



Legislation Details (With Text)

File #: Ord 2024-31 **Version:** 1 **Name:**
Type: Ordinance **Status:** Passed
File created: 8/8/2024 **In control:** City Council
On agenda: 8/20/2024 **Final action:** 8/20/2024

Title: Consider approval of Ordinance 2024-31, on the second of two readings, amending Chapter 90, Article 4, Wreckers, of the San Marcos City Code for the purposes of modifying signage requirements, placing responsibility for administering the wrecker rotation system with the city marshal, improving safety equipment requirements, increasing the response time allowed for wreckers, improving impound and inventory requirements, expanding the locations for storage facilities to include the extraterritorial jurisdiction, increasing maximum fees for all types of tows and related services, creating a duty for storage facilities to report vehicles received to the police department and providing new fines and penalties for violations; including procedural provisions; and declaring an effective date.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Ordinance, 2. Updated Redline, 3. TowFeeStudy

Date	Ver.	Action By	Action	Result
8/20/2024	1	City Council		
8/20/2024	1	City Council		
8/5/2024	1	City Council		

AGENDA CAPTION:

Consider approval of Ordinance 2024-31, on the second of two readings, amending Chapter 90, Article 4, Wreckers, of the San Marcos City Code for the purposes of modifying signage requirements, placing responsibility for administering the wrecker rotation system with the city marshal, improving safety equipment requirements, increasing the response time allowed for wreckers, improving impound and inventory requirements, expanding the locations for storage facilities to include the extraterritorial jurisdiction, increasing maximum fees for all types of tows and related services, creating a duty for storage facilities to report vehicles received to the police department and providing new fines and penalties for violations; including procedural provisions; and declaring an effective date.

Meeting date: August 20, 2024

Department: City Marshal’s Department - Parking Enforcement

Amount & Source of Funding

Funds Required: N/A

Account Number: N/A

Funds Available: N/A

Account Name: N/A

Fiscal Note:

Prior Council Action: At its August 5, 2024 meeting, concerns were expressed from the dais as to whether the fees established in the updated ordinance would be routinely reviewed and adjusted to keep in line with rising costs. If the council is inclined to amend the ordinance by requiring routine review and adjustment of such fees, possible motions to amend could be as follows: **1) I move to amend Ordinance 2024-31 by adding a new subsection 90.296 as follows: “The fees provided herein shall be reviewed periodically, but no less than every three years, whether together with or separately from, other City cost recovery, permitting or similar fee presented to the city council for approval.” OR 2) “I move to amend Ordinance 2024-31 by adding a new subsection 90.296 as follows: The fees provided herein shall be automatically increased by ____ percent annually [or every ____ years] beginning on October 1, ____.”** These are only examples, but other means of addressing review and adjustment of fees may be considered.

City Council Strategic Initiative: [Please select from the dropdown menu below]

N/A

N/A

N/A

Comprehensive Plan Element (s): [Please select the Plan element(s) and Goal # from dropdown menu below]

- Economic Development - Choose an item.
- Environment & Resource Protection - Choose an item.
- Land Use - Choose an item.
- Neighborhoods & Housing - Choose an item.
- Parks, Public Spaces & Facilities - Choose an item.
- Transportation - Choose an item.
- Core Services
- Not Applicable

Master Plan: [Please select the corresponding Master Plan from the dropdown menu below (if applicable)]

Choose an item.

Background Information:

The Police Department wrecker rotation system is utilized by the San Marcos Police Department, City Marshal’s

Department, and Parking enforcement for the purpose of towing vehicles that are illegally parked, abandoned, wrecked or whenever a vehicle is required to be removed from a city street or property. Historically, the Parking Enforcement division has been responsible for maintaining records for, and ensuring compliance of, companies that have been approved to work on rotation. In 2022, The Parking Enforcement Division was removed from the supervision of the San Marcos Police Department and relocated under the City Marshal's Department.

Redlines in the document reflect the change of responsibility for towing compliance to the City Marshal's Department. It establishes the authority of the City Marshal to impose penalties and remove wreckers from rotation for violations of the ordinance. It also utilizes a penalty matrix to standardize suspensions and fine amounts.

Parking Enforcement Staff performed a study of towing fees for surrounding cities after receiving requests from several wrecker companies. Staff found that fee amounts were below average for light duty/medium duty police authorized tows. However, many of the surrounding cities do not regulate the cost of private property tows. Fine amounts in San Marcos were last increased in 2008. The proposed fine increases consider(ed) the following: inflation, lack of medium duty category, cost of tows in similar/neighboring cities and TDLR limitations for private property tows. The study on towing fees is attached.

Addition of duty to report section, allows staff to hold wrecker companies accountable for reporting private property tows to the San Marcos Police Department. Currently we are unable to cite or suspend companies for this violation. Failing to report tows makes locating vehicles extremely difficult and often results in the vehicle being reported stolen.

Other changes are made throughout including changes to signage and equipment requirements, response times, and police tow receipts. In addition, changes allow vehicle storage facilities to be located in extraterritorial Jurisdictions.

Please see provided redline for all changes made to ordinance.

Council Committee, Board/Commission Action:

Click or tap here to enter text.

Alternatives:

Click or tap here to enter text.

Recommendation:

Staff recommends changes shown in the red-lined document be approved.