

ORDINANCE

Motion was made by Bill Green, and seconded by Jason Wieghat, that the following Ordinance be passed:

ORDINANCE NO. 121

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CUT AND SHOOT, TEXAS, REGULATING TOW TRUCKS AND PROVIDING REQUIREMENTS FOR NON-CONSENT TOWING; PROVIDING A FINE OF UP TO \$500.00 A DAY FOR VIOLATIONS OF THE ORDINANCE; PROVIDING A SEVERANCE CLAUSE AND TEXAS OPEN MEETINGS ACT CLAUSE; REQUIRING PUBLICATION OF THE ORDINANCE; AND PROVIDING FOR THE EFFECTIVE DATE AFTER PUBLICATION.

WHEREAS, the City Council for the City of Cut and Shoot, Texas, desires to regulation of tow truck operations in the City;

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CUT AND SHOOT, TEXAS, THAT:

SECTION I - DEFINITIONS

For the purposes of this Ordinance, the following terms shall have the meanings respectfully ascribed to them in this section.

City: The City of Cut and Shoot, Texas

Motor Vehicle: Any motorized vehicle subject to registration pursuant to the Texas Certificate of Title Act.

Consent Tow: Any tow of a motor vehicle initiated by the owner or operator of the vehicle or by a person who has possession, custody, or control of the vehicle. The term does not include a tow of a motor vehicle initiated by a peace officer investigating a traffic accident that involves the vehicle.

Non-consent Tows: Any tow of a motor vehicle that is not a consent tow. Examples include, but are not limited to, vehicles involved in traffic crashes, traffic hazards, arrests, vehicles of evidentiary value, and abandoned vehicles on public or private property.

Owner: Any person who holds the legal title to a motor vehicle, or has the legal right of possession of a motor vehicle, or legal right of control of a motor vehicle, or any driver who reasonably appears to have authority to operate the vehicle. This does not include any person who has gained possession of a motor vehicle only as a result of tow truck services performed.

Permit: Authorization granted by the Police Chief for a tow truck to be used for non-consent tows on the City permit list, or a custodial arrest in the City of Cut and Shoot.

Permit Holder: Any person, partnership, corporation or other enterprise which has a valid tow truck permit issued by the City. This term shall be inclusive of the agents of any such person, partnership, corporation, or other enterprise.

Police Chief: The Police Chief of the City of Cut and Shoot, Texas, or the person designated by the Police Chief to act for the Police Chief for the purposes of this Ordinance.

Tow Truck: A motor vehicle, including a wrecker, equipped with a mechanical device used to tow, winch, or otherwise move another motor vehicle.

Heavy Duty Tow Truck: A tow truck having a chassis rated at 5 tons or greater by the vehicle manufacturer and a winch capable of lifting a minimum of 30,000 pounds as rated by the winch manufacturer. Except where a distinction is made, the term "tow truck" includes "heavy duty tow truck."

SECTION II - REMOVAL OF MOTOR VEHICLES BY POLICE DEPARTMENT

Notwithstanding any other provisions of this Ordinance, in any circumstance in which a motor vehicle or other object is so located on a public street as to constitute a hazard or obstacle, or to interfere with traffic, or in the event a stolen vehicle is found, or in any other circumstances in which a police officer in the course of his duty directs the removal of a motor vehicle from or to any location, any police officer may require its removal at the owner's expense by any practicable means to include, but not limited to, use of a tow truck selected by the use of the permit list.

SECTION III - PERMITS, APPLICATIONS AND FEES

(a) A City tow truck permit shall entitle the permit holder to use the permitted tow truck from February 1 through January 31 of the following year to:

1. Perform non-consent tows of motor vehicles within the City consistent with state law;
2. Perform tows at the direction of the City Police Department from the permit holder list.

(b) Each permit holder shall pay an annual fee of \$15.00 for each tow truck on the permit list, and a wrecker inspection fee of \$275.00 annually.

(c) An applicant for a permit shall submit, on a form provided by the City, a verified application containing or accompanied by the following:

1. The true name, address and telephone number of the company or person who owns the tow truck proposed to be used for Police Department non-consent tows;
2. The names of the persons who will operate the tow truck on permit list calls;
3. A certificate from the County's tax assessor-collector that all County taxes on all properties, real and personal, to be used in connection with the applicant's tow truck business are current;
4. A certificate of public liability and property damage insurance issued by a casualty company authorized to do business in the State of Texas, in the standard form approved by the State Board of Insurance containing a provision that at least ten (10) days prior notice of cancellation of said insurance shall be given to the Police Chief of the City of Cut and Shoot, Texas, by the insurance company, and providing that the amount of coverage shall comply with the limits established by state regulations; and
5. The applicant shall file a sworn statement that he has no financial interest in any other tow truck service on the permitted tow truck list.

(d) No permit shall be issued to any applicant unless the applicant's vehicle depository is wholly or partially located within two (2) miles of the City limits of the City of Cut and Shoot, Texas, meets state laws and regulations for a vehicle storage facility, and the facility is not used to store vehicles by more than one tow truck company.

(e) The permit, when granted, shall be kept in the tow truck permitted.

SECTION IV - TOW TRUCK REQUIREMENTS

All City-permitted tow trucks shall, in addition to the state's tow truck regulations, meet the following minimum requirements:

(a) Have at least three-fourths (3/4) ton (minimum gross vehicle weight), in capacity as reflected on the manufacturer's certificate. If the motor vehicle does not have a manufacturer's certificate, then the gross vehicle weight shall be determined by a testing procedure approved by the Police Chief. All such motor vehicles shall be equipped with booster brakes or air brakes.

(b) Shall be in such condition that it can safely and reliably be used as a tow truck.

(c) Each permit holder shall own and have access to one dolly; provided, however, that any permit holder with more than one permit shall have one dolly for every two tow trucks on the permit holder list;

(d) Each wrecker shall have the following safety equipment:

1. 5/16-inch link steel safety chains for two trucks with a GVWR of 10,000 pounds or less, and 3/8-inch link steel chains or their equivalent for tow

- trucks with GVWR of more than 10,000 pounds – these link sizes are minimums;
2. a 10 pound BC fire extinguisher, or two 5 pound BC fire extinguishers, labeled by a national testing laboratory, properly filled, operable, and located so as to be readily accessible for use;
 3. one crowbar or wrecking bar with a wedge head that is not less than 36 inches in length;
 4. one broom of a type designed for pushing with an 18 inch head, and a handle of not less than 36 inches;
 5. one flat-edge shovel at least 9 inches wide, with a handle of not less than 36 inches;
 6. a box or bucket to carry glass or other debris removed from the accident scene;
 7. at least 3 gallons of sand or other absorbent material;
 8. rope or wire suitable for securing doors, hoods, trunks, etc.;
 9. a functioning spotlight or flashlight;
 10. outside rearview mirrors on both sides of the truck;
 11. amber emergency lights, at least 48 inches in width, mounted as high as possible, visible in all directions when activated;
 12. three portable red emergency triangle reflectors, or orange cones at least 18 inches tall, or flares;
 13. auxiliary tow lights;
 14. a high mounted stop lamp on any tow truck with an overall width of less than 80 inches, or GVWR of 10,000 pounds or less, or manufactured on or after September 1, 1993; and
 15. work lights, wired to a separate switch, that burn steadily and project light to the rear of the tow truck, that shall not be illuminated when the tow truck is in motion.

SECTION V - INSURANCE AND EXPIRATION OF PERMITS

(a) The Police Chief shall issue a permit for all trucks so complying with the provisions of this Ordinance upon proper application being made therefore unless legal grounds exist for denying such a permit.

(b) Each permit shall expire at midnight on January 31st of each year and will be renewable only upon compliance with the provisions of this Ordinance and any other applicable laws, ordinances or regulations that shall be in effect at the time of the renewal application.

SECTION VI - INSPECTION OF TOW TRUCK EQUIPMENT AND STORAGE FACILITIES USED IN THE TOW TRUCK BUSINESS

Any permit holder or applicant, by virtue of making application, agrees to permit, during normal business hours, the inspection of tow trucks, tow truck equipment and storage facilities. This authority shall be cumulative of any other authority held by the Police Chief, other law enforcement officials, or other legally authorized public officials. Each permit holder

on the permit holder list shall enter into an agreement as authorized from time to time by Cut and Shoot City Council.

SECTION VII - POLICE NON-CONSENT TOWS

(a) The Police Chief is authorized and directed to maintain a voluntary non-consent tow truck permit list of those City-permitted companies qualified and willing to perform non-consent tows at the direction of the Police Department. As compensation for non-consent towing services, the Police Chief shall be authorized to set a fee as described in Section VIII hereafter, as reasonable compensation for the services rendered. Participation in the list shall be voluntary; however, towing companies accepting referrals from the list shall be deemed to have agreed to the fee set by this Ordinance.

(b) Upon arrival at the scene of a wrecked or disabled vehicle, the police officer shall determine if a police-authorized tow is necessary. If a non-consent tow is necessary, the police officer shall advise dispatch to contact all tow truck permit holders that have entered into an agreement with the City to provide police-authorized tows to dispatch the required number of tow trucks to the scene.

(c) If the owner or driver of a motor vehicle that is wrecked or disabled has a tow truck preference, that request will be honored if it would not cause undue delay and immediate towing is unnecessary. Any tow truck or towing company may tow the vehicle at the owner's or driver's request as long as it has a valid state tow tag and cab card. If the wrecked or disabled vehicle has any part or portion thereof upon the roadway, the tow truck responding to the owner's or driver's request shall have 15 minutes to arrive at the scene and remove the vehicle, or such shorter period of time if in the discretion of the police officer on the scene such shorter period of time is necessary to protect the safety and welfare of the public; otherwise, the vehicle may be towed pursuant to a police-authorized tow. A heavy duty tow truck responding to an owner's request shall have 45 minutes to arrive at the scene.

(d) A towing company accepting a non-consent tow agrees to look exclusively to the vehicle owners for payment of the fees. This section applies to the police-ordered removal of vehicles which are interfering with traffic, or for which removal is required for some other public safety or law enforcement related purpose. This section does not apply to consent tows or non-consent tows ordered by persons other than police officers of the City.

(e) A permit holder is qualified to be on such list if the permit holder maintains:

1. At least one permitted tow truck required to be on such lists; and
2. A twenty-four hour tow truck service;

(f) When the police officer investigating a collision determines that a motor vehicle involved in a collision is unable to safely proceed under its own power, or when the police officer determines that the owner involved in a collision is physically unable to safely move the motor vehicle to a location where it will not create a traffic hazard, such officer shall request the owner to designate the tow truck service that the owner desires to move the motor vehicle.

1. Such designation by the owner will be indicated in writing on a form provided by the City and signed by the owner.
2. When the designation has been properly made, the police officer shall communicate the name of the designated tow truck service to the dispatcher.
3. The dispatcher shall cause the designated tow truck service to be called and directed to send a tow truck to the scene of the collision.
4. If the designated tow truck service does not have a tow truck available with a valid state tow tag and cab card, or the tow truck service does not answer the phone, the owner will be requested to make another designation.

(g) If the owner of a motor vehicle involved in a collision is physically unable to designate the tow truck service desired to remove the vehicle, or the owner fails or refuses to designate one, or has no preference, then the police officer shall communicate that fact immediately to the dispatcher.

1. Such designation by the owner will be indicated in writing on a form provided by the City and signed by the owner if the owner is physically able. If not, the police officer shall indicate by notation on the form.
2. No person shall tow, carry or transport a motor vehicle under the direction or authority of a police officer unless a tow slip has been issued to the driver of the tow truck by a police officer. Such tow truck slip shall be filled out by the police officer on a form designated by the City. The tow truck slip shall contain the following information:
 - A complete description of the motor vehicle to be towed, including the license plate number and the vehicle identification number;
 - Any personal property contained within the motor vehicle which is visible from outside that vehicle;
 - Any visible missing parts or paraphernalia;
 - Any visible damage to the inside or outside of the motor vehicle;
 - The location from which the vehicle is being towed;
 - The date and time the vehicle is picked up by the tow truck;
 - The reason the vehicle is being towed;
 - The location to which the vehicle is to be towed;
 - The towing and storage fee and fee schedule;
 - The permit number of the tow truck being used for the tow;
 - The signature and employee number of the police officer authorizing the tow;
 - The signature and tow truck license number of the tow truck driver.

(h) If the permit holder after arrival at the scene determines, in conjunction with the police officer in charge, that assistance is needed, then the permit holder shall arrange for such assistance within a reasonable time.

(i) Any permit holder shall deliver only one tow truck to the scene within fifteen (15) minutes of notification in order to participate in the chip selection process for two (2) or more tow trucks. If the notification is for a heavy duty tow truck, a permit holder shall deliver a heavy duty tow truck within 45 minutes of notification.

SECTION VIII - TOWING CHARGES; STORAGE

(a) The permit holder owner is hereby authorized to collect as a fee from the motor vehicle owner, the following:

1. Maximum tow charge:

- i. Non-consent with no damage or abandoned vehicle..... \$200.00
- ii. Accident scene with damage.....\$250.00
- iii. Heavy duty tow trucks: apply the current fee schedules as set by Montgomery County in its rules and regulations for non-consent tows found at http://www.mctxsheriff.org/non_consent_towing/index.php

2. Additional wrecker and/or storage charges:

- i. For storing a vehicle in an enclosed and locked area each, or any part of a day.....\$20.00
- ii. Trailers - boat, utility (single axle)..... \$20.00
- iii. Reloading truck or trailer, per man hour(except heavy duty tow trucks)...\$35.00

(b) All storage areas operated and maintained by the Vehicle Storage Facility (VSF) license holder shall charge a daily storage fee that complies with the Administrative Rules of the Texas Department of Licensing and Regulation as found in Section 85.722 of 16 Texas Administrative Code, Chapter 85, as amended.

SECTION IX – TOWING FEE STUDIES

(a) Any towing company serving the Cut and Shoot area or permit holder may request that a towing fee study be performed by the City. Upon the receipt of a written request for a towing fee study, the City Council shall direct the Police Chief or his designee to conduct a towing fee study within a reasonable time and report the results of such study to the City Council for its consideration.

(b) Any towing fee study shall include data regarding the fees customarily charged for towing vehicles in Montgomery County and other cities within a twenty-five (25) mile radius of the City of Cut and Shoot; and provide any reasonable related financial or accounting information that will assist the City Council in determining a fair value for the services of a non-consent tow by a towing company.

(c) The Police Chief is directed to accept any information relevant to the fair value of services of the towing company from any towing company, or individual, which information shall be included in the towing fee study.

(d) After reviewing the towing fee study, the City Council shall establish or amend the allowable fees for a non-consent tow at amounts that represent the fair value of the services of the towing company and are reasonably related to any financial or accounting information.

SECTION X - POLICE OFFICERS NOT TO INFLUENCE SELECTION OF TOW TRUCK SERVICE

It shall be unlawful for a police officer investigating or present at the scene of any wreck or collision to directly or indirectly recommend to any person the name of any tow truck service; nor shall any such police officer influence or attempt to influence in any manner the decision of any person in selecting a tow truck.

SECTION XI - SOLICITING TOW TRUCK BUSINESS ON CITY STREETS PROHIBITED

(a) A person commits a offense if he intentionally or knowingly solicits a tow in any manner, directly or indirectly, on the streets of the City involving any motor vehicle that is damaged as the result of a collision on a public street. This prohibition applies regardless of whether the solicitation is for the purpose of soliciting the business of towing, removing, repairing, wrecking, storing, trading, selling or purchasing such vehicle.

(b) In any prosecution for a violation of this section, proof that the tow truck was present at the scene of an accident shall constitute prima facie evidence that such permit holder or the tow truck driver was operating or causing to be operated the tow truck to solicit business, but the person charged shall have the right to introduce evidence to prove that the motor vehicle owner requested a tow truck to come to the scene or that a police officer requested the tow truck for the vehicle owner.

(c) It shall be an affirmative defense that the motor vehicle was not disabled as a result of a collision.

SECTION XII - POUND HAULS AND IMPOUNDED VEHICLES

(a) If an owner refuses to designate a permitted tow truck, the City shall utilize the permit holder list for pound calls or hauls resulting from motor vehicles being towed by the direction of the Police Department.

(b) Any police officer may, for lawful purposes, direct that any motor vehicle shall be taken to automotive impoundment facilities approved by the City, such facilities, whether at one or more locations, are hereinafter referred to as the *City Pound*.

(c) Whenever it becomes necessary under this section for the permit holder to disassemble parts to a vehicle in order to tow such vehicle, the permit holder shall reassemble such parts upon reaching the City Pound.

(d) No permit holder under this section shall have the owner of an impounded motor vehicle sign a release from liability or damage until the owner has inspected the vehicle. Any such release shall contain a notation for which the permit holder is alleged to be liable by the owner of the vehicle. If there is any such enumeration of alleged damage, then the release shall be a full release except as to the specifically enumerated damages. The release shall be signed by the owner of the motor vehicle and a representative of the permit holder.

(e) No permit holder shall assert a lien on personal effects within a motor vehicle. Personal effects shall include such items as clothing, toilet articles, animals and purses, but shall not include tools.

(f) Each permit holder and tow truck business shall clearly post and make available procedures to release autos between 8:00 a.m. and 9:00 p.m. each day of the week, in addition to the permit holder's regular business hours.

SECTION XIII - DUTIES OF PERMIT HOLDERS ON PERMIT LIST

The duty to provide safe and prompt tow truck service upon call includes, but is not limited to, the following specific duties:

(a) Upon arrival at the scene of a collision within the incorporated limits of the City, permit holder personnel shall take directions from the police officer investigating that collision;

(b) Permit holder personnel who haul any motor vehicle from the scene of a collision within the incorporated limits of the City shall remove the debris of the collision from the public streets. This duty specifically includes removal of broken glass and metal fragments from the street, and the removal of any load of any vehicle from the traveled portion of the street, so as to eliminate any hazard to vehicular traffic. This does not include the responsibility to unload cargo from a wrecked vehicle in order to permit hauling. Such debris should be disposed of in a manner in which will keep it out of the gutters, storm sewers and streams, public rights-of-way, and property not belonging to the tow truck business, without consent of the property owner. The officer on the scene of the accident may provide assistance in locating a place for disposal of such debris;

(c) No permit holder shall store any motor vehicle or tow trucks on the public streets or rights-of-way. Permit holders will use reasonable care in the storage of property not belonging to said permit holders so as to minimize the risk of theft or damage.

SECTION XIV - REMOVAL OF MOTOR VEHICLES FROM PRIVATE PROPERTY; ABANDONED VEHICLES

(a) A person commits an offense if the person removes a motor vehicle owned by another from private property without express written or verbal consent of the owner of the property and does not notify the City Police Department prior to removing the vehicle. The information to be provided in such notification shall include:

- SECTION XV
1. The date, time, and location of the removal;
 2. The physical description and license or registration number of the vehicle;
 3. The name of the permit holder that performs the removal; and
 4. The storage location of the vehicle.

(b) For purposes of this section, the removal of a vehicle from private property without the consent of the vehicle's owner is a nonconsent tow.

(c) A police officer shall issue a tow slip to a tow truck removing a motor vehicle from private property.

(d) A motor vehicle owned by another can be removed from private property if the motor vehicle has remained on private property without the consent of the owner or person in charge of the property for more than 48 hours; or if the private property is a parking facility as defined in the Texas Transportation Code (TRC) 684.001, the operator or owner leaves a motor vehicle unattended on the parking facility in violation of TRC 684.011, TRC 684.012, or TRC 684.0125.

SECTION XV - USES OF TOW TRUCK WITHOUT CITY PERMIT PROHIBITED

(a) A person commits an offense if the person owns or operates a tow truck that performs a non-consent tow within the City without a City permit.

(b) A person commits an offense if the person owns or operates a tow truck which performs a non-consent tow at the scene of an accident or a custodial arrest on a public street or right of way without a City permit.

(c) It shall be an affirmative defense to prosecution under any provision of this section that the tow truck is owned by the motor vehicle owner of the vehicle being towed, carried, or otherwise transported by the tow truck.

(d) It shall also be an affirmative defense to prosecution under any provision of this section that regulates tow trucks that the motor vehicle being towed, carried or otherwise transported by the tow truck was originally picked up or loaded onto the tow truck at a specific location within the City.

(e) Additionally, it shall be an affirmative defense to prosecution under this section that the motor vehicle was being towed by the tow truck pursuant to a request by the lien holder of the motor vehicle; that the towing was incidental to a lawful repossession of the vehicle; and that the tow truck driver has complied with all requirements of this section which would be applicable if the lien holder were the vehicle owner of the vehicle being towed.

SECTION XVI - REVOCATION OF PERMITS

(a) The permit as defined herein may, after notice and hearing before the Cut and Shoot City Council, be revoked if the City Council should find a violation of any of the conditions of Section XVI (a) below.

(b) Grounds for revocation of any or all permits include: driving a tow truck to the scene of a collision in response to a call by any person; or towing a motor vehicle with a tow truck when the tow truck, the tow truck driver; or the permit holder does not meet all the following conditions as applicable:

1. The tow truck is in a condition that it cannot safely tow a vehicle;
2. Is not then covered by insurance as required in this Ordinance;
3. Does not then meet all requirements for a permit;
4. Failure to maintain a tow truck in such condition that it meets the requirements for a permit and for eligibility to be on the permit list;
5. Driving or causing to be driven to the scene of a collision in response to a call from the Police Department any tow truck which does not then meet the City permit requirements;
6. Driving any tow truck to or from the scene of a collision in a manner which endangers any person;
7. Failure to arrive in response to a police call within fifteen (15) minutes of notification;
8. Violation of motor vehicle or traffic laws while in the scope of employment;
9. Failure to report seized or abandoned vehicles;
10. False statements of material fact;
11. Relocation of vehicle depository or storage facility to a location that is more than two (2) miles outside the City limits;
12. Repeated suspensions;
13. Collecting or charging any non-consent tow fee in excess of those set out in this Ordinance;
14. Violation of laws regarding removal or impounding of vehicles;
15. Violation of ordinances regulating tow trucks; or
16. Three (3) or more violations within one year of ordinances or rules by the permit holder, or its agents or employees.

SECTION XVII - PROCEDURES FOR SUSPENSION OR REVOCATION OF PERMITS; APPEALS

(a) The Police Chief may suspend any or all permits. The reason for suspension or revocation of any permits shall be given in writing to the permit holders, whose permits are being suspended, within ten (10) days of such suspension. Mailing of such notice to the last known business address of said permit holders shall constitute sufficient notice. Appeals from a

suspension shall be made in writing to the City Council within twenty (20) calendar days of such suspension. Written notice of the ruling of the City Council shall be given to the permit holder within thirty (30) calendar days of the suspension.

(b) Suspension of any tow truck permit may be accomplished by the Police Chief after a hearing. Notice of hearing, the administrative action which may be taken, and the grounds therefore shall be given to the permit holder ten (10) days prior to the hearing. Mailing of said notice shall constitute sufficient notice. Suspension of a permit shall be accomplished by a notice in writing to the permit holder, which states that the suspension has occurred. Such notice shall be given within ten (10) days of such suspension.

(c) If after any permit has been suspended, the condition for which it was suspended has been corrected, and proof of such correction is made to the Police Chief, then a new permit may be issued upon proper application, fee payment, and proof of meeting all requirements thereof.

SECTION XVIII - APPEALS, GRIEVANCES BY PERMIT HOLDER

(a) Any permit holder aggrieved by a decision of the Police Chief may appeal to the City Council. Notice of appeal shall be in writing and filed within ten (10) calendar days of the decision of the Police Chief. Such appeals shall be determined by the City Council after a hearing for which the permit holder has had reasonable notice.

(b) The City Council shall render a written decision within thirty (30) days of an appeal.

SECTION XIX - TOW OF CERTAIN ILLEGALLY PARKED MOTOR VEHICLES; PROCEDURE FOR VEHICLE OWNERS TO CONTEST TOW; HEARINGS

(a) If the Police Department has a motor vehicle towed without prior notice to or consent of the owner, the Police Department shall notify the owner within twenty-four (24) hours by telephone call, or by postcard or form letter mailed by first class mail to the last known registered owner of the motor vehicle, that this vehicle has been towed and how the owner can reclaim it in accordance with Texas Department of Transportation regulations.

(b) If the owner contests the legality of the tow and desires possession of the motor vehicle by posting any security, a hearing shall be set before the Municipal Court on its next full working day following the written request for hearing.

(c) If the owner contests the legality of the non-consent tow, the owner shall be entitled, upon written request for hearing and the deposit with the Municipal Court of a \$10.00 filing fee, to a hearing before the Municipal Court within fourteen (14) days, to determine the legality of the tow, in accordance with the provisions of Chapter 685 of the Texas Transportation Code.

d) Notice of this procedure shall be provided to any person contesting the legality

of a City tow.

SECTION XX - RECORDS REQUIRED OF TOW TRUCK PERMITTEES

(a) Each permit holder of a tow truck shall keep tow slips issued by City for one (1) year from the date of the latest transaction.

(b) It shall be unlawful for any permit holder of a tow truck to fail to keep the records as herein provided, or to fail to produce any of these records for inspection and copying upon request of the Police Chief or his authorized agent or representative.

SECTION XXI – CRIMINAL PENALTY

Any permit holder, person, firm, or corporation violating any provision or provisions of this Ordinance or failing to comply with any requirement of this Ordinance will be guilty of a misdemeanor and subject to a fine of up to Five Hundred (\$500.00) Dollars upon conviction. Each day during, or upon which said person shall violate or continue to violate any provision of this Ordinance or non-compliance with any requirement of this Ordinance shall constitute a distinct and separate offense.

SECTION XXII – SEVERABILITY CLAUSE

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect any of the remaining provisions of this Ordinance.

SECTION XXIII – REPEALING CLAUSE

City Ordinance 85 & 85A, dated **10/13/2005 & 04/01/2006**, is hereby repealed. All other Ordinances and parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed; provided, however, that such repeal shall be only to the extent of such inconsistency and in all other respects this Ordinance shall be cumulative of other Ordinances regulating and governing the subject matter covered by this Ordinance.

SECTION XXIV – TEXAS OPEN MEETINGS ACT

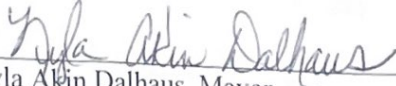
It is hereby officially found and determined that the meeting at which this Ordinance was considered was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551, of the Texas Government Code.

SECTION XXV - EFFECTIVE AFTER PUBLICATION

The City Secretary is hereby directed to cause the caption of this Ordinance to be published as required by law. This Ordinance shall take effect ten (10) days after the date of publication.

PASSED AND APPROVED this 13th day of June 2019.

THE CITY OF CUT AND SHOOT, TEXAS



Nyla Akin Dalhaus, Mayor

ATTEST:



Amy L. Wade, City Secretary

APPROVED AS TO FORM:

Larry L. Foerster, City Attorney



AFFIDAVIT OF PUBLICATION

STATE OF TEXAS:

Before me, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared, the Newspaper Representative at the HOUSTON CHRONICLE, a daily newspaper published in Harris County, Texas, and generally circulated in the Counties of: HARRIS, TRINITY, WALKER, GRIMES, POLK, SAN JACINTO, WASHINGTON, MONTGOMERY, LIBERTY, AUSTIN, WALLER, CHAMBERS, COLORADO, BRAZORIA, FORT BEND, GALVESTON, WHARTON, JACKSON, and MATAGORDA and that the publication, of which the annexed herein, or attached to, is a true and correct copy, was published to-wit:

CITY OF CUT AND SHOOT
RAN A LEGAL NOTICE
SIZE BEING: 2 x12 L

0000196895 HC015211324

Product	Date	Class	Page
CNCC-The Courier	Jun 23 2019	Legal Notices	
CNCC-The Courier	Jun 25 2019	Legal Notices	
CNCC-The Courier	Jun 26 2019	Legal Notices	

Victoria Bond & IR Clark
NEWSPAPER REPRESENTATIVE

Sworn and subscribed to before me, this 26th Day of June A.D. 2019



Charles E. Walichowski
Notary Public in and for the State of Texas

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After publication, this ordinance will become effective July 01, 2019.

NOTICE OF PUBLIC HEARING
