

ORDINANCE 2018-14

AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF LA FERIA, TEXAS AUTHORIZING THE LA FERIA POLICE DEPARTMENT TO ADOPT A POLICY FOR TOWING AND STORING VEHICLES WHEN THE VEHICLE OPERATOR HAS NO PROOF OF FINANCIAL RESPONSIBILITY; ESTABLISHING A FEE FOR FINANCIAL RESPONSIBILITY FORMS; PROVIDING FOR A GOVERNMENTAL FEE FOR TOWED VEHICLES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, it is the intent of the City Commission to protect the public health, safety and welfare; and

WHEREAS, municipalities may, under their police powers, enact reasonable regulations to promote the health, safety and welfare of citizens; and

WHEREAS, Texas Code of Criminal Procedure Article 2.13 provides that it is the duty of each peace officer to preserve the peace within the officer's jurisdiction, and to effect such purpose, the officer shall use all lawful means, and

WHEREAS, Texas Code of Criminal Procedure Article 2.13(b)(1) provides that a peace officer shall in every case authorized by the Code of Criminal Procedure, interfere without warrant to prevent or suppress crime; and

WHEREAS, Texas Transportation Code Section 311.001(a) provides that a home-rule municipality has exclusive control over and under the public highways, streets and alleys of the municipality; and

WHEREAS, Texas Local Government Code Section 51.012 states that a municipality may adopt an ordinance, act, law, or regulation, not inconsistent with state law, that is necessary for the government, interest, welfare, or good order of the municipality as a body politic; and

WHEREAS, Texas Local Government Code Section 51.001(1) provides that the governing body of municipality may adopt, publish, amend, or repeal an ordinance, rule or police regulation that is good for government, peace, or order of the municipality; and

WHEREAS, Texas Local Government Code Section 51.001(2) provides that the governing body of municipality may adopt, publish, amend, or repeal an ordinance, rule or police regulation that is necessary or proper for carrying out a power granted by law to the municipality or to an office or department of the municipality; and

WHEREAS, Texas Transportation Code Section 601.051 provides that a person may not operate a vehicle in the State of Texas unless financial responsibility is established for that vehicle; and

WHEREAS, Texas Transportation Code Section 601.053(a) provides that as a condition of operating a motor vehicle to which Section 601.051 applies, the operator shall on request provide to a peace officer evidence of financial responsibility; and

WHEREAS, Texas Transportation Code Section 545.305(a) authorizes a peace officer to move a vehicle from a highway if the vehicle is operated by a person an officer arrests for an alleged offense and the officer is required by law to take the person into custody; and

WHEREAS, Texas Transportation Code Section 545.305(d) states that the owner of a vehicle that is removed or stored under Section 545.305 is liable for all reasonable towing and storage fees incurred; and

WHEREAS, The City of La Feria may make and enforce ordinances necessary to protect health, life, and

property, and to prevent, abate and remove all nuisances and as may be expedient for maintaining and promoting the peace, good government and welfare of the City of La Feria, and for the performance of the functions thereof;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF LA FERIA, TEXAS;

SECTION 1: Police towing policy authorized; operators without proof of financial responsibility; financial responsibility verification form; governmental fee.

The La Feria Police Department is hereby authorized to adopt a citywide policy for towing and storing motor vehicles when the operator of the vehicle either fails to maintain, or cannot present proof of financial responsibility as required by the State. La Feria Police Department officers are hereby authorized to remove or impound any vehicle where the operator has failed to maintain, or cannot present proof of, the required financial responsibility. The La Feria Police Department is also authorized to develop and require a financial responsibility verification form for any operator to obtain release of any vehicle removed or impounded pursuant to this Section and La Feria Police Department policy. The fee for said financial responsibility verification form shall be twenty dollars (\$20.00). Said fee shall be in addition to any applicable towing or storage charges.

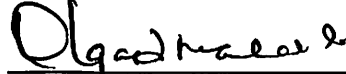
SECTION 2: The La Feria Police Department is hereby authorized to adopt a citywide policy for a governmental fee of \$75.00 for all non-consenting vehicle impoundments. Said fee shall be in addition to any applicable towing or storage charges.

SECTION 3: That if any provision or any section of this ordinance shall be held to be void or unconstitutional, such holding shall in no way affect the validity of the remaining provisions or sections of this ordinance, which shall remain in full force and effect.

SECTION 4: That any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by fine. Each day such violation shall continue, or be permitted to continue, shall be deemed a separate offense. Since this ordinance has a penalty for violation, it shall become effective upon its publication in the newspaper as provided by the policies of the City of La Feria.

FINALLY ENACTED this 25th day of September 2018 at a regular meeting of the City Commission of the City of La Feria, Cameron County, Texas, at which a quorum was present and which was held in accordance with TEXAS GOVERNMENTAL CODE, TITLE 5, SUBTITLE A, CHAPTER 551.

APPROVED:



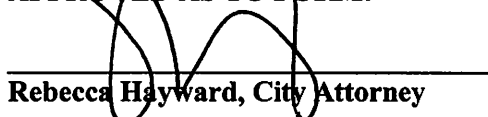
Olga H. Maldonado, Mayor

ATTEST:



Amanda Morales, City Secretary

APPROVED AS TO FORM:



Rebecca Hayward, City Attorney