

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 34 “VEHICLES FOR HIRE,” ARTICLE V “TOW TRUCKS,” SECTIONS 34-177 AND 34-183 OF THE CODE OF THE CITY OF FORT WORTH, TEXAS (2015), AS AMENDED TO INCREASE THE AREA IN WHICH VEHICLE STORAGE FACILITIES MAY BE LOCATED FROM WITHIN THE CORPORATE CITY LIMITS TO NO MORE THAN ONE MILE FROM THE CORPORATE CITY LIMITS FOR NON-CONSENT TOWS; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL PRIOR ORDINANCES AND REPEAL CONFLICTING ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING A PENALTY CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER OF THE CITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Fort Worth ("City Council") seeks to protect the public’s safety and welfare and promote efficiency in services requested by the City; and

WHEREAS, the City has required that for all non-consent tows, all vehicle storage facilities (VSF) must be located within the corporate city limits of the City of Fort Worth; and

WHEREAS, this geographic limitation has served as a barrier to existing VSFs and other companies from moving to locations that could provide more storage area to serve Fort Worth’s rapidly growing population; and

WHEREAS, increasing the area in which VSFs may be located will increase storage areas and improve efficiency of the tow companies by reducing travel times; and

WHEREAS, pursuant to Texas Local Government Code Chapter 51, the City Council has the general authority to adopt and publish an ordinance or police regulation that is for the good of the government, peace or order of the municipality, and is necessary or proper for the carrying out of a power granted by law to the municipality; and

WHEREAS, pursuant to Texas Occupations Code Chapter 2308, the City Council has the authority to adopt and publish an ordinance that addresses non-consent tows and related services; and

WHEREAS, it is advisable to amend Chapter 34 Article V, Sections 32-177 and 34-183 of the Code of the City of Fort Worth to allow VSFs that receive non-consent tows to be located no more than 1 mile outside the corporate limits of the City, in order to account for population growth and promote efficiencies for the City and its residents.

WHEREAS, the City Council finds this Ordinance to be reasonable and necessary;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FORT WORTH, TEXAS, THAT:

SECTION 1.

Chapter 34 “Vehicles for Hire,” Article V “Tow Trucks,” Sections 34- The Code of the City of Fort Worth, Texas (2015), is amended to revise the definition of “Vehicle Storage Facility” read as follows:

Sec. 34-177 DEFINITIONS.

VEHICLE STORAGE FACILITY. A garage, parking lot, or other facility that is owned by a person other than a governmental entity, located ~~within~~ no more than 1 mile outside the corporate limits of the City of Fort Worth, and used to store at least ten Vehicles each year and is operated by a person who holds a license issued pursuant to Chapter 2303 of the Texas Occupations Code.

SECTION 2.

Chapter 34 “Vehicles for Hire,” Article V “Tow Trucks,” Sections 34-138, “Maximum Distance of Nonconsent Tows” of the Code of the City of Fort Worth, Texas (2015), is amended to revise the maximum distance of non-consent allowed tows to read as follows:

§ 34-183 MAXIMUM DISTANCE OF NONCONSENT TOWS.

Nonconsent towed Vehicles must be taken to a Vehicle Storage Facility that is:

- (a) Within 1 mile of the corporate limits of the City of Fort Worth, and
- (b) No more than 20 miles from the location from which the Vehicle was removed.

SECTION 3.

This ordinance shall be cumulative of all provisions of ordinances of the Code of the City of Fort Worth, Texas, (2015), as amended, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances and such Code, in which event conflicting provisions of such ordinances and such Code are hereby repealed.

SECTION 4.

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this ordinance are severable, and, if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 5

All rights and remedies of the City of Fort Worth, Texas, are expressly saved as to any and all violations of the provisions of the Code of the City of Fort Worth, or any other ordinances of the City, that have accrued at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance, but may be prosecuted until final disposition by the courts.

SECTION 6.

All violations of Chapter 34 Article V, of the Fort Worth City Code, except violations of shall be punishable by a fine not to exceed five hundred dollars (\$500.00) for each violation. Each day a violation occurs or continues to occur is a separate violation.

SECTION 7.

The City Secretary of the City of Fort Worth, Texas, is hereby directed to publish the caption, penalty clause and effective date of this ordinance for two (2) days in the official newspaper of the City of Fort Worth, Texas, as authorized by Section 52.013, Texas Local Government Code.

SECTION 8.

This ordinance shall take effect upon adoption and publication as required by law, and it is so ordained.

**APPROVED AS TO FORM
AND LEGALITY:**

ATTEST:

Nico Arias
Assistant City Attorney I

Janette S. Goodall
City Secretary

ADOPTED: _____
EFFECTIVE: _____