

Ordinance No. 011526

**AN ORDINANCE OF ROSE CITY, TEXAS, REGULATING  
TOW TRUCKS AND TOWING COMPANIES OPERATING  
WITHIN THE CITY OF ROSE CITY, TEXAS, PROVIDING  
PENALTIES FOR THE VIOLATION THEREOF, SETTING  
AN EFFECTIVE DATE, REPEALING CERTAIN  
ORDINANCES, AND A SEVERABILITY CLAUSE**

Whereas, the City of Rose City, Texas, ("City") recognizes that the unregulated operation of tow trucks diminishes the efficiency and effectiveness of the City's public safety function;

Whereas, the City finds it reasonable and lawful to regulate tow truck operations for the City in order to preserve and maintain safety and safe operations in the use of wrecker services and tows, and;

Whereas, the City has enacted ordinances regulating tow truck operations for the City including Ordinance Nos. 12102020, 12102020(A), and 091222, but it is found necessary to repeal said ordinances; and;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROSE CITY, TEXAS:**

**Sec. 1. - Purpose and Scope**

- A. The following ordinance will be in effect for tow and/or wrecker companies in the City of Rose City, Orange County, Texas, and in certain other situations under the purview and direction of the Rose City Marshal's Office . All tow companies and operators must be in compliance with Title 16, Chapters 85 and 86 of the Texas Administrative Code, and Texas Occupations Code, Chapters 2303 and 2308. This article is specific to the Rose City Marshal's Office for the purpose of Law Enforcement Scene or official business of the Rose City Marshal's Office or other Law Enforcement Agency acting in their absence. The City of Rose City, Texas, finds that there is a need to protect the public, to protect the rights of persons whose vehicles may be towed, to maintain safe and efficient operating rules, to provide for the safety of the City and its citizens, and to preserve the peace of the community as it relates to businesses and individuals performing wrecker services;
  
- B. No one shall operate a tow truck commercially on the public streets of the City of Rose City, Texas, without complying with the requirements of this Ordinance.

## **Sec. 2. - Definitions.**

### Definitions

The following definitions shall apply in the interpretation and enforcement of this ordinance.

- A. Abandoned Vehicle means the same as assigned by the Texas Transportation Code 683.002.
- B. Accident means a situation where one or more motor vehicles have collided with any other motor vehicle or object.
- C. Application means the written document, along with any other required forms, for purposes of registering a tow company, tow truck, or tow truck operator, with the Rose City Marshal's Office.
- D. City means the City of Rose City, Texas.
- E. Consent Tow means any tow conducted with the permission of, or at the direction of the vehicles legal or registered owner, or such owner's authorized representative. It does not include a tow initiated by a peace officer.
- F. Emergency Lighting means flashing, rotating or strobe lights that are mounted on the Tow Truck. The lights shall be mounted as high and as wide as possible and visible in all directions when activated. Additional lighting is allowed for a stationary tow truck using equipment authorized by Sections 545.157 and 547.305 of the Texas Transportation Code.
- G. Impounding Authority means the authority of the Marshal, any peace officer, or other official having such authority, to impound any vehicle for any lawful reason.
- H. Inoperable Vehicle means any motor vehicle which is disabled due to mechanical failure or malfunction but is not wrecked.
- I. Law Enforcement Scene means the scene of a crime, accident, traffic stop or arrest, or the location of a vehicle which is a traffic hazard, a recovered stolen vehicle, or an abandoned vehicle.
- J. Law Enforcement Tow means any tow conducted at a Law Enforcement Scene or Evidentiary Crime Scene initiated by a Law Enforcement Officer.
- K. Motor Vehicle means every vehicle which is self-propelled.

- L. Nearest Place of Safety means any place deemed, by a law enforcement official or vehicle operator and/or vehicle occupants, to be a place to move or have removed any person, vehicle or scene (when practicable) for the reason of violator safety, officer safety, scene preservation or general safety purposes. These area(s) may be outside of the incorporated limits of the city of Rose City. Factors that may be considered for this are: the age, physical or other condition of the vehicle owner, including whether the vehicle owner is accompanied by one or more minor children, the remoteness of the location, the proximity of authorities or persons who could render aid or assistance, the time of day, the climatic conditions, the character of the location or surrounding neighborhood and the vehicle owner's knowledge or familiarity with the location or surrounding neighborhood.
- M. Non-consent Tow means any tow initiated by a peace officer or a tow not considered a "consent tow."
- N. Owner means any person who holds the legal title of a motor vehicle or who has the legal right of possession thereof.
- O. Preference Tow means tows made at the request of the owner/operator, or custodian of a vehicle for a specific tow service company of choice.
- P. Public Road means a road, street, or highway that has not been discontinued and that has been established by law, and includes each publicly maintained road or highway opened to and used by the public.
- Q. Stalled/Disabled Vehicle means a vehicle that has a flat tire or other mechanical problem, is out of gas or, due to other factors other than physical damage from a collision, may not be operated in a normal manner.
- R. Tow Truck means a motor vehicle or mechanical device adapted or used to tow, winch, or otherwise move disabled vehicles. Wheeled vehicles, including those equipped with a mechanical, electrical and hydraulic wheel lift, that are used to tow, winch, or otherwise move disabled vehicles are considered tow trucks.
- S. Tow Service Company means an individual, association, partnership, corporation, or other legal entity engaged in the business of towing vehicles for compensation or with the expectation for the towing or storage of the vehicles and includes the owners, operators, employees, or agents of a towing company.
- T. Unethical Behavior means that pertaining to or dealing with conduct and behavior by a towing company, owner or Operator that shows a lack of honesty, trustworthiness and/or integrity.

Texas, shall complete an application for a permit to engage in the tow truck business and for a permit for each tow truck proposed to be operated. The following requirements must be met:

- A. The application shall be on the form provided by the City of Rose City, Texas, with original signature of the applicant or the tow company's designated representative. If the tow truck is to be operated under the name of some company other than that of the owner, then that company shall be stated. If an individual, the application shall so state. If a partnership, the partnership name and address shall be given together with the names and addresses of all partners. If a corporation, the corporate name and office address shall be given together with the names and addresses of the president and secretary. In the event that the physical location of a tow truck company changes, the owner shall notify the police department and file an amended application with the city secretary immediately. Every application or renewal of application, when filed shall be sworn to by the applicant and accompanied by a permit application or renewal fee.
- B. The tow company must be in compliance with the Texas Department of Licensing and Regulation, the Texas Occupations Code Chapters 2303 and 2308, and 16 Texas Administration Code.
- C. Initial applicants or new tow service companies may file an application at any time with the Rose City Marshal's Office, however; renewal applications must be filed by no later than January 31st of each calendar year and annually thereafter.
- D. Applications must include:
  - 1. Year and make of the Tow Truck to which the Permit will apply;
  - 2. Vehicle Identification Number (VIN) of the Tow Truck;
  - 3. Current Texas permit plate number for the Tow Truck;
  - 4. A list of the storage lots the Operator uses and that are listed on the Tow Truck.

F. Applications shall be accompanied by:

1. Receipt from the Orange County Tax Office showing current registration,
2. Current original business card for the Towing Company which shall include the business name, business phone number and all addresses and phone numbers of storage lots to be used by the Towing Company; and
3. A valid copy of the vehicles insurance policy, certificate of insurance including the insurance company, the policy number and the insurance agent's name and telephone number, said insurance policy to meet the minimum requirements as provided hereinbelow.
4. One (1) wrecker inspection form for each tow truck the permit is being applied for.

G. The Application must be submitted to the Rose City Marshal's Office of Rose City, City Hall, at 370 S Rose City Drive, Vidor, Texas 77662, by hand delivery or by delivery through the United States Postal Service or any private courier service. No Application, or supporting documentation, may be submitted by facsimile or electronic mail.

H. If the applicant does not meet all requirements, the tow service company may be provided 10 calendar days to address any issues, and an alternate inspection can be scheduled by the Marshal or city designee. If the applicant cannot address the discrepancies within 10 calendar days, the application will be denied. The applicant may then re-submit an application once all issues are addressed. A separate application fee will be rendered for each application received.

I. If a tow company requests to be permanently removed from the rotation list at any time or otherwise turn in its permit and be permanently removed as a permit holder under this Ordinance, the request shall be in writing, be hand delivered or delivered through the United States Postal Service or any private courier service, and shall include the request and all permits.

J. Fees, Initial and Renewal

1. An applicant for a Tow Truck Permit shall be required to pay an initial fee to submit an application, due at the time the application is submitted, and annually thereafter.
2. All fees are payable to the City of Rose City and are non-refundable. Acceptable forms of payment will be cash, checks, cashier's checks or money orders. Receipts shall be provided.
3. Permits are to be renewed annually, by no later than January 31 of each year for all existing permitted vehicles, by completing the application process. If January 31 falls on a weekend or Holiday, the permit will be renewed on the next available business date.

K. The owner, agent or authorized representative shall surrender each permit issued from the previous year by no later than January 31 of each year. If January 31 falls on a weekend or Holiday, the permit shall be surrendered on the next available business date. Failure to

surrender all issued permits may result in administrative action or criminal penalty.

#### **Sec. 4. - Permits**

- A. No tow truck owner whose place of business is situated in the corporate limits of the City of Rose City shall operate a tow truck commercially on the public streets of the city, either on consent tows or non-consent tows, unless a current City of Rose City permit for such tow truck has been issued and posted as required. The same permit requirement shall apply to tow truck owners whose place of business is located outside the corporate limits of the City of Rose City when they operate a tow truck commercially on the streets of the city involving non-consent tows.
- B. If the Rose City Marshal's Office determines that the applicant has satisfied all requirements under this Ordinance, and after successful completion of the inspection process, a Permit for non-consent tows for the tow service company and for each tow truck listed in the application will be issued.
- C. Permits are the property of the Rose City Marshal's Office. Permits may be suspended or revoked by the Rose City Marshal's Office at any time for just cause.
- D. Companies shall be issued one (1) permit for each tow truck that is listed, inspected and approved.
- E. Permits may not be transferred from one vehicle to another vehicle that the permit is not assigned to or issued for.
- F. Permits must be placed visibly on the driver's side windshield, facing outward. The permit shall not be placed in such a manner as to impede the drivers view, however; will be displayed plain enough to be seen from a reasonable distance.

#### **Sec. 5. - Vehicle Requirements**

Tow trucks must meet the following minimum standards:

- A. Be not less than one ton in size.
- B. Be equipped with booster brakes.
- C. Be equipped with a power operated winch line and boom, with a factory rated lifting capacity or a tested capacity of not less than 8,000 pounds, single line capacity; or be a roll-back tow truck, car hauler or damage-free tow truck with no boom.

- D. Carry as standard equipment: tow bars, safety chains, wrecking bars and fire extinguisher.
- E. Be registered in or licensed to the respective company and in order to perform non-consent tows must be permitted in accordance with this article.
- F. Must comply with the insurance requirements of this article.
- G. Shall be inspected by the Marshal or city designee upon an original permitting of a tow service company and may thereafter be re-inspected on the annual renewal of the tow service company permit or upon the occurrence of any violation by the tow truck in this article.
- H. Be equipped with emergency Lighting.
- I. Display its respective company name written in legible type setting on the truck in minimum size letters of three inches. No magnetic or removable signs will be permitted. No "ghost" lettering will be permitted.
- J. Display a permanent plate issued by the Texas Department of Licensing and Regulation pursuant to Tex Occ Code 2308.109 and as hereafter amended or its successor statute.
- K. Be equipped with capabilities to remove debris from Law Enforcement Scenes.

**Sec. 6. - Additional Heavy Duty Tow/Wrecker Truck Requirements**

Each company has the option to have a heavy-duty tow truck as long as the following requirements are met in addition to those stated above in Section 5, Vehicle Requirements:

- A. Be equipped with power operated dual winches and boom, with a factory rated lifting capacity or a tested capacity of not less than 12,000 pounds.
- B. Shall be not less than GVW 25950 in size and be in good working order.

**Sec. 7. - Storage Facility Requirements**

- A. Each tow service company shall have a vehicle storage facility meeting the following requirements:
  - 1. Any section of the property being actively used to store vehicles shall be

completely enclosed by a fence or wall at least six (6) feet in height, with a gate which is locked at all times when the tow truck company vehicle storage is not open for business.

2. Such fences or walls shall be maintained in good repair and shall be kept vertical, uniform and structurally sound.
3. Must be located within the designated Orange County, West zone as designated by Orange County Sheriff's Office and must be an approved permitted Wrecker Service Company through the City of Rose City.

B. Tow Service Company Storage Facilities may be inspected at any time.

### **Sec. 8. - Insurance Requirements**

- A. Without limiting any of the other obligations or liabilities of the tow service company owner or operator, the tow truck owner or operator, at his own expense, shall purchase and maintain the minimum insurance stipulated in this section with companies duly licensed to write business in the State of Texas and rated "a" or better by A.M. Best. All tow trucks and vehicle storage facilities shall be insured as required under the provisions of 43 Texas Administrative Code, Chapter 18 Motor Carriers Rules and Regulations. Prior to the issuance of any permit, or before the renewal of any permit shall be granted, the owner shall file with the city secretary a copy of an insurance certificate showing that the owner has in effect a policy or policies as prescribed by 43 Texas Administrative Code, Chapter 18 Motor Carriers Rules and Regulations.
- B. The towing company will have the responsibility to see that all insurance information is kept current with the city secretary.
- C. Certificates of insurance for each policy covering the tow trucks performing non-consent tows shall be delivered to the city and reviewed for sufficiency by the city designee before issuance of any towing permit, and for tow trucks performing consent tows, presented to law enforcement upon request.
- D. The following insurance coverages is required:
  1. Commercial general liability insurance, including automobile liability and garage keeper's legal liability, fully insuring the tow truck owner and/or operator for liability for injury to or death of owners, employees and third parties, extended to include personal injury liability coverage, and for damage to property of third parties, with the following minimum limits:
    - a. General Liability, \$500,000.00
    - b. Per Occurrence, \$250,000.00
    - c. Garage Keeper's, per accident, \$25,000.00

2. Tow service company owner's and/or operators' insurance shall be primary and shall be endorsed to provide a waiver of subrogation in favor of the city. The commercial general liability insurance coverage shall include the towing operations - vehicle endorsement.

### **Sec. 9. - General Provisions**

- A. Each tow company must be in compliance with the Texas Department of Licensing and Regulation, the Texas Occupations Code Chapters 2303 and 2308, and 16 Texas Administration Code.
- B. All vehicles towed or removed by the tow service company in response to a rotating list must be stored at the address of the Vehicle Storage Facility documented on the application, unless the tow truck operator is requested by the owner of the vehicle to transport the vehicle to another location.
- C. Once a Motor Vehicle has been fully hooked up and a Law Enforcement Tow has been initiated, the Towing Company may charge only as authorized by this Ordinance for the Tow or state law.
- D. Law Enforcement Officials may request a vehicle be transported or stored at alternate locations and place hold(s) on vehicle for evidentiary or investigatory purposes.
- E. Each tow service company must make any vehicle stored at this facility available to the vehicle owner on a twenty-four (24) hour basis, each day of the week, and shall have a sign clearly visible at the entrance, clearly readable from the street, and a twenty-four (24) hour telephone number where the facility operator/owner can be reached to release stored vehicles to owners.
- F. Each tow service company operator must be able to respond to the location where requested by law enforcement within (30) thirty minutes, for all light-duty or (45) forty-five minutes, for all heavy-duty, from the initial call from dispatch.
- G. No tow service operator shall remove any vehicle that is involved in a Law Enforcement scene and requires towing or attach his wrecker to such a vehicle until a Law Enforcement Officer responsible for the Law Enforcement scene authorizes the moving of the vehicle.
- H. The fact that no law enforcement officer is present at a Law Enforcement scene when a wrecker arrives shall not constitute an exception to any part of this

ordinance, and it shall be the duty of any Vehicle Operator or Operator desiring to tow or haul any vehicle from a Law Enforcement scene to cause the Rose City Marshal's Office to be notified and to await the arrival of a Law Enforcement Officer and the completion of his/her investigation.

- I. A tow service company cannot refuse to respond or fail to respond to a call for service from a law enforcement request unless the tow truck(s) are unavailable due to a legitimate engagement for service or notification of unavailability has been provided as specified.
- J. If a tow service has not arrived at the scene or site within the time limit, the officer may request that the tow service company be canceled. The officer will then request for the next available tow service company to be dispatched, as per the listed and approved rotation.
- K. A tow service company called to perform such tow shall be required to perform the tow in its own tow truck company vehicle.
- L. No tow service company dispatched to a tow shall be allowed to substitute tow trucks with another permitted or non-permitted tow of the vehicle. However, tow service companies may request assistance from other permitted tow service companies once on scene. Tow service companies may also request assistance from permitted or non-permitted companies for the utilization of equipment.
- M. Tow service companies are required to be on-call for summons by law enforcement, twenty-four (24) hours each day, including weekends and holidays. Each failure to respond to such summons shall be violation of this ordinance.
- N. Permit holders are prohibited from posting complaints on social media. All complaints shall be made in writing. Anonymous complaints that do not present sufficient allegations of ordinance violations will not be accepted and will be dismissed without investigation.
- O. Applicants must notify the Orange County Sheriff's Office dispatch center and the City of Rose City in advance of any period, and within reason, of unavailability to avoid violating this article.
- P. A tow truck or tow truck company that performs only consent tows does not have to secure a permit from the city unless it also maintains a place of business in the city.
- Q. For any notice received before the tow truck company is dispatched based on the rotation list, such lack of response by the tow truck company shall not be deemed

a violation under this section.

- R. No tow service company employee, owner, agent or representative shall provide tow tickets, invoices, or other release documentation to an owner or operator of a vehicle showing the release authority to be the Rose City Marshal's Office or any officer therein; unless the vehicle was towed by the Rose City Marshal's Office.
- S. Nothing in this section is intended to limit the number of tow trucks a company may operate or register with the City of Rose City; however, a tow truck service or company may be listed only once with the Orange County Sheriff's Office dispatch center, to be used in rotation for the City of Rose City Marshal's Office. If an owner owns multiple tow service companies, each company is allowed to be listed and the application process filed and provisions met, for the City of Rose City.
- T. The City of Rose City will utilize the Orange County Sheriff's Office dispatch center to differentiate next-out, light duty and heavy-duty wrecker call outs. All tow service companies meeting the requirements herein, will be utilized based on the equipment and vehicles they have permitted through the City.

#### **Sec. 10. - Operating Guidelines**

- A. Response. A Tow Service Company responding to a law enforcement scene, wrecked or otherwise disabled vehicle or locations of an accident or collision, may do so only if they are responding at the request of the Rose City Marshal's Office, Orange County Sheriff's Office, the Department of Public Safety, any authorized Law Enforcement agency or an individual responsible for the vehicle involved under a "preference tow." A Tow Service Company may not get within 300 feet of a law enforcement scene, wrecked or otherwise disabled vehicle or locations of an accident or collision without meeting the aforementioned requirements or direct authorization by a peace officer on scene. The prohibition of this section shall be inapplicable provided that it is necessary to prevent death or bodily injury to any person involved in the law enforcement scene, wrecked or otherwise disabled vehicle or locations of an accident or collision.  
Exception: Consent tows made at the request of the owner/operator, or custodian of a vehicle for a specific tow service company of choice. When an owner/operator or vehicle custodian makes a request due to being stalled/ disabled or inoperable, the Tow Service Company that may arrive to scene within the 300 feet to tow the vehicle.
- B. Traffic assistance. The Rose City Marshal's Office does not request nor authorize any Tow Service Company to provide any form of traffic control assistance on any public roadway. If the Tow Service Company chooses to provide traffic control

assistance for any law enforcement scene, wrecked or otherwise disabled vehicle or locations of an accident or collision, it is understood that the City of Rose City does not absorb any form of liability that may be incurred for this action due to loss or damage. If a Tow Service Company voluntarily offers this service, the tow service company should remain 300 feet or more from the law enforcement scene, wrecked or otherwise disabled vehicle or locations of an accident or collision unless direct authorization is given by a peace officer on scene.

- C. **Soliciting Business.** No person or persons employed by or associated directly with a tow service company shall knowingly, directly or indirectly solicit in any manner, the business of towing any vehicle which is involved in a law enforcement scene, wrecked or otherwise disabled vehicle or locations of an accident or collision regardless whether the solicitation is for the purpose of soliciting the business of towing, removing, repairing, wrecking, storing, trading or purchasing said vehicle.
- D. **Compliance with Peace Officer's Instruction.** While at the scene or location where summoned, the tow truck or tow trucks which have been dispatched shall be under the direction of any law enforcement officer investigating the scene and shall carry out his/her instruction as applicable by law, such as the cleaning of glass or debris, etc.
- E. **Emergencies and Extenuating Circumstances.** In the event that a peace officer, in the exercise of his/her sole discretion, determines that conditions exist that pose a potential for injury or death to any person, the officer may summon the first available wrecker to arrive on scene without utilizing the rotation list. All tow companies responding to such a summons shall operate in a reasonable and prudent manner and in compliance with all federal, state and/or local laws, rules and regulations.

### **Sec. 11. - Selecting from Rotation List**

In situations where a vehicle has been involved in a collision or accident and is unable to proceed safely, or when the driver thereof is physically unable to drive such vehicle, or in the occurrence of a law enforcement scene, if possible the officer investigating such accident or collision shall request the driver of the vehicle to designate a tow truck company from the list of the city permitted towing companies to perform the towing services. The officer shall then notify the dispatch center, who will contact the designated tow truck and inform the tow truck of the accident or collision.

Exception: If the preferred tow service company is unable to report to that location, or refuses to accept the tow, the officer, after notification, shall have the dispatch center contact the next tow service company in line on the rotation list.

Exception: limited availability of heavy-duty tow trucks. If a heavy-duty tow/wrecker

truck is needed, regardless the request of the driver or operator, the available heavy-duty tow truck will be dispatched. The only exception to this, is if all listed tow service companies have a heavy-duty tow/wrecker truck available to be rotated out, as per the rotation.

Exception: In situations where emergencies exist, where time is of the essence, or it is otherwise necessary to use a non-preference tow service company due to time constraints or potential imminent hazards to the public or the officer in the sole judgment and discretion of the office, the officer may have the dispatch center contact the first available tow service company to arrive.

In the event the individual has no preference or is unable for any reason to designate a call preference based on the list of city permitted towing companies, or the individual's preference does not answer, or is unwilling to provide a tow truck within thirty (30) minutes for light-duty, or forty-five (45) minutes for heavy-duty then the officer shall have the dispatch center contact the next tow service company in line on the rotation list.

## **Sec. 12. - Denial, Suspension, or Revocations of Permits**

- A. The Rose City Marshal's Office may deny or refuse to renew the permit of any Permit holder or Tow Service Company under this Ordinance for any of the following reasons:
  - 1. The applicant, agent, owner or representative knowingly provided false or incomplete information on the application.
  - 2. The applicant or owner/agent is under indictment for a felony or has a felony conviction within the last five (5) years from the date of application.
  - 3. The Tow Company is determined to be a habitual violator.
- B. The Rose City Marshal's Office may suspend or revoke a permit for reasons listed as a violation or for any of the following reasons:
  - 1. Violations of this Ordinance.
  - 2. Violation of Federal, State or County laws classified as Class B misdemeanor or higher.
  - 3. Falsifying records.
  - 4. Charging an amount that exceeds the amounts authorized.

5. Performing or attempting to perform a Law Enforcement Tow without authorization.
6. After notice has been provided in writing to the permit holder, the permit holder has failed or refused to correct the violation within ten (10) calendar days to the satisfaction of the Marshal or city designee.
7. The permit holder, owner/agent or employees has failed to comply with the requirements of this article or is operating in or under an unsafe manner, condition or practice that affects the health and/or safety of the City or its citizens.
8. The permit holder employs or continues to employ as a tow truck driver an officer, agent or employee who has forfeited or failed to renew his class C Texas driver's license or Texas commercial driver's license.
9. The permit holder fails to maintain a vehicle storage facility as required by this article.

### **Sec. 13. - Penalties**

- A. Every tow service company and every tow truck in the City shall comply with the terms or provisions of this ordinance and any applicable federal, state or local statute, administrative rule or regulation.
- B. Any person violating any offense, governed by state, federal or local law, administrative rule or regulation, upon conviction, shall be deemed guilty of a misdemeanor and may be fined, not less than Two Hundred Dollars (\$200.00) nor more than Five Hundred Dollars (\$500.00).
- C. Any offense charged pursuant to this section shall be independent of and may be in addition to any administrative penalties which may be imposed regarding the suspension, revocation or denial of any permit or license granted under this article.
- D. Suspensions from Rotation List
  1. One (1) violation shall result in a written notice to the owner, operator or agent of the tow service company, detailing the violation.
  2. Two (2) violations within one (1) calendar year shall result in a seven (7) day suspension from the rotation list.

3. Three (3) violations within one (1) calendar year shall result in a thirty (30) day suspension from the rotation list.
  4. Four (4) violations within one (1) calendar year shall result in a ninety (90) day suspension from the rotation list.
  5. Five (5) violations within one (1) calendar year shall result in a one (1) year suspension from the rotation list.
  6. Each suspension is set to expire on the calendar date from the occurrence that each violation/offense may detail. After the expiration of any suspension period, the former participant may be reinstated to the position on the rotation list that was held prior to the suspension.
- E. Notification to the tow service company of a violation will be made, in writing, by the Marshal or City designee. Such notifications may be hand delivered to the tow service company or sent by certified mail.  
Exception: Good cause - A violation of this policy may be excused upon a showing of good cause. The existence of good cause shall be finally determined by the Rose City Mayor, in the absence of the Marshal, in the exercise of his/her discretion. Determination of good cause shall not be subject to appeal.
- F. Appeals
1. Appeals of ordinance violations shall be submitted to the City Secretary in writing detailing the alleged violation, alleged violation date, and reason for appeal, and must be submitted within five (5) business days from the day of the notice of violation.
  2. Unless request is made for hearing before a hearing board, the appeal shall be heard as a general review by the Mayor.
- G. Appeal as general review before Mayor:
1. "General review" is defined herein as a review of facts and documentation presented for the purposes of the appeal.
  2. General review decisions will be issued by the Rose City Mayor and are not subject to further appeal.
- H. Appeal before Hearing Board
1. The hearing board will be comprised of:
    - a. Marshal
    - b. Mayor
    - c. City Secretary
    - d. City Prosecutor
    - e. Two (2) City Council Members

2. The hearing will be set within five (5) business days from the appeal being received and reviewed, unless otherwise emergency circumstances occur.
3. The permit holder, owner/ agent or authorized representative will present the alleged violation, violation date, violation details and reason for the appeal. The tow service company is responsible for providing all supporting documents, witness statements, forms, video, complaint forms or other pertinent information regarding the appeal.
4. Once a decision has been reached and determined by the board, the decision is final, with no further appeal.

#### **Sec. 14. - Complaints**

- A. All concerns, complaints or questions by the tow service company, tow truck operator, permit holder, owner, agent or representative shall be submitted, in writing to the City Secretary of Rose City.
- B. Anonymous complaints that do not present sufficient allegations of ordinance violations will not be accepted and will be dismissed without investigation.
- C. Telephone concerns, complaints or questions will not be addressed, unless emergency circumstances are present.
- D. Concerns and complaints shall be submitted on the approved complaint form within 3 business days from the date of the specific incident in question.

#### **Sec. 15. - Allowable Fees for Non-Consent Tows**

It shall be unlawful for any Towing Company to:

- A. Charge no more than \$250.00 for a light-duty, non-consent tow; or \$950.00 for box trucks, school buses or the like and/or "bob-tails" tractor trucks; and \$1,200.00 for semi with trailer attached. Exceptions: calls for crash vehicles and/or first on scene wrecker requests.
- B. Assess other charges or fees greater than the amount specified or authorized by 43 Texas Administrative Code, chapter 18, Motor Carriers Rules and Regulations.

#### **Sec. 16. - Severability Clause**

It is hereby declared to be the intention of the City Council of Rose City, Texas, that the phrases,

clauses, sentences, paragraphs, and sections of this Ordinance be severable, and if any phrases, clauses, sentences, paragraphs, and sections 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, and the remainder of this Ordinance shall be enforced as written.

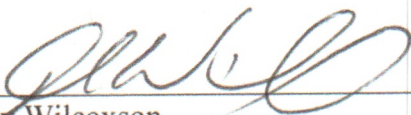
**Sec. 17. - Repeal of Certain Ordinances**

Any and all previous ordinances enacted by the City Council of Rose City, Texas, regulating tow truck operations for the City including Ordinance Nos. 12102020, 12102020(A), and 091222 are hereby repealed.

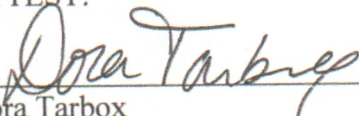
**Sec. 18. - Effective Date.**

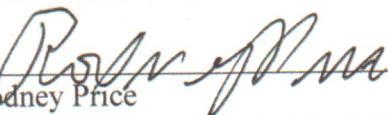
This Ordinance becomes effective from and after its publication.

PASSED AND APPROVED this 15th day of January, 2026.

  
\_\_\_\_\_  
Topy Wilcoxson,  
MAYOR, CITY OF ROSE CITY, TEXAS

ATTEST:

  
\_\_\_\_\_  
Dora Tarbox  
CITY SECRETARY OF ROSE CITY, TEXAS

  
\_\_\_\_\_  
Rodney Price  
CITY ATTORNEY OF ROSE CITY, TEXAS