

ORDINANCE NO. 1457-2025

AN ORDINANCE OF THE CITY OF RIVER OAKS, TEXAS AMENDING ARTICLE 4.07 “WRECKERS AND WRECKER COMPANIES” OF THE RIVER OAKS CODE OF ORDINANCES (2020) AS AMENDED; REPEALING SECTION 4.07.005 “WRECKER ROTATION LIST” AND REPLACE SECTION 4.07.005 TO “EXCLUSIVE RIGHTS” IN ORDER TO PROVIDE FOR AN EXCLUSIVE WRECKER SERVICE; REPEALING SECTION 4.07.018 “ WRECKER SELECTION FORM- PRESCRIBED; REPEALING SECTION 4.07.019 “SAME-USE” REMOVING THE USE OF WRECKER SELECTION FORMS; 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, the City Council on February 6, 2024 adopted Ordinance # 1407-2024 that expanded the distance for non-consent tows to within the territorial limits of Tarrant County; and

WHEREAS, the Police Department has encountered difficulty of wrecker response times using the wrecker rotation policy and to expedite the recovery of nonconsensual towed vehicles to restore safe transportation to the owner or operator have found it necessary to recommend repealing the former Section 4.07.005 “Wrecker Rotation List” to Section 4.07.005 “Exclusive Rights”; and

WHEREAS, due to technology advancements it is no longer necessary to have Wrecker Selection Forms, and the police chief recommends that both Sections 4.07.018 “Wrecker Selection Forms-Prescribed” and 4.07.019 “Same-Use” both be totally repealed from Article 4.07 “Wreckers and Wrecker Companies”; and

WHEREAS, the City Council has determined and concurred with the recommendation of the Police Chief to amend Article 4.07 specifically in Section 4.07.005 “Wrecker rotation list” by changing it to Section 4.07.005 “Exclusive Rights” as incorporated herein and to totally repeal Section 4.07.018 “Wrecker Selection Forms-Prescribed” and Section 4.07.019 “Same-Use”.

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 Companies” specifically repealing Section 4.07.005 “Wrecker rotation list” and changing it to Section 4.07.005 “Exclusive Rights” to

now read as follows:

Article 4.07. Wreckers and Wrecker Companies.

“Section 4.07.005 – Exclusive Rights

(a) The authorized wrecker service must have a valid contractual agreement with the city for exclusive rights. The wrecker service must be in full adherence to Texas Transportation and Occupation Codes, with detailed vehicle documentation and notification procedures in place and pay all administrative and public safety fees monthly when owed to the city. The wrecker service must have comprehensive liability, auto, cargo and garage keeper coverage and a strong indemnity clause protecting the city. The wrecker service will respond to all non-consent towing needs within city limits, maintaining priority status over all other service calls. Emergency exceptions are allowed at the City’s discretion. The authorized wrecker service must guarantee 24/7 staffing and rapid response times to 30 minutes within the city and 45-minutes within a 1.5-mile radius. When an authorized exclusive wrecker service is called by the police department, the wrecker operator shall be required to give his or her ETA.

(b) The authorized wrecker service shall have a secured area to store wrecked, disabled or impounded motor vehicles; all vehicles that are towed will be placed inside these facilities and meet the following:

(1) Within the city limits, secured areas shall comply with all applicable zoning regulations and city ordinances and may consist of a six-foot chain-link fence with at least three strands of barbed wire on the upper portion of the fence upon approval by the city council. Fencing shall be a minimum of seven feet in total height. Structures consisting of a fully enclosed building with secure lockable doors shall also be acceptable as a secured area.

(2) Outside the city limits, secured areas shall comply with all the applicable zoning regulations and city ordinances in the jurisdictions where they are located. Fencing shall be a minimum of six feet in total height. Structures consisting of a fully enclosed building with secure lockable doors shall also be acceptable as a secured area.”

SECTION 2.

The City Council of the City of River Oaks, Texas hereby with the adoption of this Ordinance amends Article 4.07, “Wreckers and Wrecker Companies” repealing Section 4.07.018 “Wrecker selection form-Prescribed” and Section 4.07.019 “Same-Use” totally removing the requirement for Wrecker Selection Forms from Article 4.07 “Wreckers and Wrecker Companies” as follows:

Article 4.07. Wreckers and Wrecker Companies.

“Section 4.07.018 – Wrecker Selection Form-Prescribed-----Repealed”

“ Section 4.07.019 “Same-Use”-----Repealed”

SECTION 3.

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 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 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 5.

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 6.

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 7.

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 8.


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 19th DAY OF AUGUST 2025.



Leigh Ann Turner
Mayor Pro-Tem

ATTEST:



City Secretary

APPROVED AS TO FORM:



City Attorney