

AN ORDINANCE 2008 - 03 - 13 - 0202

**AMENDING CITY CODE, CHAPTER 19, DIVISION 1 AND
DIVISION 3, REGARDING IMPOUNDING VEHICLES AND
WRECKER SERVICES.**

* * * * *

WHEREAS, the City of San Antonio's Vehicle Storage Facility (VSF) has been operated by City staff, both sworn and civilian, for the duration of its existence, and is responsible for the impounding and releasing of all wrecked, abandoned, recovered stolen, and prisoner's vehicles coming into the custody of the Police Department; and

WHEREAS, with the privatization of the operation and maintenance of VSF, some of the language contained within the existing City Code specific to impounding is obsolete or contradictory to the privatization contract; and

WHEREAS, as such, amendments to the City Code will be necessary to comport with the privatization of the VSF; and

WHEREAS, the necessary amendments to the existing City Code are found in: Chapter 19, Division 3, Sections 19-51, 19-51.1, 19-52, 19-53, 19-53.1, 19-54 and Division 1, Section 19-387. Definitions; and

WHEREAS, these amendments will change existing references to the facility rather than the automobile pound and will add references to the operator of the facility where necessary; as well as to amend notification references; **NOW THEREFORE:**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. Chapter 19 of the City Code of San Antonio, Texas is hereby amended as follows and as shown using strikethroughs (deletions) and underlines (additions):

Sec. 19-51. Removal of vehicles to police pound.

Any vehicles that shall be found standing or parked in violation of any city ordinance, or any vehicle that may be abandoned or left in any public place, or any wrecked or disabled vehicle that constitutes a traffic hazard, shall be immediately removed to and impounded in the police department's vehicle storage facility ~~police automobile pound~~ provided by the city for such purposes, by any police officer, or parking manager of the public works department and duly authorized representatives, or the police department's operator of the vehicle storage facility, or other persons duly authorized and acting under and by authority and direction of any member of the police department.

Sec. 19-51.1. Vehicle impound fee.

A vehicle impound fee of twenty dollars (\$20.00) for each vehicle taken into the control and custody of the police department or its duly authorized agent or operator is hereby fixed as the charge for initiation of a vehicle impoundment, which shall be collected by the police department before the impounded vehicle is released.

Sec. 19-52. Vehicles held pending payment of charges.

Any such vehicle so removed and impounded shall be towed to the space or vehicle storage facility ~~automobile pound~~ that has been provided for the storage of such vehicle; said vehicle so towed and/or impounded shall be retained and held by the police department or the police department's operator of the vehicle storage facility ~~at such pound~~ until all charges for towing and storage against such vehicles shall have been paid to the duly authorized officer, or the police department's operator in charge of said facility ~~pound~~ for the benefit of the city to reimburse the city or its operator for the expense of towing and storing such vehicles.

(Code 1959, § 38-102)

Sec. 19-53. Storage fees.

The following storage fees shall apply for each day that a vehicle remains under the control and in the possession of the police department or its operator, or duly authorized agent as the charge for storage of said impounded vehicle which shall be collected by the police department or its operator before the impounded vehicle is released:

Sec. 19-53.1. Notification fee.

(a) The city police department vehicle storage unit or the police department's vehicle storage facility operator is hereby authorized to charge a notification fee in the amount of fifty dollars (\$50.00) to the registered owner to notify the registered owner and the primary lien holder that said vehicle will be sold at auction if the vehicle is not retrieved by the vehicle owners within a designated period of time and such other information as required by law.

(b) Said notice shall be mailed certified mail ~~return receipt requested~~ to the vehicle owner and the primary lien holder on the third day after the vehicle has been impounded.

Sec. 19-54. Release of impounded vehicles.

(a) Impounded motor vehicles shall be released by the police department or the operator of the police department's vehicle storage facility ~~officer in charge of the police automobile pound~~, after payment is made of any towing or storage charges or fees, only upon receipt of one (1) of the following:

A separate indemnification agreement shall be signed by the vehicle claimant who appears at the vehicle storage impoundment facility to take possession of the vehicle, and said claimant shall identify himself or herself as the lienholder or the lienholder's agent, and shall state that said claimant

holds the City of San Antonio harmless and fully indemnified against any claims of loss of property which may arise out of the release of the vehicle.

Sec. 19-387. Definitions.

Operate means to drive or to be in control of a wrecker or the vehicle storage facility.

Operator means the driver or owner of a wrecker or the operator of a vehicle storage facility ~~owner of a wrecker.~~

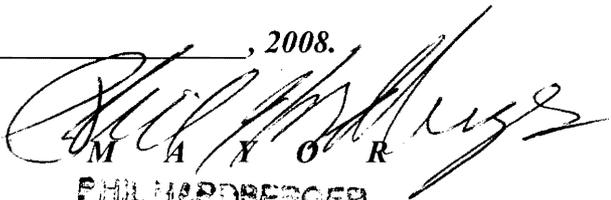
SECTION 2. All other provisions of Chapter 19, Article II and XI, not specifically revised herein, shall remain in full force and effect.

SECTION 3. There is no fiscal impact generated by this ordinance.

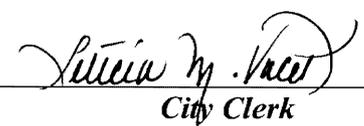
SECTION 4. The publishers of the City Code of San Antonio, Texas are authorized to amend said code to reflect the changes adopted herein and to correct typographical errors and to format and number paragraphs, if necessary, to conform to the existing code.

SECTION 5. This Ordinance shall take effect immediately upon passage, provided that it is passed by eight or more affirmative votes; otherwise, this Ordinance shall take effect ten days from the date of passage.

PASSED AND APPROVED this 13th day of March, 2008.

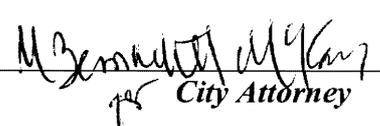

MAYOR
PHIL HARBERGER

ATTEST:



City Clerk

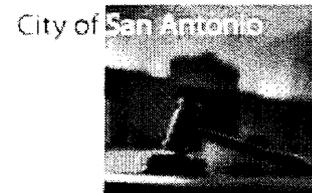
APPROVED AS TO FORM:



City Attorney



Request for
COUNCIL
 ACTION



Agenda Voting Results - 16

Name:	16						
Date:	03/13/2008						
Time:	04:28:56 PM						
Vote Type:	Motion to Approve						
Description:	An Ordinance Amending City Code, Chapter 19, Division 1 and Division 3 regarding Impounding and Wrecker Services. [Erik J. Walsh, Assistant City Manager; William McManus, Police Chief]						
Result:	Passed						
Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Phil Hardberger	Mayor	x					
Mary Alice P. Cisneros	District 1		x				
Sheila D. McNeil	District 2		x				
Jennifer V. Ramos	District 3		x				
Philip A. Cortez	District 4	x					
Lourdes Galvan	District 5			x			
Delicia Herrera	District 6		x			x	
Justin Rodriguez	District 7		x				x
Diane G. Cibrian	District 8		x				
Louis E. Rowe	District 9	x					
John G. Clamp	District 10		x				

Affidavit of Publisher

AMENDING CITY CODE, CHAPTER
19, DIVISION 1 AND DIVISION 3,
REGARDING IMPOUNDING VEHICLES
AND WRECKER SERVICES.
PASSED AND APPROVED THIS 13TH
DAY OF MARCH, 2008.
/S/ PHIL HARDBERGER
MAYOR

ATTEST: LETICIA VACEK
CITY CLERK
3/18

STATE OF TEXAS

COUNTY OF BEXAR

S.A. - CITY CLERK

Before me, the undersigned authority, on this day personally appeared Helen I. Lutz, who being by me duly sworn, says on oath that she is Publisher of the Commercial Recorder, a newspaper of general circulation in the City of San Antonio, in the State and County aforesaid, and that the An Ordinance 2008-03-13-0202 here to attached has been published in every issue of said newspaper on the following days, to wit:

03/18/2008.

Helen I. Lutz

Sworn to and subscribed before me this 18th day of of March, 2008.

Martha L. Machuca

