

**ORDINANCE NO. 2018-11-\_\_\_\_**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF MCKINNEY, TEXAS, THROUGH THE AMENDMENT OF CHAPTER 114, "WRECKER SERVICES," AND BY AMENDING APPENDIX A, "SCHEDULE OF FEES", IN PART, BY AMENDING SECTION 114-28; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; PROVIDING FOR PUBLICATION OF THE CAPTION OF THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF**

**WHEREAS,** the City Council of the City of McKinney, Texas, finds, determines, and declares that certain fees are necessary to provide for efficient government services; and

**WHEREAS,** the City Council of the City of McKinney, Texas, finds and determines that the current fees are insufficient to cover the costs of the respective services; and

**WHEREAS,** the City Council of the City of McKinney, Texas desires to adopt fees necessary for the City to provide good and efficient government for the benefit of the citizens of the City.

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

Section 1. That the findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

Section 2. That Chapter 114, entitled "Wrecker Services," of the Code of Ordinances of the City of McKinney, Texas, is hereby amended in its entirety to read as follows:

**CHAPTER 114 – WRECKER SERVICES**

**Sec. 114-1. - Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Abandoned motor vehicle* means a motor vehicle that is inoperable and more than five years old and left unattended on public property for more than 48 hours, or a motor vehicle that has remained illegally on public property for a period of more than 48 hours, or a motor vehicle left unattended on the right-of-way of a designated city, county, state, or

federal highway within the corporate limits of the city for more than 48 hours.

*Consent tow* means any tow conducted with the permission of or at the direction of the vehicle's legal or registered owner or such owner's authorized representative. Except as set forth in the definition of nonconsent tow in this chapter, a tow will be considered a consent tow where the owner is able to give consent.

*Daytime tow* means the hours from 7:00 a.m. to 6:00 p.m., Monday through Friday.

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

*Holiday tow* means the following days: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day.

*Motor vehicle* means a vehicle subject to registration under the Certificate of Title Act (V.T.C.A., Transportation Code ch. 501, as amended) or any other device designed to be self-propelled or transported on a public highway and/or which may be attached to a trailer or other similar device.

*Nighttime tow* means the hours between 6:01 p.m. and 6:59 a.m., Monday through Friday.

*Nonconsent tow* means any tow conducted without the permission of, or not at the direction of, the vehicle's legal or registered owner, or such owner's authorized representative, regardless of the vehicle's location or condition. Towing the vehicle of a person who has been taken into custody by a law enforcement agency is considered a nonconsent tow.

*Operate* means using a tow truck to tow, winch or otherwise move a motor vehicle.

*Operator* means any person operating a tow truck under a city-issued permit, regardless of whether the person owns the truck.

*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 to such vehicle.

*Permittee* means a tow truck owner authorized by permit to operate a tow truck on the rotation list utilized by the police department.

*Person* means an individual, partnership, joint venture, association, corporation, or any other entity recognized by law.

*Police department* means the ~~director of public safety~~ Chief of Police, supervisor, police officer and communications specialist of the city police department.

*Street* means any street, alley, avenue, land or highway within the corporate limits of the city.

*Tow truck* means a motor vehicle or mechanical device adapted or used to tow, winch or otherwise move motor vehicles. ~~This term~~ A tow truck may also be referred to herein as a wrecker.

*Tow truck owner* means any person or his agent, engaged in the business of storing, wrecking or repairing motor vehicles for hire and who owns or is entitled to use any wrecker or tow truck and who uses the same in the conduct of his business or any part thereof and the term "owner" shall extend and be applied to associations, corporations, and firms and partnerships as well as individuals. This term may also be referred to as a wrecker service.

*Weekend tow* means the times between 6:01 p.m. Friday and 6:59 a.m. Monday.

## **Sec. 114-2. - Duties and responsibilities of permittees.**

- (a) Permittees shall havemake available sufficient personnel and equipment to provide services at all times to meet the needs of the police department.
- (b) No tow truck operator or owner shall have or permit any handgun to be carried in a tow truck when operating the tow truck. This provision does not prohibit a peace officer certified by the state commission on law enforcement officer standards and education from carrying a handgun while operating or riding in a tow truck.
- (c) A tow truck operator shall ensure that while lifting a vehicle in preparation for towing that all other persons be kept a safe distance away from the tow truck and vehicle to be towed. A safe distance is at least twice the distance between the end of the boom and the hook up point on a vehicle or twice the distance of the cars 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) Upon receiving a complaint from any source claiming damage to a vehicle or its contents towed by a tow truck operator, the operator shall submit a written report to the director of public safety or his designee within 24 hours after receipt of such complaint. Such report shall contain all facts pertinent to the claim or the complaint presented.~~

### **Sec. 114-3. - Conduct of personnel.**

While the permittee is [engaged in](#) a private enterprise, such service is in the nature of a public function, and all personnel so engaged shall conduct themselves in a dignified and respectable manner, shall be courteous to the public, and shall follow directions of the investigating officers as to the disposition of vehicles to be moved or towed to a place of storage.

### **Sec. 114-4. - City responsibility.**

The city shall not be responsible for the payment of towing and/or storage charges for any vehicle not owned by the city, and the wrecker service may demand payment from the owner of the charges incurred in accordance with the schedule described in this chapter before releasing any vehicle.

### **Sec. 114-5. - Duties of police department—Dispatch of wreckers.**

The police department shall dispatch in rotation the wrecker or wreckers required to satisfy any call or request for wrecker service from police officers, except in cases where a vehicle is left abandoned on private property and no police action is involved. In such cases, it will be the responsibility of the citizen to make the wrecker service call.

### **Sec. 114-6. - Same—Jurisdiction in removing vehicles.**

In all cases requiring police involvement under this chapter, such as an accident or arrest involving a nonconsent tow, the police department shall have exclusive jurisdiction in removing vehicles from the scene of such involvement by permittee; however requests by any private citizen, in a consent tow or otherwise, shall not affect the rotation schedule.

### **Sec. 114-7. - Same—Record of calls.**

The police department shall keep a log of every call received under this chapter. The log shall indicate the date, the time of the call, the disposition of the vehicle towed, and the date and time of such disposition. If a listed permittee cannot furnish a wrecker upon being called by the police department, the next permittee listed shall be called and the pertinent information noted on the log.

**Sec. 114-8. - Same—Contents of vehicles.**

A list of the contents of a vehicle towed by a permittee will be made by the police department. A copy will be retained by the police department for future reference and two copies shall be given to the wrecker operator, one of which is to be given to the owner or operator of the towed vehicle when disposition of the vehicle is made, and the other of which is to be maintained by the permittee.

**Sec. 114-9. - Exclusions.**

This chapter is intended to apply solely to permittees and shall not apply to wrecker services which are not listed on the police rotation list.

**Sec. 114-10. - No wrecker to report at scene of accident unless called by police or owner.**

No person shall drive a wrecker to the scene of an accident within the city unless such person has been called to the scene by the owner of the vehicle or his authorized representative or by the police department.

**Sec. 114-11. - Permits.**

- (a) The maximum number of permittees on the rotation list shall be three. Only one permit will be issued per tow truck owner irrespective of the number of wrecker services owned by that tow truck owner. The maximum number of permittees may only be changed by city council action after notice and hearing at a public meeting, ~~and but~~ shall in no way affect the right to suspend or remove any permittee from the rotation list.
- (b) A waiting list of wrecker services shall be established for those tow truck owners who do not make the rotation list. The list will be used in case of termination or removal, with the first wrecker service on the list to replace a service terminated or removed.
- (c) Each permittee or operator shall be approved by the ~~director of public safety~~ Chief of Police or his designee and shall be of good moral character and qualified to perform the services required. To be eligible for a permit, permittee and operators must at all times be current in their obligations to the city, including payment of ad valorem and other taxes.
- (d) Each permittee shall ~~be in compliance~~ comply with all applicable state laws including, but not limited to, the Texas Department of License and Regulation and the Texas Department of License and Regulation and the Texas Vehicle Storage Facility Act (Vernon's Ann. Civ. St. art. 6687-9a) and must display a current valid license for a vehicle storage facility issued by the state department of transportation.

**Sec. 114-12. - Action by ~~director of public safety~~ Chief of Police.**

- (a) Each applicant whose application and inspection satisfies the guidelines set forth in this chapter shall be placed on the wrecker rotation list by the ~~director of public safety~~ Chief of Police, or, upon reaching the third service, on the waiting list.
- (b) The ~~director of public safety~~ Chief of Police may suspend, terminate, revoke, deny and reissue permits as required.
- (c) The ~~director of public safety~~ Chief of Police, or his designee, shall keep records of all application for which permits have been issued, suspended, terminated or revoked.
- (d) The permittee may appeal the determination of the ~~director of public safety~~ Chief of Police to suspend, terminate, revoke or deny permits as provided in section 114-30.

**Sec. 114-13. - Application for placement on rotation list.**

A person desiring to operate a wrecker service on the police rotation list shall file a written application with the ~~director of public safety~~ Chief of Police annually on a form provided by the ~~director of public safety~~ Chief of Police for that purpose, and the application shall contain the following information:

- (1) The name, address and date of birth or formation, as applicable, of the applicant;
- (2) The number of tow trucks proposed to be operated by the applicant;
- (3) The address and telephone number of the business location from which the applicant will operate such wrecker service if a permit is secured;
- (4) The amount number and type of tow truck equipment that will be placed in operation along with the following information:
  - a. The year and make of ~~the each~~ vehicle;
  - b. ~~The Each~~ vehicle's identification number;
  - c. ~~The Each~~ vehicle's certificate of title number;
  - d. The empty weight of ~~the each~~ vehicle;
  - e. The gross weight of ~~the each~~ vehicle;
  - f. The current state license plate number of each vehicle;
  - g. The applicant's sales tax identification number, if applicable; and

- h. A certified copy of the certificate of registration issued by the state department of transportation;
- (5) Proof that the applicant has available storage space that meets the requirements of state law for properly accommodating and protecting all motor vehicles to be removed by the applicant from the places where they are found;
- (6) Proof of ownership of, or access to, the use of a vehicle storage facility licensed by the state department of transportation;
- (7) The names the of operators who shall drive the wreckers for the applicant and ~~the~~their appropriate class of driver's license ~~by~~and number; and
- (8) Such other information as the ~~director of public safety~~ Chief of Police shall find reasonably necessary to effect the purpose of this chapter and to arrive at a fair determination of whether the applicant has complied with the terms of this chapter.

#### **Sec. 114-14. - Communication.**

Each permittee will provide a means of two-way communications with between the police department communications center and each operator. If this is accomplished by cellular telephones, the permittee shall provide the communications center with a list of the telephone numbers. It shall be the responsibility of the permittee to notify the communications center of any changes.

#### **Sec. 114-15. - Permit nontransferrable; application for nonconsent tows; annual renewal application submission dates; expiration dates.**

- (a) A tow truck permit cannot be transferred to another person or entity. A permittee shall notify, in writing, the office of the ~~director of public safety~~ Chief of Police of any change that alters any information listed on the permit application within seven business days. No fee will be charged for such change.
- (b) An application for a permit to perform nonconsent tows within the city under the rotation list shall be filed with the office of the ~~director of public safety~~ Chief of Police. A nonrefundable filing fee as determined from time to time by city council shall accompany the application.
- (c) Annual renewal applications may be submitted between August 1 and September 30 of each year. A certificate of insurance and fees shall be submitted with the written application.
- (d) Each permit approved under this chapter shall expire at midnight on September 30 next following its issuance. Each permittee shall, if he desires to continue his placement on the wrecker rotation list, make a

renewal application to the ~~director of public safety~~ Chief of Police in the same manner as an original application. Failure to make timely application as stated herein, shall constitute automatic removal from the list.

#### **Sec. 114-16. - Permit issuance; display.**

After the tow truck owner has filed his application for a rotation wrecker permit, paid the permit fee, filed the insurance requirements, and satisfactorily completed the inspections required by this chapter, the ~~director of public safety~~ Chief of Police shall issue to the tow truck owner a permit to operate a private wrecker or wreckers on the rotation list. The permit shall be displayed on the upper ~~left hand~~ left-hand corner of the windshield of the wrecker in such a manner as allow visibility of the permit from the front.

#### **Sec. 114-17. - Inspection of wreckers. .**

- (a) The ~~director of public safety~~ Chief of Police or his designee shall inspect any and all wreckers to be placed on the rotation list and shall maintain the results of such inspection, together with the application, among the records relative to said wrecker service in the office of the ~~director of public safety~~ Chief of Police.
- (b) The police department shall have the authority to inspect all wreckers and storage yards on the rotation list, without notice, to ensure the wrecker service and wrecker operators are ~~in compliance~~ complying with this chapter.
- (c) The wreckers and storage yard will be inspected on an annual basis prior to renewal of the permit.

#### **Sec. 114-18. - Required equipment.**

- (a) In order to receive a permit for operation on the wrecker rotation list, each wrecker must meet the following requirements:
  - (1) Shall not be less than one ton and shall be equipped with booster brakes and dual rear wheels;
  - (2) Shall be equipped with a power winch, winch line, boom (flatbeds require no boom) and lifting capacity of not less than 8,000 pounds, which must be a factor-rated lifting capacity;
  - (3) Shall carry as standard equipment safety chains, fire extinguisher (a minimum of five pounds), crow bar or wrecking bar at least 36 inches in length, broom designed for pushing with a 18-inch head and a handle at least 36 inches in length, shovel with a flat edge at



least nine inches wide and a handle of at least 36 inches, an axe, road flares or reflective triangles, a container for carrying glass and debris, string, rope or straps suitable for securing doors, hoods, trunks, etc., and a towing dolly (flatbed shall be excluded on towing dolly);

(4) Shall be equipped with outside rearview mirrors, one on each side of the vehicle.

(b) Each heavy-duty tow truck must comply with the requirements in subsection (a) of this section unless this subsection specifies a different requirement, as follows:

(1) ~~Each heavy-duty tow truck must~~ Shall not be less than 2½ tons;

(2) ~~Each heavy-duty tow truck must~~ Shall be equipped with a power-operated winch, winch line and boom, with a factory-rated lifting capacity of not less than 32,000 pounds, single- or double-line capacity;

(3) ~~Each heavy-duty tow truck must~~ Shall carry as standard equipment safety chains, fire extinguisher (a minimum of ten pounds), crow bar or wrecking bar at least 36 inches in length, broom designed for pushing with an 18-inch head and a handle at least 36 inches in length, shovel with a flat edge at least nine inches wide and a handle of at least 36 inches, an axe, road flares or reflective triangles, a container for carrying glass and debris, string, rope or straps suitable for securing doors, hoods, trunks, etc.; and

~~(4) Towing dollies are not required; and~~

~~(5) Wreckers will~~ Shall be equipped with outside rearview mirrors, one on each side of the vehicle.

#### **Sec. 114-19. - Insurance requirements.**

(a) The permittee shall procure and keep in force and shall keep on file with the office of the ~~director of public safety~~ Chief of Police a policy of public or general liability and property damage insurance or a certificate of insurance issued by a casualty insurance company that is authorized to do business in this state and in the standard form approved by the board of insurance commissioners of the state, which policy shall include the city as an additional named insured, covering the public from any loss or damage that may arise to any person or property by reason of the operation of a tow truck of such permittee and providing that the amount of recovery on each wrecker shall be in limits of not less than the following sums:

(1) Each tow truck must have liability insurance to provide insurance covering damage excepting the towed vehicle for which the owner of the towed vehicle is liable;

- (2) Each tow truck with a gross vehicle weight of 26,000 pounds or less must carry \$300,000.00 combined single-limit coverage; and
  - (3) Any tow truck over 26,000 pounds gross vehicle weight must carry \$500,000.00 combined single limit coverage.
- (b) At the time of initial permit and upon renewal, a certificate of insurance must be filed with the ~~director of public safety~~ Chief of Police by the insurance carrier or its authorized agent. The certificate must certify the type and amount of insurance coverage and provide for 30 days' notice to the ~~director of public safety~~ Chief of Police of cancellation or material change in the policy.
- (c) Each tow truck must have tow truck cargo, on-hook or similar type insurance. It is the intent of this subsection to provide insurance covering damage to the towed vehicle while it in the care, custody or control of the permittee for which said permittee is liable. It is further the intent of this subsection that the insurance cover damage to the towed vehicle that is the direct or indirect result of an improper hookup.
  - (1) Each tow truck under 26,000 pounds gross vehicle weight must have cargo, on-hook or similar type insurance, in an amount not less than \$10,000.00. In lieu of this coverage, each tow truck may have garage keeper legal liability insurance, with direct coverage options in an amount not less than \$10,000.00 to cover damage to the towed vehicle.
  - (2) Each tow truck over 26,000 pounds gross vehicle weight and that has a tandem axle must have tow truck cargo or on-hook insurance for the coverage of a towed vehicle, in an amount not less than \$25,000.00. In lieu of this coverage, each tow truck may have garage keeper's legal liability insurance, with direct coverage options in an amount not less than \$25,000.00 to cover damage to the towed vehicle.
- (d) The certificate of insurance shall also specify that the policy covers the vehicle subject to the permit, identify the vehicle by make, model and vehicle identification number, and indicate that the policy complies with the intent of and minimum liability limits established by this chapter.
- (e) Each tow truck must be insured so as to meet the requirements of all other applicable statutes, in addition to meeting the insurance requirements set forth in this chapter.
- (f) A tow truck permit issued under this chapter shall automatically be suspended upon cancellation or expiration, for whatever reason, of any insurance coverage required by this chapter.
- (g) The permittee shall submit a certificate that expressly provides that neither the tow truck owner or his insured will seek to avoid liability on the grounds that the tow truck operator was engaged in the exercise of a governmental function relative to nonconsent tows for the police

department, and that expressly acknowledges that the permittee is not performing governmental functions in the performance of its duties under this chapter.

**Sec. 114-20. - Emergency warning lights.**

An emergency warning light device shall be mounted on the wrecker, amber in color, alternately flashing or rotating, mounted as high as possible and as far to both the left side and the right side as possible, so as to be visible to the front and rear of the vehicle at all times when in operation. The warning device should be in operation from the time the tow truck arrives at the scene until the time of departure. The warning device (amber) may be used, if necessary, for departure at the scene during travel to the storage facility, using the most expedient route. At no time shall a tow truck display a red light to the front of the vehicle.

**Sec. 114-21. - Auto pound specifications—Generally.**

Every permittee under this chapter shall provide a suitable place for storage of vehicles towed at the request of the police department and such place shall:

- (1) Be located within the corporate limits of the city;
- (2) Be properly zoned;
- (3) Hold a minimum of 15 automobiles;
- (4) Be enclosed by a metal chainlink fence, or other fence of better construction, which is of a height of at least six feet; provided, however, within two years from the effective date of the ordinance from which this chapter is derived, any permittee or wrecker service on the waiting list, which is currently existing and operating as a wrecker service, who desires to remain eligible to remain on the rotation list, shall have improved the required fencing consistent with the zoning ordinance, including, but not limited to, section 146-132, which provides for fencing, walls and screening requirements and shall be screened from view from the public right-of-way and from adjacent residential property;
- (5) Have a gate which is kept locked when not attended;
- (6) Maintain all screening, fences and gates in good condition;
- (7) Be adequately lighted for security purposes;
- (8) Provide a minimum of three parking spaces for customers of the wrecker service; and

- (9) Comply with all applicable state laws relative to the operation of a wrecker service and auto pound.

**~~Sec. 114-22. - Same—Indoor area.~~**

~~Every permittee under this chapter shall provide a maximum security indoor area, either located at the impoundment facility or at another site approved by the director of public safety, which shall be available for storage of any vehicle at the request of the police department.~~

**Sec. 114-23. - Permittee to provide 24-hour service.**

Every permittee under this chapter shall provide service contemplated by this chapter on a 24-hour basis, seven days a week.

**Sec. 114-24. - Response time.**

The permittee will arrive at the location of the vehicle to be towed within 20 minutes after receiving a request for daytime towing. Night, weekend and holiday towing shall not exceed a 30-minute response time. Time will be extended to 45 minutes for requests that require heavy duty or specialized equipment.

**Sec. 114-25. - Duty of wrecker driver to clean street of debris, glass, etc.**

The wrecker operator shall be responsible for cleaning the roadway of glass and debris when responding to a call of a motor vehicle accident, in accordance with the provisions of applicable state statutes.

**Sec. 114-26. - Compliance with abandoned motor vehicle act.**

All permittees operating on the police department rotation list must comply with all guidelines as set forth in the Texas Abandoned Motor Vehicle Act (V.T.C.A., Transportation Code ch. 683), as amended.

**Sec. 114-27. - Impoundment of vehicles.**

All vehicles towed by a permittee at the direction of the police department shall be impounded by such permittee either at the auto pound of the wrecker service, as described in this chapter, or at a location designated by the police department. Vehicles that have a police department hold placed on them shall not be returned to the owner of the vehicle until release of such vehicle is authorized by a police department supervisor.

**Sec. 114-28. - Rate schedule.**

- (a) A permittee under this chapter will not charge any fees in excess of rates herein established. If there is a situation in which rates established by the state apply and those rates are in conflict with city rate, the permit holder will comply with the state regulations. The ~~police department~~ rate schedule ~~is as determined~~ may be updated from time to time by city council.
- (b) The bill for towing of any motor vehicle shall be itemized to reflect the services performed, labor or other materials required and any other charges.

**Sec. 114-29. - Suspension and removal from rotation list.**

- (a) Any applicant who makes application under this chapter and is placed on the rotation list and is called by the police department under the terms of this chapter shall be required to respond to any authorized call. The ~~director of public safety~~ Chief of Police shall remove the permittee from the rotation list for any of the following reasons:
  - (1) Failure to respond to three consecutive calls;
  - (2) Failure to respond to 25 calls within a 12-month period;
  - (3) Causing undue damage to vehicles picked up or any other act of incompetency of operation;
  - (4) Intoxication or incompetency of a wrecker operator;
  - (5) Failure to maintain insurance as required in section 114-19;
  - (6) Failure to allow the ~~director of public safety~~ Chief of Police or his designee to periodically make safety inspections of the wrecker or wreckers, the wrecker service, and/or auto pound, as required herein;
  - (7) Failure to comply with the requirements of section 114-18, pertaining to required equipment;
  - (8) Failure to reasonably comply with any other provision of this chapter; or
  - (9) The making of any false statement as to a material matter in an application for a permit, or permit renewal, or in a hearing concerning the permit.
- (b) The name of any such permittee shall be removed from the rotation list and said permittee shall not be eligible to have its name replaced on the rotation list for a period of up to 12 months from the date of removal.
- (c) Any permittee that receives a total of three suspensions in a 12-month time period shall have its permit terminated immediately. That permittee

shall not be eligible to reapply for a permit for a 12-month period commencing on the date of termination.

**Sec. 114-30. - Notice of denial, suspension or revocation; appeal.**

- (a) Every denial, suspension, termination or revocation of a permit shall be in writing, shall be dated, and shall state the reason for such denial, suspension, termination or revocation. Such notice shall be sent to the permittee by certified mail or by personal service. The denial, suspension, termination or revocation shall be effective on the date of the written notice.
- (b) A permittee whose permit has been denied, suspended, terminated or revoked may, within seven working days after the date of notice, submit a written request to the city manager for an appeal of the denial, suspension, termination or revocation.
- (c) The city manager or his designee shall set a date for hearing not later than seven working days following the receipt of the notice of appeal. Within five working days after such hearing, the city manager or his designee shall sustain or reverse the denial, suspension, termination or revocation. Written notice of the decision shall be given to the permittee.
- (d) If no appeal is made within the time and by the method hereby provided, the denial, suspension, termination or revocation shall be final and binding and shall exhaust any administrative remedies.
- (e) In the case of a suspension, after the period of suspension as herein determined, the wrecker service may reapply for a permit. If no opening is available on the rotation list, the wrecker service will be placed on the waiting list, provided all other qualifications for placement have been satisfied.
- (f) In the case of a denial, termination or revocation of a permit, the wrecker service may reapply for a permit after a period of 12 months, or upon proof of satisfactory compliance with the requirements herein or correction of the cause of the denial, termination or revocation of the permit. If no opening is available on the rotation list, the wrecker service will be placed on the waiting list.

Section 3. That Appendix A, entitled "Schedule of Fees", of the Code of Ordinances, City of McKinney, Texas, Section 114-28, is hereby amended to read as follows:

**Appendix A, Section 114-28. Rate Schedule.**

Passenger automobiles, ambulances, limousines, and all other vehicles having a rated capacity of 10,000 GVW or less, including motorcycle:

Basic wrecker fee ..... 130.00

Off-road recovery/rollover (extra), per hour billed 15-minute increments ..... 100.00

Storage—In accordance with state rates

Single axle bobtail or straight trucks, tandem axle bobtail or straight truck, tractors, or trailers (empty):

Removal rate, per hour ..... 190.00

Storage—In accordance with state rates

Tractor trailer combinations (loaded):

Removal rate, per hour ..... 325.00

Storage—In accordance with state rates

- Section 4. That if any section, subsection, paragraph, sentence, phrase or clause of this Ordinance shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance, which shall remain in full force and effect, and to this end, the provisions of this Ordinance are declared to be severable.
- Section 5. That this Ordinance shall be cumulative of all other ordinances of the City and shall not repeal any of the provisions of said ordinances except in those instances where provisions of those ordinances are in direct conflict with the provisions of this Ordinance and such ordinances shall remain intact and are hereby ratified, verified and affirmed.
- Section 6. The caption of this Ordinance shall be published one time in a newspaper having general circulation in the City of McKinney.
- Section 7. This Ordinance shall become effective from and after the date of its final passage and publication as provided by law.

**DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, ON THE 6<sup>TH</sup> DAY OF NOVEMBER, 2018.**

CITY OF MCKINNEY, TEXAS

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GEORGE C. FULLER  
Mayor

CORRECTLY ENROLLED:

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EMPRESS DRANE  
City Secretary  
MELISSA LEE  
Deputy City Secretary

DATE: \_\_\_\_\_

APPROVED AS TO FORM:

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MARK S. HOUSER  
City Attorney