

ACTION FORM BRYAN CITY COUNCIL

DATE OF COUNCIL MEETING: March 25, 2014		DATE SUBMITTED: February 17, 2014	
DEPARTMENT OF ORIGIN: Police		SUBMITTED BY: Chief Eric Buske	
MEETING TYPE:	CLASSIFICATION:	ORDINANCE:	STRATEGIC INITIATIVE:
<input type="checkbox"/> BCD	<input type="checkbox"/> PUBLIC HEARING	<input type="checkbox"/> 1ST READING	<input checked="" type="checkbox"/> PUBLIC SAFETY
<input type="checkbox"/> SPECIAL	<input type="checkbox"/> CONSENT	<input checked="" type="checkbox"/> 2ND READING	<input type="checkbox"/> SERVICE
<input checked="" type="checkbox"/> REGULAR	<input checked="" type="checkbox"/> STATUTORY		<input type="checkbox"/> ECONOMIC DEVELOP.
<input type="checkbox"/> WORKSHOP	<input type="checkbox"/> REGULAR		<input type="checkbox"/> INFRASTRUCTURE
			<input type="checkbox"/> QUALITY OF LIFE
AGENDA ITEM DESCRIPTION: Consideration of a proposed "Tow truck and vehicle storage businesses" ordinance amendment.			
<p>SUMMARY STATEMENT: An ordinance amending Article IV, "Tow Truck and Vehicle Storage Businesses," Section 126-156, subsection (g) and Section 126-158(2)(e) of the Bryan City Code to modify the nonconsent tow permit requirement to reduce the time period in which tow truck drivers performing nonconsent tows on private property are prohibited from having any convictions of a felony or crime of moral turpitude from the preceding ten (10) years to the preceding five (5) years of permit application; and repealing all ordinances or parts of ordinances in conflict therewith; providing a savings clause; providing for severability; providing for codification; finding and determining that the meetings at which the ordinance was passed were open to the public as required by law; and providing an effective date.</p> <p>The current ordinance governing "Tow Truck and Vehicle Storage Businesses" states that a tow truck driver shall not have been convicted of a felony offense or a crime of moral turpitude within the past ten (10) years to obtain a permit to perform private property nonconsent tows within the City of Bryan, and shall not have been convicted of a felony offense or a crime of moral turpitude within the past ten (10) years to be eligible to perform incident management tows on the City's rotation tow list. The proposed ordinance amends that requirement so that a tow truck driver shall not have been convicted of a felony offense or a crime of moral turpitude within the last five (5) years to obtain a permit to perform private property nonconsent tows within the City of Bryan, and shall not have been convicted of a felony offense or a crime of moral turpitude within the past ten (10) years to be eligible to perform incident management tows on the City's rotation tow list.</p>			
<p>STAFF ANALYSIS AND RECOMMENDATION: At the February 11, 2014, City Council meeting, staff was directed to bring an ordinance amendment to the City Council for consideration. At the City Council's direction, the proposed ordinance amendment changes the requirement for a tow truck driver who has a felony offense or a crime of moral turpitude to within the past five (5) years instead of the last ten (10) years to obtain a permit to perform private property nonconsent tows within the City of Bryan.</p> <p>Staff recommends that the City Council consider the proposed ordinance change.</p>			
OPTIONS (In Suggested Order of Staff Preference):			
<ol style="list-style-type: none"> 1. Approve ordinance change. 2. Do not approve and provide guidance for staff. 			
ATTACHMENTS: Proposed ordinance.			
FUNDING SOURCE: na			

APPROVALS: Hugh R. Walker, 02/17/2014

APPROVED FOR SUBMITTAL: CITY MANAGER

APPROVED FOR SUBMITTAL: CITY ATTORNEY Janis K. Hampton, 02/17/2014

Revised 05/2013

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF BRYAN, TEXAS, AMENDING CHAPTER 126, ARTICLE IV, “TOW TRUCK AND VEHICLE STORAGE BUSINESSES”, SECTION 126-156, “PERMIT REQUIRED TO ENGAGE IN NONCONSENT TOWS; REQUIRED FACILITIES AND EQUIPMENT, APPLICATION, ISSUANCE”, SUBSECTION (G) AND SECTION 126-158 (2)(E) OF THE BRYAN CITY CODE; TO AMEND THE NONCONSENT TOW PERMIT REQUIREMENTS TO REDUCE THE TIME PERIOD IN WHICH TOW TRUCK DRIVERS PERFORMING NONCONSENT TOWS ON PRIVATE PROPERTY ARE PROHIBITED FROM HAVING ANY CONVICTIONS OF A FELONY OR CRIME OF MORAL TURPITUDE FROM THE PRECEDING TEN YEARS TO THE PRECEDING FIVE YEARS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; FINDING AND DETERMINING THAT THE MEETINGS AT WHICH THE ORDINANCE WAS PASSED WERE OPEN TO THE PUBLIC AS REQUIRED BY LAW; PROVIDING FOR PUBLICATION IN THE NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Bryan, Texas deems it necessary and proper and in the best interests of the health, safety, and general welfare of its citizenry to adopt provisions regulating towing services in the City, all of which are related to the goal of increasing safety in the City of Bryan.

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

Section 1

The City Council finds and determines the foregoing recitals to be true and correct and hereby makes them a part of this Ordinance.

Section 2

That Chapter 126, Article IV, “TOW TRUCK AND VEHICLES STORAGE BUSINESSES”, Section 126-156, “Permit required to engage in nonconsent tows; required facilities and equipment, application; issuance”, Subsection (g) shall be amended to read as follows:

ARTICLE IV: TOW TRUCK & VEHICLE STORAGE BUSINESS REGULATIONS

Sec. 126-156. - Permit required to engage in nonconsent tows; required facilities and equipment, application; issuance.

(g) All drivers of tow truck vehicles shall possess a current driver's license and applicable TDLR Licenses and shall not have been convicted of a felony offense or a crime of moral turpitude within the past ~~10~~ 5 years to obtain a permit to perform private property nonconsent tows within the City of Bryan, and shall not have been convicted of a felony offense or a crime of moral turpitude within the past 10 years to be eligible to perform incident management tows on the City's rotation tow list. Tow truck drivers driver's license history will be considered in issuing a permit. All VSF Employees that release vehicles shall possess a current TDLR VSF License and shall not have been convicted of a felony offense or a crime of moral turpitude within the past 10 years.

Section 3

Sec. 126-158. - Vehicle nonconsent tow permit application.

Application for a vehicle nonconsent tow permit shall be made to City of Bryan chief of police or his/her designee on forms furnished for that purpose and will not be considered until completed with all required documentation and fees. Renewal applications shall require the same documentation.

(2) The application must be completed in its entirety and include the following:

e. A statement attesting that the person who owns, controls or operates the proposed vehicle tow service has not been convicted of a felony offense or crime of moral turpitude within the past ~~40~~ 5 years if applying for a nonconsent only permit; 10 years if applying to be on rotation.

Section 4

That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

Section 5

That the Bryan City Code, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

Section 6

Should any section, paragraph, sentence, clause, phrase or word of this ordinance be declared unconstitutional or invalid for any purpose by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby and to this end the provisions of this ordinance are declared to be severable.

Section 7

That it is the intention of the City Council that this ordinance shall become a part of the Bryan City Code and it may be renumbered and codified therein accordingly.

Section 8

That it is hereby found and determined that the meetings at which this ordinance was passed were open to the public, as required by Chapter 551, Texas Government Code, and that advance public notice of the time, place and purpose of said meetings was given.

Section 9

That this ordinance shall go into effect immediately upon its second and final reading and passage.

PRESENTED AND GIVEN first reading the 25th day of February, 2014 at a regular meeting of the City Council of the City of Bryan, Texas; and given second reading, passed and approved on the 25th day of

March, 2014, by a vote of ____ yeses and ____ noes at a regular meeting of the City Council of the City of Bryan, Texas.

ATTEST:

CITY OF BRYAN:

Mary Lynn Stratta, City Secretary

Jayson P. Bienski, Mayor

APPROVED AS TO FORM:

Janis K. Hampton, City Attorney