission heretofore granted. Any person whose permit has been revoked shall not be eligible to again apply for a license or permit for a period of up to one year from date of the revocation. Any person whose license or permit has been revoked by the Chief of Police may file an appeal therefrom to the City Commission within twenty (20) days from the date of revocation. The City Commission shall have authority upon the hearing of the appeal to reverse, vacate, or modify the order of revocation.

- (g) Permits Displayed: All wrecker permits shall be visibly displayed on each wrecker vehicle operated in the City.

Sec. 4.303 - Wrecker Rotation

- (a) Wrecker Rotation List:

The Chief of Police shall prepare a wrecker rotation list in order that the wrecker service may be furnished at accident scenes involving motor vehicles whose owners do not have any preference as to the wrecker operator to be called and who request the calling of a wrecker by the Police Officer at the scene. Said wrecker rotation shall be on a fair and impartial basis and shall operate on a weekly basis as follows: Applications for admittance to rotation must be received by the Corsicana Police Department before the close of business on or before November 15, should this fall on a weekend it will be the next following business day. On or before the 31st day of December of each year, the Chief of Police shall place on slips of paper in a box the names of the wrecker operators authorized to operate rotation wrecker services and shall draw therefrom the individual slips. The names of operators shall be placed on a list in the order in which they are drawn. Beginning on the first Monday in January of each year, the wrecker operators will be called on the basis of the position on said wrecker rotation list; that is, beginning with the first Monday in January, the first operator on the list shall be on call during that entire week, and so forth until such time as each wrecker operator on the rotation list shall have been called, and then

the Chief of Police shall revert to the first name on the list for the following week and so forth on down the line until the last week of the year. Each year, the same process shall be repeated.

- (b) Wrecker Rotation License: In order to qualify for placement on the wrecker rotation list a wrecker company operator must submit an application to the Chief of Police showing that all of their wrecker vehicles have been issued permits as provided for in this Article and that the wrecker company has satisfied the following:
- (1) All companies must have at least 2 wreckers for light/medium duty of at least $\frac{3}{4}$ ton or larger ready to respond to calls 24 hours a day, during their respective period of service responsibility.
 - (2) That all wrecker vehicles are equipped with two-way radio equipment.
 - (3) That the wrecker company is willing to and will operate three hundred sixty five (365) days each year on a twenty-four (24) hour basis for the purpose of making wrecker pulls.
 - (4) The next wrecker on rotation will be called if wrecker on call does not have enough equipment to handle work and that wrecker will take possession of the vehicle to be towed.
 - (5) The applicant shall carry at least the minimum amount of liability insurance required for each class of wrecker vehicle (tow truck) by Texas Department of Transportation under provisions of state laws and shall include the city as an insured.
- (c) Wrecker Rotation Suspension: Valid documented complaints brought against a towing service will be grounds for suspension and/or removal from the Corsicana Police Department Towing Rotation. Suspension periods will be determined by nature of the offense. Suspension decisions will be made by the Wrecker Coordinator and may be appealed to the Chief of Police or his designee, whose decision will be final.

SUSPENSION VIOLATIONS:

- (1) Slow response, repetitive or unjustified
- (2) Operating Unsafe or illegal tow trucks (unlicensed)
- (3) Improper care and handling of towed property which causes damage to vehicles while in custody of wrecker service.
- (4) Failure to advise the Corsicana Police Communications that the wrecker is unable to immediately respond when notified of rotation calls.
- (5) Failure to comply with requirements of wrecker policy
- (6) Storing vehicles at locations other than the designated location of the towing service without proper authorization in violation of participation requirements or operating a vehicle storage facility that is unlicensed or not in compliance with TDLR regulations.
- (7) Interfering with an investigation or other emergency services

- (8) Failure to remove glass or other injurious materials from the highway or spilled upon the highway by wrecked vehicles.
- (9) Failure to comply with State Law relating to the notification of the owner of a stored vehicle.
- (10) Solicitation of driver(s) or passenger(s) who are awaiting medical attention or are being attended by emergency personnel or first responders in attempt to obtain a consent tow from a scene.
- (11) Theft or failure to secure vehicle while in custody of wrecker service.
- (12) Any violation or suspension of TDLR licensing that places or removes the TDLR license for a VSF or Incident Manager in suspension.

PASSED, APPROVED AND ADOPTED this 24th day of **September, 2018**.

Don Denbow, Mayor

ATTEST:

Freddy Thomas, City Secretary

APPROVED AS TO FORM:

Kerri Anderson Donica, City Attorney