

5/28/08

ORDINANCE NO. 27189

An ordinance amending Section 28-4 of CHAPTER 28, "MOTOR VEHICLES AND TRAFFIC," of the Dallas City Code, as amended; authorizing a police officer to impound a motor vehicle stopped for a traffic law violation if the vehicle's owner or operator fails to show evidence of financial responsibility; providing a penalty not to exceed \$500; providing a saving clause; providing a severability clause; and providing an effective date.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That Section 28-4, "Authority to Remove Vehicles; Redemption; Fees," of Article I, "In General," of CHAPTER 28, "MOTOR VEHICLES AND TRAFFIC," of the Dallas City Code, as amended, is amended to read as follows:

"SEC. 28-4. AUTHORITY TO REMOVE VEHICLES; REDEMPTION; FEES.

(a) A police officer is authorized to remove or cause the removal of a vehicle or other property of any description from a street to a place designated by the chief of police when:

- (1) the vehicle or property is left unattended upon a bridge or viaduct or in a tunnel or underpass;
- (2) the vehicle is illegally parked so as to block the entrance to any private driveway;
- (3) the vehicle is found upon a street and a report has previously been made that the vehicle has been stolen or a complaint has been filed and a warrant issued charging that the vehicle has been unlawfully taken from the owner;
- (4) the officer has reasonable grounds to believe that the vehicle has been abandoned;

(5) a vehicle upon a street is so disabled that its normal operation is impossible or impractical and the person or persons in charge of the vehicle are incapacitated by reason of physical injury or other reason to such an extent as to be unable to provide for its removal or custody, or are not in the immediate vicinity of the disabled vehicle;

(6) an officer arrests any person driving or in control of a vehicle for an alleged offense and the officer is by law required to take the person arrested immediately before a magistrate;

(7) the vehicle is standing, parked, or stopped in any portion of a street, and the officer has reason to believe that the vehicle constitutes a hazard or interferes with the normal function of a governmental agency or that the safety of the vehicle is imperiled;

(8) the vehicle is standing, parked, or stopped in violation of the parking ban regulations;

(9) the vehicle is standing, parked, or stopped in violation of any provision of this chapter;

(10) the vehicle is the subject of a hearing officer's order for a parking violation and impoundment of the vehicle is authorized by Section 28-130.10 of this chapter; [ø]

(11) the vehicle is in an accident and the vehicle's owner or operator fails to show evidence of financial responsibility as required under Chapter 601 of the Texas Transportation Code, as amended; or

(12) the vehicle is stopped by a police officer for an alleged violation of a city or state traffic law or other law applicable to the operation of a vehicle on the roadway and the vehicle's owner or operator fails to show evidence of financial responsibility as required under Chapter 601 of the Texas Transportation Code, as amended.

(b) A vehicle removed and towed under this section must be kept at the place designated by the chief of police until application for redemption is made by the owner or the owner's authorized agent, who will be entitled to possession of the vehicle upon payment of costs of towing, notification, impoundment, and storage. The chief of police shall charge fees for storage of vehicles at city pound locations in accordance with the following regulations:

(1) The storage fee is \$20 for each day or portion of a day that a vehicle not longer than 25 feet is stored and \$35 for each day or portion of a day that a vehicle longer than 25 feet is stored, except that a storage fee may not be charged for more than one day if the vehicle remains at the city pound location for less than 12 hours.

(2) Storage fees on a stolen vehicle will be charged as outlined in Paragraph (1) of this subsection, commencing on the second day following the date notice is received by the owner of the vehicle, or the owner's agent, that the vehicle may be claimed.

(3) Storage fees on a vehicle owned by an arrested person will be charged as outlined in Paragraph (1) of this subsection, commencing on the date of impoundment.

(4) Storage fees will not be collected when a vehicle is not involved in an accident, but is taken into protective custody and the driver is incapacitated due to physical injury or other illness to the extent that the driver is unable to care for the vehicle.

(5) Storage fees on any vehicle involved in a motor vehicle accident will be charged as outlined in Paragraph (1) of this subsection, commencing on the date of impoundment.

(6) An impoundment fee of \$20, in addition to applicable towage, notification, and storage fees, will be charged for a vehicle that has been removed and towed to a city pound location.

(7) A notification fee of \$50, in addition to applicable towage, impoundment, and storage fees, will be charged for a vehicle that has been removed and towed to a city pound location.

(c) A police officer may, at his discretion, with the express written permission of an arrested person, leave an arrested person's vehicle at the scene of the arrest or other location. In these instances, the arresting officer shall ensure that the vehicle is legally parked and secured.

(d) The chief of police or a designated representative may release a vehicle without payment of towage, notification, impoundment, or storage fees under the following circumstances:

(1) a vehicle was taken into protective custody when the incident did not involve an arrest, violation, or automobile accident;

(2) a vehicle is owned by or belongs to an individual who is not a citizen of the United States, who does not permanently reside in the United States, and who is entitled to diplomatic immunity;

(3) subsequent investigation results in a determination that there was no violation of this code or the Texas Motor Vehicle Laws or that the arrested person did not commit a criminal offense; or

(4) a vehicle is owned by or belongs to the victim of a violent crime and was taken into custody for evidentiary purposes.

(e) If a vehicle was towed and stored for an evidentiary or examination purpose, the chief of police or a designated representative shall release the vehicle without payment of towage and storage fees when required to do so under Article 18.23 of the Texas Code of Criminal Procedure, as amended.

(f) A person commits an offense if he removes or attempts to remove a vehicle from a city pound location without first paying the towage, notification, impoundment, and storage fees that have accrued on the vehicle.

(g) As a consequence of the fees to be charged for vehicles stored at city pound locations and for purposes of state law, the city council hereby designates all city pound locations as storage facilities operated for commercial purposes.”

SECTION 2. That a person violating a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$500.

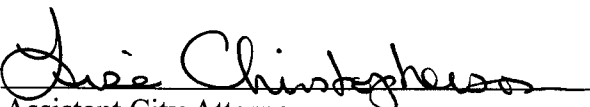
SECTION 3. That CHAPTER 28 of the Dallas City Code, as amended, will remain in full force and effect, save and except as amended by this ordinance.

SECTION 4. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of CHAPTER 1 of the Dallas City Code, as amended.

SECTION 5. That this ordinance will take effect on January 1, 2009, and it is accordingly so ordained.

APPROVED AS TO FORM:

THOMAS P. PERKINS, JR., City Attorney

By  Assistant City Attorney

Passed MAY 28 2008

LC/DCC/00435A