

ORDINANCE NO. 2447

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS AMENDING CHAPTER 13, SECTION 13-22 OF THE CODE OF THE CITY OF MESQUITE BY ESTABLISHING ADDITIONAL REGULATIONS PERTAINING TO PRIVATE WRECKERS TOWING VEHICLES FROM PRIVATE PROPERTY; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY NOT TO EXCEED TWO HUNDRED (\$200.00) DOLLARS AND DECLARING AN EMERGENCY:

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

SECTION 1. That Chapter 13, Section 13-22 of the Code of the City of Mesquite is hereby amended to read as follows, said chapter and code, in all other respects to remain in full force and effect:

SECTION 13-22. Impoundment of vehicles towed from private property by private wrecker operators

- A. Impoundment within city limits. In the event the owner or person in charge of private property has authority to and does seek removal of a motor vehicle from such private property, such owner or person in charge is authorized to secure a private wrecker service of his choice, either a standard duty wrecker or a heavy duty wrecker, provided that when such vehicle is removed from such private property for storage or impoundment, such storage or impoundment shall be in or upon an impoundment or storage lot within the corporate city limits of the City of Mesquite. It shall be unlawful and an offense for a private standard duty or heavy duty wrecker service to use the streets, highways, public thoroughfares or property of the City of Mesquite for transporting a private vehicle from private property at the direction of the owner or person in charge of such private property to any location outside the corporate limits of the City of Mesquite for storage or impoundment.
- B. It shall further be unlawful and an offense for any person to remove an unauthorized vehicle from private property, unless:

1. A readable sign which specifies persons who may park and prohibiting all others and which contains the street address and telephone number of the storage location to which vehicles are towed is prominently placed at all entrances to the private property from which the vehicle is towed, provided that a private property owner shall not be required to post a sign to remove a vehicle abandoned for a period of at least 72 hours; and
2. The wrecker company allows the operator of a vehicle to remove the vehicle from private property when requested by the operator; and
3. The wrecker company answers the storage location telephone 24 hours a day; and
4. The wrecker company releases a vehicle at the storage location within 30 minutes of a request by the owner or operator of the vehicle; and
5. The wrecker company notifies the city police department within one hour of each removal; and
6. The wrecker company provides the operator of the vehicle with a written receipt for towage and storage charges, the date and time of removal, and the date and time of return; and
7. The wrecker company retains at his principal place of business a copy of any receipt required by this section for a period of one year after the date the receipt was originally issued; and
8. The wrecker company allows the Chief of Police to inspect upon request the towing records required to be kept by this article; and
9. The wrecker company maintains a permanent sign on each side of the towing vehicle, showing the name of the company and a 24 hour telephone number for the company in colors contrasting that of the vehicle, in letters no less than four (4) inches high and one (1) inch wide.

C. When a Wrecker Service Company notifies the police department of a removal under this section, it shall provide the following information:

1. Date, time, and location of the removal.
2. Physical description and registration number of the vehicle.
3. Trade name of the motor vehicle tow service.
4. Storage location of the vehicle.
5. Name of the person requesting removal and relationship of the requesting person to the property from which the vehicle was removed.

Section 2. That should any word, sentence, clause, paragraph or provision of this ordinance be held to be invalid or unconstitutional the remaining provisions of this ordinance shall remain in full force and effect.

Section 3. That any person, firm, or corporation violating any of the provisions or terms of this ordinance shall be deemed to be guilty of a Class C Misdemeanor and upon conviction in the Municipal Court shall be punished by a fine not to exceed Two Hundred (\$200.00) Dollars for each offense.

Section 4. The fact that the present ordinances of the City of Mesquite do not adequately protect the safety of the inhabitants of the City creates an urgency and emergency and in the preservation of the public health, safety and welfare requires that this ordinance shall become effective immediately from and after its passage and the publication of caption, as the law and in such cases provides.

DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas on the 3rd day of August, A.D., 1987.

George A. Venner, Sr.  
George A. Venner, Sr.  
Mayor

ATTEST:

APPROVED:

Lynn Prugel  
Lynn Prugel  
City Secretary

Jonathan Graham  
Jonathan Graham  
City Attorney

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