

CITY OF SEGUIN

ORDINANCE NO. \_\_\_\_\_

STATE OF TEXAS

**AN ORDINANCE OF THE CITY COUNCIL OF SEGUIN, TEXAS, AMENDING THE SEGUIN CODE OF ORDINANCES CHAPTER 106, VEHICLES FOR HIRE, ARTICLE III, WRECKERS; TO PROVIDE UPDATED MAXIMUM FEES; PROVIDING A SEVERABILITY CLAUSE; DIRECTING STAFF TO SUBMIT THIS ORDINANCE AS A SUPPLEMENT TO THE SEGUIN CODE OF ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Seguin Police Department has an established rotation system wherein permitted towing companies are called to clear accident scenes and other times where a non-consent tow is needed; and

**WHEREAS**, the ordinance sets a review period every two years during the fall of even numbered years; and

**WHEREAS**, most of the allowable fees have not been updated since the original ordinance passed in 2014; and

**WHEREAS**, due to annual increases in insurance, the rise in vehicle cost and the increase in fuel costs, the five working Class A tow companies and the Class B tow company have requested that the fees be increased; and

**WHEREAS**, city staff has met with the two companies and recommends the following changes to the Ordinance.

**NOW THEREFORE BE IT ORDAINED**, by the City Council of Seguin, Texas:

**SECTION ONE.** The Seguin Code of Ordinances, Chapter 106, Vehicles for Hire, Article III, Wreckers, Division 2, Police Rotation System, Section 106-111, Rotation System Registration, is amended to read as follows (underlining indicates added text, ~~striketrough~~ indicates deleted text):

(a)The police department shall create two rotation systems for police-authorized tows:

(1) The general duty system shall be limited to five (5) ~~six~~ wrecker companies operating Class A tow vehicles.

(2) Heavy duty commercial vehicle system shall be limited to three wrecker companies operating at least one Class B tow vehicle.

**SECTION ONE.** The Seguin Code of Ordinances, Chapter 106, Vehicles for Hire, Article III, Wreckers, Division 4, Non-Consent Towing Regulations and Rate Limitations, Section 106-151, Limits on Fee Amounts, is amended to read as follows (underlining indicates added text, ~~striketrough~~ indicates deleted text):

(a) *Category A wreckers:*

| Service Description |  | Permissible fees    |
|---------------------|--|---------------------|
| 1.                  | Police-authorized tow from accident scene - a base fee of \$200.00                           | <del>\$200.00</del> |
|                     |  | <u>\$250.00</u>     |
| a.                  | Waiting time - each additional ½ hour after the first ½ hour - \$50.00                       |                     |
| b.                  | Winching fee - \$100.00 plus \$75.00 per each additional ½ hour                              |                     |
| c.                  | Additional labor for clean-up - \$75.00 plus \$50.00 per each additional ½ hour              |                     |
| d.                  | Dollies or rollback trucks where required - \$100.00   |                     |
| e.                  | Drive shaft removal - \$75.00  |                     |
| f.                  | Fuel surcharge for any tows over four miles - \$25.00  |                     |
| g.                  | Any applicable toll charge - Actual toll charges incurred during response and tow of vehicle |                     |
| h.                  | <u>Fuel charge - \$3.00 per loaded mile</u>  |                     |
| 2.                  | Police-authorized tow - Impound/non-accident a base fee of \$200.00                          | <del>\$200.00</del> |
|                     |  | <u>\$250.00</u>     |
| a.                  | Waiting time - each additional ½ hour after the first ½ hour \$50.00                         |                     |

| Service Description |  | Permissible fees                       |
|---------------------|--|--|
| b.                  | Winching fee - \$100.00 plus \$75.00 for each additional ½ hour  |  |
| c.                  | Additional labor for clean-up \$75.00 plus \$50.00 per each additional ½ hour  |  |
| d.                  | Dollies or rollback trucks where required - \$100.00   |  |
| e.                  | Drive shaft removal - \$75.00  |  |
| f.                  | Fuel surcharge for any tows over four miles - \$25.00  |  |
| g.                  | <u>Fuel charge \$3.00 per loaded mile</u>  |  |
| 3.                  | Roadside assists - when requested by police officer - fee not to exceed <del>\$12500.00</del> within a 5 mile radius of city limits: | <del>\$100.00</del><br><u>\$125.00</u> |
| a.                  | Any applicable toll charge - Actual toll charges incurred ruing response and tow/assist of vehicle                                   |  |
| b.                  | All vehicles towed outside the city limits must be quoted for distance   |  |
| 4.                  | <u>Evidentiary or fleet vehicle tow, flat fee, same wrecker to tow unclaimed evidentiary tow to their yard</u>                       | <u>100.00</u>                          |

(b) *Category B wreckers:*

|    | Service Description   | Permissible fees                       |
|----|---|--|
| 1. | Police-authorized tow from accident scene   | Not regulated                          |
| 2. | Police-authorized tow - impound/non-accident (all inclusive [double hookup, dollies, winching, flatbed, waiting time, cleanup etc.] | <del>\$350.00</del><br><u>\$625.00</u> |
| 3. | Any applicable toll charge - Actual toll charges incurred during response and tow of vehicle  |  |

**SECTION THREE.** If any clause or provision of this Ordinance shall be deemed to be unenforceable for any reason, such unenforceable clause or provision shall be severed from the remaining portions of the Ordinance, which shall continue to have full force and effect.

**SECTION FOUR.** City Staff is hereby authorized to submit this Ordinance as a supplement to the Seguin Code of Ordinances.

**SECTION FIVE.** This Ordinance becomes effective December 1, 2022.

**Passed and approved** on the first reading on the 1<sup>st</sup> day of November 2022.

**Passed and approved** the second reading on the 15<sup>th</sup> day of November, 2022.

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DONNA DODGEN, MAYOR

Attest:

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Naomi Manski, City Secretary