

**ORDINANCE NO. 1407-2024**

**AN ORDINANCE OF THE CITY OF RIVER OAKS, TEXAS AMENDING ARTICLE 4.07 “WRECKERS AND WRECKER COMPANIES” SPECIFICALLY IN SECTION 4.07.024 “MAXIMUM DISTANCE OF NONCONSENT TOWS” OF THE RIVER OAKS CODE OF ORDINANCES (2020) AS AMENDED; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY FOR VIOLATIONS; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of River Oaks is a home rule city acting under its Charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Texas Local Government Code; and

**WHEREAS**, the City of River Oaks occasionally requires the services of tow trucks; and

**WHEREAS**, such wrecker services are necessary to protect the safety of the citizens of the City of River Oaks; and

**WHEREAS**, currently Non consent towed vehicles shall not be taken to a vehicle storage facility that is more than three (3) miles outside the city limits, which has limited the Police Department to having only one wrecker service; and

**WHEREAS**, by extending the distance would allow the police department to expand the current rotation list and will increase the probability of wrecker response times and to expedite the recovery of nonconsensual towed vehicles to restore safe transportation to the owner or operator; and

**WHEREAS**, the River Oaks Police Chief deems it necessary to update the provisions codified into the River Oaks Code of Ordinances that were originally adopted in the River Oaks Code of Ordinances to govern the above concerns; and

**WHEREAS**, the City Council has determined and concurred with the recommendation of city staff to amend Article 4.07 in Section 4.07.024 to increase the entirety of Tarrant County; and

**WHEREAS**, the City of River Oaks, Texas deems it necessary and proper and in the best interests of the health, safety, and general welfare of its citizenry to change the distances of nonconsent tows thereby increasing safety in the City of River Oaks.

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

**SECTION 1.**

The City Council of the City of River Oaks, Texas hereby with the adoption of this Ordinance amends Article 4.07, "Wreckers and Wrecker Service" specifically in Section 4.07.024 "Maximum Distance of NonConsent Tows" to now read as follows:

**"Article 4.07. Wreckers and Wrecker Companies.**

**"Section 4.07.024 – Maximum distance of nonconsent Tows**

Vehicles involved in a nonconsent tow must be transported directly to a vehicle storage facility. A parking facility cannot be used as a temporary vehicle storage facility. Nonconsent towed vehicles shall be taken to a vehicle storage facility that is located within the territorial limits of Tarrant County, Texas."

**SECTION 2.**

This Ordinance shall be cumulative of all provisions of ordinances and of the Code of Ordinances of the City of River Oaks, Texas, 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 the conflicting provisions of such ordinances and such Code are hereby repealed.

**SECTION 3.**

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 or sections of this Ordinance since the same would have been enacted by the City Council without incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

**SECTION 4.**

Whenever in this code or in any ordinance of the city an act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or whenever in such code or ordinance the doing of any act is required or the failure to do any act is declared to be unlawful, and no specific penalty is provided therefor, the violation of any such provision of this code or any such ordinance shall be punished by a fine of not exceeding five hundred dollars (\$500.00). However, a fine or penalty for the violation of a rule, ordinance or police regulation that governs fire safety, zoning or public health and sanitation other than dumping of refuse may not exceed two thousand dollars (\$2,000.00); a fine or penalty for the violation of a rule, ordinance, or police regulation that governs the dumping of refuse may not exceed four thousand dollars (\$4,000.00). Provided, however, that no penalty shall be greater or less than the penalty provided for the same or a similar offense under the laws of the state. Each day any violation of this code or of any ordinance shall continue shall constitute a separate offense. In the event that any such violation is designated as a nuisance under the provisions of this code, such nuisance may be summarily

abated by the city. In addition to the penalty prescribed above, the city may pursue other remedies such as abatement of nuisances, injunctive relief and revocation of licenses or permits.

**SECTION 5.**

All rights and remedies of the City of River Oaks, Texas, are expressly saved as to any and all violations of the provisions of the Code of Ordinances of the City of River Oaks, Texas or any other ordinances affecting wreckers and wrecking companies which 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.**

The City Secretary is directed to publish in the official newspaper of the City, the caption, penalty clause, savings clause, publication clause and effective date clause of this ordinance one time as authorized by Chapter 5, Section 5.02(c) of the Charter of the City of River Oaks.

**SECTION 7.**

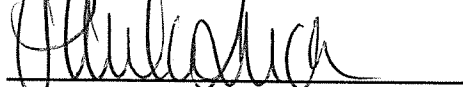
This Ordinance shall be in full force and effect upon its passage and legal publication, if required, as provided by law, and it is so ordained.

**PASSED AND APPROVED THIS 6<sup>th</sup> DAY OF FEBRUARY 2024.**



\_\_\_\_\_  
Mayor

ATTEST:



\_\_\_\_\_  
City Secretary

APPROVED AS TO FORM:



\_\_\_\_\_  
City Attorney