

ORDINANCE NO. 26-104

AN ORDINANCE OF THE CITY OF SWEENY, TEXAS, AMENDING CHAPTER 111 OF THE CODE OF ORDINANCES OF THE CITY OF SWEENY ENTITLED MOTOR VEHICLE WRECKER SERVICES; AMENDING SECTION 111.01 ENTITLED LISTING ON CITY ROSTER; DEFINITIONS; AMENDING SECTION 111.02 ENTITLED APPLICATION; AMENDING SECTION 111.03 ENTITLED DESIGNATION OF SERVICE; QUALIFIED STORAGE FACILITY REQUIRED; PROVIDING A SAVINGS CLAUSE: PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES TO THE EXTENT OF CONFLICT ONLY; AND PROVIDING THAT THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FORCE AT THE DATE OF ITS PASSAGE.

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

Section 1:

Section 111 of the Code of Ordinances of the City of Sweeny, Texas, which provides for Motor Vehicle Wrecker Services is hereby amended as follows:

CHAPTER 111: MOTOR VEHICLE WRECKER SERVICES

Rotation Requirements

111.01 Listing on City roster; definition-

111.02 Application-

111.03 Designation of service; qualified storage facility required-

ROTATION REQUIREMENTS

§ 111.01 LISTING ON CITY ROSTER; DEFINITION.

(A) Any person, firm or corporation operating a wrecker or tow truck operating with the incorporated city limits whose tow truck, business activity, and vehicle storage facility comply with the provisions of the Texas Transportation Code, Texas Occupations Code, Texas Administrative Code, and the Texas Department of Licensing and Regulations shall be entitled to be listed on a wrecker rotation roster

kept and maintained by the Chief of Police of the City or a person designated by the Chief of Police.

(B) The Chief of Police shall be responsible for the keeping of the records of the wrecker rotation and shall be responsible for causing the rotation of wreckers for wrecker service inside the city limits, where rotation is applicable.

(C) For the purpose of this section of the Code of Ordinances, the following definition shall apply unless the context clearly indicates or requires a different meaning.

ROTATION. Alternating the call for wrecker service when applicable under the terms of this ordinance. ROTATION shall be, in all things, equitable.

§ 111.02 APPLICATION.

(A) In order to be placed on the wrecker rotation roster, the person, firm or corporation shall make annual application, along with the fee stated herein, to be placed upon the rotation roster on a form designed to demonstrate the qualifications of the person, firm or corporation and the person's, firm's or corporation's liability insurance coverage for the operation of the business, wrecker service and storage facility in the amounts required by law. Any wrecker service provider making application must have their own vehicle storage facility licensed in accordance with state regulations and be within the required distance of the City.

(B) All vehicle storage facilities must be situated within an eight (8) mile radius of the City of Sweeny, meeting all regulatory requirements, and approved annually by the City.

(C) Wrecker service providers seeking approval to operate within the City of Sweeny under the provisions herein shall pay an application fee as set in the City's fee schedule. The fee shall be paid annually upon the submission of the application.

§ 111.03 DESIGNATION OF SERVICE; QUALIFIED STORAGE FACILITY REQUIRED.

(A) In any situation where wrecker service is needed when the person, firm or corporation owning the motor vehicle needing the service is competent and capable to making a decision concerning the using of a wrecker service, the person's, firm's or corporation's designation of the wrecker service desired by the person, firm or corporation shall be honored by the Police Department of the City.

(B) In any situation where the need for wrecker service established and the person, firm or corporation needing the service is incapable or incompetent to make the persons preference as to wrecker service known to the Police Department of the City, the service shall rotate to the wrecker service next appearing on the wrecker rotation roster as next up. Where a motor vehicle is in need of wrecker service and the vehicle has been involved in some criminal act, traffic violation or otherwise, and there is a need to keep the vehicle in storage for the purpose of investigation or impounding of the same as a part of the criminal evidence, then, in the event, the Police Department shall order the vehicle confined to a storage facility, which must be situated within an eight (8) mile radius of the center of the City of Sweeny, meeting all regulatory requirements, and approved by the City. Each approved wrecker service provider will be required to store any impounded vehicle at its own licensed storage facility upon taking custody of the vehicle.

(C) (1) The officer in charge of the investigation shall make the initial determination concerning the need for keeping a vehicle in storage for the purpose of investigation or impounding of the vehicle as a part of the criminal evidence.

(2) Any dispute concerning the need shall be determined by the Chief of Police of the City.

(D) (1) The rotation listing for dispatching services, in the even that more than one wrecker service provider is approved, the rotation roster will be updated weekly with changes taking effect each Sunday at 12:00 am.

(2) Any dispute concerning rotations shall be handled and determined by the Chief of Police of the City.

Section 2:

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict only.

Section 3:

If any part of portion of this ordinance shall be determined to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect or impair any remaining portions or provisions of this ordinance.

Section 4: This ordinance shall be effective from and after the date of its passage.

PASSED AND ADOPTED this _____ day of _____, 2026.

DUSTY HOPKINS, Mayor

ATTEST:

KAYDI SMITH, City Secretary