

ORDINANCE NO. 291

AN ORDINANCE OF THE CITY OF SEVEN POINTS, TEXAS AMENDING THE CODE OF ORDINANCES, CHAPTER NINE, SECTION SIX, WRECKER SERVICE ORDINANCE; PROVIDING DEFINITIONS; RESCINDING ORDINANCE NUMBER 85, ORDINANCE NUMBER 150 AND ORDINANCE NUMBER 159; PROHIBITING UNAUTHORIZED SOLICITATION AND PROVIDING AN OFFENSE; REQUIRING A LICENSE AND LICENSE APPLICATION; PROVIDING FOR ISSUANCE OR RENEWAL OF LICENSE AND FEE; PROVIDING FOR LICENSE REQUIREMENTS AND LICENSE PRIVILEGES; PROVIDING FOR WRECKER SERVICE PROCEDURES; PROVIDING FOR THE RIGHT TO SUSPEND OR REVOKE LICENSE; PROVIDING FOR A CITY POUND AND CHARGES; PROVIDING A REPEALING CLAUSE, SEVERABILITY CLAUSE, AND PENALTY CLAUSE.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SEVEN POINTS, TEXAS:

That, Chapter 9, of the Code of Ordinances, City of Seven Points, Texas, is hereby amended to read as follows:

A. DEFINITION OF TERMS

- (1) Accident means any occurrence which damages or disables a vehicle, rendering the vehicle inoperable.
- (2) Chief of Police means the head of the City Police Department, or his authorized representative.
- (3) City means the City of Seven Points, Texas.
- (4) Municipal Impound means the storage area designated by the City for damaged or disabled vehicles.
- (5) Disabled Vehicle means a vehicle that:
 - (a) Has been rendered inoperable, unsafe or unable to be driven as the result of some cause other than damage to the vehicle; or
 - (b) Is in safe or operable driving condition, but the owner is not present, able or permitted to drive.
- (6) Wrecker Company means any person who engages in or desires to engage in Wrecker Service.
- (7) Wrecker Service means the business of towing, removing, or storing vehicles not belonging to the towing wrecker company on a public street within the incorporated limits of Seven Points, Texas for compensation including, but not limited to, compensation for towing, storage, and repair. It does not include towing a vehicle to a point outside the city when the owner of the vehicle requests that it be towed to a point outside the city, except as otherwise provided by this section.
- (8) License means the authorization granted by the Chief of Police under the provisions of this section to engage in the wrecker service in the City of Seven Points, Texas in addition to proof of wrecker registration required by Texas Department of Transportation.
- (9) Licensee means any person possessing a current, valid license to engage in wrecker service in the City of Seven Points.
- (10) Owner means a person who holds legal title to a vehicle, or who has legal right of possession or control of a vehicle. This does not include any person who has gained possession of a motor vehicle only as a result of wrecker services performed.
- (11) Person means an individual, assumed name entity, partnership, joint-venture, association, corporation, or other legal entity.

(12) Street means any street, alley, avenue, lane, square or highway within the corporate limits of the City.

(13) Vehicle means a vehicle as defined in Texas Transportation Code, Section 621.001, as hereafter amended.

(14) Wrecked Vehicle means a vehicle which has been damaged as the result of overturning or colliding with another vehicle or object.

(15) Wrecker means any motor vehicle designed to be used for towing or removing vehicles.

(16) Wrecker Rotation List shall mean the list prepared in accordance with the provisions of this section, of wrecker companies which have requested and qualified to appear thereon, and which maintain certified wreckers of a capacity required to be on said list.

B. UNAUTHORIZED SOLICITATION PROHIBITED

(1) No person may offer wrecker service at or near the scene of an accident without receiving authority from the Chief of Police to do so. The owner of a vehicle involved in an accident has the right to designate a wrecker company licensed by the City to tow his vehicle from the scene of the accident.

(2) Proof of unauthorized presence of a person engaged in the wrecker service business at or near the scene of an accident is prima facie evidence of solicitation in violation of this Section.

(3) A person commits an offense, without regard to his mental state, if he offers wrecker service at or near the scene of an accident without receiving authority from the Chief of Police to do so.

(4) Any company which communicates by any means, with the police communication section and questions the validity of those records which determine rotation service calls will be a matter for the Chief of Police and all matters relating to the rotation chart shall be issued by that office.

C. LICENSE REQUIRED; NONTRANSFERABLE; EXPIRATION DATE

(1) No person may engage in wrecker service inside the City without possessing wrecker service license. The Chief of Police is authorized to summon wreckers without licenses in emergency situations.

(2) Wrecker service licenses, which are not assignable or transferable, expire on the thirty-first (31st) day of December each year.

D. LICENSE APPLICATION; CONTENTS

(1) A person desiring to render wrecker service within the City of Seven Points shall file with the Chief of Police, a written application which is signed by the applicant, or his authorized representative.

(2) Each application shall contain the following information:

(a) Trade name, address and telephone number of the wrecker company;

(b) Number and types of wreckers to be operated;

■ All towing operators must own or lease or have available at least two (2) conventional tow trucks or one (1) rollback tow truck and one (1) conventional tow truck to accommodate the City in the event of multiple vehicles involved in same incident.

■ All towing operators trucks shall have the name, address and telephone number of the wrecker company on each side of the vehicle in at least three (3) inch letters.

(c) Name, address and telephone number and copy of current drivers license of the owner and all employees operating tow trucks of said wrecker company.

(d) Evidence of insurability pursuant of Subsection F (1) (b);

(e) Agreement to comply with the requirements of this Section.

E. LICENSE - ISSUANCE OR RENEWAL; FEE

(1) City of Seven Points shall issue a wrecker service license to an applicant if the Chief of Police determines that the applicant has submitted an application in conformance with this section, and has otherwise complied with all requirements of this section.

(2) The Chief of Police may refuse to issue or renew a wrecker company license for one (1) or more of the following reasons:

(a) The making of any false statement as to a material matter in an application for a license or license renewal;

(b) Conviction of the licensee, applicant, or an employee of licensee or applicant for a violation of a provision of this Section;

(c) Revocation of a license, pursuant to this Section, of the applicant, or any proprietor, partner, corporate officer of the applicant, within five (5) years preceding application;

(d) Use by the licensee of a trade name for his wrecker company other than the one registered with the City;

(e) Suspension of the licensee's wrecker company license three (3) times within twelve (12) months;

(3) The Chief of Police may suspend a wrecker company license for a period not to exceed five (5) days for one (1) or more of the following reasons:

(a) Failure of the licensee to maintain his wrecker or equipment in good, safe, and operable working condition.

(b) Violation by the licensee or an employee of licensee of a provision of this Section or of the rules and regulations established for wrecker service to the Chief of Police.

(c) Failure of the licensee's wrecker to arrive at the location of a disabled vehicle within fifteen (15) minutes after having been notified to do so by the Chief of Police.

(d) Violation by a wrecker driver of a provision of the motor vehicle or traffic laws of this State or City while in the scope of his employment in the wrecker service.

(4) The Chief of Police may revoke a wrecker company license for one (1) or more of the following reasons:

(a) The making of any false statement as to a material matter in an application for a license, license renewal, or in a hearing concerning the license.

(b) Conviction of the licensee, or an employee of licensee for a violation of a provision of this Section.

(c) Use by the licensee of a trade name for his wrecker company other than the one registered with the Chief of Police.

(5). The annual fee for a wrecker service license is **one hundred twenty five** dollars (\$125.00) for each wrecker company. License will expire one year from date of license.

F. LICENSE REQUIREMENTS; LICENSE PRIVILEGES

(1) In order for a person to receive and maintain a wrecker service license, he must comply with the following minimum requirements:

Capacities and specifications of towing equipment

- A. The minimum standards for each class of tow truck permits, referred to throughout these rules and regulations, shall be determined solely by the manufacturer's specifications for the capabilities and capacities of the tow trucks and all towing equipment, except that the Police Department may consider other evidence of such capabilities and capacities when it reasonably believes that the manufacturer's specifications overrate the tow truck's capacity.
- B. Each tow truck shall be equipped with only those winches and cranes that have been produced and constructed by a manufacturer of such equipment, and which regularly produces winches and cranes of guaranteed quality. However, a winch or crane will not be prohibited by this Section if the tow truck owner submits to the Police Department certification from one reputable testing laboratory, regularly engaged in the testing of such equipment or similar equipment, indicating that the capacity of the winch or crane is not less than the class for which application has been made. All costs of such testing and certification shall be at the expense of the tow truck owner.

Tow truck load limitations

No tow truck shall tow another vehicle unless the tow truck has a manufacturer's rating of one (1) ton or higher, and the tow truck has been issued the appropriate permit required by these rules and regulations. Trucks with a manufacturer's rating of less than one ton shall not be permitted to do accident recovery work.

Light duty tow trucks

- A. At no time shall any light duty tow truck exceed its manufacturer's gross vehicle weight or the manufacturer's rated capacity for the wrecker assembly.
- B. Light duty minimum specifications:
 - 1. A gross vehicle weight rating of at least 8,000 pounds and rated by the manufacturer as one ton or more.
 - 2. A parking brake system separate from the service brake system which shall be maintained in good working order at all times.
 - 3. At least dual rear wheels and tires.
- C. Wrecker minimum specifications:
 - 1. Total boom capacity of at least four tons.
 - 2. Power-operated winch with a capacity of at least four tons.
 - 3. Winch power is determined by a single line pull.
 - 4. At least 100 feet of 3/8 inch diameter wire rope with a breaking strength of 12,200 pounds or more.
 - 5. At least 20 feet of 5/16 inch diameter chain with hooks with a safe working load of 1,750 pounds or more.
- D. Light duty one car carrier (rollback) minimum specifications:
 - 1. A gross vehicle rating of at least 8,000 pounds and rated by the manufacturer as one ton or more.
 - 2. A parking brake system separate from the service brake system which shall be maintained in good working condition.
 - 3. At least dual rear wheels and tires or the equivalent.
 - 4. A power-operated winch with a capacity of at least four tons with at least 50 feet of 3/8 inch diameter wire rope with a breaking strength of 12,200 pounds or more.
 - 5. A bed assembly of at least 3/16 inch steel plate or the equivalent and at least 15 feet in length and at least 7 feet in width.
 - 6. At least 20 feet of 5/16 inch diameter chain with hooks with a safe working load of 1,750 pounds or more.
 - 7. If a tow plate (stinger or wheel lift) is attached to the rear of the tow truck bed or frame and used to raise the wheels of the towed vehicle off the ground, the stinger or wheel lift must have a tow bar capacity of at least 1,500 pounds.

Medium duty tow trucks

- A. At no time shall any medium duty tow truck exceed its manufacturer's gross vehicle weight or the manufacturer's rated capacity for the wrecker assembly.
- B. Medium duty minimum specifications:
 - 1. A gross vehicle weight rating of at least 15,000 pounds and rated by the manufacturer as 1 1/2 tons or more.
 - 2. A four-speed transmission or the equivalent.
 - 3. A power-assisted service brake system adequate to control the movement of and to stop and hold the combination of vehicles under all conditions and on any grade on which they are operated.

4. When towing vehicles equipped with an air brake system, shall have the equipment necessary to join the air systems together in order to activate the brakes from the cab of the tow truck.
5. A parking brake system separate from the service brake system which shall be maintained in good working order at all times.
6. At least dual rear wheels and tires.
7. At least 35 feet of 3/8 inch diameter chain with hooks with a safe working load of 2,450 pounds or more.

C. Double boom wrecker minimum specifications:

1. Total boom capacity of at least ten tons.
2. Double booms and lines, each to operate jointly and/or independently.
3. Power-operated winches with a combined capacity of at least ten tons.
4. At least two winches of not less than five tons each.
5. Winch power is determined by a single line pull.
6. At least 150 feet of 3/8 inch diameter wire rope per winch drum with a breaking strength of 12,200 pounds or more.

D. Single boom wrecker minimum specifications:

1. Boom capacity of at least ten tons.
2. Boom line winch with a minimum capacity of at least ten tons, with at least 150 feet of 1/2 inch diameter wire rope with a breaking strength of 21,400 pounds or more.
3. Deck winch minimum capacity of at least ten tons with at least 150 feet of 1/2 inch diameter wire rope with a breaking strength of 21,400 pounds or more.

E. Hydraulic wrecker assemblies minimum specifications:

1. Boom capacity of at least ten tons.
2. Boom line(s) which operate jointly and/or independently.
3. Hydraulically operated winches with a combined capacity of at least ten tons, with a deck winch minimum capacity of at least ten tons except that one single boom line winch may be used instead, if it has the capacity of at least ten tons and is used with a deck winch with a minimum capacity of at least ten tons.
4. At least 150 feet of 3/8 inch diameter wire rope per winch drum with a breaking strength of 12,200 pounds or more.
5. At least 35 feet of 3/8 inch diameter chain with hooks with a safe working load of 2,450 pounds or more.

F. Medium duty two car carrier minimum specifications:

1. A gross vehicle weight of at least 15,000 pounds and rated by the manufacturer as two tons or more.
2. A four-speed transmission or the equivalent.
3. A power assisted service brake system adequate to control the movement of, and to stop and hold the combination of vehicles, under all conditions and on any grade on which they are operated.
4. A parking brake system separate from the service brake system which shall be maintained in good working order at all times.
5. At least dual rear wheels and tires.
6. A hydraulically operated winch of at least 6 tons, with at least 50 feet of 3/8 inch diameter wire rope with a breaking strength of 12,200 pounds or more.
7. A bed assembly of at least 1/4 inch steel plate or the equivalent and at least 17 feet in length and at least 7 feet in width.
8. At least 30 feet of 3/8 inch diameter chain with hooks with a safe working load of 2,450 pounds or more.
9. If a tow plate (stinger) is attached to the rear of the tow truck structure and used to raise the wheels of the towed vehicle off the ground, the stinger must have a tow bar capacity of at least 3,500 pounds.

G. Medium duty three car carrier minimum specifications:

1. A gross vehicle weight of at least 22,000 pounds.
2. A four-speed transmission or the equivalent.
3. A power-assisted service brake system adequate to control the movement of, and to stop and hold the combination of vehicles, under all conditions and on any grade on which they are operated.
4. A parking brake system separate from the service brake system which shall be maintained in good working order at all times.
5. At least dual rear wheels and tires.
6. A hydraulically operated winch of at least 6 tons, with at least 50 feet of 3/8 inch diameter wire rope with a breaking strength of 12,200 pounds or more.
7. A bed assembly of at least 1/4 inch steel plate or the equivalent and at least 17 feet in length and at least 7 feet in width, a bed assembly over the cab of at least 3/16 inch steel plate or the equivalent and at least 10 feet in length and at least 7 feet in width.
8. At least 30 feet of 3/8 inch diameter chain with hooks with a safe working load of 2,450 pounds or more.

9. If a tow plate (stinger) is attached to the rear of the tow truck structure and used to raise the wheels of the towed vehicle off the ground, the stinger must have a tow bar capacity of at least 3,500 pounds.

Heavy duty tow trucks

A. At no time shall any heavy duty tow truck exceed its manufacturer's gross vehicle weight or the manufacturer's rated capacity for the wrecker assembly, provided that the manufacturer's weights are not in excess of the legal limitations.

B. Heavy duty minimum specifications:

1. A gross vehicle rating of at least 35,000 pounds (usually rated by the manufacturer as 3 1/2 tons).
2. Tandem rear axles, equipped with dual rear wheels and tires, or the equivalent.
3. A five-speed main transmission or the equivalent.
4. A brake system equipped with a truck-tractor protection valve.
5. Full air brakes so constructed and controlled as to permit locking of all rear wheels (air lock).
6. A dependable parking brake system separate from the service brake system which shall be maintained in good working order at all times.

7. Required accessories:

- a. Trailer hitch: pintle hook type or the equivalent.
- b. one semi-trailer converter dolly or fifth-wheel mount. Option: If a converter dolly or fifth-wheel mount is not owned by the wrecker owner, he must have one immediately available at all times. Documentary proof must be filed with the Police Department for the above option when the application for permit is filed.
- c. Chain with hooks meeting the following specifications:
 - i. At least 35 feet of 3/8 inch diameter chain with a safe working load of 2,450 pounds or more.
 - ii. At least 20 feet of 5/8 inch diameter chain with a safe working load of 6,375 pounds or more.
- d. Air lines: At least 75 feet of auxiliary air lines with the necessary fittings in two sections of appropriate length. These sections will connect to the air supply of the towed vehicle for the purpose of brake application.

C. Double boom wrecker minimum specifications:

1. A total capacity of at least 25 tons.
2. Double booms and lines each to operate jointly and/or independently.
3. Power-operated winches combined capacity of at least 25 tons.
4. At least two winches of at least 12 1/2 tons capacity each.
5. Winch power is determined by a single line pull.
6. At least 200 feet of 9/16 inch diameter wire rope with a breaking strength of 27,000 pounds or more.

D. Single boom wrecker minimum specifications:

1. Boom line winch with a minimum capacity of at least 25 tons with at least 200 feet of 3/4 inch diameter wire rope with a breaking strength of at least 51,200 pounds or more.
2. Deck winch with a minimum capacity of at least 15 tons with at least 200 feet of 5/8 inch diameter wire rope with a breaking strength of at least 33,400 pounds or more.

E. Hydraulic wrecker assemblies minimum specifications:

1. Boom capacity of at least 25 tons.
2. Boom line(s) which operate jointly and/or independently.
3. Hydraulically operated winches with a combined capacity of at least 25 tons, except that one single boom line winch may be used instead if it has a capacity of at least 25 tons and is used with a deck winch with a minimum capacity of 15 tons.
4. Double winches on a single boom with a minimum of 200 feet of 5/8 inch diameter wire rope per winch with a breaking strength of 27,000 pounds or more.
5. A single winch on a single boom with a minimum of 200 feet of 3/4 inch diameter wire rope with a breaking strength of 33,400 pounds or more.

(a) Wrecker Equipment

(iii) Each wrecker shall carry as standard equipment, tow bar, towing dollies, safety chains, a fire extinguisher, wrecker bar, broom, shovel, five (5) gallon container to dispose of debris and flares, and be equipped with amber or yellow lights on top;

(iv) Each wrecker and all of its equipment shall be in a safe, good, and operable working condition;

(v) Each wrecker shall be equipped with a two-way radio on the frequency allocated to wrecker operators, on channel 260 or 180 only; (Police department frequencies)

(b) Insurance

(i) Each wrecker company shall maintain public liability and property damage insurance policy with the City designated as a named insured, and the coverage provision insuring the public from loss or damage that may arise to any person or property arising out of the operation of the wrecker service by the wrecker company.

(ii) The minimum limits of each liability insurance policy are as follows:

* For damages arising out of bodily injury to or death of one (1) person in any one accident, one hundred-thousand dollars (\$100,000.00)

* For damages arising out of bodily injury to or death of two (2) or more persons in any one accident, three-hundred thousand dollars (\$300,000.00).

* For injury to or destruction of property in any one (1) accident, one hundred-thousand dollars (\$100,000.00).

* A minimum of ten-thousand dollars (\$10,000.00) cargo insurance.

(iii) Wrecker service by certification shall hold the City of Seven Points harmless from all liability for any act or omission of such wrecker company or any employees of the wrecker company and shall provide liability coverage to guarantee the ability to accomplish same.

(iv) Each insurance policy must contain an endorsement providing for thirty (30) days prior notice to the City regarding any changes, such as cancellation of insurance and changes in the policy.

The insurance company must notify the Chief of Police in writing, at least 30 days prior to any changes or cancellation of insurance.

G. PROCEDURE

(1) Each licensee shall comply with the following wrecker service procedures:

(a) Maintain twenty-four (24) hour wrecker service.

(b) Arrive at the accident within fifteen (15) minutes after having been notified to do so by the Chief of Police.

(c) Forfeit any rotation call for service if no answer, or an answering device is utilized and no response is heard by police communication. Three (3) refusals by a company for towing service shall result in suspension of licensee for a period of five (5) days.

(d) Deliver, in every instance, the wrecked or disabled vehicle to a location designated by the owner of the vehicle or by the Chief of Police if the owner is unable to or fails to designate a location to which to deliver the towed vehicle. In no instance will a vehicle be delivered to another impound facility without the permission of the vehicle owner.

(e) Report to the Chief of Police all changes in wreckers and equipment used in the licensee's wrecker service and render all additional vehicles for inspection by the Chief of Police.

(f) When the police officer investigating a collision determines that any vehicle involved in a collision is unable to safely proceed under its own power, or when the police officer determines that the driver of any vehicle involved in a collision is physically unable to safely move the vehicle to a location where it will not create a traffic hazard, such officer shall request the driver to designate a licensee which he desires to remove the vehicle.

(i) Such designation by the driver will be indicated in writing on a form provided by the Chief of Police and signed by the driver.

(ii) When the designation has been properly made, the police officer shall communicate the name of the designated wrecker company, auto repair shop, automobile dealer, or automobile club to the police communications center.

(iii) The police communications center shall cause the designated wrecker company, auto repair shop, automobile dealer, or automobile club to be called and directed to send to the scene of the collision a wrecker capable of removing the wrecked vehicle. Such designation by the owner of the vehicle will not affect the order of the wrecker companies on the rotation list. An owner designated tow is not considered a tow from the rotation list.

(iv) If the designated wrecker company, auto repair shop, automobile dealer, or automobile club does not have available a wrecker of the type required to move the vehicle, the driver will be requested to make another designation.

(g) If the owner of a vehicle involved in a collision is physically unable to designate the wrecker company, auto repair shop, automobile dealer, or automobile club he desires to remove the vehicle, or fails or refuses to designate one, or has no preference, then the police officer shall communicate that fact immediately to the police communications center, and advise as to type of wrecker required.

(i) Such designation by the driver will be indicated in writing on a form provided by the Chief of Police and signed by the driver if he is physically able; if not, the police officer shall so indicate by a notation on the form.

(ii) The police communications center shall call the licensee next in line after the last licensee so called, and request the licensee to tow the vehicle from the scene of the collision.

(iii) On each succeeding communication of the inability or refusal of a licensee to send a wrecker, the next licensee on the list shall be called. After the last licensee on said list has been called, the next such call shall go to the first licensee on said list.

(h) If the licensee, after arrival at the scene, determines in conjunction with the police officer in charge, that assistance is needed, then the police officer shall communicate that fact immediately to the police communications center, which shall proceed under paragraph (1) of this subsection.

Failure of any wrecker service selected under paragraph (vi) or paragraph (vii) of this subsection to deliver a wrecker to the scene within fifteen (15) minutes of notification for a licensee without justification acceptable to the Chief of Police shall cause the wrecker service to forfeit that call. Additionally, the Chief of Police shall have the discretion to suspend or revoke a license for failure to respond within fifteen (15) minutes.

(j) A wrecker company who maintains a current license from the City, shall be entitled to be included on a rotation list maintained by the Chief of Police. Rotation list shall be limited to three (3) wrecker companies at any given time to ensure adequate coverage for the city and cost efficiency for the wrecker companies.

Whenever the Chief of Police determines that road service is required, the Police Dispatcher shall contact a wrecker company from the rotation list in accordance with the established priority.

(k) The City of Seven Points may abolish the wrecker rotation list at any time, and may contract with a wrecker company to perform all nonconsent tows within the city limits of the City at the direction of the Chief of Police, or his designated representative. The wrecker company selected to perform the nonconsent tows within the City shall be selected on the basis of competitive bidding procedures as established by the City, and as required by state law, city ordinances, and other applicable regulations or laws.

H. CHARGES

(1) Storage Services

(a) Storage charges, which shall not exceed fifteen dollars (\$15.00) for first 24-hour period, and shall begin on the day wrecker service is rendered. There will be a fifteen dollar (\$15.00) storage charge per day each and every day thereafter the first 24 hours.

(2) Storage and Towing Fees

(a) Storage and towing fees will be collected from the vehicle owner by the City and paid to the wrecker service for non-consensual tows and/or impound tows. Police dispatched tows to destinations other than municipal impound will be rated and collected by wrecker company at the destination. A service fee of ten dollars (\$10.00) will be added to all non-consensual and impound wrecker fees and retained by the City. The wrecker fees will be disbursed to the wrecker companies within 45 days after receipt of invoice from wrecker company.

(b) Minimum charge for towing fee will be \$125.00. Additional charges will be assessed according to time and difficulty of move.

J. MISCELLANEOUS

(1) A wrecker company shall perform each and every tow in a safe, efficient and workmanlike manner, without causing damage to the towed vehicle, its contents, and without causing damage to public property or other privately owned property. The wrecker company performing a tow shall be responsible for any and all damage caused by the wrecker company or its employees, officers, agents, servants, and volunteers.

(2) A wrecker company, who is performing a tow for the City of Seven Points, shall be responsible and ensure all debris is removed from the roadway surface. A fire department unit may be utilized to wash liquid or other items off the roadway surface.

K. REPEALING CLAUSE

(1) All Ordinances or Section of Ordinances in conflict with any of the provisions of this Ordinance are hereby repealed.

L. SEVERABILITY CLAUSE

(1) If any article, paragraph or subdivision, clause, phrase or provisions of this ordinance shall be adjudged invalid or held unconstitutional, the same shall not affect the validity of this ordinance as a whole or any part or provision thereof, other than the part so decided to be invalid or unconstitutional.

M. PENALTY CLAUSE

(1) Any person violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined not to exceed five hundred dollars (\$500.00) each and every day such violation is continued shall constitute a new and separate offense.

PASSED AND APPROVED THIS THE __TH DAY OF _____, 2002.

Gerald E. Taylor
Mayor

ATTEST:

Pat Lindberg
City Secretary