

## ORDINANCE NO. 1408

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING ORDINANCE NO. 1298 BY DESIGNATING THE AUTHORIZED WRECKER OPERATORS FOR THE CITY; BY LIMITING CERTAIN MAXIMUM CHARGES FOR STORAGE SERVICE; BY MAKING CERTAIN CHANGES IN THE MINIMUM STANDARDS OF AUTHORIZED WRECKER SERVICES; BY PROHIBITING THE TOWING OF A VEHICLE INVOLVED IN AN ACCIDENT BY OTHER THAN AN AUTHORIZED WRECKER SERVICE OPERATOR; BY PROVIDING A SEVERABILITY CLAUSE; BY PROVIDING A PENALTY NOT TO EXCEED TWO HUNDRED DOLLARS (\$200.00) AND DECLARING AN EMERGENCY.

WHEREAS, the City Council has found it necessary to the health, welfare, and public safety of the inhabitants of the City to obtain dependable and adequate wrecker service for the City at competitive rates; and

WHEREAS, it is necessary that those engaged in providing wrecker service meet certain minimum standards; and

WHEREAS, in order to obtain prompt service and avoid confusion, it is necessary to establish districts and to require that a wrecker service operator maintain an office and service in the district to be serviced;

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

SECTION 1. That Ordinance No. 1298, duly passed by the City Council of the City of Mesquite is hereby amended to read as follows:

SECTION 2. There is hereby established a procedure for obtaining wrecker service in the City of Mesquite as follows:

A. Districts: For the purpose of this ordinance the City of Mesquite is divided into two districts designated as follows:

- (1) North Mesquite District - That area of the City North of a line beginning at the West City Limits and the centerline of the Median of Highway 80 and extending along such centerline of said Highway 80 to the East City Limits, including that portion of any intersecting streets within such area is designated the North Mesquite District.

00198

- (2) South Mesquite District - That area South of the said centerline of Highway 80 as it extends from the West City Limits to the East City Limits is designated South Mesquite District.

B. Rates: Wrecker Service Operators authorized by the City to respond to Police Wrecker calls shall be authorized to charge the following rates for the towing and storage of motor vehicles. Any charge not herein listed shall be a reasonable charge considering the time, effort and equipment included. Provided, however, that any fee in excess of \$5.00 per day for storage shall be deemed excessive and is prohibited.

Standard Pick up & Tow	15.00
Accident Pick up & Tow	20.00
Additional Services	
Each Additional Hook-up	2.50
Use Dolleys	17.50
Heavy Duty Wrecker Service	25.00
Storage Fee:	
Outside	1.50 (per day)
Inside	2.50 (per day)

- (1) Heavy Duty Wrecker Service shall be where the service performed requires a vehicle rated at a minimum of 1 1/2 tons and equipped with a winch rated at a minimum of 12 tons.
- (2) Heavy Duty Wrecker Service fee shall be \$25.00 per hour or any portion thereof, and a minimum charge of one hour shall be made.
- (3) Storage fee shall mean the rate charged for storing any vehicle not using more space than a passenger vehicle or light truck would use.
- (4) Storage charges shall begin at 12:00 (midnight) after such pick up, and no storage charges shall be imposed on the date of pick up. After the day of pick up, any portion of a day shall be considered a chargeable day.
- (5) Other storage rates - The Wrecker Service Operator will be guided by Section B hereof for other storage rates.

The City shall in no event be responsible for towing or storage charges or related services performed pursuant to this ordinance.

The lien arising from towing and storage charges under this ordinance shall be limited to the vehicle and actual attachments and accessories and shall not attach to personal effects in the vehicle.

C. Minimum Requirements: Wrecker Service Operators shall meet the following minimum requirements, together with such other requirements as may be necessary to the end that prompt efficient service may be rendered:

- (1) Minimum Outside Storage - A minimum outside storage area of not less than 16,500 square feet designed to accommodate not less than 85 automobiles.
- (2) Fencing - A perimeter fence of at least six (6) feet in height providing solid screening plus three (3) strands of safety (barbed) wire above the solid screening portion of chain-link or better shall be required.
- (3) Storage Parking Area Surface - The storage parking area shall be paved surface.
- (4) Customer Parking - At least five (5) customer parking spaces shall be provided.
- (5) Security Storage - Space for not less than four (4) vehicles shall be provided inside a building with suitable security for Police storage.
- (6) Location of Office and Storage Area - The storage area and office shall be contiguous and shall be open during regular business hours.
- (7) Security - Each storage area shall be lighted by not less than two (2) mercury vapor lights and shall be guarded by a watchman or a trained security dog, and shall be guarded 24 hours per day, 7 days per week.
- (8) Facilities - Must be physically located in the City of Mesquite and in the District to be served except where required to serve in another district during an emergency.
- (9) Service - Each facility must provide twenty-four (24) hour service and be equipped with not less than two telephones in the office-storage area. After regular business hours the wrecker operator shall furnish one (1) telephone number. It shall be the responsibility of the authorized wrecker operator to receive his calls either at this number or over the police radio

00200

- (10) Equipment - Each facility shall provide not less than two (2) wrecker units with operators. At least one unit shall be equipped with approved two-way radio which will operate on frequencies designated by the Police Department, and approved emergency lighting. Each unit shall carry a push broom and after each accident at which a pick up is made the operator shall thoroughly sweep glass and debris and remove from the street. Each operator shall keep a receipt book approved by the Mesquite Police Department
- (11) Liability and Fidelity - Wrecker Service Operators shall hold the City harmless from the liability for any act or omission of such operator or any employees and shall provide adequate liability coverage to guarantee the ability to accomplish same. Each employee shall be covered by a fidelity bond of not less than One Thousand Dollars (\$1000.00)
- (12) Reports - During the term of operation, wrecker service operators shall furnish such reports, both oral and written, as may be required by the Police Department.
- (13) Permits - Each individual operator or employee shall be approved by the Police Department and shall be of good moral character and qualified to perform the service required.
- (14) Experience - Continuity of Operation - Wrecker Service operators shall show evidence of experience, ability and continuity of operation to the end that they shall be able to provide efficient and uninterrupted service.
- (15) Conduct of Personnel - While the authorized Wrecker Service is a private enterprise, such service is in the nature of a public function and all personnel so engaged shall conduct themselves in a dignified and respectable manner and shall be courteous to the public and shall follow directions of the investigating officer on duty.
- (16) Wrecker Service Operators - To be eligible for authorization, operators must at all times be current in their obligations to the City, including payment of ad valorem and other taxes.

D. Discretion of Police Department: Due to the emergency nature of wrecker service, certain matters are determined to necessarily be within the discretion of the Police Department.

- (1) Location of vehicle in a district - the districts established are for the convenience of the City and to prevent duplication of effort. When wrecker service is needed, the Police Department shall determine in which district the vehicle is located and notify the applicable operator. In situations where it is difficult to determine the applicable district, the determination by the Police Department shall control.
- (2) Response time - the Police Department shall have discretion to determine a reasonable response time based upon the circumstances such as traffic congestion or other factors involved in a particular situation that may affect the public safety; and, upon failure on the part of the operator called to so respond, the Department may call another operator. A response time of thirty (30) minutes may be used as a guide for reasonableness, but may vary depending upon circumstances.

SECTION 3. That subject to compliance with the requirements herein, the following wrecker service operators are hereby designated as Authorized Wrecker Service Operators and authorized to respond to Police Wrecker Calls in their Districts as follows:

A. South Mesquite District - Wayne Williams d/b/a Williams Paint and Body Shop, from January 1, 1978, through December 31, 1978.

B. North Mesquite District -- Skip Wisdom from January 1, 1978, through December 31, 1978.

SECTION 4. No person other than an authorized wrecker service operator and his agents, servants and employees shall respond to a Police Wrecker call, provided, however, that in case of an emergency the Police Department or other agency of the City may authorize others to render specific services in connection with a specific emergency. Such authorization shall not extend to other situations or times.

Upon notice by the Police Department, an authorized Wrecker Service Operator for one district may, and shall, if so ordered, go into a district other than that in which he is authorized, but otherwise shall confine his operations to the district assigned.

00202

SECTION 5. Failure to comply with the requirements herein by any authorized wrecker service operator shall constitute grounds for revocation of authorization and may be considered in any future application.

SECTION 6. Should any word, phrase, sentence, paragraph or section of this ordinance be held to be invalid or unconstitutional, the remaining provisions of this Ordinance shall remain in full force and effect.

SECTION 7. Any person, firm or corporation violating any of the provisions of this Ordinance shall be deemed to be guilty of a misdemeanor and upon conviction in the Municipal Court shall be subject to a fine not to exceed Two Hundred Dollars (\$200.00) for each offense.

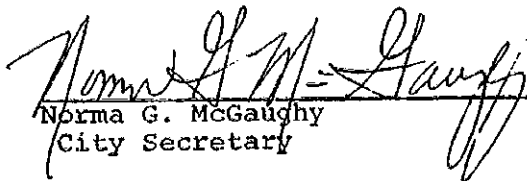
SECTION 8. The fact that the Code of the City of Mesquite, Texas, is inadequate to afford Wrecker Service for the necessary protection of the inhabitants of the City constitutes an urgency and an emergency for the preservation of the public health, safety and welfare of its citizens and requires that this ordinance shall take effect immediately from and after its passage and the publication of the caption of said Ordinance, as the law in such cases provides.

DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on this the 19th day of December, A.D., 1977.

  
B. J. SMITH  
MAYOR

ATTEST:

APPROVED AS TO FORM:

  
Norma G. McGaughy  
City Secretary

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Elland Archer  
City Attorney