

CITY OF MATHIS
ORDINANCE NO. O-21-10-02
AMENDING CHAPTER 36, TRAFFIC AND VEHICLES

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MATHIS, TEXAS OF THE COUNTY OF SAN PATRICIO, TEXAS, AMENDING CHAPTER 36 OF THE CODE OF ORDINANCES, TRAFFIC AND VEHICLES, ARTICLE VI, SECTION 36-152, TRUCK ROUTES, PROVIDING FOR PENALTIES FOR NON-COMPLIANCE AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Mathis is dedicated to keeping traffic moving in an orderly manner within the streets of the City, and;

WHEREAS, trucks that pass through the City and deliver goods to businesses throughout the City need an adequate means of egress and ingress to businesses, and;

WHEREAS, the City has designated certain streets within the City as the truck route that commercial trucks can use for such purposes,

WHEREAS, the city has the authority to modify the truck route as it deems necessary, and;

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

- 1) Chapter 36 of the Code of Ordinances, Section 36-152, Truck routes, is amended as follows:

Sec 36-152 Truck routes

The following roads and streets within the city limits are hereby designated as through streets for use by trucks, commercial vehicles and tractors:

- (1) For "through truck" traffic traveling US Highway 359:

- a. FM 3024 on the City's most northern perimeter to its intersection with US Highway 359 at the 'Y'.
- b. US Highway 459 on the City's most southeastern perimeter to its intersection of US Highway 359 at the City's Five Point Intersection **and at the "Y"**.
- c. FM 666 on the city's most southern perimeter to its intersection of US Highway 359.
- d. McNally Road on the city's most western perimeter to its intersection of US Business Highway 359 (**Front Street**).
- e. FM 1068 on the city's most western perimeter to its intersection of ~~US Business highway 359.~~ **W. San Patricio Avenue.**

- (2) Major Thoroughfares within the city and for uses as exceptions are hereby established:

- a. South Front Street from US Business 359 to Mesquite.
- b. North Front Street from US 459 **359** to ~~US Business 359~~ (San Patricio Avenue).

- c. San Patricio Avenue from US Highway 359 to FM 1068 (Aransas Street).
- ~~d. South Aransas Street from San Patricio Avenue to FM 1068.~~
- e. North Hidalgo Street from US Highway 359 to San Patricio Avenue.
- f. South South Street from San Patricio Avenue to Mesquite Street.

First reading was accomplished at a City Council meeting held on July 27, 2020, the second and final reading was held on November 9, 2020.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MATHIS, SAN PATRICIO COUNTY, TEXAS, on November 9, 2020.


Ciri Villarreal, Mayor

Attest:


Mary Gonzales, City Secretary

Chapter 36

TRAFFIC AND VEHICLES*

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- Sec. 36-65. Disabled parking.
- Sec. 36-66. Chief of police to designate loading zones.
- Secs. 36-67—36-90. Reserved.

***State law references**—Vehicles and traffic, V.T.C.A., Transportation Code ch. 501 et seq.; rules of the road, V.T.C.A., Transportation Code ch. 541 et seq.; parking, towing and storage of vehicles, V.T.C.A., Transportation Code ch. 681 et seq.; regulation of taxicabs, V.T.C.A., Local Government Code § 215.004; regulation of parking, V.T.C.A., Local Government Code § 431.001 et seq.; powers of local authorities, V.T.C.A., Transportation Code § 542.201 et seq.

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- Sec. 36-208. Vehicle storage lot.

ARTICLE I. I. IN GENERAL**Sec. 36-1. Penalty.**

Except as otherwise provided, violation of this chapter shall be punished as provided in section 1-7.

Sec. 36-2. Compliance required.

It is unlawful and a misdemeanor for any person to do any act forbidden or fail to perform any act required in this chapter.
(Ord. No. 2-3-81-4A, 2-3-1981)

Sec. 36-3. Obedience to police and fire department officials.

No person shall willfully fail or refuse to comply with any lawful order or direction of a police officer or fire department official.
(Ord. No. 2-3-81-4A, 2-3-1981)

State law reference—Obedience to police, V.T.C.A., Transportation Code § 542.501.

Sec. 36-4. Use of coasters, roller skates and similar devices restricted.

No person upon roller skates, or riding in or by means of any coaster, toy vehicle, or similar vehicle, shall go upon any roadway except while crossing a street in a crosswalk and when so crossing such person shall be granted all of the rights and shall be subject to all of the duties applicable.
(Ord. No. 2-3-81-4A, 2-3-1981)

State law reference—Authority to regulate roller skating, V.T.C.A., Transportation Code § 542.202(a)(5).

Sec. 36-5. Obstruction of view.

(a) The following terms as used in this section shall have the meanings respectively ascribed to them:

Curbline means the boundary of that portion of any street which is improved, designed or ordinarily used for vehicular traffic.

Fence means any enclosed barrier, movable or immovable, constructed of wood, metal or any other material, regardless of its use or purpose.

Object means every sign, advertisement, container or display item of any type or form, whether movable or immovable, which is not authorized by state law or city ordinance.

Plant means any hedge, bush, shrub, vine, palm or vegetation, except trees.

Property line means the boundary line of any street, which line marks the division between the street area and the property abutting upon the same.

(b) It shall be unlawful for any person to place or maintain, or cause to be placed or maintained any plant, object, or vehicle having a height greater than three feet above the level of the center of the nearest abutting street, on or in that portion of any corner lot in the city, which portion is included in a triangle on the street corner of the lot formed by a diagonal line intersecting the curblines, at points 25 feet from the street corner intersection of the curblines.

(c) It shall be unlawful for any person to place or maintain, or cause to be placed or maintained, any tree on or in that portion of any corner lot in the city, which portion is included in the triangle described in subsection (b) of this section, unless all limbs, branches and foliage on the tree are kept trimmed and pruned to a minimum clearance of eight feet above the level of the nearest curbline or to such clearance as will provide an unobstructed view of traffic signs and controls to oncoming traffic.

(d) It shall be unlawful for any person to place, maintain or permit, or cause to be placed or maintained, any tree, plant, object or vehicle on or in the area between the property line of any lot and the curbline of any street abutting such property line of that area by the public.

(e) It shall be unlawful for any person to place, maintain or permit, or cause to be placed or maintained on any property, any tree, plant or object within five feet of any fire hydrant in the city.

(f) It shall be unlawful for the owner or occupant of any property in the city to maintain or permit limbs of trees growing thereon to overhang or grow above the area between his property line and the curbline of any abutting street, unless such limbs and all branches and foliage thereon are kept trimmed and pruned to a minimum clearance of eight feet above the level of the nearest curbline, or to such clearance as will provide an unobstructed view of traffic signs and controls to oncoming traffic.

(g) It shall be unlawful for any person to construct or replace, or cause to be constructed or replaced, any fence having height greater than three feet above the level of the center of the nearest abutting street on or in the triangle described in subsection (b) of this section; provided, this section will not apply to any fence authorized by law.

(h) It shall be the duty of the chief of police to cause a written notice to be served upon the owner or occupant of any property upon which any violation of this section exists to correct such condition as constitutes a violation of this section within ten days after serving such notice; and if such condition is not corrected or remedied, or caused to be corrected

or remedied by such person by the end of such ten days, the chief of police is authorized and directed to cause a complaint to be issued against such owner or occupant, stating the offense with which he is charged.

(i) The chief of police is authorized to remove or cause to be removed any tree, plant or object found between the opposite curblines, in any street in the city, and to trim branches, limbs or foliage of any tree or plant which overhangs or grows above the area which lies between the opposite curblines of any street, so as to provide a minimum clearance of eight feet above the street level at the curbline and so as to be graduated toward the center level at the center of the street.

(Ord. No. 2-3-81-4A, 2-3-1981)

Secs. 36-6—36-28. Reserved.

ARTICLE II. ADMINISTRATION AND ENFORCEMENT

Sec. 36-29. Chief of police—Responsibility and authority.

The chief of police shall have the general responsibility and authority to determine the installation and proper timing and maintenance of traffic control devices, to conduct engineering analyses of traffic accidents and to devise remedial measures, to conduct engineering investigations of traffic conditions, to plan the operation of traffic on the streets and highways of this city, and to cooperate with other officials in the development of ways and means to improve traffic conditions, and to carry out the additional powers and duties imposed by ordinances of this city.

(Ord. No. 2-3-81-4A, 2-3-1981)

Sec. 36-30. Same—Emergency and experimental regulations.

(a) The chief of police is hereby empowered to make regulations necessary to make effective the provisions of the traffic ordinances of this city and to make and enforce temporary or experimental regulations to cover emergencies or special conditions. No such temporary or experimental regulation shall remain in effect for more than 90 days.

(b) The chief of police may test traffic control devices under actual conditions of traffic.

(Ord. No. 2-3-81-4A, 2-3-1981)

Sec. 36-31. Same—Further authority and presumptions.

(a) Wherever in this article the authority is given to the chief of police to do acts as he "deems" or, in his "opinion," are advisable, or necessary, or desirable, such acts shall be based on his observations and studies, according to generally used, accepted traffic control principles or techniques.

(b) Traffic innovations and experiments, however, are not to be inhibited hereby.

(c) As to any given traffic control device, signal, sign, marker, or marking, it shall be initially presumed that such device, signal, sign, marker, or marking independently erected by the chief of police has been installed pursuant to his observations and studies, based on generally used, accepted traffic control principles or techniques.

(d) Any responsibility or authority imposed or conferred on the chief of police by the provisions of this article may be performed by the chief of police or by those officers, employees, or agents of the city working under his supervision and control and designated by him to perform the same.

(Ord. No. 2-3-81-4A, 2-3-1981)

Sec. 36-32. Authority of police and fire department officials.

(a) It shall be the duty of the officers of the police department or such officers as are assigned by the chief of police to enforce all traffic laws of this city and of the state.

(b) Officers of the police department or such officers as are assigned by the chief of police are hereby authorized to direct all traffic by voice, hand or signal in conformance with traffic laws, provided that, in the event of a fire or other emergency or to expedite traffic or to safeguard pedestrians, officers of the police department may direct traffic as conditions may require notwithstanding the provisions of the traffic laws.

(c) Officers of the fire department, when at the scene of a fire, may direct or assist the police in directing traffic there or in the immediate vicinity thereof.

(Ord. No. 2-3-81-4A, 2-3-1981)

Secs. 36-33—36-52. Reserved.

ARTICLE III. TRAFFIC CONTROL SIGNS, SIGNALS, DEVICES AND MARKINGS*

Sec. 36-53. Existing devices ratified.

All traffic control signs, signals, devices and markings heretofore placed or erected by the chief of police or other officials or employees of the city and now in use for the purposes of regulating, warning or guiding traffic are hereby affirmed, ratified and confirmed to be official traffic control devices; provided, however, such traffic control devices are not inconsistent with the provisions of state law or this article.

(Ord. No. 2-3-81-4A, 2-3-1981)

***State law reference**—Traffic signs, signals and markings, V.T.C.A., Transportation Code ch. 544.

Sec. 36-54. Authority to install traffic control devices.

The chief of police shall place and maintain official traffic control devices when as required under the traffic ordinances of this city to make effective the provisions of such ordinances, and may place and maintain such additional official traffic control devices as he may deem necessary to regulate, warn or guide traffic under the traffic ordinances of this city and state law.

(Ord. No. 2-3-81-4A, 2-3-1981)

Sec. 36-55. Manual and specifications for traffic control devices.

All traffic control signs, signals, and devices shall conform to the manual and specifications approved by the Texas Transportation Commission. All signs and signals required hereunder for a particular purpose shall so far as practicable be uniform as to type and location throughout the city. All traffic control devices so erected and not inconsistent with the provisions of state law and this article shall be official traffic control devices.

(Ord. No. 2-3-81-4A, 2-3-1981)

Sec. 36-56. Official traffic control devices, presumptions of legality.

(a) Whenever official traffic control devices are placed in position approximately conforming to the requirements of this article, such devices shall be presumed to have been placed by the official act or direction of lawful authority, unless the contrary shall be established by competent evidence.

(b) Any official traffic control device placed pursuant to the provisions of this article and purporting to conform to the lawful requirements pertaining to such devices shall be presumed to comply with the requirements of this article, unless the contrary shall be established by competent evidence.

(Ord. No. 2-3-81-4A, 2-3-1981)

Sec. 36-57. Chief of police to designate crosswalks, safety zones and traffic lanes.

The chief of police shall:

- (1) Designate and maintain, by appropriate devices, marks, or lines upon the surface of the roadway, crosswalks at intersections where in his opinion there is particular danger to pedestrians crossing the roadway, and at such other places as he may deem necessary.
- (2) Establish safety zones of such kind and character and at such places as he may deem necessary for the protection of pedestrians.
- (3) Mark traffic lanes upon the roadway of any street or highway where a regular alignment of traffic is necessary.

(Ord. No. 2-3-81-4A, 2-3-1981)

Sec. 36-58. State speed laws applicable.

The state traffic laws regulating the speed of vehicles shall be applicable upon all streets within this city except where the chief of police, upon the basis of an engineering and traffic investigation, determines that other speed limits shall be applicable on specified streets or in certain areas, in which event it shall be unlawful for any person to drive at a speed in excess of any speed so determined when signs are in place giving notice thereof.

(Ord. No. 2-3-81-4A, 2-3-1981)

State law references—Speed limits, V.T.C.A., Transportation Code § 545.351 et seq.; local alteration of speed limits, V.T.C.A., Transportation Code § 545.356.

Sec. 36-59. Authority to place devices altering or restricting turns.

The chief of police is authorized:

- (1) To place official traffic control devices within or adjacent to intersections indicating the course to be traveled by vehicles turning at such intersections, and such course to be traveled as so indicated may conform to or be other than prescribed by law.
- (2) To determine those intersections at which drivers of vehicles shall not make a right, left or U-turn, and shall place proper signs at such intersections. The making of such turns may be prohibited between certain hours of any day and permitted at other hours, in which event the same be plainly indicated on the signs or they may be removed when such turns are permitted.

(Ord. No. 2-3-81-4A, 2-3-1981)

State law reference—Authority to regulate or prohibit turns, V.T.C.A., Transportation Code, § 542.202(a)(7).

Sec. 36-60. Authority to sign one-way streets and alleys and to restrict direction of movement on streets.

The chief of police is hereby authorized:

- (1) To determine and designate one-way or alleys and shall place and maintain official traffic control devices giving notice thereof. No such designation shall be effective unless such devices are in place.
- (2) To determine and designate streets, parts of streets, or specific lanes thereon upon which vehicular traffic shall proceed in one direction during one period and the opposite direction during another period of the day and shall place and maintain appropriate markings, signs, barriers, or other devices to give notice thereof. The city traffic director may erect signs temporarily designating lanes to be used by traffic moving in a particular direction, regardless of the center line of the roadway.

(Ord. No. 2-3-81-4A, 2-3-1981)

State law reference—Authority to establish one-way streets, V.T.C.A., Transportation Code, § 542.202(a)(10).

Sec. 36-61. Authority for stop signs and yield signs.

The chief of police is hereby authorized to erect and maintain stop signs, yield signs or other official traffic control devices to designate through streets or to designate intersections or other roadway junctions.

(Ord. No. 2-3-81-4A, 2-3-1981)

State law reference—Authority to establish stop or yield streets, V.T.C.A., Transportation Code, § 542.202(a)(8).

Sec. 36-62. Gross weight limits.

The chief of police is hereby authorized on the basis of an engineering and traffic investigation, to erect and maintain traffic control devices on any streets or parts of streets to impose gross weight limits.

(Ord. No. 2-3-81-4A, 2-3-1981)

State law reference—Authority to establish one-way streets, V.T.C.A., Transportation Code, § 542.202(a)(10).

Sec. 36-63. Parking.

(a) The chief of police is hereby authorized on the basis of an engineering and traffic investigation, to prohibit or limit stopping, standing or parking of vehicles at all times or during specified hours.

(b) No prohibition, regulation or limitation relating to stopping, standing or parking imposed under this or any other ordinance of this city shall be effective unless official traffic control devices are erected and in place at the time of an alleged offense and it shall be the duty of the chief of police to erect and maintain such devices.

(Ord. No. 2-3-81-4A, 2-3-1981)

State law reference—Authority to regulate stopping standing and parking, V.T.C.A., Transportation Code, § 542.202(a)(2).

Sec. 36-64. Signs or markings indicating angle parking.

The chief of police shall determine upon what streets angle parking shall be permitted and shall mark or sign such streets but such angle parking shall not be indicated upon any federal-aid or state highway within this city unless the state commission on highways and public transportation has determined that the roadway is of sufficient width to permit angle parking without interfering with the free movement of traffic.

(Ord. No. 2-3-81-4A, 2-3-1981)

State law reference—Authority to establish angle parking, V.T.C.A., Transportation Code § 545.303.

Sec. 36-65. Disabled parking.

The city manager or designee is hereby authorized on the basis of a traffic investigation to designate one or more parking spaces or a parking area for the exclusive use of vehicles transporting temporarily or permanently disabled persons.

(Ord. No. 84-0008, 10-2-1984)

State law reference—Disabled parking, V.T.C.A., Transportation Code ch. 681.

Sec. 36-66. Chief of police to designate loading zones.

The chief of police is hereby authorized to determine the location of loading zones and passenger loading zones and shall place and maintain appropriate signs indicating the same and stating the hours which the provisions of this section are applicable.

(Ord. No. 2-3-81-4A, 2-3-1981)

State law reference—Authority to regulate stopping standing and parking, V.T.C.A., Transportation Code, § 542.202(a)(2).

Secs. 36-67—36-90. Reserved.

ARTICLE IV. VEHICLE OPERATION*

Sec. 36-91. Penalty.

Except as otherwise provided, violation of this article shall be punished as provided in section 1-7.

Sec. 36-92. Speed limits in school zones.

(a) *Limit.* It is hereby determined upon the basis of an engineering and traffic investigation that, between certain hours on any day where children are required to be in attendance at school, a maximum, reasonable and prudent speed limit within a school zone shall be 20 miles per hour, and between such hours on any such day, it shall be unlawful for any person to drive or operate a motor or other vehicle within such zone at a greater rate of speed than so provided.

(b) *Designation of school zones and operative hours of speed limits.* The declared speed limit as herein provided shall be applicable to the following street or part of street herein designated at the times specified herein: 100 S. Lee Street to 500 S. Lee Street, 20 miles per hour, between the hours of 7:30 a.m. and 5:00 p.m., Monday through Friday;

***State law reference**—Rules of the road, V.T.C.A., Transportation Code ch. 545.

(c) *Previously designated school zones and operative hours.* The declared speed limit as previously designated and by ordinance heretofore adopted by the city council applicable to the following streets or parts of streets shall continue as valid and in force with such designations as school zones with speed limits of 20 miles per hour:

- (1) 300 E. San Patricio Street to 500 E. San Patricio Street, 20 miles per hour, between the hours of 7:30 a.m. and 5:00 p.m., Monday through Friday;
- (2) 200 S. Duval Street to 100 S. Duval Street, 20 miles per hour, between the hours of 7:30 a.m. and 5:00 p.m., Monday through Friday; and
- (3) 400 East Hackberry to 600 East Hackberry, 20 miles per hour, between the hours of 7:30 a.m. and 5:00 p.m., Monday through Friday.

(d) *Duty of police to enforce.* It shall be the duty of the police department of the city to erect all signs giving notice thereof and to enforce the provisions of this chapter against any person found to be violating the same.

(Ord. No. 04-12-13-01, §§ 1—4, 1-24-2005)

State law reference—Speed limits, V.T.C.A., Transportation Code § 545.351 et seq.

Sec. 36-93. Stop when traffic obstructed.

No driver shall enter an intersection or a marked crosswalk unless there is sufficient space on the other side of the intersection or crosswalk to accommodate the vehicle he is operating without obstructing the passage of other vehicles or pedestrians, notwithstanding any traffic control signal indication to proceed.

(Ord. No. 2-3-81-4A, 2-3-1981)

Sec. 36-94. Weaving and cutting in.

(a) No driver of any motor vehicle or any other vehicle shall weave in and out of traffic to the extent that such weaving unreasonably interferes with the right-of-way of other vehicles on the right or left.

(b) When traffic is traveling in parallel lanes, no driver or operator of any motor vehicle or any other vehicle shall cut from one lane of traffic to another so as to unreasonably interfere with the right-of-way of any other vehicle, except in an emergency.

(c) In regard to sections and hereof, the fact that any adjacent vehicle, into the path of which the weave or cut is made, shall slacken its pace abruptly or shall serve into any parallel lane or near to any obstruction in the street or object at the side thereof shall be prima facie evidence of unreasonable interference with the right-of-way of that vehicle by the driver of the vehicle weaving or cutting in.

(Ord. No. 2-3-81-4A, 2-3-1981)

Sec. 36-95. "Dig out" or "tire squeal" prohibited.

(a) It shall be unlawful for the driver of any motor vehicle within the city to "dig out" or produce "tire squeal." The term "tire squeal" means the sound produced by the friction of a motor vehicular tire against a dry pavement under sudden acceleration of the vehicle to which said tire is mounted, said tire then turning at a rate of revolution disproportionately greater than the length of distance then traveled on said pavement by said tire.

(b) Prima facie evidence of such disproportional revolution shall include skid marks or tire marks left by such tire upon the pavement or smoke produced by such revolution.
(Ord. No. 2-3-81-4A, 2-3-1981)

Sec. 36-96. Excluding specified traffic.

The chief of police is hereby authorized on the basis of an engineering and traffic investigation to determine and designate those heavily traveled streets upon which shall be prohibited any class or kind of traffic which is found to be incompatible with the normal safe movement of traffic and shall erect appropriate official traffic control devices.
(Ord. No. 2-3-81-4A, 2-3-1981)

Secs. 36-97—36-120. Reserved.

ARTICLE V. STOPPING, STANDING AND PARKING*

Sec. 36-121. Parking with lines.

All vehicles parked along streets where lines or markers are located shall be parked between such lines with no part of such vehicle upon or over or across such lines.
(Ord. of 9-9-1940(2), § 1)

Sec. 36-122. Parking in alleys.

It shall hereafter be unlawful for the owner or operator of any vehicle to park said vehicle for a period of time longer than ten minutes at any time in any alley of the city as now or hereafter established.
(Ord. of 9-9-1940(2), § 2)

***State law references**—Authority to regulate stopping, standing and parking, V.T.C.A., Transportation Code §§ 542.201, 542.202(a)(2); stopping standing and parking, V.T.C.A., Transportation Code § 545.301 et seq.

Sec. 36-123. Standing in passenger loading zone.

No person shall stop, stand, or park a vehicle for any purpose of period of time other than for the expeditious loading or unloading of passengers in any place marked as a passenger loading zone during hours when the regulations applicable to such loading zones are effective, and when only for a period not to exceed three minutes.

(Ord. No. 2-3-81-4A, 2-3-1981)

Sec. 36-124. Standing in a loading zone.

(a) No person shall stop, stand, or park a vehicle for any purpose or length of time other than for the expeditious unloading and delivery or pickup and loading of property in any place marked as a loading zone during hours, when the provisions applicable to such zones are in effect. In no case shall the stop for loading or unloading of property exceed 30 minutes.

(b) The driver of a vehicle may stop temporarily at a loading zone for the purpose of and while actually engaged in loading or unloading passengers when such stopping does not interfere with any vehicle which is waiting to enter such zone to load or unload property.

(Ord. No. 2-3-81-4A, 2-3-1981)

Secs. 36-125—36-146. Reserved.

ARTICLE VI. TRUCKS AND LARGE VEHICLES***Sec. 36-147. Definitions.**

When used in this article words shall have the meanings respectfully ascribed to them in this section.

Alley means a public thoroughfare which ordinarily affords only a secondary means of access to abiding property.

Commercial vehicle means any motor vehicle (other than a motorcycle) designed or constructed for the transportation and delivery or pick up of heavy or bulky materials, and having the name of the firm or business affixed, on one or both sides of the vehicle.

Implement of husbandry means a vehicle, other than a passenger car or truck, that is designed and adapted for use as a farm implement, machinery, or tool for tilling the sand.

Light truck means any motor vehicle, pickup truck, panel delivery truck or carryall truck that has a manufacturer's rated carrying capacity of one ton.

***State law reference**—Regulation of loads, weight or size authorized, V.T.C.A., Transportation Code, § 621.303.

Loading zone means the space adjacent to a curb reserved for the exclusive use of commercial vehicles during loading and unloading of materials.

Park or parking means to stand an occupied or unoccupied vehicle, other than temporarily loading or unloading merchandise.

Pole trailer means a vehicle without motive power designed to be drawn by another vehicle and secured to the other vehicle by pole, reach, boom or other security device and is ordinarily used to transport a long or irregularly shaped load, including poles, pipes or structural members, generally capable of sustaining themselves or beams between supporting connections.

Semitrailer means a vehicle with or without motive power to be drawn by a motor vehicle to transport person or property and constructed so that part of the vehicle's weight and load rests on or is carried by another vehicle.

Tractor means a motor vehicle designed and used primarily as a farm implement to draw an implement of husbandry, including a plow or mowing machines.

Trailer means any vehicle designed for the transportation of property and drawn by a truck, and includes semitrailers and pole trailers.

Truck means any motor vehicle with a manufacturers' rated carrying capacity that exceeds 2,000 pounds and is designed, used or maintained primarily for the transportation of property and includes a truck or tractor used to draw another vehicle.

Truck route means the designated streets upon which trucks, commercial trucks, tractors or vehicles must be utilized in traveling to, from and within the city limits.
(Ord. No. 05-03-14-02, § 1(1), 3-28-2005)

Sec. 36-148. Penalty.

Except as otherwise provided, violation of this article shall be punished as provided in section 1-7.

Sec. 36-149. Enforcement.

It shall be the duty of the police department of the city to enforce all provisions of this article against any person found to be violating the same.
(Ord. No. 05-03-14-02, § 1(7), 3-28-2005)

Sec. 36-150. Restriction of trucks on certain streets.

It shall be unlawful for any truck, commercial vehicle or tractor with a gross weight of 25,000 pounds to drive and/or operate such truck, commercial truck, tractor or vehicle upon any public street, right-of-way or alley within the city limits, except on and over the designated truck route.
(Ord. No. 05-03-14-02, § 1(2), 3-28-2005)

Sec. 36-151. Parking of trucks on residential streets.

(a) It shall be unlawful for any truck, commercial vehicle, tractor or combination thereof, which is over 40 feet in length, employed or loaded to park overnight on any residential street of the city.

(b) It shall be unlawful to leave any trailer which is over 30 feet in length, detached and parked or dollied without its owing vehicle attached on any residential street of the city.

(c) It shall be unlawful for any truck, commercial vehicle or tractor vehicle transporting hazardous material that endangers the health and well being of human life, from parking in residential areas within the city.

(d) It shall be lawful to park any truck or tractor truck within the owner owned residential property, providing that the truck, commercial vehicle or tractor vehicle is no less than 10 feet from the street easement and/or 25 feet, at street intersections, from the dedicated street easement.

(Ord. No. 05-03-14-02, § 1(3), 3-28-2005)

Sec. 36-152. Truck routes.

The following roads and streets within the city limits are hereby designated as through streets for use by trucks, commercial vehicles and tractors:

- (1) For "through truck" traffic traveling U.S. Highway 359:
 - a. FM 3024 on the city's most northern perimeter to its intersection with U.S. Highway 359 at the "Y."
 - b. U.S. Highway 459 on the city's most southeastern perimeter to its intersection of U.S. Highway 359 at the city's Five Points Intersection.
 - c. FM 666 on the city's most southern perimeter to its intersection of U.S. Highway 359.
 - d. McNally Road on the city's most northern perimeter to its intersection of U.S. Business Highway 359.
 - e. FM 1068 on the city's most western perimeter to its intersection of U.S. Business Highway 359.
- (2) Major thoroughfares within the city and for use as exceptions are hereby established:
 - a. South Front Street from U.S. Business 359 to Mesquite Street.
 - b. North Front Street from U.S. 459 to U.S. Business 359 (San Patricio Avenue).
 - c. San Patricio Avenue from U.S. Highway 359 to FM 1068 (Aransas Street).
 - d. South Aransas Street from San Patricio Avenue to FM 1068.

e. North Hidalgo Street from U.S. Highway 359 to San Patricio Avenue.

f. South South Street from San Patricio Avenue to Mesquite Street.

(Ord. No. 05-03-14-02, § 1(4), 3-28-2005)

Sec. 36-153. Exception.

(a) *Business, deliveries and pick up.* The operation of trucks, commercial trucks, and tractors in excess of the limits established herein may use a city street or alley where the origin or destination of a delivery or a pick up is for businesses, in which case, parking is restricted to the loading zone and shall not be in excess of four hours, and if the delivery or pick up is on streets other than the truck route, the shortest and most direct route must be utilized.

(b) *Emergency vehicles.* Emergency vehicles may be operated upon any street in the city.

(c) *Utilities.* The operation of trucks, tractors, or vehicles owned or operated by municipal, state or utility companies while engaged in the repair, maintenance, or construction of streets, street improvements, utilities, including but not limited to water, sewer, electricity, cable or other related governmental services within the city.

(d) *Light trucks.* Any truck with the manufacturer's rated carrying capacity which does not exceed 2,000 pounds and is commonly known as pickup trucks.

(Ord. No. 05-03-14-02, § 1(5), 3-28-2005)

Sec. 36-154. Maps and signs.

(a) *Maps.* It shall be the duty of the police department of the city to maintain maps setting out truck routes upon which truck traffic is permitted and shall be kept on file in the police department and shall be made available to the public.

(b) *Signs.* It shall be the duty of the police department of the city to cause all truck routes to be identified by the erection of signs giving notice thereof to the public.

(Ord. No. 05-03-14-02, § 1(6), 3-28-2005)

Secs. 36-155—36-176. Reserved.

ARTICLE VII. BICYCLES*

Sec. 36-177. Penalty.

Except as otherwise provided, violation of this article shall be punished as provided in section 1-7.

*State law references—Authority to regulate bicycles V.T.C.A., Transportation Code, § 542.202(a)(4); bicycles generally, V.T.C.A., Transportation Code ch. 551.

Sec. 36-178. License.

(a) It shall be unlawful for any person to operate or use a bicycle propelled wholly or in part by muscular power upon any of the streets, alleys or public highways of the city, without first obtaining from the police department a license therefor.

(b) The police department is hereby authorized and directed to issue upon written application, bicycle licenses which shall be effective for the calendar year, commencing on January 1 of each of said calendar years. Said licenses when issued shall entitle the licensee to operate such bicycle for which said license has been issued, upon all the streets, alleys, and public highways, exclusive of the sidewalks thereof, in the city.

(c) The city shall provide each year metallic license plates and seals, together with registration cards and isinglass holders therefor, said metallic license plates and registration cards having numbers stamped thereon in numerical order, beginning with Number 1, and indicating the year for which the same are issued, and the letters MBL stamped thereon; such metallic license plates shall be suitable for attachment upon the frames of bicycles, and it shall be the duty of the owner of the bicycle to attach one such metallic license plate to the frame of each bicycle and the police department shall issue such license and a corresponding registration card to the licensee upon the payment of the license fee herein provided for. Such metallic license plate shall remain attached during the existence of such license. The police department shall also keep a record of the date of issue of each license, to whom issued, and the number thereof.

(d) All persons engaged in the business of buying secondhand bicycles are hereby required to make daily report to the police department, giving the name and address of the person from whom each bicycle is purchased, the description of each bicycle purchased, the frame number thereof, and the number of the metallic license plate found thereon, if any. All persons engaged in the business of selling new or secondhand bicycles are hereby required to make a weekly report to the police department, giving a list of all sales made by such dealers, which list shall include the name and address of each person to whom sold, the kind of bicycle sold, together with a description and frame number thereof, and the number of the metallic license plate attached thereto, if any.

(e) It shall be the duty of every person who sells or transfers ownership of any bicycle, to report such sale or transfer by returning to the police department the registration card issued to such person as licensee thereof, together with the name and address of the person to whom said bicycle was sold or transferred, and such report shall be made within seven days of the date of said sale or transfer. It shall be the duty of the purchaser or transferee of such bicycle to apply for a transfer of registration therefor within seven days of said sale or transfer.

(f) It shall be unlawful for any person to willfully or maliciously remove, destroy, mutilate or alter the number of any bicycle frame licensed pursuant to this ordinance. It shall also be unlawful for any person to remove, destroy, mutilate or alter any license plate, seal or registration card during the time in which such license plate, seal or registration card is operative. Provided, however, that nothing in this ordinance shall prohibit the police department from stamping numbers on the frames of bicycles on which no serial number can be found, or on which said number is illegible or insufficient for identification purposes.

(g) The annual license fee to be paid for each bicycle shall be as established by the city and shall be paid in advance; and pursuant to subsection (e) of this section, such license may be transferred, and a fee in the amount established by the city shall be paid for the registration of such transfer. All license fees collected under this ordinance shall be paid into the general fund of the city.

(h) At the time of application for such license, the police department shall inspect each bicycle before issuing a license for any bicycle which is found to be in an unsafe mechanical condition.

(i) No bicycle shall be used to carry more persons at one time than the number for which it is designed.

(j) Every person who violates any of the provisions of this section shall be punished as provided in section 1-7. In addition to the penalty hereinabove set forth, the police department of the city or any of the members thereof may impound and retain possession of any bicycle operated in violation of the license provisions of this section and may retain possession of the same until the license provided for herein is obtained and displayed as required herein.

(Ord. of 11-22-1965, §§ 1—10)

Sec. 36-179. Riding on sidewalks.

It shall hereafter be unlawful for any person to ride a bicycle on the sidewalks of the city.
(Ord. of 5-26-1942, § 1)

Secs. 36-180—36-195. Reserved.

ARTICLE VIII. WRECKERS

Sec. 36-196. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Axe means a single or double blade having a handle not less than 36 inches in length.

Broom means that piece of equipment commonly known as a shop or push broom with a head not less than 12 inches in width, and handle not less than five feet in length.

Consent tow means the towing of a vehicle with the consent of the owner or the operator of the vehicle.

Fire extinguisher means a minimum of five pound U.L. approved ABC or BC type extinguisher which shall be fully charged. The extinguisher shall be inspected, annually, by a state licensed service center.

Motor vehicle means every vehicle that is self propelled but not operated upon rails.

Nonconsent tow means the towing of a vehicle without the consent of the owner or operator of the vehicle.

Safety chains means such safety chains being not less than seven feet in length each, and having a minimum factory test strength of 8,000 pounds each.

Tow bars means that piece of equipment sometimes known as the A-frame, which is a part of the auto wrecker and is used to hold a vehicle, which has been elevated for towing, and is rigid and to prevent swinging of a towed vehicle, the two bar shall be in place to prevent swinging. Such tow bar shall be attached to a rubber sling or a sling so constructed as to prevent damage to a towed vehicle.

Vehicle means every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, except devices moved by human power or used exclusively upon stationary rails or tracks.

Wrecker means any motor vehicle used for the purpose of towing or removing disabled or wrecked vehicles.

Wrecker business means the business of towing or removing disabled or wrecked vehicles on the public streets, regardless of whether the purpose of the towing is to remove, repair, wreck, store, trade, or purchase such disabled or wrecked vehicles. To be a wrecker business within the meaning of this definition, the business must be located within the city.

Wrecker company means any person engaged in the wrecker business.

Wrecking bar means a piece of equipment commonly used on wreckers and is a piece of metal suitable for prying and twisting and which is not less than 36 inches in length.
(Ord. of 2005, § 1)

Sec. 36-198. Penalty.

Except as otherwise provided, violation of this article shall be punished as provided in section 1-7.
(Ord. of 2005, § 13)

Sec. 36-198. Following ambulance, etc., prohibited.

No person shall follow in a wrecker any ambulance or police car which is traveling on a public street in response to a report of an automobile collision or accident.
(Ord. of 2005, § 2)

Sec. 36-199. Stopping or parking at scene of accident prohibited.

No person shall stop or park a wrecker within 300 feet of the scene or site of a vehicle accident or collision while any vehicle disabled, damaged, or wrecked in such accident or collision remains at such scene or site. The provisions of this section shall not apply, however, to any wrecker, that is authorized by the investigating officer or any wrecker that is called to the scene or site of an accident or collision by the police department of the city.
(Ord. of 2005, § 3)

Sec. 36-200. Soliciting on streets prohibited.

No person shall solicit in any manner, directly or indirectly, in the streets of the city the business of towing, removing, repairing, storing, wrecking, or buying any vehicle which is wrecked or disabled on a public street.
(Ord. of 2005, § 4)

Sec. 36-201. Procedures for calling a wrecker.

(a) When a vehicle has been involved in a collision or accident and is unable to proceed safely, or when the driver thereof is physically unable to drive such vehicle, the police officer investigating such accident or collision shall request the driver of such vehicle to designate a wrecker company the police officer shall then notify the police communications officer who shall call the designated wrecker and inform the same wrecker of such accident or collision. In the event such driver is physically unable to designate a wrecker company or refuses to designate a wrecker company, the police officer investigating the accident or collision shall notify the police communications officer who shall select a wrecker company on a rotation basis from a list of all permits issued to wrecker companies which operate a wrecker or wreckers for which the permit or permits as described by section 36-203 have been obtained.

(b) A response time of not more than 20 minutes shall be required of all wreckers that have been dispatched by the police communications officer. In the event a wrecker has not arrived at the scene or site within the time limit, the police communications officer shall call that wrecker company and advise them that their wrecker is canceled. The police communications officer will then select the next wrecker service from the list of all permits issued to wrecker companies which operate a wrecker or wreckers for which the permit or permits is described by section 36-203 have been obtained.

(c) A wrecker or wrecker company that performs only consent tows does not have to secure a permit from the city unless it also maintains a place of business in the city.

(d) All wrecker or wrecker companies that perform nonconsent tows in the city must secure a permit as described by section 36-203.

(Ord. of 2005, § 5)

Sec. 36-202. Regulations of operation.

(a) No driver of a wrecker shall remove any wrecked, damaged or disabled vehicle which has been involved in an accident or collision from the place where such accident or collision has occurred, or attach his wrecker to such wrecked, damaged or disabled vehicle until the police officer investigating such accident or collision shall have completed his investigation.

(b) It shall be the duty of the driver of each wrecker that removes a wrecked, damaged or disabled vehicle from the place where the accident or collision has occurred to clear the street of any and all debris, parts or glass.

(Ord. of 2005, § 6)

Sec. 36-203. Permit; applications.

All persons desiring to obtain a permit for a wrecker or wrecker company or storage yard shall make application in writing on a form prescribed for that purpose to the city manager or his designee. Said permit shall be nontransferable. All vehicle storage lots in the city are required to obtain a vehicle storage lot permit from the city. All inspections of wreckers required by this article shall be performed by the city manager or his designee. Such application shall contain the name, address and telephone number of the applicant, the owner of the wrecker for which the permit is to be issued, proof of ownership, and the telephone number at which calls for wrecker service from the police communication officer will be received, location of storage lot, and such other information as the city manager may require. Every application for a wrecker permit when filed shall be sworn to by the applicant and shall be accompanied by a permit fee of \$50.00 per wrecker.

(Ord. of 2005, § 7)

Sec. 36-204. Requirements for permits.

No permit shall be issued:

- (1) Unless there is in full force and effect a policy or policies of public liability and property damage insurance, issued by a casualty insurance company authorized to do business in the state, and in the standard form approved by the board of insurance commissioners of the state and the coverage provision insuring the public from any loss or damage that may arise to any person or property by reason

of the operation of a wrecker or the owner of the wrecker for which such permit is to be issued, and providing that the amount of recovery on each wrecker shall be in limits of not less than the following sums:

- a. For damages arising out of bodily injury to or death of one person in any one accident, \$25,000.00;
 - b. For damages arising out of bodily injury to or death of two or more persons in any one accident, \$50,000.00.
- (2) If any delinquent taxes are due the city upon any wrecker operated in the applicant's wrecker business, or if the owner thereof has failed to render same for ad valorem taxation.
 - (3) If a permit issued for a wrecker owned by such owner or operated by such applicant has been revoked within the two calendar years preceding the date of application described herein.
 - (4) Unless the wrecker for which such permit is to be issued is or not less than three-quarter ton in size and is equipped with booster brakes.
 - (5) Unless the wrecker for which such permit is issued is equipped with a power or hand operated winch-line and boom, with a factory-rated lifting capacity for a tested capacity; or not less than 5,000 pounds, single line capacity; or unless the wrecker is a roll back wrecker, car hauler or damage free wrecker with no boom.
 - (6) Unless the wrecker for which such permit is issued carried as standard equipment: tow-bars, safety chains, wrecking bars, brooms, an axe and a fire extinguisher.
 - (7) Each wrecker that picks up under its respective company name, shall be inspected by the city manager or his designee, and are to be reinspected every three months.
 - (8) Unless the wrecker has its respective company name on the truck in minimum size letters of three inches. No magnetic signs will be allowed.
 - (9) Unless the wrecker is registered in the company or company owner's name and the company is permitted also.
 - (10) Unless the wrecker is housed and maintained in the city. Proof of payment of personal property tax on wreckers shall be deemed as conclusive evidence that a wrecker is housed in the city.
 - (11) Unless each wrecker company shall have a vehicle storage lot in the city as required by section 36-208.
- (Ord. of 2005, § 8)

Sec. 36-205. Revocation of wrecker permit.

A wrecker permit may be revoked by the city manager or his designee upon a determination by him that:

- (1) The owner of the wrecker or wrecker company for which such permit was issued or any employee or agent of such owner, or the applicant for such permit or any employee or agent of such applicant has violated any provision of this article within the 60 days immediately preceding the date of revocation.
- (2) The owner of the wrecker or wrecker company for which such permit was issued or the applicant for such permit is failing to comply and to maintain such wrecker in compliance with the requirements set forth in section 36-204 for the issuance of such permit.
- (3) The owner of the wrecker or wrecker company for which such permit was issued or any employee or agent of such owner, or the applicant for such permit or any employee or agent of such applicant has been convicted, within 60 days immediately preceding the date of revocation, for a moving violation of the traffic laws of the state, or its political subdivisions, provided that such moving violation occurs while the violator is driving or operating a wrecker for which a permit has been issued under the provisions of this article.
- (4) The owner of the wrecker or wrecker company for which such permit was issued or any employee or agent of such owner, or the applicant for such permit or any employee or agent of such applicant has used information received from a broadcast on the shortwave radio frequency of the police department, fire department, or emergency services district for his own benefit or for the benefit of another person in connection with the operation of a wrecker business, within the 60 days immediately preceding the date of revocation.
- (5) The wrecker company is not located within the city limits.
- (6) That a wrecker was driven within the city without displaying the city wrecker permit decal on the windshield.

(Ord. of 2005, § 9)

Sec. 36-206. Consent tows; nonconsent tows; permit licensing.

Any wrecker or wrecker company having its place of business in the city shall secure the permit as required by section 36-203. Any wrecker or wrecker service not having a place of business in the city may only tow a vehicle with the consent of the owner or operator of the vehicle and may not be included on the rotation list for wrecker or wrecker companies having permits and operating in the city. Any wrecker or wrecker company that performs a nonconsent tow in the city must be registered in accordance section 36-203.

(Ord. of 2005, § 10)

Sec. 36-207. Heavy-duty wrecker.

Each wrecker company has the option to have a heavy-duty wrecker, on a heavy duty rotation list to be kept by the city police department, as long as his wrecker meets heavy-duty wrecker requirements as follows:

- (1) Each heavy-duty wrecker must be registered in or licensed to the respective company and must be permitted in accordance with the terms of this article.
- (2) Each wrecker must comply with the insurance requirements of this article as set forth in section 36-204.
- (3) That the wrecker be not less than three tons in size and be equipped with air brakes.
- (4) That each heavy-duty wrecker must have at least one winch rated not less than ten tons and in good working order.
- (5) When a heavy-duty wrecker is called from the rotation list, the wrecker company called may request assistance from other heavy-duty wreckers which meet the requirements of this article. No wrecker shall request assistance under this provision unless the first wrecker called from the heavy duty rotation list appears on the scene and is actively involved in remedying the situation or emergency condition.

(Ord. of 2005, § 11)

Sec. 36-208. Vehicle storage lot.

It shall be unlawful for any person to operate a vehicle storage lot in the city without first obtaining a permit from the city.

- (1) Each wrecker company will have within the city a storage lot and said storage lot shall be completely enclosed by a fence or wall at least six feet in height, with a gate which is locked at all times when the wrecker company storage lot is not opened for business. The barrier should be:
 - a. Chainlink fence with slats;
 - b. Pressurized and treated wood;
 - c. An opaque vertical masonry wall; or
 - d. Any type of opaque barrier approved by the city manager or his designee.

Such fences and walls shall be maintained in good repair and shall be kept vertical, uniform and structurally sound. Any existing vehicle storage lot that was previously issued a valid permit from the city must have a fence or wall in compliance with this section on or before July 1, 2005.

- (2) Each storage lot shall have an all weather surface that makes delivery and release of automobiles feasible in all weather conditions, such as concrete, asphalt, blacktop, stone, limestone, iron ore, gravel, shell or sand.

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- (3) A storage lot shall have a sign, at the main entrance, clearly visible and readable from the street, setting out the name of the storage lot, the street address, the hours vehicles will be released to vehicle owners, and the city permit number.
 - (4) Storage lots will be open to release motor vehicles under normal working hours, Monday through Friday of each week.
 - (5) Each storage lot shall have an operable telephone which must be publicly listed where the wrecker company, or its employees and agents may be contacted.
 - (6) Each wrecker company shall maintain on their storage area, adequate illumination which will make release of vehicles, feasible at night.
 - (7) No storage lot will be permitted within 200 feet of any real property owned by any person other than the wrecker company unless all property owners with property located within 200 feet of the proposed storage lot consent in writing to said storage lot. The city council can waive this requirement in the event of undue hardship.
 - (8) The planning and zoning commission and the city council shall approve the location of each vehicle storage lot.
- (Ord. of 2005, § 12)