

CITY OF COMO

ORDINANCE NO. 08- 15

AN ORDINANCE TO ADOPT A CITY-WIDE POLICY FOR TOWING VEHICLES WHEN THE VEHICLE OPERATOR HAS NO PROOF OF FINANCIAL RESPONSIBILITY; ESTABLISHING A FEE FOR FINANCIAL RESPONSIBILITY FORMS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COMO, TEXAS

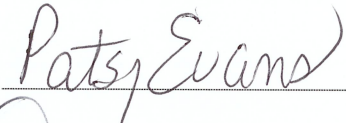
SECTION 1: The City Ordinance currently in affect with the City of Como (08-15) is hereby amended to ORDINANCE NUMBER 2017-12

PASSED AND APPROVED

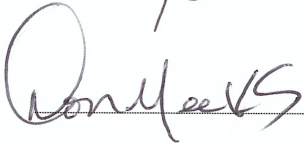
3-14-17



Mayor

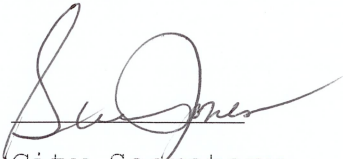


Commissioner



Commissioner

Attest:



City Secretary

PROPOSED ORDINANCE NO. 08- 15

AN ORDINANCE TO ADOPT A CITY-WIDE POLICY FOR TOWING VEHICLES WHEN THE VEHICLE OPERATOR HAS NO PROOF OF FINANCIAL RESPONSIBILITY; ESTABLISHING A FEE FOR FINANCIAL RESPONSIBILITY FORMS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, it is the intent of the City Council 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 Procedures 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 311.002 (a) provides that a General-Law municipality has exclusive control over and under the public highways, streets and alleys of the municipality; and

WHEREAS, the City of Como is a General-Law municipality acting under its Charter adopted by the electorate pursuant to Article 11, Section 5 of the Texas Constitution and Chapter 9 of the Texas Local Government Code; and

WHEREAS, Texas Local Government Code Section 51.072(a) states that a General-Law municipality has full power of self-government; and

WHEREAS, Texas Local Government Code Section 51.072(b) provides that the grant of powers to a municipality under the Texas Local Government Code does not prevent, by implication or otherwise, the municipality from exercising the authority incident to self-government; and

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

WHEREAS, Texas Local Government Code Section 51.001 (2) provides that the governing body of a 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(8) 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 Como may make any and all rules and regulations by ordinances and resolutions; and

WHEREAS, the City of Como 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, and for the performance of the functions thereof;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COMO:

SECTION 1: That the Code of Ordinances for the City of Como is hereby amended by adding a new Ordinance to read as follows:

Police towing policy authorized; operators without proof of financial responsibility; financial responsibility verification form; fee.

The Como Police Department is hereby authorized to adopt a city-wide policy for towing motor vehicles when the operator of the vehicle either fails to maintain, or cannot present proof of financial responsibility required by the State. Como 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 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 Como Police Department policy. The fee for said financial responsibility verification form shall be five dollars (\$5.00). Said fee shall be in addition to any applicable towing or storage charges.

SECTION 2: 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 3: 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 a fine as provided in the fine schedule from the Municipal Court of the City of Como. 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 and being read to the public as described by the laws of the State of Texas.

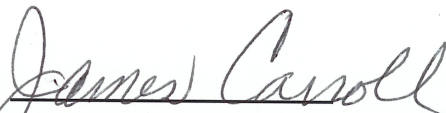
FIRST READING this 10 day of June, 2008,
SECOND READING this 15 day of July, 2008,

at a regular meeting of the Elected Council of the City of Como, Hopkins

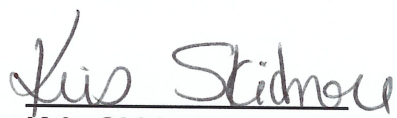
County, Texas, at which a quorum was present and which was held in accordance with

TEXAS GOVERNMENT CODE, TITLE 5, SUBTITLE A, CHAPTER 551.

CITY OF COMO

BY: 
James Carroll, Mayor

ATTEST:


Kris Skidmore
City Secretary