

**CITY OF EL PASO, TEXAS  
AGENDA ITEM  
DEPARTMENT HEAD'S SUMMARY FORM**

**DEPARTMENT:** Police  
**AGENDA DATE:** February 25, 2014  
**CONTACT PERSON NAME AND PHONE NUMBER:** Assistant Chief Michelle Gardner, 564-7301  
**DISTRICT(S) AFFECTED:** All

**SUBJECT:**

An ordinance to amend Title 12 (Vehicles & Traffic), Chapter 12.54 (Towing Regulations and Fees) to amend Section 12.54.010 (Definitions) to amend the definitions pursuant to State code; Section 12.54.020 (Maximum Fee Schedule) to amend the maximum fees that may be charged within the City for non-consent vehicle tows, to amend the weight classifications of vehicles, and establish the maximum fees for medium- and heavy-duty tows; Section 12.54.030 (Removal of Debris) to amend the term Tow Truck Operator to Tow Company; and Section 12.54.050 (Towing Fee Studies) to delete the Police Legislative Review Committee.

**BACKGROUND / DISCUSSION:**

The Texas Occupations Code authorizes the City Of El Paso to regulate fees that may be charged in connection with a non-consent tow originating in the City Of El Paso, classifies categories of vehicles by weight, and establishes definitions applicable to towing services for police-ordered and non-consent tows. The amendments reflect applicable Texas Occupations Code sections.

**PRIOR COUNCIL ACTION:**

N/A

**AMOUNT AND SOURCE OF FUNDING:**

N/A

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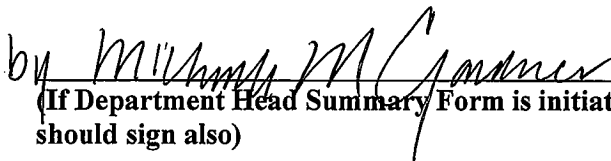
**BOARD / COMMISSION ACTION:**

N/A

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\*\*\*\*\*REQUIRED AUTHORIZATION\*\*\*\*\*

**DEPARTMENT HEAD:**

by 

(If Department Head Summary Form is initiated by Purchasing, client department should sign also)

*Information copy to appropriate Deputy City Manager*

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

**AN ORDINANCE TO AMEND TITLE 12 (VEHICLES & TRAFFIC), CHAPTER 12.54 (TOWING REGULATIONS AND FEES) TO AMEND SECTION 12.54.010 (DEFINITIONS) TO AMEND THE DEFINITIONS PURSUANT STATE CODE; SECTION 12.54.020 (MAXIMUM FEE SCHEDULE) TO AMEND THE MAXIMUM FEES THAT MAY BE CHARGED WITHIN THE CITY FOR NONCONSENT VEHICLE TOWS, TO AMEND THE WEIGHT CLASSIFICATIONS OF VEHICLES, AND ESTABLISH THE MAXIMUM FEES FOR MEDIUM AND HEAVY DUTY TOWS; SECTION 12.54.030 (REMOVAL DEBRIS) TO AMEND THE TERM TOW TRUCK OPERATOR TO TOW COMPANY; AND SECTION 12.54.050 (TOWING FEE STUDIES) TO DELETE THE POLICE LEGISLATIVE REVIEW COMMITTEE.**

**WHEREAS**, pursuant to Section 2308.202 of the Texas Occupations Code, the City has the authority to regulate the fees that may be charged in connection with a nonconsent tow originating in the City of El Paso; and

**WHEREAS**, the City desires to amend the definitions that apply to Chapter 12.54 (Towing Regulations and Fees) to correspond with the definitions established by the Texas Occupations Code; and

**WHEREAS**, the City desires to amend the weight classifications of vehicles that are towed pursuant to this Ordinance to correspond with the vehicle weight classifications defined by the Texas Administrative Code; and

**WHEREAS**, the City conducted a market analysis of towing fees in the City of El Paso and desires to amend the nonconsent tow fee for the towage of vehicles with a manufacturer's gross vehicle weight of not more than 10,000 pounds; and

**WHEREAS**, the City will establish the maximum towing fee for medium and heavy duty tows; and

**WHEREAS**, the City Council finds that the fee to be established by this ordinance is authorized by the Texas Occupations Code; and

**WHEREAS**, the City desires to amend the process for requesting a Towing Fee Study by deleting the Police Legislative Legal Review Committee, deleting the process of distribution of copies of all relevant information to the Police Legislative Review Committee, and deleting the process of the Legislative Review Committee making a recommendation regarding the appropriate fees.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF  
THE CITY OF EL PASO:**

Section 1. That Section 12.54.010 (Definitions) be deleted in its entirety and amended as follows:

“Consent tow” has the same meaning as defined by V.T.C.A., Occupations Code §2308.002.

“Incident management tow” has the same meaning as defined by V.T.C.A. Occupations Code §2308.002.

“Nonconsent tow” has the same meaning as defined by V.T.C.A., Occupations Code §2308.002, including an incident management tow.

“Police ordered tow” means any tow initiated or requested at the direction of a police officer who orders the removal of a vehicle that is unlawfully stopped in accordance with V.T.C.A. Transportation Code §545.305 or Incident management tow.

“Tow Truck” has the same meaning as defined by V.T.C.A. Occupations Code §2308.002.

“Tow Company” has the same meaning as defined by V.T.C.A. Occupations Code §2308.002.

“Vehicle owner or operator” has the same meaning as defined by V.T.C.A. Occupations Code §2308.002.

Section 2. That Section 12.54.020 (A)(1) and (D) (Maximum Fee Schedule) of the El Paso City Code are amended as follows:

**Section 12.54.020 Maximum Fee Schedule**

A. The maximum fee that a tow company may charge for nonconsent tow service including the cost of the clean-up of debris left by the vehicle, regardless of the type of truck used is:

1. Light Duty Tows- \$81.00 for towage of a vehicle with a manufacturer’s gross vehicle weight rating of not more than 10,000 pounds and the clean-up of debris and cargos; or

2. Medium Duty Tows- \$350.00 for towage of a vehicle with a manufacturer’s gross vehicle weight rating of more than 10,000 pounds but less than 25,000 pounds and the clean-up of debris and cargos.

3. Heavy Duty Tows- \$450.00 for towage of a vehicle with a manufacturer's gross vehicle weight rating of more than 25,000 pounds and the clean-up of debris and cargos.

- D. If the vehicle owner or operator is at or comes upon the scene where a tow company is attempting to tow a vehicle, and the vehicle owner or operator does not desire the vehicle to be towed, no charge shall be made and the vehicle owner or operator shall be allowed to take possession of the vehicle if the vehicle has not been hooked up by the tow truck. If the vehicle has been hooked up to the tow truck, but not towed from the scene, the vehicle shall be released to the vehicle owner or operator upon payment of one-half the regular tow fee established in Section 12.54.020(A).

Section 3. That Section 12.54.030 (A) (Removal of debris) of the El Paso City Code is amended as follows:

**Section 12.54.030 Removal of debris**

- A. Any tow company who tows a vehicle as a nonconsent tow shall completely remove from and near the site of the towed vehicle any and all wreckage or debris left from the vehicle, including all broken glass, debris and truck and vehicle cargos before leaving the site of the vehicle, as part of the fee to be charged for the nonconsent tow.

Section 4. That Section 12.54.050 (A), (C), and (D) (Towing fee studies) of the El Paso City Code are amended as follows:

**Section 12.54.050 Towing fee studies**

- A. In the event that a towing company desires to request that the city conduct a study of the towing fees established under this chapter, the towing company shall send a written request to the Chief of Police, with a copy to the City Attorney.
- C. Upon receipt of the request for a Towing fee study, the Chief of Police shall direct his department to gather information as may be available regarding the costs for performing various types of tows addressed by this chapter and survey Texas cities regarding any maximum fees that they have imposed for non-consensual tows.
- D. Not less than thirty days nor more than sixty days after the receipt of the towing company request, related information from a towing company as provided in subsection A, and considering the information gathered by the Police Department, the Chief of Police or designee shall make a

recommendation to City Council regarding the appropriate fees for tows performed under this chapter. City Council may act as deemed appropriate.

Section 5. This ordinance shall take effect on March 4, 2014.

Section 6. Except as herein amended, Title 12 of the El Paso City Code shall remain in full force and effect.

ADOPTED THIS \_\_\_ day of March 2014.

CITY OF EL PASO

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Oscar Leeser, Mayor

ATTEST:

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Richarda Duffy Momsen  
City Clerk

APPROVED AS TO FORM:

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Sol M. Cortez  
Assistant City Attorney

APPROVED AS TO CONTENT:

by William M. Gannon  
Gregory Allen  
Chief of Police