



City of Azle Regular Meeting Agenda City Council

505 W. Main Street
Azle, Texas 76020

January 23, 2024

6:00 PM

Council Chambers

Pursuant to Section 551.071 of the Texas Government Code, the Council may convene into Executive Session(s) from time to time as deemed necessary during the meeting for any posted agenda item and may receive advice from its attorney as permitted by law.

CALL TO ORDER

INVOCATION

The City of Azle is accepting volunteers from all Religions and Denominations to provide the invocation at the beginning of the City Council meeting. If you are interested in giving the invocation at a future meeting, please call the city secretary's office at 817-444-7101 or email: yforgey@cityofazle.org

Amy Collins of Son Shine Ministries

PLEDGE OF ALLEGIANCE

PUBLIC PARTICIPATION

This is an opportunity for the public to address the City Council on posted agenda items or non-agenda items. In order to address the Council, please complete a Speaker's Request Form and submit to the City Secretary prior to the start of the council meeting. All comments must be directed to the Presiding Officer, rather than an individual council member or city staff. All speakers must refrain from personal attacks toward any individual. Comments are limited to three (3) minutes and must pertain to the subject matter listed on the Speaker's Request Form. Speakers requiring the assistance of a translator shall be provided four (4) minutes. Council may not comment publicly on non-agenda items, but may direct the City Manager to resolve the matter or request the matter be placed on a future agenda. Public comments regarding non-agenda items shall not include any "deliberation" as defined by Chapter 551 of the Government Code, as now or hereafter amended. If you have a subject that may require City Council action, you may obtain a form from the City Secretary and request the item be placed on a future agenda.

PRESENTATIONS

1. Police Department and Animal Control annual report.
Ben Hall, Police Chief

ACTION ITEMS

2. Consider any action approving the December 19, 2023 regular council meeting minutes.
Yael Forgey, City Secretary
3. Consider any action on re-appointing four (4) members to the Tax Increment Reinvestment Zone No. 1 Board of Directors for two-year terms expiring December 31, 2025 and appointing one (1) member to serve as chairperson.
Tom Muir City Manager
4. Consider any action on proposed Ordinance No. 2024-01 calling for a General Election to be held on May 4, 2024 to elect Council Members to Places 1, 2 and 5 for a two-year term.
Tom Muir, City Manager
5. Consider any action on Resolution No. 2024-05 setting rates for solid waste and recycling services.
Susie Hiles, Assistant to the City Manager
6. Consider any action on Resolution No. 2024-01 authorizing the City Manager to execute a

multiple-use agreement with the Texas Department of Transportation (TxDOT) allowing the installation and operation of automated license plate recognition (ALPR) cameras.

Ben Hall, Police Chief

7. Consider any action on Resolution No. 2024-02 approving the submission of a Justice Assistance Grant for evidence and crime scene technology upgrades.

Mike Winterrowd, Police Detective

8. Consider any action on Resolution No. 2024-03 approving the submission of a Bullet-Resistant Shield Grant.

Mike Winterrowd, Police Detective

9. Consider any action on Resolution No. 2024-04 approving the submission of a Rifle-Resistant Body Armor Grant.

Mike Winterrowd, Police Detective

DISCUSSION ITEMS

10. Possible revisions to the Zoning Ordinance - masonry walls/screening fences for residential subdivisions.

Tom Muir, City Manager

11. Revising the Permitted Use Schedule.

Tom Muir, City Manager

12. Possible amendments to the Code of Ordinance for Food Truck Parks

David Hawkins, Director of Planning and Development

13. Proposed revisions to the Wrecker Ordinance

Tom Muir, City Manager

ITEMS TO BE PLACED ON FUTURE MEETING AGENDAS

MAYOR/COUNCIL COMMENTS OF COMMUNITY INTEREST

EXECUTIVE SESSION

- **551.071 CONSULTATION WITH THE CITY ATTORNEY**
Providing Court Services for Neighboring Communities
- **551.074 PERSONNEL MATTERS**
Deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of City Manager and City Attorney.

14. Take any action pursuant to Executive Session.

ADJOURNMENT

I, the undersigned authority, do hereby certify the above Agenda was posted at City Hall on 01-19-2024, at the City's official bulletin board and is readily accessible to the public at all times in accordance with V.T.C.A. Chapter 551, Texas Government Code.



**Yael Forgey,
City Secretary**

This facility is wheelchair accessible and handicapped parking spaces are available. Auxiliary aids and services are available to a person when necessary to afford an equal opportunity to participate in city functions and activities. Auxiliary aids and services or accommodations should be requested forty-eight hours prior to the scheduled starting time by calling the City Secretary's Office at 817-444-7101. Complete City Council agenda packet is available for review at the City Secretary's Office and on our website www.cityofazle.org.



Presenter: Ben Hall, Police Chief

Agenda Item: Police Department and Animal Control annual report.

Background and Explanation:

Chief Hall will provide an update on the activities of the Police Department, including Animal Control.

Board/Commission/Committee Recommendation:

N/A.

Staff Recommendation:

N/A.

Attachments:

None



Presenter: Yael Forgey, City Secretary

Agenda Item: Consider any action approving the December 19, 2023 regular council meeting minutes.

Background and Explanation:

Procedural.

Board/Commission/Committee Recommendation:

N/A

Staff Recommendation:

N/A

Attachments:

1. Minutes.



MINUTES Regular Meeting Azle City Council

505 W. Main Street
Azle, Texas 76020

December 19, 2023

6:00 PM

Council Chambers

CALL TO ORDER

Mayor Brundrett called the meeting to order at 6:03 PM.

Members Present:

Mayor Alan Brundrett
Councilmember Amy Estes
Councilmember Stacy Peek
Councilmember Rouel Rothenberger
Councilmember Brian Conner

Members Absent:

Mayor Pro-Tem Randa Goode
Councilmember Derrick Nelson

Staff Present:

Tom Muir	City Manager
Lawrence Bryant	Assistant City Manager
Yael Forgey	City Secretary
Susie Hiles	Assistant to the City Manager
Rick White	Public Services Director
David Hawkins	Director of Planning & Development
Jennifer Walls	Purchasing Agent
Marin Avila	Finance Director
Kristen Pegues	Community & Marketing Specialist

INVOCATION

Paul Collins, team member with Son Shine Ministries, gave the invocation.

PLEDGE OF ALLEGIANCE

Mayor Brundrett led the Pledge of Allegiance

PUBLIC PARTICIPATION

None

PRESENTATIONS

1. Azle Memorial Library/Library Board Annual Presentation.

Postponed to a future meeting.

ACTION ITEMS

2. Consider any action on the December 5, 2023 regular council meeting minutes.

Councilmember Rothenberger moved to approve the December 5, 2023 regular council meeting minutes, as presented. Councilmember Peek seconded the motion.

Yes: (5) Alan Brundrett, Amy Estes, Stacy Peek, Rouel Rothenberger, Brian Conner

3. Consider any action on Resolution No. 2023-19 approving the Polly Avenue Waterline Replacement Project as the City's proposed project for Community Development Block Grant (50th year) funding.

Public Services Director Rick White stated the project consists of replacing a 2-inch water main with a new 6-inch PVC line, adding a fire hydrant and new service lines. The project will go out for bid during 2024-2025 and is expected to cost \$197,212.50. The CDBG will fund \$175,000 with the City providing the balance, currently estimated to be \$22,212.50. The required Public Hearing was held at the December 5, 2023 city council meeting.

Councilmember Rothenberger moved to approve Resolution No. 2023-19 approving the Polly Avenue Waterline Replacement Project as the City's proposed project for Community Development Block Grant (50th year) funding, as presented. Councilmember Conner seconded the motion.

Yes: (5) Alan Brundrett, Amy Estes, Stacy Peek, Rouel Rothenberger, Brian Conner

4. Consider any action on awarding the bid for a restroom trailer (Bid No. 2024-002).

Councilmember Rothenberger moved to award the bid for a restroom trailer (Bid No. 2024-002) to Elk Creek Trailers in the amount of \$59,810. Councilmember Estes seconded the motion.

Yes: (5) Alan Brundrett, Amy Estes, Stacy Peek, Rouel Rothenberger, Brian Conner

ITEMS TO BE PLACED ON FUTURE MEETING AGENDAS

None.

MAYOR/COUNCIL COMMENTS OF COMMUNITY INTEREST

01-02-2024 - Fire Marshal Kenny Willson's retirement party at the Fire Department.

01-17-2024 - First Day to file for a place on the ballot.

01-23-2024 - January 2 council meeting has been canceled and the January 16 meeting moved to January 23.

Holiday closures for City facilities will be December 25 & 26 and January 1.

Mayor Brundrett advised Lake Worth Mayor Walter Bowen's wife passed away.

EXECUTIVE SESSION

551.074 PERSONNEL MATTERS

Deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of City Manager.

No executive session was held.

5. Take any action pursuant to the Executive Session.

ADJOURNMENT

Mayor Brundrett adjourned at 6:26 PM.

Presented and approved on 01-23-2024

Alan Brundrett, Mayor

Attest:

Yael Forgey, TRMC, CMC
City Secretary



Presenter: Tom Muir City Manager

Agenda Item: Consider any action on re-appointing four (4) members to the Tax Increment Reinvestment Zone No. 1 Board of Directors for two-year terms expiring December 31, 2025 and appointing one (1) member to serve as chairperson.

Background and Explanation:

On December 1, 2015, the Council approved Ordinance No. 2015-17 which designated an area as Tax Reinvestment Zone Number One (TIRZ No. 1) and established a Board of Directors. The ordinance initially designated five (5) Board members and called each member to serve staggered two-year terms which expire December 31. On January 16, 2018, the Council authorized participation agreements with Tarrant County and the Tarrant County Hospital District, consequently adding Board positions for each entity.

There are currently a total of seven (7) Board members. The Board is comprised of the following members and their respective term expiration dates referenced below:

<u>Name</u>	<u>Term Expiration</u>	<u>Name</u>	<u>Term Expiration</u>
Derrick Nelson	2023	Alan Brundrett, Chair	2024
Rouel Rothenberger	2023	Randa Goode	2024
Alice Moore, Tarrant Co	2023	Stacy Peek	2024
Mark Hallman, Hospital Dist	2023		

Board members whose term expired on December 31, 2023 need to be reappointed/replaced to terms expiring December 31, 2025. Tarrant County has named Tracye Knight, Chief of Staff for Tarrant County Commissioner Manny Ramirez as their representative on the Board. The Hospital District has also changed their representative naming Shannon Fletcher, Vice President and Chief of Staff to serve.

Board/Commission/Committee Recommendation:

N/A

Staff Recommendation:

Staff recommends appointing Ms. Knight and Ms. Fletcher to the Board and reappointing Councilmember Nelson and/or Rothenberger or appointing other councilmembers as their respective replacements as well as appointing a chairperson.

Attachments:

None



Presenter: Tom Muir, City Manager

Agenda Item: Consider any action on proposed Ordinance No. 2024-01 calling for a General Election to be held on May 4, 2024 to elect Council Members to Places 1, 2 and 5 for a two-year term.

Background and Explanation:

Article 5 of the City Charter requires an election each year in May for designated positions on the City Council. This year, the positions of Council Members Places 1, 2 and 5 will be open for election. The attached ordinance calls for the May 4th, 2024 Election as well as establish procedures.

Candidate filing will be open until February 17, 2024.

Board/Commission/Committee Recommendation:

N/A.

Staff Recommendation:

Approve Ordinance No. 2024-01 calling for the General Election.

Attachments:

1. Ord. 2024-01 General Election

ORDINANCE NO. 2024-01

AN ORDINANCE OF THE CITY OF AZLE, TEXAS, CALLING FOR A GENERAL ELECTION FOR THE OFFICES OF CITY COUNCIL PLACE 1, CITY COUNCIL PLACE 2, AND CITY COUNCIL PLACE 5 TO BE HELD ON SATURDAY MAY 4, 2024; PROVIDING FOR THE ADMINISTRATION AND PROCEDURES FOR THE CONDUCT OF THE ELECTION; PROVIDING FOR PUBLICATION; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the City of Azle, Texas, 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 Local Government Code; and

WHEREAS, the general election for City Council members of the City is required to be held on a uniform election date, at which time the voters will elect persons to fill the offices of City Council Place 1, City Council Place 2 and City Council Place 5; and

WHEREAS, Section 41.001 of the Texas Election Code specifies that the May 4, 2024 is a uniform election date.

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

SECTION 1. GENERAL ELECTION CALLED

The City Council does hereby order a general election to elect the offices of City Council Place 1, City Council Place 2, and City Council Place 5 to serve from May 2024 until May 2026 or until their successors are duly elected and qualified. The election shall be conducted according to the laws of the State of Texas, and shall be held on Saturday, May 4, 2024 from 7:00 a.m. to 7:00 p.m.

SECTION 2. APPLICATION FOR PLACE ON BALLOT FOR GENERAL ELECTION

Qualified persons may file as candidates for the General Election by filing applications in the office of the City Secretary located at 505 W. Main Street, Azle, Texas, 76020, between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, beginning January 17, 2024, and ending February 16, 2024.

SECTION 3. CONDUCT OF ELECTION

Tarrant County Elections Administrator, 2700 Premier Street, Fort Worth, Texas 76111 shall conduct and shall be the clerk for early voting of said election for the Tarrant County section of the City; and Parker County Elections Administrator, 1112 Santa Fe, Weatherford, Texas 76086 shall conduct and shall be the clerk for early voting for the Parker County section of the City. The City Secretary of the City of Azle, 505 W. Main Street, Azle, Texas 76020 shall serve as deputy early voting clerk for both counties along with designees from each county. The elections shall be conducted according to the Texas Election Code and the Texas Constitution.

SECTION 4. EARLY VOTING

Early voting both by personal appearance and by mail, will be by the use of Digital Reading Equipment (DRE) voting system in accordance with the Texas Election Code as amended. Early Voting by personal appearance will be conducted at the locations designated by Tarrant and Parker County Elections Administration offices.

(See Exhibits A and B for voting days and locations).

Applications for early voting by mail may be delivered to the Tarrant County Elections Administration: via mail to Early Voting Clerk, 2700 Premier Street, Fort Worth, Texas 76111, PO Box 961011, Fort Worth TX 76161-0011, Fax 817-850-2344, or by email at votebymail@tarrantcounty.com, not later than the close of business on April 23, 2024. Early voting by ballots shall be mailed to the Tarrant County Elections Administrator at the same address.

Applications for early voting by mail may be delivered to the Parker County Elections Office: via mail to Early Voting Clerk, PO Box 639, Weatherford, TX 76086, Fax 817-598-6183, or by email at elections@parkercountytx.com, not later than the close of business on April 23, 2024. Early voting by ballots shall be mailed to the Parker County Elections Office at the same address.

SECTION 5. ELECTION DAY LOCATION AND HOURS

On May 4, 2024, Election Day, the polls shall be open from 7:00 a.m. to 7:00 p.m. and shall be held at the following locations:

PARKER COUNTY

Azle City Hall, Community Room
505 W. Main St.
Azle, Texas 76020

TARRANT COUNTY

Azle ISD support Center
483 Sandy Beach
Azle, Texas 76020

SECTION 6. ADMINISTRATION AND PROCEDURES OF THE ELECTION

The Mayor or the City Manager of the City are hereby authorized and directed to enter into a joint election agreement for said election with Tarrant County and Parker County, Texas and to execute such election agreement for said election. Such agreement will provide for the type of DRE to be used for early voting and on election day, the compensation for election judges and clerks, and will include the locations for and appointment of Central Counting Station Managers. For the Tarrant County side of the City; Central Counting Station Manager Frank Phillips, Tabulation Supervisor Steven Vickers. For the Parker County side of the City; Central Counting Station Dan Markum, Tabulation Supervisor Gina Osborne. Both County Elections Administrators shall process the Early Voting Ballots, and other positions, appointments or requirements as required by law, and any, other requirements or appointments necessary for the conduct of said election for and on behalf of the City. All election materials and proceedings shall be printed in English and Spanish in Parker County and in English, Spanish and Vietnamese in Tarrant County.

SECTION 7. PERSONS QUALIFIED TO VOTE

All residents who are qualified electors of the City shall be permitted to vote at said election. This election shall be held and conducted in accordance with the provisions of the Texas Election Code as may be required by law.

**SECTION 8.
NOTICE OF ELECTIONS**

A substantial copy of this ordinance shall serve as proper notice of the General election. Said notice, including a Spanish and Vietnamese translation thereof, shall be posted not later than the twenty-first (21st) day before the election on the bulletin board used for posting notices of meetings of the city council and shall be published at least once, not early than the thirtieth (30th) day nor later than the tenth (10th) day before the election in a newspaper published and of general circulation in the City of Azle.

**SECTION 9.
EFFECTIVE DATE**

This ordinance shall be in full force and effect from and after its passage, and it is so ordained.

PASSED AND APPROVED on First and Final Reading this the 23th day of January 2024, at a regular meeting of the City Council of the City of Azle, Texas, by a vote of ____ ayes, ____ nays and ____ abstentions.

Alan Brundrett, Mayor

ATTEST:

Yael Forgey, TMRC, CMC
City Secretary

APPROVED AS TO FORM AND LEGALITY

Cara Leahy White, City Attorney

EARLY VOTING SITES AND HOURS (*SITIOS Y HORARIOS DE VOTACION ANTICIPADA*)

Early Voting sites and hours for voting by personal appearance for the GENERAL/SPECIAL ELECTION to be held on May 6, 2023 as conducted by Parker County, Texas are as follows:

(Los lugares para la votación anticipada y el horario para la votación en persona para la ELECCION GENERAL/ESPECIAL que se llevara a cabo el 6 de MAYO de 2023, según lo llevara a cabo el condado de Parker, Texas, son los siguientes:)



Main Voting Site (*Sitio de votacion principal*)

Parker County Courthouse Annex

Annex Kitchen
1112 Santa Fe Dr
Weatherford, 76086

Branch Voting Sites

Springtown Senior Center

Community Room
1070 N Main St
Springtown, 76082

Peaster ISD Rock Gym

Back Room of Gym
8512 FM RD 920
Peaster, 76088

Aledo ISD Admin Building

Louden Room
1008 Bailey Ranch Rd
Aledo, 76008

Hudson Oaks Public Safety Building

Training Room
150 N Oakridge Dr
Hudson Oaks, 76087

Azle City Hall

Community Room
505 W Main St
Azle, 76020

PCT 3 County Barn

Break Room
1111 FM RD 1189
Brock, 76087

Regular Early Voting Hours and Days (*Horas y días regulares de votacion anticipada*)

Monday, April 22, 2024 (<i>Lunes 22 de abril de 2024</i>)	8:00AM-5:00PM
Tuesday, April 23, 2024 (<i>Martes 23 de abril de 2024</i>)	8:00AM-5:00PM
Wednesday, April 24, 2024 (<i>Miercols 24 de abril de 2024</i>)	8:00AM-5:00PM
Thursday, April 25, 2024 (<i>Jueves 25 de abril de 2024</i>)	8:00AM-5:00PM
Friday, April 26, 2024 (<i>Viernes 26 de abril de 2024</i>)	8:00AM-5:00PM
Saturday, April 27, 2024 (<i>Sabado 27 de abril de 2024</i>)	CLOSED (<i>CERRADA</i>)
Sunday, April 28, 2024 (<i>Domingo 28 de abril de 2024</i>)	CLOSED (<i>CERRADA</i>)
Monday, April 29, 2024 (<i>Lunes 29 de abril de 2024</i>)	7:00AM-7:00PM
Tuesday, April 30, 2024 (<i>Martes 30 de abril de 2024</i>)	7:00AM-7:00PM

Applications for Ballot by Mail may be obtained by calling **(817) 598-6185**

Applications for ballots by mail must be received by the Early Voting Clerk

NO later than the close of business day on Tuesday, April 23, 2024

Applications for ballot by mail shall be mailed to:

(Las solicitudes de boletas por correo deben ser recibidas por el Secretario de Voatcion Anticipada

No mas tarde que el cierre del día habil el Martes 23 de Abril de 2024

Las solicitudes de bolete electoral por correo se enviarian por correo a:)

Early Voting Clerk

PO BOX 639

Weatherford 76086

Email: s.bryan@parkercountytexas.com

Website: www.parkercountytexas.com

Fax: (817) 598-6183

7:00AM-7:00PM
ELECTION DAY SITES *(Sitios del día de las elecciones)*



Election Day sites for voting by personal appearance for the GENERAL/SPECIAL ELECTION to be held on MAY 4, 2024 as conducted by Parker County, Texas are as follows:
(Los lugares del Día de las Elecciones para votar en persona para la ELECCION GENERAL/ESPECIAL que se llevara a cabo el 4 de MAYO de 2024 segun lo realizado por el Condado de Parker, Texas son los siguientes:)

Parker County Courthouse Annex

Annex Kitchen
1112 Santa Fe Dr
Weatherford, 76086

Springtown Senior Center

Community Room
1070 N Main St
Springtown, 76082

Peaster ISD Rock Gym

Back Room of Gym
8512 FM RD 920
Peaster, 76088

Aledo ISD Admin Building

Louden Room
1008 Bailey Ranch Rd
Aledo, 76008

Hudson Oaks Public Safety Building

Training Room
150 N. Oakridge Dr
Hudson Oaks, 76087

Azle City Hall

Community Room
505 W Main St
Azle, 76020

PCT 3 County Barn

Break Room
1111 FM RD 1189
Brock, 76087

2024 DRAFT ELECTIONS CALENDARS

2024 ELECTION CALENDARS - DRAFT

TUESDAY, MARCH 5, 2024
REPUBLICAN AND DEMOCRATIC PRIMARY ELECTIONS
EARLY VOTING SCHEDULE

February 20 - 23	Tuesday – Friday	8:00 a.m. - 5:00 p.m.
February 24	Saturday	7:00 a.m. - 7:00 p.m.
February 25	Sunday	10:00 a.m. - 4:00 p.m.
February 26 - 29	Monday – Thursday	7:00 a.m. - 7:00 p.m.
March 1	Friday	7:00 a.m. - 7:00 p.m.

SATURDAY, MAY 4, 2024
ENTITY ELECTIONS
EARLY VOTING SCHEDULE

April 22 - 26	Monday – Friday	8:00 a.m. - 5:00 p.m.
April 27	Saturday	7:00 a.m. - 7:00 p.m.
April 28	Sunday	10:00 a.m. - 4:00 p.m.
April 29 - 30	Monday – Tuesday	7:00 a.m. - 7:00 p.m.

TUESDAY, MAY 28, 2024
PRIMARY RUNOFF ELECTION
EARLY VOTING SCHEDULE

May 20 - 24	Monday - Friday	7:00 a.m. - 7:00 p.m.
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SATURDAY, JUNE 15, 2024
ENTITY RUNOFF ELECTIONS
EARLY VOTING SCHEDULE

June 3 - 7	Monday – Friday	8:00 a.m. - 5:00 p.m.
June 8	Saturday	7:00 a.m. - 7:00 p.m.
June 9	Sunday	10:00 a.m. - 4:00 p.m.
June 10 - 11	Monday – Tuesday	7:00 a.m. - 7:00 p.m.

TUESDAY, NOVEMBER 5, 2024
GENERAL AND JOINT ELECTIONS
EARLY VOTING SCHEDULE

October 21 - 25	Monday – Friday	8:00 a.m. - 5:00 p.m.
October 26	Saturday	7:00 a.m. - 7:00 p.m.

October 27	Sunday	10:00 a.m. - 4:00 p.m.
October 28 - 31	Monday - Thursday	7:00 a.m. - 7:00 p.m.
November 1	Friday	7:00 a.m. - 7:00 p.m.

SATURDAY, DECEMBER 14, 2024
JOINT RUNOFF ELECTIONS
EARLY VOTING SCHEDULE

December 2 - 6	Monday – Friday	8:00 a.m. - 5:00 p.m.
December 7	Saturday	7:00 a.m. - 7:00 p.m.
December 8	Sunday	10:00 a.m. - 4:00 p.m.
December 9 - 10	Monday - Friday	7:00 a.m. - 7:00 p.m.



Presenter: Susie Hiles, Assistant to the City Manager

Agenda Item: Consider any action on Resolution No. 2024-05 setting rates for solid waste and recycling services.

Background and Explanation:

This resolution will establish rates for garbage and recycling services within the city in accordance with Section 13.08.009 of the Code of Ordinances. CWD is requesting a market adjustment on garbage rates, as outlined in Section 7(c) of the current contract.

Residential rates will increase by \$0.66 to \$23.75, which includes a \$.03 increase for the X-Treme Green Event. Commercial handload will increase by \$0.88 to \$34.28. Schedule "A" (attached) has a complete breakdown of all new rates. All stated residential rates include billing & franchise fees and all commercial rates include only the 6% franchise fee as CWD will take over billing commercial accounts on February 15, 2024.

Board/Commission/Committee Recommendation:

N/A.

Staff Recommendation:

Staff recommends approval of Resolution No. 2024-05.

Attachments:

1. Resolution 2024-05
2. Rate Adjustment Request Letter 2024

RESOLUTION NO. 2024-05

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AZLE, TEXAS
SETTING RATES FOR GARBAGE AND RECYCLING SERVICES WITHIN THE
CITY.**

WHEREAS, the City Council has deemed it in the best interest of the citizens of Azle to remove and dispose of garbage and recyclable materials; and

WHEREAS, the City Council has awarded a contract to Community Waste Disposal to remove and dispose of garbage and recyclable materials within the city; and

WHEREAS, it is necessary to collect fees for the removal of said garbage and recyclable materials.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AZLE, THAT:

SECTION 1. The attached **Schedule “A”**, fully incorporated herein, hereby establishes the garbage and recyclable materials collection fees applicable in the City beginning February 1, 2024, in accordance with Section 13.08.009 of the Code of Ordinances.

SECTION 2. This resolution shall become effective immediately upon passage.

PASSED AND APPROVED on this the 23rd day of January 2024, at a regular meeting of the City Council of the City of Azle, Texas.

Alan Brundrett, Mayor

ATTEST:

Yael Forgey, City Secretary

Schedule A					
City of Azle Solid Waste Collection and Recycling Services					
For the period of;					
February 01, 2024 to January 31, 2025					
<i>Note: CWD considers this material as proprietary rate information that could affect their competitiveness if the waste services contract goes to competitive bid process. Therefore, CWD requests that their extension request letters and all associated discussion information to be exempt from public disclosure. CWD request this information is exempt from Public Records, and is only allowed to be part of Public Records, after a ruling of the Attorney General of Texas.</i>					
	Jan. 31, 2024 Azle Rate	Jan. 31, 2024 CWD Rate	Total Adjustment	Feb. 1, 2024 CWD Rate	Feb. 01, 2024 Azle Rate
Residential Collection					
	Percent of Adjustment				
Residential Waste	\$17.15	\$15.26	\$0.46	\$15.72	\$17.66
	Percent of Adjustment				
Residential Recycle	\$4.76	\$4.24	\$0.10	\$4.34	\$4.88
	Percent of Adjustment				
Residential X-treme Green Event	\$1.18	\$1.05	\$0.03	\$1.08	\$1.21
Commercial - 95 Gallon Cart Service					
	Percent of Adjustment				
Twice a Week Service	\$33.40	\$31.51	\$0.83	\$32.34	\$34.28
Front Load Commercial Trash Container Services					
	Percent of Adjustment				
3 Cubic Yard					
One time per week	\$130.35	\$122.97	\$4.81	\$127.78	\$135.45
Two times per week	\$182.14	\$171.83	\$6.72	\$178.55	\$189.26
Three times per week	\$241.63	\$227.96	\$8.92	\$236.88	\$251.09
Four times per week	\$304.72	\$287.47	\$11.25	\$298.72	\$316.64
Five times per week	\$365.18	\$344.51	\$13.48	\$357.99	\$379.47
4 Cubic Yard					
One time per week	\$158.62	\$149.64	\$5.86	\$155.50	\$164.83
Two times per week	\$215.97	\$203.74	\$7.98	\$211.72	\$224.42
Three times per week	\$286.42	\$270.20	\$10.57	\$280.77	\$297.62
Four times per week	\$367.45	\$346.65	\$13.57	\$360.22	\$381.83
Five times per week	\$390.31	\$368.22	\$14.40	\$382.62	\$405.58
6 Cubic Yard					
One time per week	\$203.92	\$192.38	\$7.52	\$199.90	\$211.89
Two times per week	\$283.73	\$267.67	\$10.47	\$278.14	\$294.83
Three times per week	\$406.47	\$383.46	\$15.00	\$398.46	\$422.37
Four times per week	\$471.46	\$444.77	\$17.40	\$462.17	\$489.90
Five times per week	\$618.58	\$583.57	\$22.83	\$606.40	\$642.78
8 Cubic Yard					
One time per week	\$241.29	\$227.63	\$8.91	\$236.54	\$250.73
Two times per week	\$437.20	\$412.45	\$16.14	\$428.59	\$454.31
Three times per week	\$518.63	\$489.27	\$19.14	\$508.41	\$538.91
Four times per week	\$683.90	\$645.19	\$25.24	\$670.43	\$710.66
Five times per week	\$821.32	\$774.83	\$30.32	\$805.15	\$853.46
Commercial Special Services					
	Percent of Adjustment				
Front Load Reloads					
3 Cubic Yard	\$67.63	\$63.80	\$2.49	\$66.29	\$70.27
4 Cubic Yard	\$71.41	\$67.36	\$2.63	\$69.99	\$74.19
6 Cubic Yard	\$75.18	\$70.92	\$2.78	\$73.70	\$78.12
8 Cubic Yard	\$84.55	\$79.76	\$3.13	\$82.89	\$87.86
Front Load Unscheduled					
3 Cubic Yard	\$110.56	\$104.31	\$4.07	\$108.38	\$114.88
4 Cubic Yard	\$112.61	\$106.24	\$4.15	\$110.39	\$117.01
6 Cubic Yard	\$116.76	\$110.15	\$4.31	\$114.46	\$121.33
8 Cubic Yard	\$121.01	\$114.16	\$4.47	\$118.63	\$125.75
	Percent of Adjustment				
Miscellaneous Front Load Charges					
Deodorize Containers	\$148.07	\$139.69	\$10.49	\$150.18	\$159.19
Gates (per pick-up)	\$13.65	\$12.88	\$0.97	\$13.85	\$14.68
Casters (per pick-up)	\$13.65	\$12.88	\$0.97	\$13.85	\$14.68
Locks (per pick-up)	\$13.65	\$12.88	\$0.97	\$13.85	\$14.68
Signed Receipts	\$13.65	\$12.88	\$0.97	\$13.85	\$14.68
Front Load Deliver or Exchange	\$148.07	\$139.69	\$10.49	\$150.18	\$159.19
Roll Off Services					
	Percent of Adjustment				
Open Tops					
Delivery	\$259.61	\$244.92	\$6.54	\$251.46	\$266.55

Schedule A					
City of Azle Solid Waste Collection and Recycling Services					
For the period of;					
February 01, 2024 to January 31, 2025					
<i>Note: CWD considers this material as proprietary rate information that could affect their competitiveness if the waste services contract goes to competitive bid process. Therefore, CWD requests that their extension request letters and all associated discussion information to be exempt from public disclosure. CWD request this information is exempt from Public Records, and is only allowed to be part of Public Records, after a ruling of the Attorney General of Texas.</i>					
	Jan. 31, 2024 Azle Rate	Jan. 31, 2024 CWD Rate	Total Adjustment	Feb. 1, 2024 CWD Rate	Feb. 01, 2024 Azle Rate
Weekly Rental	\$61.91	\$58.40	\$1.56	\$59.96	\$63.56
Haul 20 Yard **	\$504.63	\$476.06	\$12.72	\$488.78	\$518.11
Haul 30 Yard **	\$504.63	\$476.06	\$12.72	\$488.78	\$518.11
Haul 40 Yard **	\$504.63	\$476.06	\$12.72	\$488.78	\$518.11
Container Deposit	\$260.00	n/a	n/a	n/a	\$260.00
Compactors					
28 Yard Haul**	\$465.23	\$438.90	\$11.72	\$450.62	\$477.66
30 Yard Haul**	\$465.23	\$438.90	\$11.72	\$450.62	\$477.66
35 Yard Haul**	\$465.23	\$438.90	\$11.72	\$450.62	\$477.66
40 Yard Haul**	\$465.23	\$438.90	\$11.72	\$450.62	\$477.66
42 Yard Haul**	\$465.23	\$438.90	\$11.72	\$450.62	\$477.66
Percent of Adjustment					
** Disposal Per Ton	\$85.24	\$80.42	\$1.18	\$81.60	\$86.50
** Excess Payload Charge over 54,000 GVW per ton	\$213.09	\$201.03	\$10.49	\$211.52	\$224.21
Residential Temporary Roll Off Services					
Percent of Adjustment					
12 Yard Open Top					
Delivery, 1 week rental & 1 haul	\$706.95	\$666.93	\$21.30	\$688.23	\$729.52
(includes 2 ton of disposal)	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Percent of Adjustment					
disposal over 2 ton to 4 tons per ton	\$115.57	\$109.03	\$5.69	\$114.72	\$121.60
excess payload charge over 4 ton per ton	\$161.81	\$152.65	\$7.97	\$160.62	\$170.26
Commercial Temporary Roll Off Services					
Percent of Adjustment					
30 Yard Open Top					
Delivery	\$210.28	\$198.38	\$10.36	\$208.74	\$221.26
Weekly Rental	\$75.53	\$71.25	\$3.72	\$74.97	\$79.47
Haul 30 Yard weekday **	\$814.29	\$768.20	\$40.10	\$808.30	\$856.80
Haul 30 Yard weekend **	\$868.02	\$818.89	\$42.75	\$861.64	\$913.34
(Includes 4 Ton of Disposal)					
** Disposal Over 4 Tons Per Ton	\$98.65	\$93.06	\$4.86	\$97.92	\$103.80
** Excess Payload Charge over 54,000 GVW per ton	\$219.47	\$207.04	\$10.81	\$217.85	\$230.92
Roll Off Haul Rates for the City of Azle					
Percent of Adjustment					
City of Azle Sludge Hauls					
Open Top Sludge Container Rental	n/a	\$0.00	\$0.00	\$0.00	n/a
Open Top Sludge Hauls - 30 Yard	n/a	\$1,745.80	\$0.00	\$1,745.80	n/a
City of Azle Open Tops (O/T)					
First 5 - 30 yard o/t hauls	n/a	\$0.00	\$0.00	\$0.00	n/a
Next 7 - 30 yard o/t haul **	n/a	\$0.00	\$0.00	\$0.00	n/a
13th & on - 30 yard o/t hauls **	n/a	\$480.73	\$15.36	\$496.09	n/a
Delivery (on the first 12 containers only)	n/a	\$0.00	\$0.00	\$0.00	n/a
Weekly Rental (first 12 containers only)	n/a	\$0.00	\$0.00	\$0.00	n/a
Percent of Adjustment					
City of Azle O/T Disposal Rates					
** Disposal Per Ton	n/a	\$60.22	\$1.19	\$61.41	n/a
Loads delivered to CWD Transfer Station	n/a	\$41.62	\$0.83	\$42.45	n/a
Special Collections (above and beyond the 2 cubic yards per home per week)					
Percent of Adjustment					
Appliances: Listed Below					
Ice Maker, Freezers & Refrigeration (Freon Removed)	\$56.42	\$53.23	\$1.41	\$54.64	\$57.92
Stoves, Ovens, Water Heaters	\$56.42	\$53.23	\$1.41	\$54.64	\$57.92
Furnace & Garbage Compactors & Etc.	\$56.42	\$53.23	\$1.41	\$54.64	\$57.92
Furniture: Listed Below					
Couch, Bed, Love Seat, Tables, EZ Chairs & Etc.	\$56.42	\$53.23	\$1.41	\$54.64	\$57.92
Other Charges					
Return Checks	\$75.00	\$75.00	\$0.00	\$75.00	\$75.00



December 21, 2023

City of Azle
Susie Hiles
613 Southeast Parkway
Azle, TX 76020

RE: Residential & Commercial Cost Adjustment Effective February 01, 2024

Dear Susie:

In accordance with the Contract with Community Waste Disposal, LP for Collection of Solid Waste, Community Waste Disposal (CWD) request an annual cost adjustment. This notice is to inform you of our request for a cost adjustment effective February 01, 2024. Attached is a new schedule "A" outlining the changes in rates. Also included is the CPI index, the Henry Hub Natural Gas Spot Prices, and a worksheet that recaps the changes in disposal, fuel, and landfill.

The information below is a sample that reflects the adjustment for Azle residential cost adjustment.

2023 Residential Rate to City	\$17.15	2023 8 Yard twice a Week	\$453.17
2024 Residential Rate to City	\$17.66	2024 8 Yard twice a Week	\$454.31
2023 X-treme Green Event	\$1.18	2023 Haul on a 35 Yard Compactor	\$482.06
2024 X-treme Green Event	\$1.21	2024 Haul on a 35 Yard Compactor	\$477.66

If you would like to schedule a meeting with City Management/Staff to discuss CWD's 2024 cost adjustment request. Please contact Municipal Coordinator, Robert Medigovich at 972.333.6106.

Sincerely,

Chyna Pham-Nguyen
Accounts Receivable Manager

Enc: Schedule A
Adjustment Worksheet
CPI Statistical Data
Henry Hub Fuel Prices

CC: Robert Medigovich
Greg Roemer
Jim Huyck

2010 California Crossing Road
Dallas, Texas 75220-2310
Telephone
972.392.9300 or 817.795.9300
Facsimile
972.392.9301



Presenter: Ben Hall, Police Chief

Agenda Item: Consider any action on Resolution No. 2024-01 authorizing the City Manager to execute a multiple-use agreement with the Texas Department of Transportation (TxDOT) allowing the installation and operation of automated license plate recognition (ALPR) cameras.

Background and Explanation:

The FY2023-24 budget includes the purchase and installation of Flock Safety Solutions stationary ALPR cameras. As the first step in the placement of these cameras, a resolution is required that acknowledges the City will be working with Flock and TxDOT to place these cameras on TxDOT's fixtures and rights of way.

Board/Commission/Committee Recommendation:

N/A.

Staff Recommendation:

Approve Resolution No. 2024-01.

Attachments:

1. Resolution 2024-01

CITY OF AZLE, TEXAS

RESOLUTION NO. 2024 -01

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AZLE, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A MULTIPLE-USE AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION ALLOWING THE INSTALLATION AND OPERATION OF AUTOMATED LICENSE PLATE RECOGNITION CAMERAS IN TEXAS DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Azle has determined the addition of Automatic License Plate Recognition (ALPR) Cameras will increase public safety and aid the Police Department in its crime prevention efforts and strategies; and

WHEREAS, the City of Azle desires to engage with the Texas Department of Transportation (TxDOT) and asks that Flock safety be allowed to place ALPR Cameras in TxDOT right-of-way on behalf of the City of Azle; and

WHEREAS, the City Council finds it to be in the public interest to authorize the City Manager to sign a Multiple-Use Agreement with TxDOT.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF AZLE, TEXAS, THAT:

Section 1. The City Council hereby authorizes the City Manager to enter into a Multiple-Use Agreement with TxDOT for the installation and operation of ALPR Cameras in TxDOT right-of-way.

Section 2. That this resolution shall take effect immediately from and after its passage.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF AZLE, TEXAS, THIS THE 23rd DAY OF January 2024.

Alan Brundrett, Mayor

ATTEST:

Yael Forgey, TRMC, CMC, City Secretary



Presenter: Mike Winterrowd, Police Detective

Agenda Item: Consider any action on Resolution No. 2024-02 approving the submission of a Justice Assistance Grant for evidence and crime scene technology upgrades.

Background and Explanation:

The Police Department is pursuing a grant for approximately \$28,000 (100% reimbursable) for the acquisition of a burn unit, drying cabinet, and specialized major scene evidence kits, along with training for these items (Grant #4967501). As stated, the federally-funded grant is fully reimbursable. However, acquisition and reimbursement will not occur until after October 1, 2024 (next fiscal year).

Board/Commission/Committee Recommendation:

N/A.

Staff Recommendation:

Approve Resolution No. 2024-02.

Attachments:

1. Resolution 2024-02

CITY OF AZLE

RESOLUTION NO. 2024-02

A RESOLUTION OF THE CITY OF AZLE TEXAS SUPPORTING THE SUBMISSION OF A JUSTICE ASSISTANCE GRANT VIA THE OFFICE OF THE GOVERNOR FOR EVIDENCE AND CRIME SCENE TECHNOLOGY UPGRADE

WHEREAS, the City of Azle finds it in the best interest of the citizens of Azle, Texas that the Evidence and Crime Scene Technology Upgrade Grant Project be operated for the 2024-2025 Budget Cycle; and

WHEREAS, the City of Azle agrees to provide \$28,000 for the said project as required by the Justice Assistance Grant application, the entire amount of which will be reimbursed by the grant (there are no matching funds) as this request is a fully reimbursable grant: and

WHEREAS, the grant request is for Evidence and Crime Scene Technology Upgrade for Azle Police personnel; and

WHEREAS, the City of Azle agrees that in the event of loss or misuse of the Office of the Governor funds, the City of Azle assures that the funds will be returned to the Office of the Governor in full; and

WHEREAS, the City of Azle designates Chief of Police Ben Hall as the grantee's authorized official. The authorized official is given the power to apply for, accept, reject, alter or terminate the grant on behalf of the applicant agency.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AZLE, TEXAS, THAT:

SECTION 1

The Azle City Council hereby approves the submission of the grant application for Evidence and Crime Scene Technology Upgrade to the Office of the Governor.

SECTION 2

This resolution shall become effective January 23, 2024.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF AZLE TEXAS ON
January 23, 2024 REGULAR MEETING**

Alan Brundrett, Mayor

ATTEST:

Yael Forgey, City Secretary



Presenter: Mike Winterrowd, Police Detective

Agenda Item: Consider any action on Resolution No. 2024-03 approving the submission of a Bullet-Resistant Shield Grant.

Background and Explanation:

The Police Department is pursuing a grant for approximately \$10,500 (100% reimbursable) for the acquisition of three (3) high-mobility rifle-resistant shields (Grant #4967501). As stated, the federally-funded grant is fully reimbursable. However, acquisition and reimbursement will not occur until after October 1, 2024 (next fiscal year).

Board/Commission/Committee Recommendation:

N/A.

Staff Recommendation:

Approve Resolution No. 2024-03.

Attachments:

1. Resolution 2024-03

CITY OF AZLE

RESOLUTION NO. 2024-03

A RESOLUTION OF THE CITY OF AZLE TEXAS SUPPORTING THE SUBMISSION OF A BULLET-RESISTANT SHIELD GRANT VIA THE OFFICE OF THE GOVERNOR FOR HIGH-MOBILITY RIFLE-RATED SHIELD ACQUISITION

WHEREAS, the City of Azle finds it in the best interest of the citizens of Azle, Texas that the High-Mobility Rifle-Rated Shield Acquisition be operated for the 2024-2025 Budget Cycle; and

WHEREAS, the City of Azle agrees to provide \$10,500 for the said project as required by the Bullet-Resistant Shield Grant application, the entire amount of which will be reimbursed by the grant (there are no matching funds) as this request is a fully reimbursable grant: and

WHEREAS, the grant request is for High-Mobility Rifle-Rated Shield Acquisition for Azle Police personnel; and

WHEREAS, the City of Azle agrees that in the event of loss or misuse of the Office of the Governor funds, the City of Azle assures that the funds will be returned to the Office of the Governor in full; and

WHEREAS, the City of Azle designates Chief of Police Ben Hall as the grantee's authorized official. The authorized official is given the power to apply for, accept, reject, alter or terminate the grant on behalf of the applicant agency.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AZLE, TEXAS, THAT:

SECTION 1

The Azle City Council hereby approves the submission of the grant application for High-Mobility Rifle-Rated Shield Acquisition to the Office of the Governor.

SECTION 2

This resolution shall become effective January 23, 2024.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF AZLE TEXAS ON
January 23, 2024 REGULAR MEETING

Alan Brundrett, Mayor

ATTEST:

Yael Forgey, City Secretary



Presenter: Mike Winterrowd, Police Detective

Agenda Item: Consider any action on Resolution No. 2024-04 approving the submission of a Rifle-Resistant Body Armor Grant.

Background and Explanation:

The Police Department is pursuing a grant for approximately \$5,000 (100% reimbursable) for the acquisition of four(4) rifle-rated armor sets (Grant #4967601). As stated, the federally-funded grant is fully reimbursable. However, acquisition and reimbursement will not occur until after October 1, 2024 (next fiscal year).

Board/Commission/Committee Recommendation:

N/A.

Staff Recommendation:

Approve Resolution No. 2024-04.

Attachments:

1. Resolution 2024-04

CITY OF AZLE

RESOLUTION NO. 2024-04

A RESOLUTION OF THE CITY OF AZLE TEXAS SUPPORTING THE SUBMISSION OF A RIFLE-RESISTANT BODY ARMOR GRANT VIA THE OFFICE OF THE GOVERNOR FOR RIFLE-RESISTANT ARMOR REPLACEMENT

WHEREAS, the City of Azle finds it in the best interest of the citizens of Azle, Texas that the Rifle-Resistant Armor Replacement be operated for the 2024-2025 Budget Cycle; and

WHEREAS, the City of Azle agrees to provide \$5,000 for the said project as required by the Rifle-Resistant Armor Replacement application, the entire amount of which will be reimbursed by the grant (there are no matching funds) as this request is a fully reimbursable grant; and

WHEREAS, the grant request is for Rifle-Resistant Armor Replacement for Azle Police personnel; and

WHEREAS, the City of Azle agrees that in the event of loss or misuse of the Office of the Governor funds, the City of Azle assures that the funds will be returned to the Office of the Governor in full; and

WHEREAS, the City of Azle designates Chief of Police Ben Hall as the grantee's authorized official. The authorized official is given the power to apply for, accept, reject, alter or terminate the grant on behalf of the applicant agency.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AZLE, TEXAS, THAT:

SECTION 1

The Azle City Council hereby approves the submission of the grant application for Rifle-Rated Armor Replacement to the Office of the Governor.

SECTION 2

This resolution shall become effective January 23, 2024.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF AZLE TEXAS ON
January 23, 2024 REGULAR MEETING

Alan Brundrett, Mayor

ATTEST:

Yael Forgey, City Secretary



Presenter: Tom Muir, City Manager

Agenda Item: Possible revisions to the Zoning Ordinance - masonry walls/screening fences for residential subdivisions.

Background and Explanation:

Mayor Pro Tem Goode requested an item to discuss revising the Zoning Ordinance regarding masonry walls/screening fences for residential subdivisions.

Board/Commission/Committee Recommendation:

N/A.

Staff Recommendation:

N/A.

Attachments:

None



Presenter: Tom Muir, City Manager
Agenda Item: Revising the Permitted Use Schedule.

Background and Explanation:

Mayor Pro Tem Goode requested an update of the revising the Permitted Use Schedule in the Zoning Ordinance.

Board/Commission/Committee Recommendation:

N/A.

Staff Recommendation:

N/A.

Attachments:

None



Presenter: Tom Muir, City Manager

Agenda Item: Proposed revisions to the Wrecker Ordinance

Background and Explanation:

Staff has worked with the City Attorney's office in updating and revising the Wrecker Ordinance (Article 4.09). Staff will review the proposed changes with the Council.

Board/Commission/Committee Recommendation:

N/A.

Staff Recommendation:

N/A.

Attachments:

1. Wreckers Ord. redline

ARTICLE 4.09 WRECKERS

§ 4.09.001. Definitions.

In this article, the following words shall have the meanings ascribed to them below:

Accident. Any occurrence that renders a vehicle wrecked or disabled.

Consent tow. The towing of a vehicle at the request of the owner or operator of the vehicle.

~~Director of public safety or his designee. The director of the city's police and fire departments, the director of public safety/chief of police, or his authorized representative.~~

Disabled vehicle. A motor vehicle that has been rendered unsafe to be driven as the result of some occurrence, including but not limited to mechanical failure or breakdown, fire or vandalism, or a motor vehicle that is in a safe driving condition but whose owner or operator is not present, able, or permitted to drive so as to reasonably necessitate that the vehicle be removed by a wrecker.

~~Drop rate or~~ Drop fee. The fee charged for a non-consent tow which is disengaged, after being hooked-up, at the request of the vehicle's owner or operator while the towed vehicle is still on the premises from which it is being removed. A drop ~~rate~~fee applies as long as the vehicle is still at the tow site.

Hooked-up. The vehicle is fully and legally prepared for transport by attachment to a tow truck, lifted in a tow position, with tow lights and safety chains attached and, if required, placed on a dolly in a raised position and the only remaining is for the wrecker operator to drive away.

Illegally or unauthorized parked vehicle. A vehicle parked, stored or situated in violation of any State law or city ordinance or without the effective consent of the owner of the premises where the vehicle is parked, stored or situated.

Motor vehicle. Any motor driven or propelled vehicle required to be registered under the laws of this state. ~~Texas Transportation Code section 501.002(17)(18).~~

Nonconsent tow. The towing of a vehicle without the prearranged knowledge and consent of the owner or operator of said vehicle. Examples include, but are not limited to: vehicles towed when the driver is incapacitated following an accident, vehicles towed when the driver has been arrested, and vehicles removed from public or private property without pre-notification to the vehicle owner.

Nonresident wrecker or tow truck operator. A wrecker or tow truck operator registered with the state who does not maintain a place of business within the corporate limits of the city.

Person. An individual, firm, partnership, association, corporation, company or organization of any kind.

Police pull. The towing or other transportation of a vehicle by a wrecker which is the result of a police officer exercising his authority, as part of incident management, to effect the removal of said vehicle pursuant to State law and/or this article.

Private non-consent tow. The towing of a vehicle without the prearranged knowledge or consent of the owner or operator of the vehicle.

:

Register. Submitting the proper information ~~on~~[for a wrecker service company and](#) each wrecker ~~vehicle~~ to the city police department for ~~recordkeeping~~ purposes [of obtaining a permit issued under this article.](#)

Registration holder. An individual, applicant, or owner who has registered and been issued a ~~receipt~~[permit](#) by the police department to operate [a wrecker service company](#) in the city.

Repossession or recovery tow. A wrecker service company requested to remove or otherwise move a vehicle on private property, without the pre-arranged knowledge or consent of the owner or operator of the vehicle, to repossess or recover the vehicle.

Tow site. The entire property associated with the physical address of the location from which the vehicle is being towed.

Vehicle. Every mechanical device in, upon or by which any person or property is or may be transported or drawn upon a public highway, except devices moved by human power or used exclusively upon stationary rails or tracks.

Vehicle Storage Facility. [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.](#)

Wrecked vehicle. A discarded, abandoned, junked, wrecked or worn-out motor vehicle that is not in a condition to be lawfully operated on a public road.

Wrecker. A vehicle designed for use primarily for removing wrecked or disabled vehicles, which is equipped with a mechanical device used to tow, winch or otherwise move a vehicle and which charges a fee for its services.

Wrecker ~~or tow truck~~ operator. A person engaged in the business of using a wrecker to tow, winch, or otherwise move a motor vehicle.

Wrecker service company. A business engaged in towing, moving, or removing vehicles through the use of a wrecker.

~~(2001 Code, sec. 4.603)~~

§ 4.09.002. Violations; penalty.

- (a) A person commits an offense if he:
- (1) Operates a wrecker service [company](#) or drives or operates a wrecker within the city without [a valid registration permit](#) under this article;
 - (2) Drives or operates a wrecker or uses any equipment within the city that is not in compliance with section 4.09.006;
 - (3) Fails to maintain insurance as required in section 4.09.~~013008~~[008](#);
 - (4) Violates or fails to comply with the provisions of section 4.09.007.
- (b) It is an affirmative defense to prosecution of a violation of subsection (a) hereof that the person is engaging in an activity described in Section 4.09.004.
- (c) A person who commits an offense under this article shall be fined in accordance with the general

:

penalty provision found in section 1.01.009 of this code. Each day that a violation exists shall constitute a separate offense.

~~(2001 Code, sec. 4.619; Ordinance adopting Code)~~

§ 4.09.003. Registration required.

- (a) Any wrecker ~~operator~~service company that desires to provide wrecker ~~services~~services within the city or ~~wrecker service company that wishes~~desires to operate a place of business within the city must register with the city and obtain a permit from the city.
- (b) It is unlawful for a person to operate, or employ another to drive or operate, any wrecker over any street in the city for the purpose of performing a ~~consent tow or~~ nonconsent tow originating within the city without first registering with the city and obtaining a ~~receipt, except as provided by this article~~permit.
- (c) A person who charges a fee for towing nonconsent vehicles, whether by the use of a wrecker or by the use of any other vehicle utilizing ropes, chains, or other mechanisms, shall be considered to be engaging in a wrecker or towing business, and must register with the city and submit the required registration fee, obtain a permit. This shall not be construed to include a service car or other vehicle not equipped with mechanical devices for transporting wrecked vehicles and not used for such purpose, such as service cars equipped with compressed air containers and tools for performing minor repairs not involving towing or transportation of wrecked or disabled vehicles.

~~(2001 Code, sec. 4.601)~~

§ 4.09.004. Exceptions.

~~Registration~~A permit is not required for the following activities:

- (1) The transportation of a vehicle by a nonresident wrecker operator from some point outside the city to some destination within the city.
- (2) The transportation of a vehicle by a nonresident wrecker operator from some point outside the city and traversing the city to some other destination outside of the city.
- (3) The transportation of a vehicle by a nonresident wrecker operator at the request of the owner or operator of a vehicle.

~~(2001 Code, sec. 4.602)~~

§ 4.09.005. Application for registration permit.

Each ~~wrecker service~~ applicant for a permit, whether wishing to provide ~~consent and/or~~ nonconsent tows within the city or operating a place of business in the city limits, must file a written registration permit application with the ~~director~~chief of ~~public safety~~police or his designee. The application shall be verified by the applicant and be on a form furnished by the police department~~;~~. Only completed applications will be accepted. The application must contain the following information, in addition to any other reasonable information required by the form furnished by the police department:

~~(2001 Code, sec. 4.604)~~

(1) the owner of the wrecker service company;

:

(2) the wrecker service company's fee schedule for nonconsent tows;

(3) identify all wrecker operators;

(4) identify all wreckers to be operated in the city; and

(5) identify the vehicle storage facility.

§ 4.09.006. Vehicle requirements.

Each wrecker ~~truck~~ for ~~which a receipt is issued~~ wrecker service company registered with the city shall meet the following minimum requirements:

- (1) Each wrecker shall not be less than one ton in size.
- (2) Each wrecker shall position ~~the registration receipt~~ a copy of the permit for the wrecker service company where it is clearly visible in the vehicle's front window, either hanging from the inside rear window or secured inside face-out next to the state inspection ~~and registration stickers~~ sticker.
- (3) Each wrecker shall be equipped with a power or hand-operated winch line and boom or lifting device with a factory-rated capacity of not less than five thousand pounds single capacity.
- (4) Each wrecker shall have inscribed on each side the name, address ~~and~~ and telephone number, and TDLR permit number of the wrecker ~~business~~ service company in letters not less than three inches in height.
- (5) Each wrecker shall carry as standard equipment safety chains, a fire extinguisher, wrecking bar, broom, axe, shovel, either flares or traffic-control reflectors, a wheel dolly and a container to carry debris.
- (6) Each wrecker shall be equipped so as to provide two-way voice communication by mobile telephone or radio with the registration permit holder's base station at all times.
- (7) Each wrecker shall be equipped with overhead flashing emergency lights, ~~visible from one thousand five hundred feet.~~

~~(2001 Code, sec. 4.605)~~

§ 4.09.007. Recordkeeping; inspections.

- (a) Each registration permit holder shall maintain books and records reflecting its operation in accordance with generally accepted accounting principles as may be necessary for verification of the registration permit holder's compliance with the terms of this article. The registration permit holder agrees to make such records available at reasonable times to the ~~director~~ chief of ~~public safety~~ police or his designee upon request.
- (b) Members of the police department may inspect each wrecker and/or vehicle storage facility used by the registration permit holder at reasonable times during the application or permit period to insure compliance with the requirements of this article.

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§ 4.09.008. Insurance.

- (a) The city shall not issue a permit unless the wrecker operator or wrecker service company shall procure and keep in full force and effect automobile liability insurance and ~~either garagekeeper's liability insurance or~~ truck cargo insurance written by an insurance company authorized to do business in the state, acceptable to the city, and issued in the standard form approved by the state department of insurance. Such policies of insurance shall require at least thirty days' written notice to the city of any cancellation or termination or of any material change in the terms of the insurance coverage. The insurance policies shall contain appropriate provisions to cover all wreckers and wrecker operators conducting business under the permit.
- (b) The automobile liability insurance must provide combined single limits of liability for bodily injury or death and property damage of not less than one million three hundred thousand dollars ~~for any person killed or injured, five two million dollars for more than one person killed or injured in any one accident, and one million dollars for property damage and theft coverage on all vehicles removed or impounded~~ (\$300,000.00) per individual per occurrence. The automobile liability insurance must also meet the minimum requirements under the laws of the state.
- (c) The ~~garagekeeper's liability insurance or~~ tow truck cargo insurance, ~~whichever is maintained,~~ must provide limits of liability for any one loss of not less than five hundred fifty thousand dollars: (\$50,000.00).
- (d) A copy of the required insurance policies shall be submitted to the city at the time of application for a ~~wrecker~~ permit and a current copy of such policies shall be maintained with the ~~director~~ chief of ~~public safety~~ police or his designee throughout the term of the permit.

§ 4.09.009. Issuance of registration permit; term; fee.

- (a) Upon payment of the applicable registration application fees, the ~~director~~ chief of ~~public safety~~ police or his designee shall review the registration permit application. The ~~director~~ chief of ~~public safety~~ police or his designee shall issue a receipt permit to each qualifying applicant complying with the provisions of this article and all wrecker and towing services regulations which have been established by the city and the state. In addition, the ~~director~~ chief of ~~public safety~~ police or his designee shall ~~issue~~ provide a ~~receipt~~ copy of the permit for each wrecker operated by the applicant with the wrecker's VIN number on the face of the permit.
- (b) Registrations shall expire on December 31st in the year in which it is issued.
- (c) The receipt permit shall not be transferable ~~or to any wrecker service company other than the one for which it is issued and a permit may not be~~ used on any wrecker other than the one for which it is issued.
- (d) The annual fee for ~~wrecker registration~~ a permit shall be as provided for in the fee schedule found in appendix A of this code. (2001 Code, sec. 4.609)

§ 4.09.010. Changes in registration information.

- (a) A registration permit holder shall notify the police department of any and all personnel changes for those persons who will operate ~~the~~ wrecker ~~vehicles~~ within three working days of such personnel

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changes. The registration permit holder shall immediately notify the police department of any change in ownership of the wrecker service company, any change in the number of wreckers ~~or, any change in the fee schedule for nonconsent tows, any change in the~~ location of a storage facility, or any other material change in the information provided on the application. The current ~~registration will immediately expire and become void~~ permit will immediately expire and become void upon the addition of wrecker operators, the addition of wreckers, the change of location of a storage facility, the change of the fee schedule for nonconsent tows, or any other material change in information provided on the application for permit.

- (b) New owners, the addition of wreckers, change of location of storage facility, change in the fee schedule for nonconsent tows, or any other material change in the information provided on the application for permit requires ~~an immediate and additional registration~~ a new permit application to be submitted.

~~(2001 Code, sec. 4.617)~~

§ 4.09.011. Stored vehicles; right to hearing when vehicle removed without consent.

- (a) Each garagekeeper vehicle storage facility must provide to the police department on the required police department form an inventory listing of stored vehicles by Tuesday of every week.

~~(b) Requests for notification to the owner/lienholder of abandonment by the police department must be submitted on the police department requested tow or non-police department requested form.~~

~~(c) In accordance with Texas Transportation Code section 683.032, to compensate the city for the postal expense necessary to process the required notification of abandonment to owners/lienholders, a minimum fee shall be charged to the wrecker service on each notification sent from the police department office. To compensate the city for the administrative and other expenses necessary to process the release, either to the owner/lienholder or by way of an auction, of a vehicle towed and stored, on both police department requested tows and non-police department requested tows, a fee as provided for in the fee schedule found in appendix A of this code shall be charged. The city reserves the right to reimbursement of expenses for sales and auctions of abandoned vehicles as outlined by the Texas Transportation Code, section 683.015 and section 683.034.~~

- ~~(d)~~(b) As provided in Texas Transportation Code section 683.076, an owner or operator whose vehicle is removed without consent from a location within the city and placed in a vehicle storage facility is entitled to a hearing on whether probable cause existed for the removal and placement of the vehicle before a city municipal court judge. The police department will not support a wrecker service's claim of legality on non-police department requested tows.

~~(2001 Code, sec. 4.618)~~

§ 4.09.012. Denial, suspension or revocation of registration permit.

- (a) The ~~director~~chief of public safety police or his designee may refuse to approve the issuance or renewal of a wrecker registration permit, or may suspend or revoke a wrecker registration permit previously issued, for one or more of the following reasons:

- (1) The making by the applicant of any false statement or omission of information as to a material matter in ana permit application ~~for registration or registration renewal~~ or in a hearing concerning the registration permit.
- (2) Conviction of the applicant, the registration permit holder or an employee of the applicant or registration permit holder for a violation of a provision of this article.

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- (3) Revocation of [registration permit](#) issued to the applicant or any owner, partner or corporate officer of the applicant within three years preceding the application pursuant to this section.
- (4) Conviction of the applicant or [registration permit](#) holder of a felony, assault, fraud, burglary, theft, DWI or other offense involving moral turpitude within five years preceding the application.
- (5) Suspension of a state license for any reason.

(6) Failure to comply with any of the requirements of this article.

- (b) If the ~~director~~chief of ~~public safety~~police or his designee denies ~~an~~ permit application ~~for registration~~, written notice shall be mailed to the applicant, at the address shown on the application, by certified mail, return receipt requested. The notice shall state the reason for denial.
- (c) No ~~registration~~permit shall be suspended or revoked without notice to the ~~registration~~permit holder and an opportunity for a hearing. A ~~registration~~permit holder who receives notice of a proposed suspension or revocation may file a written request for a hearing with the ~~director~~chief of ~~public safety~~police or his designee within ten days from the date of the notice. The ~~director~~chief of ~~public safety~~police or his designee shall conduct a hearing and shall thereafter determine whether to suspend or revoke the ~~registration~~permit.

~~(2001 Code, sec. 4.610)~~

§ 4.09.013. Appeals.

Any person whose application for a wrecker ~~registration~~permit has been denied, suspended, or revoked by the ~~director~~chief of ~~public safety~~police or his designee shall have the right to appeal in writing such action to the city manager within ten calendar days after notification of such action. The city manager shall review the matter and may uphold, modify, or reverse the action of the wrecker ~~registration~~permit. The decision of the city manager shall be final.

~~(2001 Code, sec. 4.611)~~

§ 4.09.014. Contract for providing service to city.

- (a) The city will contract with one wrecker service company for all police pulls in the city, for the towing of city owned vehicles, or for the towing or impoundment of any vehicle made necessary in the exercise of the city's police and governmental functions, and to store or impound such vehicles on the parking facility of such wrecker service company.
- (b) The fees for police pull services shall be set by contract between the wrecker service company and the city.
- (c) The city may call any wrecker service ~~company~~ or use any wrecker service in cases where the contractor is unable to respond as required by this article, during emergency situations, or when deemed necessary by the ~~director~~chief of ~~public safety~~police or his designee.

~~(2001 Code, sec. 4.606)~~

§ 4.09.015. Requirements for city contract wrecker service company.

The wrecker service company contracting with the city for police pulls must be registered with the city and comply with the vehicle requirements established in Section 4.09.006, all state laws regarding wreckers and vehicle storage facilities, and the following requirements:

- (1) Meet all city and state qualifications and requirements, and be registered as a wrecker service with the city and comply with all city ordinances.

(2) Operate a principal place of business in the city limits and have a storage facility within a five-mile

- ~~(3)~~(2) radius of the city limits.
- ~~(4)~~(3) Arrive at the scene within twenty minutes upon notification.
- ~~(5)~~(4) Deliver wrecked or disabled vehicles to a location designated by the owner or operator of the vehicle or by the police department.
- ~~(6)~~(5) Must not release any police department requested towed vehicle without proper documentation from the police department.
- ~~(7)~~(6) Upon arrival at an accident scene, promptly clear the wreckage and debris from the traveled portion of the roadway and confine wreckage and debris to the smallest possible portion of the traveled roadway. In a manner to minimize the duration of the interference with normal traffic flow, completely remove from the site of the accident all resulting wreckage or debris, including all broken glass, excluding the truck's or vehicle's cargo, before leaving the site.
- ~~(8)~~(7) To the extent feasible, comply with all traffic regulations in removing any vehicle from the scene of an accident. Under no circumstances shall a vehicle be moved or towed in such a manner as to jeopardize the safety of other vehicles on the roadway.
- ~~(9)~~(8) Depart the scene of an accident at the request of a police officer when such wrecker has not been called to the scene in compliance with this article.
- ~~(10)~~(9) Keep and maintain wrecker vehicles and towing equipment in a safe and working condition to insure that said wrecker and equipment are adequate to perform towing services.
- ~~(11)~~(10) Must have ability to access at least one flat-bed vehicle capable of handling the safe movement of motorcycles and front wheel drive cars.
- ~~(12)~~(11) Must provide proof of ability to access, upon receipt of notice, a wrecker that is capable of towing a tractor-trailer and other large vehicles.
- ~~(13)~~(12) Must operate wreckers equipped with an overhead flashing non-emergency (red) light that is visible from one thousand five hundred feet.
- ~~(14)~~(13) Shall provide pickup and towing services for city vehicles, within the city at no charge to the city, and for vehicles outside the city but within Tarrant and Parker counties, and those counties contiguous to Tarrant and Parker counties, at the minimum rate provided by state law.
- ~~(15)~~(14) Shall provide storage at no cost to the city for city-owned vehicles.
- ~~(16)~~(15) Shall not charge the city for storage of vehicles towed and/or stored without the owner's consent but shall charge the owner.
- ~~(17)~~(16) Maintain its certificates of convenience and necessity as issued by the state department of transportation and the United States Interstate Commerce Commission.
- ~~(18)~~(17) Shall employ and maintain, or have the ability to access ~~in the time outlined above (twenty minutes)~~, a sufficient number of personnel to accommodate a minimum of ~~two~~three wrecker units at the same time ~~and to respond and be on the scene within twenty (20) minutes~~

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of notification.

- (18) Shall have the ability to access a heavy wrecker and to be on the scene within forty-five (45) minutes of notification.
- (19) Shall furnish a list of any liens, judgments, or other encumbrances against the registering company owned by applicant. The list shall include the amount secured by each lien, judgment, or encumbrance, the amount due, the character of such lien, judgment, or encumbrance, and the names and address of the holder of such lien, judgment, or encumbrance.

~~§ 4.09.008~~

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~~4.09.011~~

~~and address of the holder of such lien, judgment, or encumbrance.
(2001 Code, sec. 4.607)~~

§ 4.09.016. Police-requested vehicle removal.

No person may drive a wrecker to the scene of an accident on the streets of the city unless the person has been called to the scene by a police officer or the owner or operator of the vehicle. When a wrecker operator has been called directly the owner or operator of the vehicle, the wrecker operator shall notify the police dispatcher before proceeding to the scene of the disabled vehicle at the accident scene.

§ 4.09.017. Non-police-requested vehicle removal.

The wrecker service company shall first notify the city police department of the intent to remove and store a wrecked or disabled vehicle before removing the vehicle from its location in the city to another location if the owner and/or operator of the vehicle has not given consent.

~~(2001 Code, sec. 4.614)~~

§ 4.09.018. Solicitation of business.

- (a) No person may solicit in any manner, directly or indirectly, on the streets of the city, the business of towing a vehicle which is wrecked or disabled, regardless of whether the solicitation is for the purpose of soliciting business of towing, removing, repairing, storing, trading or purchasing the vehicle.
- (b) Proof of the presence of a person engaged in the wrecker business, either as owner, operator, employee or agent, on a street in the city, at or near the scene of an accident, who has not been called to the scene by the police department or the owner or operator of the vehicle, within one hour after the happening of an accident is prima facie evidence of a solicitation in violation of this section.

~~(2001 Code, sec. 4.615)~~

§ 4.09.019. City employees not to recommend wrecker operator.

No police officer or other employee of the city shall recommend to any person, directly or indirectly, the name of any particular wrecker service company or wrecker operator, nor shall any police officer or other city employee attempt to influence in any manner a decision of a person in selecting a wrecker service company or wrecker operator.

~~(2001 Code, sec. 4.616)~~

4.09.020. Permitted Tows.

The towing of vehicles shall fall into one of three categories: (a) consent tow; (b) police pull; (c) repossession or recovery tow; or (d) private non-consent tow.

- (a) Consent tow – A wrecker requested to remove or otherwise move a vehicle for a particular person at their request. The operator of the vehicle or its owner must request this wrecker service company by name. This wrecker service company is not required to be on an approved listing to tow, but must have in place a tow truck tag as required by the Texas Occupations Code or it will not be allowed to tow the vehicle. An owner's request (consent tow) may be used at the scene of a collision, mechanical breakdown, or on a vehicle that is abandoned, unless the officer on the scene determines that the vehicle is hazardous or that a time delay would endanger or hamper the general public's safety, well-being, or the investigation. If the officer deems it necessary, a contract wrecker service company will be notified for immediate removal of the vehicle.
- (b) Police pull - A wrecker called to remove or otherwise move vehicles at the request of a police officer exercising his authority under the law, for the purpose of incident management, or in the interest of public safety. A contract wrecker service company may be used to tow vehicles involved in a collision when the owner or operator is not present, is incapacitated, or is otherwise unable to request a tow truck including but not limited to when the operator is hospitalized or incarcerated, and when the police officer otherwise deems it necessary to remove the vehicle by police authority in the interest of incident management or public safety. A contract wrecker service company may be used to tow any vehicles to be held as evidence in a criminal case or to be seized for forfeiture in a civil action. A contract wrecker service company may be used to tow any vehicle under police authority when the removal is authorized by another law or in the interest of public safety, including but not limited to abandoned vehicles, pursuant to Chapter 683, Texas Transportation Code, or vehicles being operated without insurance.
- (c) Repossession or recovery tow – A wrecker requested to remove or otherwise move a vehicle on private property, without the pre-arranged knowledge or consent of the owner or operator of the vehicle, to repossess or recover the vehicle.
- (d) Private non-consent tow – A wrecker requested to remove or otherwise move vehicles on private property, without the pre-arranged knowledge or consent of the owner or operator of the vehicle, where notice of prohibited parking is given by signs, where vehicles are parked in fire lanes or obstructing an entrance, exit ~~or~~ aisle of a parking facility, or where otherwise authorized by law.

4.09.021. Repossession or recovery towing.

- (a) ~~No~~A person or firm ~~shall operate~~operating a wrecker in any manner, directly or indirectly, within the city limits for the purpose of repossessing or recovering a vehicle without the

direct and express consent of the owner of the vehicle being towed, ~~unless that wrecker service company has made~~ must make the proper notification ~~as~~ prescribed by law to the Azle police department.

(b) Proper notification must include:

- (1) Name of the wrecker service company;
- (2) Name of the wrecker operator;
- (3) Location the vehicle is being removed from;
- (4) The storage location;
- (5) Contact information for the storage facility;
- (6) Name of the person authorizing the tow;
- (7) Year, make, model and color of the vehicle;
- (8) Vehicle license plate number and state; and
- (9) Vehicle VIN.

(c) This notification must be completed by providing all of the information listed in Section 4.09.021(b) to police dispatch at ~~(XXX) XXX XXXX prior to the tow; additionally the completion of the non-consent online tow form, located at _____ must be completed within 24 hours of the tow~~ 817) 444-3221 within thirty (30) minutes of towing the vehicle.

(d) The vehicle must be dropped if the wrecker operator is confronted by the owner of the vehicle before leaving the tow site. In such case no fees shall be charged.

(e) No vehicle shall be removed from a location or the immediate area that it was parked, without the vehicle being hooked-up and legally prepared for transport as defined by this ordinance article.

4.09.021022. Private non-consent tows.

(a) A wrecker service company engaging in private non-consent towing of vehicle from a location in the city shall be licensed by the State pursuant to Chapter 2308, Texas Occupations Code, in addition to the registration required under this article.

(b) A wrecker service company towing and/or vehicle storage facility accepting a vehicle non-consent towed from private property must report the tow to the Azle police department.

(c) The proper notification must include:

- (1) The name of the wrecker service company;

- (2) Name of the wrecker operator;
 - (3) Location the vehicle is being removed from;
 - (4) The storage location;
 - (5) Contact information for the storage facility;
 - (6) Name of the person authorizing the tow;
 - (7) Year, make, model and color ~~feof~~ the vehicle;
 - (8) Vehicle license plate number and state; and
 - (9) Vehicle VIN.
- (d) This notification must be completed by providing all of the information listed in Section 4.09.02~~21~~(c) to police dispatch at (~~XXX~~) ~~XXX XXXX~~817) 444-3221 within 30 minutes of towing the vehicle; ~~additionally the completion of the non-consent online tow form, located at _____ must be completed within 24 hours of the tow.~~

~~(e) **~~
~~(f) **~~
~~(g) **~~
~~(h) **~~
~~(i) **~~
~~(j) **~~
~~(k) **~~
~~(l) **~~
~~(m) **~~
~~(n) **~~

~~4.09.022. Required signage for private non-consent tows.~~

- (e) ~~“Parking Facility”~~Any wrecker operator shall cease the removal of a vehicle upon request of the vehicle's operator and upon payment of the drop fee. A wrecker operator must accept cash, credit cards and debit cards as payment for the drop fee.
- (f) If a wrecker operator is notified by the police department that the vehicle he is removing has been reported stolen, he shall immediately disengage his wrecker from such vehicle and shall abandon the tow at no charge.
- (g) Regardless of any general contractual or "patrol account" arrangement which may exist between a wrecker service company and a property owner, it is a violation of this article to make a non-consent tow from private property of any vehicle unless specific authority as to that vehicle has been given by the property owner and a sign is erected on the premises as required by Section 4.09.023 of this article. This prohibition shall not apply if the

vehicle:

- (1) is in or obstructs a vehicular traffic aisle, entry or exit of the parking facility;
- (2) prevents a vehicle from exiting a parking space in the facility;
- (3) is in or obstructs a fire lane marked according to Chapter 2308 of the Texas Occupations Code;
- (4) does not display the proper special license plates or disabled parking placard and is in a parking space that is designated for the exclusive use of a vehicle transporting a disabled person; or
- (5) is blocking access to a dumpster.

(h) The owner or operator of a wrecker service company may not charge a non-consent towing fee, including administrative fees and surcharges, in excess of the maximum fees established by the city, as follows:

(1) Non-consent tow fees.

<u>(A) For vehicles with a gross weight rating up to 10,000 pounds:</u>	<u>\$272.00</u>
<u>(B) For vehicles with a gross weight rating of 10,001 and up to 24,999 pounds</u>	<u>\$380.00</u>
<u>(C) For vehicles with a gross weight rating of 25,000 pounds and up</u>	<u>\$489.00 per unit</u>
	<u>(\$978.00 max)</u>

(2) Drop fee.

<u>(A) For vehicles up to 10,000 pounds:</u>	<u>\$135.00</u>
<u>(B) For vehicles 10,001 to 24,999 pounds:</u>	<u>\$190.00</u>
<u>(C) For vehicles 25,000 pounds and higher:</u>	<u>\$244.00</u>

(i) All fees established by this article in Section 4.09.022, subsection (h), shall be reviewed by the city annually, unless additional review is specifically requested by a wrecker service company.

(j) Wrecker operators and wrecker service companies shall prepare and issue a tow ticket for each non-consent tow, a copy of which must be given to the vehicle owner, if the vehicle owner is present and available at the time of the tow, and a copy must be delivered to the vehicle storage facility. The tow ticket shall itemize each charge and each charge must be characterized in accordance with the fee structure stated in the towing company's

nonconsent towing fee schedule on file with the vehicle storage facility.

- (k) Wrecker operators and wrecker service companies performing non-consent tows within the City must accept major credit cards and debit cards as payment for the fees described in Section 4.09.022, subsection (h), of this article.
- (l) Upon initial contact with the owner of a vehicle which is the subject of a non-consent tow, a wrecker operator, a vehicle storage facility operator, or any employee or agent thereof shall give written notice to the vehicle owner of his right to a hearing pursuant to the Texas Occupations Code, Chapter 2308. Such notice shall include the name, address and phone number of the person or agency that authorized the removal, and a statement that the hearing must be requested in writing within fourteen (14) days of the date the vehicle was stored and that the request must be filed with a magistrate in whose jurisdiction the location from which the vehicle was removed is located.
- (m) The vehicle must be dropped if the wrecker operator is confronted by the owner of the vehicle before leaving the tow site. In such case no fee shall be charged, except that a drop fee shall apply only if the vehicle is hooked up and legally prepared for transport as defined by this article. A wrecker operator and a wrecker service company must accept cash, credit cards and debit cards as payment for the drop charge.
- (n) No vehicle shall be removed from a location or the immediate area that it was parked, without the vehicle being hooked up and legally prepared for transport as defined by this article.
- (o) Non-consent towed vehicles removed from a location within the city shall only be taken to a storage facility that is within a ten (10) mile radius from the location from which the vehicle was removed.
- (p) Non-consent towed vehicles removed from a location within the city shall not be taken to a vehicle storage facility that does not accept major credit cards and debit cards.
- (q) A vehicle storage facility shall not charge a fee in excess of the fees authorized by Section 2303.155 of the Texas Occupations Code. A vehicle storage facility must accept payment by cash, debit cards and credit cards.
- (r) A vehicle storage facility shall provide the owner of a vehicle released, or the owner's representative, a tow ticket. The tow ticket may be combined with the vehicle storage facility invoice if it complies with the following requirements:

 - (1) the tow charges must be separated from the vehicle storage facility charges and each category of charges must be preceded by a heading or label identifying the charges as "Tow Charges" or "Storage Charges;"
 - (2) the tow charges must appear on a combined statement exactly as stated on the tow ticket prepared by the wrecker operator and provided to the vehicle storage facility at the time the vehicle is presented for storage; and

- (3) a combined statement of charges must meet and contain all required elements of a separate vehicle storage facility invoice and tow ticket, except that the license number and name of the tow operator may be excluded.

4.09.023. Required signage for private non-consent tows.

- (a) A parking facility must comply with the following signage and posting requirements in order to tow an unauthorized vehicle from the property:

- (1) The requirements of this section shall apply only where notice of prohibited parking is given by signs. They shall not apply to tows made of vehicles parked in fire lanes or of vehicles obstructing an entrance, exit, or aisle of a parking facility.

~~(2) **~~

~~(3) **~~

~~(4) **~~

~~(5) **~~

~~(6) **~~

~~(7) **~~

~~(8) **~~

~~(9) **~~

- (2) The Signs shall be placed on the right or left side of each driveway access or curb cuts allowing vehicular access to a parking facility. If there are no curbs or access barriers, signs shall be placed at intervals of not less than twenty-five (25) feet around the perimeter which is accessible by vehicles.

- (3) Each sign shall be placed at a right angle so as to face entering traffic. They shall be placed no farther than five (5) feet from the public right of way, but shall not be within said right of way.

- (4) Each sign shall be permanently installed on a pole, post, permanent wall, or permanent barrier so that the bottom edge of the sign is no lower than five (5) feet and no higher than eight (8) feet above the ground level.

- (5) Each sign shall be a minimum of eighteen (18) inches wide by twenty-four (24) inches high, and a maximum of twenty-four (24) inches wide by thirty (30) inches high. Their facings shall be fabricated out of weather-resistant material. The letters on such signs shall be of a minimum height of two (2) inches, of a contrasting color to the background, and shall be light-reflective. The background shall be white, except as otherwise provided by this ordinance or state law.

- (6) Each sign shall state who may park in the facility, and shall further state that all others are prohibited and will be towed away at the owner's expense. The words "TOWING ENFORCED" shall be included on each sign in white capital letters of a minimum height of two (2) inches on a bright red background.

- (7) Each sign must have the bright red international towing symbol, at least 4 inches in height, with a white background on the uppermost portion of the sign or on a

separate sign placed immediately above the sign.

- (8) Each sign shall provide the name and current telephone number of the wrecker service company authorized to tow vehicles from the parking facility, and the name and current telephone number of the vehicle storage facility, if different from the wrecker service company. Alternatively, each sign may state the name and phone number of the parking facility owner if that person has knowledge of the location of the stored vehicle.
 - (9) Signs shall be continuously maintained at a parking facility for twenty-four (24) hours prior to the towing or removing of any vehicle. However, this subsection shall not be deemed as giving proper notice to the owner of a vehicle parked on a parking facility prior to the installation of the signs and not subsequently moved by the owner.
 - (10) These provisions shall be in addition to the requirements of Chapter 2308 of the Texas Occupations Code.
- (b) The city may place a sign immediately below the state required signage that provides an email address and/or phone number for towing related complaints.