

ORDINANCE NO. 2005- 11

An ordinance amending Section 23-61(c)(2) and Section 23-75 of the Victoria City Code to modify the privilege fees for members of the City's tow truck rotation list and establish maximum allowable rates for the members of said rotation list, repealing conflicting ordinances, providing for severability, providing for codification and savings, and declaring an effective date.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VICTORIA, TEXAS:

1.

Section 23-61(c)(2) of the Victoria City Code is amended to read as follows:

(2) An annual tow truck rotation list privilege fee of 450.00 for the first tow truck requested to be placed on the rotation list by an applicant and \$750.00 for ~~the second and third tow trucks requested to be placed on the rotation list, and \$1300.00~~ for each subsequent tow truck requested to be placed on the rotation list shall be charged and paid at the time the application is filed with the city secretary.

2.

Section 23-75 of the Victoria City Code is amended to read as follows:

Sec. 23-75. Rates.

(a) All tow truck permit holders operating permitted tow trucks on the public streets shall charge no more than the storage rates prescribed by the Texas Department of Transportation for performing nonconsent tows. A charge for any storage service exceeding the rates prescribed or in addition to the storage related services prescribed shall constitute a violation of this article.

(b) ~~The city manager may establish further rate limits in the city's contracts with rotation list privilege holders.~~ Maximum rates for members of the tow truck rotation list are established as follows:

- (1) \$90.00 ~~\$75.00 \$60.00~~ per call at any time on any day,
- (2) \$36.00 ~~\$30.00 \$25.00~~ extra per call for flat bed hydraulic rollback if required,
- (3) \$36.00 ~~\$30.00 \$25.00~~ for the installation and removal of wheel dollies, if necessary,
- (4) \$15.00 ~~\$12.50 \$10.00~~ for the removal of a drive shaft or disconnection of a transmission linkage, if necessary,
- (5) \$15.00 ~~\$12.50 \$10.00~~ for winching, other than winching for final tow-away hookup,
- (6) \$30.00 ~~\$25.00 \$20.00~~ extra per call for towing a motorcycle,
- (7) \$18.00 ~~\$15.00 \$12.50~~ per quarter hour of waiting time or working time beginning 16 minutes after arrival time,
- (8) \$9.00 ~~\$7.50 \$6.00~~ per quarter hour of extra manpower labor beginning 16 minutes after arrival time, if a City police officer determines that a large tow truck is needed, \$180.00 ~~\$150.00 \$125.00~~ for the first hour of a large tow truck and \$150.00 ~~\$125.00 \$100.00~~ for each subsequent hour thereof, in addition to \$78.00 ~~\$65.00 \$50.00~~ for truck/trailer dolly.

These rate limits shall not be considered rate regulations, but shall instead be considered contractual obligations pursuant to the city's provision of referrals to contractees. Failure to comply with any such contractual rate limits shall not be punishable as a violation of this ordinance, but shall instead merely give the city the right to declare a breach of contract and potentially terminate said contract.

3.

All parts of ordinances in conflict with this ordinance are repealed to the extent of such conflict.

4.

If any provision of this ordinance, or the application thereof to any person or circumstances, shall be held invalid or unconstitutional by a Court of competent jurisdiction, such invalidity shall not affect the other provisions, or application thereof, of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

5.

It is the intention of the City Council that this ordinance shall become a part of the Code of the City of Victoria, Texas, and it may be renumbered and codified therein accordingly. The Code of the City of Victoria, Texas, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

6.

This ordinance shall become effective 10 days after final passage and approval by the City Council of the City of Victoria, Texas.

PASSED FIRST READING, this the 21ST day of JUNE, 2005

AYES: 5
NAYS: 2
ABSTENTIONS: 0

PASSED SECOND READING, this the 5TH day of JULY, 2005.

AYES: 5
NAYS: 1
ABSTENTIONS: 0

PASSED THIRD READING, this the 5TH day of JULY, 2005.

AYES: 5
NAYS: 1
ABSTENTIONS: 0

APPROVED AND ADOPTED, this the 5TH day of JULY, 2005.



ATTEST:

Scarlet Swoboda
SCARLET SWOBODA, City Secretary

Distribution: Legal Department
Parks and Recreation
City Secretary

Will Armstrong
WILL ARMSTRONG, Mayor of the
City of Victoria, Texas

David Atmar Smith
APPROVED AS TO LEGAL FORM:
DAVID ATMAR SMITH, City Attorney
Copies Sent: JULY 6, 2005