

CHAPTER 111: MOTOR VEHICLE WRECKER SERVICES

Section

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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 ~~or within a radius ten miles of the city measure from the City Hall,~~ whose tow truck, business activity, **and vehicle storage facility** comply with the provisions of ~~Article 6687-9a of the Vehicle Storage Facility Act, Tex. Trans. Code~~ **Texas Transportation Code, Texas Occupations Code, Texas Administrative Code, and the Texas Department of Licensing and Regulations (TDLR), §§ 502.281 and 643, and where applicable, Tex. Transp. Code, Chapter 396,** shall be entitled to be listed on a wrecker rotation roster kept and maintained by the Chief of Police of the city or his or her designee.

(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 subchapter, 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 tire terms of this subchapter. ROTATION shall be, in all things, equitable.

(Ord. 102-91, passed 12-18-90) Penalty, see § 10.99

§ 111.02 APPLICATION.

(A) In order to be placed on the wrecker rotation roster, the person, firm or corporation shall make **annual** application **with the fee** 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 submittal of application.

(Ord. 102-91, passed 12-18-90)

§ 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 rotated 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 is~~ **it 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.** ~~within the city limits and the wrecker service called from the rotation roster shall be required to place the vehicle in its qualified storage facility within the city limits.~~ 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.**

~~(D) In the event that the wrecker service next up on the rotation roster cannot provide a qualified storage facility within the city limits under the conditions where the storage facility within the city limits is required, then in the event, the wrecker service which would be next up on the rotation roster shall be called that can provide the storage within the city limits.~~

~~(E) The Chief of Police, in the event that the wrecker service is unable to provide the required storage in the city, may, if equitable, place the wrecker service unable to provided the storage service on the rotation roster to be next up unless the number of members of the rotation roster becomes too large and makes the operation of the rotation list too cumbersome.~~

(Ord. 102-91, passed 12-18-90)