

**ORDINANCE NO. 307-B-2024**

AN ORDINANCE AMENDING THE REQUIREMENTS FOR VEHICLE WRECKER/TOW SERVICES; SUPERSEDING ORDINANCE 307-A-1989; AMENDING CHAPTER 3-3, ARTICLE XI: VEHICLE WRECKER SERVICES IN ITS ENTIRETY, PROVIDING FOR SEVERABILITY; SETTING AN EFFECTIVE DATE; AND AMENDING OF THE UNIVERSAL CITY CODE OF ORDINANCES ACCORDINGLY.

---

WHEREAS, the City Council has determined that any person or entity engaged in operating a vehicle storage facility, as that term is defined in Texas Occupations Code § 2303.002(8), within the city limits shall comply with the provisions of state law, including Texas Occupations Code Ch. 2303 and any rules or regulations with regard to the same adopted by the Texas Department of Licensing or Regulation.; and,

WHEREAS, the City Council has determined that any person or entity engaged in operating a tow truck, as that term is defined in Texas Occupations Code § 2308.002(11), within the city limits shall comply with the provisions of state law, including Texas Occupations Code Ch. 2308 and any rules or regulations with regard to the same adopted by the Texas Department of Licensing and Regulation; and,

WHEREAS, the City of Universal City has an obligation to provide for the protection of the general public by the removal of disabled or wrecked motor vehicles.

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

**SECTION 1:** That the Vehicle Wrecker/Tow Service regulations as full attached hereto and all actions taken by City Council of the City of Universal City in accordance with the Code of Ordinances to repeal, adopt, and amend such ordinances are hereby adopted as outlined in “Exhibit A”.

**SECTION 2: Severability.** It is declared to be the intention of the City Council that if any of the sections, paragraphs, sentences, clauses and phrases of this Ordinance shall be declared unconstitutional or otherwise illegal by the valid judgment or decree of any court of competent jurisdiction, such event shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such unconstitutional or illegal phrase, clause, sentence, paragraph or section.

**SECTION 3:** This Ordinance shall be construed shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

**SECTION 4:** It is officially found, determined, and declared that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Ordinance, was given, all as required by Chapter 551, as amended, Texas Government Code.

**SECTION 5: Effective Date.** This ordinance will take effect upon its passage, approval and publication as provided by law.

**SECTION 6:** This ordinance hereby supersedes Ordinance 307-A-1989.

**SECTION 7:** The Universal City Code of Ordinances, Chapter 3-3, Article XI: Vehicle Wrecker Services shall be amended accordingly.

**PASSED** on first reading by the City Council of the City of Universal City on this the 16<sup>TH</sup> day of APRIL 2024.

**PASSED AND APPROVED** in substantial form, on second reading by the City Council of the City of Universal City on this the 7<sup>TH</sup> of MAY 2024.

CITY OF UNIVERSAL CITY, TEXAS

APPROVED:

---

John Williams, Mayor

ATTEST:

APPROVED FOR LEGAL SUFFICIENCY:

---

Maribel Garcia, Deputy City Clerk

---

Cynthia Trevino, City Attorney  
Denton Navarro Rodriguez Bernal Santee & Zech, P.C.

Attachments:

Exhibit A: CLEAN COPY Article XI. Vehicle Wrecker/Tow Service (5 pgs)

Exhibit B: REDLINE COPY Article XI. Vehicle Wrecker/Tow Service (6 pgs)

Exhibit C: Old Ordinance Article XI. Vehicle Wrecker/Tow Service (3 pgs)

**ARTICLE XI. VEHICLE WRECKER/TOW SERVICE<sup>1</sup>**

**CLEANED UP COPY—04/02/2024**

**CLEANED UP COPY—04/10/2024**

**Sec. 3-3-161. Compliance with state law.**

- (a) Any person or entity engaged in operating a vehicle storage facility, as that term is defined in Texas Occupations Code § 2303.002(8), within the city limits shall comply with the provisions of state law, including Texas Occupations Code ch. 2303 and any rules or regulations with regard to the same adopted by the Texas Department of Licensing or Regulation.
- (b) Any person or entity engaged in operating a wrecker/tow truck, as that term is defined in Texas Occupations Code § 2308.002(11), within the city limits, **or under contract with the City**, shall comply with the provisions of state law, including Texas Occupations Code ch. 2308 and any rules or regulations with regard to the same adopted by the Texas Department of Licensing and Regulation.

**Sec. 3-3-162. Definitions.**

As used in this article, the following terms shall have the respective meanings ascribed to them:

*Abandoned vehicle* means the condition of being abandoned as defined in V.T.C.A., Transportation Code ch. 683 as amended.

*City* means the City of Universal City, Texas.

*Department* means the Texas Department of Labor and Standards.

*Disabled vehicle* means a vehicle which has been rendered unsafe to be driven as the result of some occurrence other than a wreck, including but not limited to mechanical failures or breakdowns, fire, vandalism, or a vehicle which is in a safe driving condition, but the owner is not present or permitted to drive so as to reasonably necessitate that the vehicle be removed by a wrecker.

*Incident management tow* means the towing or other transportation of a vehicle by a tow truck which is the result of a police officer exercising his/her authority to effect the removal of said vehicle pursuant to state law and/or this article.

**Junked vehicle means a vehicle as defined in Section 683.071; V.T.C.A. Transportation Code, as amended, and further defined in Section 4-1-10 of the Universal City Code of Ordinances**

*Motor vehicle* means every vehicle that is self-propelled.

*Nonconsent tow* means any tow conducted without the permission of, or not at the direction of, the towed vehicle's legal or registered owner, or such owner's authorized representative. Regardless of this definition, certified law enforcement officials may control the scene of an accident in the manner they deem appropriate.

*Owner* means any person who holds the legal title of a motor vehicle, or who has the legal right of possession thereof, or the legal right of control of such vehicle.

*Person* means an individual person, firm or corporation and shall include representatives, servants, employees or agents.

---

<sup>1</sup>Editor's note: Ordinance No. 307-A, §§ 1-13, adopted February 21, 1988, has been repealed within the corporate limits of the City. The provisions of former §§ 3-3-161—3-3-170 in their entirety. Former §§ 3-3-161—3-3-170 were concerned with similar provisions and derived from Ord. No. 307, §§ 1—10, adopted October 3, 1978.

---

*Vehicle Storage Facility* means a garage, parking lot, or other facility that is owned by a person other than a governmental entity and used to store or park at least 10 vehicles each year. **Nonconsent tows may only be kept in vehicle storage facilities within Bexar County or Guadalupe County.**

*Wrecker/tow truck* means a motor vehicle or mechanical device adapted or used to tow, winch, or otherwise move disabled motor vehicles.

*Wrecker/tow truck driver* means a person engaged, contracted, or employed by a wrecker/towing business or company using a tow truck to tow, winch, or otherwise move a motor vehicle.

*Wrecker/tow truck owner* means a person engaged in the business of using a tow truck to tow, winch, or otherwise move a motor vehicle.

*Wrecker/towing business* means the business of towing or removing disabled or wrecked vehicles.

*Wrecker/towing company* means any person engaged in the wrecker business.

### **Sec. 3-3-163. Registration requirements.**

A person may not operate a wrecker/tow truck for compensation within the City prior to obtaining a State Certificate of Registration. **To identify who is authorized to conduct non-consent tows with Universal City, and to ensure the tow business and its employees comply with this Ordinance,** a City permit is required for all tow trucks performing nonconsent tows within the boundaries of the City without regard to the location of the place of business of the tow truck owner.

### **Sec. 3-3-164. Identification requirement.**

Every wrecker/tow truck shall have painted, **vinyl decals, or wraps** on the doors of such vehicle, the name of the wrecker/tow truck owner or the name under which the owner operates, together with the owner's **address- and** telephone number. ~~The name of the owner and the telephone number of the owner shall also be painted on the rear of such vehicles.~~ The lettering shall be not less than two-~~and a half~~ inches in height and not less than one-quarter inch wide.

### **Sec. 3-3-165. Following emergency vehicles prohibited.**

No person in a wrecker/tow truck shall follow any ambulance or police car which is traveling on a public street in response to report of an automobile collision or accident.

### **Sec. 3-3-166. No wrecker/tow truck allowed at scene of accident unless called by police; certain exceptions.**

No person shall drive a wrecker/tow truck to or near the scene or site of an accident or collision on the streets of the City of Universal City unless such person has been called to the scene by the Police Department of the City of Universal City. Provided that when it is necessary to prevent death or bodily injury to any person involved in an accident or collision, this section shall not apply.

### **Sec. 3-3-167. Wrecker/tow truck solicitations prohibited.**

No person shall solicit in any manner, directly or indirectly, the business of towing, removing, repairing, wrecking, storing, trading, or purchasing any vehicle which is wrecked or disabled on a public street of the City of Universal City. Proof of the presence of any person engaged in the wrecker/towing business or the presence of any wrecker/tow truck or motor vehicle owned or operated by any person engaged in the wrecker/towing business, either as owner, operator, employee or agent, on any public street in the City, at or near the location of a wreck,

---

accident, or collision within one (1) hour after the happening of a wreck, accident, or collision shall be prima facie evidence of a solicitation in violation of this section ~~unless the on scene officer determines otherwise.~~

**~~Sec. 3-3-168. Contract wrecker/tow truck service.~~**

~~The City Manager is authorized to contract with a single wrecker/towing business or company that will be designated as the authorized contractor that will remove vehicles from the scene of an accident or collision on a public street when the vehicle is unable to proceed safely under its own power, or when the owner thereof is physically unable to drive such vehicle, or when removal is otherwise directed by the Police Department. The contract will establish fees for towing and storage, specification of a storage area, and procedures for release of vehicles and collection of fees for services provided.~~

**~~Sec. 3-3-169. Contract wrecker/tow truck not available.~~**

~~If the wrecker/tow truck authorized contractor cannot arrive at the scene of an accident or collision within twenty (20) minutes, and the Police Officer investigating the incident determines that to delay would increase the hazard, he will request the service of another wrecker/tow truck business or company.~~

**Sec. 3-3-168. Use of flashing lights.**

A wrecker/tow truck must utilize flashing lights with a vehicle in tow. ~~All lights must be consistent with TRC 547.305(d)(4), 547.305(e-4), 547.105~~ and must be clearly visible to approaching and following traffic.

**Sec. 3-3-169. Speed limits.**

No wrecker/tow truck may exceed the posted speed limit at any time.

**Sec. 3-3-170. Removing wrecked or abandoned vehicles without permission of the police.**

It shall be unlawful for any person in the operation of an wrecker/tow truck on the public streets and ways of the City and not having been directed to do so by the Chief of Police or his authorized representative, knowingly to move, tow, haul or otherwise transport in, on or over the public streets and ways of the City any vehicle which has been abandoned within the City limits of Universal City or which has been involved in a collision within the City limits of the City of Universal City.

**Sec. 3-3-171. Incident management and non-consent tows - Authority**

A police officer of the city is hereby authorized to order removal of a vehicle, require the driver or other person in charge of a vehicle to move the same or have the vehicle removed by the wrecker/towing authorized contractor or other wrecker/towing business or company to the nearest place of safety or to the premises of the wrecker/towing business or company that meets the criteria in this article, or as otherwise directed by the city police department, under the following circumstances:

- (1) When any vehicle is left unattended upon any bridge, viaduct or causeway, or in any tunnel where such vehicle constitutes an obstruction to traffic;
- (2) When a vehicle upon a street is so wrecked or disabled and because of the wreck or disability its normal operation is impossible or impractical;

- 
- (3) The person or persons in charge of the vehicle are incapacitated by reason of physical injury or other reason to such extent as to be unable to provide for its removal or custody or are not in the immediate vicinity of the wrecked or disabled vehicle;
  - (4) When any such police officer arrests any person driving or in control of a vehicle for an alleged offense and such officer is by this Code or other law required to take the person arrested immediately before a magistrate and it is unsafe to leave the vehicle unattended at the scene, or the vehicle is being seized as evidence;
  - (5) When, in the opinion of a police officer, said vehicle constitutes a hazard or interferes with a normal function of a governmental agency;
  - (6) When, in the opinion of a police officer, the safety of said vehicle is imperiled by reason of any catastrophe, emergency or unusual circumstance;
  - (7) When any vehicle is found to be a junked vehicle;
  - (8) Where otherwise authorized by law.

### **Sec. 3-3-172. Technical requirements.**

Each wrecker/tow truck must display a wrecker/tow truck license plate issued by the Department of Motor Vehicles and have in possession the permit issued by the City and comply with the **Contract Tow Truck Rules** **herein** as part of this article. The wrecker/tow truck business or company agrees that all vehicles and/or other equipment used by its employees, agents or contractors, will meet the state minimum safety requirements.

### **Sec. 3-3-173. Contract wrecker/tow truck service.**

The City Manager is authorized to contract with a single wrecker/towing business or company that will be designated as the authorized contractor that will remove vehicles from the scene of an accident or collision on a public street when the vehicle is unable to proceed safely under its own power, or when the owner thereof is physically unable to drive such vehicle, or when removal is otherwise directed by the Police Department. The contract will establish fees for towing and storage, specification of a storage area, and procedures for release of vehicles and collection of fees for services provided.

### **Sec. 3-3-174. Contract wrecker/tow truck not available.**

If the wrecker/tow truck authorized contractor cannot arrive at the scene of an accident or collision within twenty (20) minutes, and the Police Officer investigating the incident determines that to delay would increase the hazard, he will request the service of another wrecker/tow truck business or company.

### **Sec. 3-3-175. **Contract** Driver responsibilities.**

- (a) Wrecker/tow truck drivers shall not have or permit any prohibited weapon or alcoholic beverages in or around a wrecker/tow truck when in operation. This provision does not prohibit a peace officer certified by the Texas Commission on Law Enforcement ~~Officer Standards and Education~~ from carrying a firearm while operating or riding in a wrecker/tow truck.
  - (b) Wrecker/tow truck drivers must have a valid Texas driver's license for type of vehicle being driven, current identification and proof of a valid incident management towing permit. Drivers shall wear a company uniform, be neatly groomed and be prompt and courteous in order to provide services.
  - (c) Wrecker/tow truck drivers shall ensure that while lifting a vehicle in preparation for towing that no one but the driver and/or designated helper shall be within a safe distance of the truck and vehicle to be towed. A safe distance is at least twice the distance between the end of the boom and the point of hook-up on the
-

---

vehicle being winched or twice the distance the car is being lifted, whichever is greater. If a hydraulic lift is being used, a safe distance is twice the distance to which the lift arm is extended.

- (d) Wrecker/tow truck drivers shall ensure that if at any time during the process of connecting or winching, the tow truck or vehicle to be towed is in line of traffic, the flow of traffic must be diverted. If the tow truck cable is across lane/lanes of traffic, the traffic must be stopped or diverted by a law enforcement officer to permit safe winching or lifting of the vehicle to be towed.
- (e) Wrecker/tow truck drivers shall make all efforts to sweep and clean, remove debris, and use absorbent material at the accident scene as necessary for public safety.
- (f) Wrecker/tow truck drivers shall conduct themselves in a professional manner at all times.
- (g) Wrecker/tow truck drivers shall obey all lawful or direct orders from any and all police officers managing a scene or call where a wrecker is requested.

### **Sec. 3-3-176 Contract Vehicle Storage Facility.**

- (a) *City limits.* The vehicle storage facility must be located within **10 miles** of the corporate limits of the city and in compliance with the provisions of state law, Texas Occupations Code ch. 2303, any rules or regulations with regard to the same adopted by the Texas Department of Licensing or Regulation and city ordinances. **If operator desires to change the location of its storage facility, the operator must obtain prior written approval from the Chief of Police of the new location and facility.**
- (b) *Vehicle Storage Facility requirements.* The vehicle storage facility must be secure, completely enclosed by at least a six-foot high fence, well lit, and have an all-weather surface parking lot. **The vehicle storage facility shall be equipped with security cameras that record the ingress/egress points of the parking lot, the parking lot itself, and the perimeter of the parking lot. Recorded data shall be accessible to the police department for review for a term of not less than 21 calendar days.** The vehicle storage facility must be of sufficient capacity to handle all vehicles requiring storage pursuant to this article and exclusive of other vehicles stored not pursuant to this article at any given time. There shall be enough room to store semi-trucks and trailers if necessary. A separate, on site, storage area for electric vehicles is required due to fire hazards they pose. At no time will cars be stored on a road or thoroughfare. All police department initiated non-consent towed vehicles will be towed to the storage facility or a secure location as determined by the Police Department of the City of Universal City.

### **Sec. 3-3-177. Penalty.**

Any person found in violation of the provisions of this article shall be deemed guilty of a misdemeanor and shall upon conviction be punished by a fine not exceeding two hundred dollars (\$200.00).

### **Sec. 3-3-178. Indemnification.**

- (a) The wrecker/tow truck driver, employee, owner, agent, business or company shall and does hereby agree to indemnify and hold harmless the city and its officials, officers, employees, agents and representatives from any and all loss, liability, obligation, penalties, judgments, claims, deficiency, expense or damages of any kind whatsoever by reason of any claim arising from a third person occasioned by any act, error or omission in the performance under this article.
- (b) The wrecker/tow truck owner, agent, business or company will, at its sole cost and expense, defend and protect the city against any and all claims and demands set out in subsection (a) above.

---

**Sec. 3-3-179. Contractual rights.**

This article does not create any contractual rights for a wrecker/tow truck owner, employee, agent, business or company or any third party.

**Secs. 3-3-180. Reserved.**