

ORDINANCE NO. 513

AN ORDINANCE OF THE CITY OF MANOR, TEXAS AMENDING MANOR CODE OF ORDINANCES CHAPTER 4 BUSINESS REGULATIONS AMENDING ARTICLE 4.04 TOWING AND WRECKER SERVICES SECTION 4.04.009 QUALIFICATIONS; PROVIDING FOR REPEALING, SAVINGS AND SEVERABILITY CLAUSES AND PENALTY; PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.

WHEREAS, after consultation with towing and wrecker service providers the Chief of Police found it was necessary to amend the qualifications to operate a towing and wrecker service company on the City's rotation list, and;

WHEREAS, the City Council adopted regulations regarding, in part, vehicle storage facilities which had conflicting provisions with the previously adopted towing and wrecker services qualifications;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MANOR, TEXAS;

SECTION 1: Findings Incorporated. The findings set forth above are incorporated as if fully set forth herein.

SECTION 2: Amendment to Chapter 4, Article 4.04, Section 4.04.009(a)(2). Section 4.04.009(a)(2) of the City of Manor Code of Ordinances is hereby amended to read as follows:

- (2) It owns, leases, or otherwise lawfully possesses and operates a storage facility located in or within 5 miles of the incorporated limits of the city where all motor vehicles it tows on behalf of the city shall be stored at all times and which:
 - a. When located outside the incorporated city limits:
 - (i) Is enclosed by a permanent six-foot solid sheet metal, concrete wall, or steel chain link fence; and
 - (ii) Has a gate which is locked when there is no attendant on duty after normal business hours.
 - b. When located inside the incorporated city limits:
 - (i) Meets the requirements of Section 4.09 Division 1. Used Automotive Parts Recyclers, Boat Salvage Yards, and Vehicle Storage Facilities
 - (ii) Has a gate which is locked when there is no attendant on duty after normal business hours.

SECTION 3: Amendment to Chapter 4, Article 4.04, Section 4.04.009(a)(5). Section 4.04.009(a)(5) of the City of Manor Code of Ordinances is hereby amended to read as follows:

- (5) It is able to respond to any location in the city within 15 minutes of being notified by telephone. Tow trucks 2 ½ tons or more in size must be able to respond within 45 minutes after notification;

SECTION 4: Amendment to Chapter 4, Article 4.04, Section 4.04.009(b)(1). Section 4.04.009(b)(1) of the City of Manor Code of Ordinances is hereby amended to read as follows:

- (1) A copy of a vehicle storage facility license issued by the state department of transportation for a storage facility with the mileage requirements listed in section 4.04.009(a)(2).

SECTION 6: Savings/Repealing Clause. All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

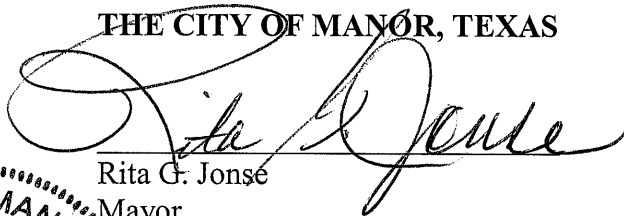
SECTION 7: Severability. Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. City of Manor hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional or invalid.

SECTION 8: Penalty. Any person violating this Ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined a sum not exceeding Five Hundred Dollars (\$500.00). Each occurrence and/or day in violation of this Ordinance shall constitute a separate and distinct offense.

SECTION 9: Effective Date. This Ordinance shall become effective from and after its adoption and publication as required by law.

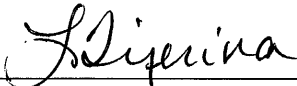
PASSED AND APPROVED this 21st day of March 2018.

THE CITY OF MANOR, TEXAS



Rita G. Jonse
Mayor

ATTEST:



Lluvia Tijerina
City Secretary

