

ORDINANCE 2024-9

AN ORDINANCE OF THE CITY OF PRESIDIO, TEXAS ESTABLISHING THE AUTHORITY TO IMPOUND VEHICLES, DESIGNATION OF A VEHICLE STORAGE FACILITY; ESTABLISHING PROCEDURES FOR THE AUCTION AND POSTING REQUIREMENTS FOR IMPOUNDED VEHICLES; ESTABLISHING RELATED FEES; PROVIDING FOR SEVERABILITY AND REPEALING CLAUSES; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Presidio, Texas is a type A General Law municipality established and operating under the laws of the State of Texas; and

WHEREAS, the Presidio Police Department is authorized by various state laws to take possession of vehicles that have been seized, abandoned, or impounded for violations of City ordinances or other lawful reasons; and

WHEREAS, Texas Local Government Code, Section 51.001 and 51.012 authorizes a municipality to adopt an ordinance that is not inconsistent with state law and is reasonable and necessary to carry out the police powers of the City; and

WHEREAS, the City Council desires to establish the rules and guidelines for the administration of the City Vehicle Storage Facility; and

WHEREAS, the City Council finds and determines that the establishment of the City of Presidio Vehicle Storage Facility and accompanying regulations is reasonable and necessary for the health, safety, and welfare of the City and provides transparency and fairness to vehicle owners and the public;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PRESIDIO, TEXAS;

Section 1: Definitions.

For the purposes of this Ordinance, the following definitions shall apply:

Seized Vehicle: A vehicle taken into custody by law enforcement due to involvement in criminal activity or as evidence.

Abandoned Vehicle: A vehicle left unattended on: 1) public property for more than forty-eight (48) hours; 2) on private property without the property owner's consent or 3) left unclaimed more than 20 days after the date of notice.

Impounded Vehicle: A vehicle towed and stored due to violations of parking laws, involvement in accidents, or other lawful reasons.

Vehicle Storage Facility ("VSF"): The property owned by the City of Presidio and used for the storage of impounded vehicles.

Section 2: Establishment of Impound Lot.

- A. The property located at Presidio Police Department, City yard, 821 Ranch Rd., Presidio, TX is designated as the VSF for the City. The VSF shall be operated by city staff, both sworn and civilian.

Section 3: Authority to Impound Vehicles.

- A. Any sworn officer of the Presidio Police Department, or persons duly authorized and acting under and by the direction of Presidio Police Department, is authorized to remove and impound in the City's VSF a vehicle:
1. found standing or parked in violation of any city ordinance;
 2. abandoned in a public place;
 3. wrecked or disabled constituting a traffic hazard;
 4. the operator is incapacitated and unable to operate the vehicle for any reason;
 5. is arrested and leaving the vehicle unattended is not safe or creates a traffic hazard;
 6. is evidence or suspected of being evidence in a criminal act; or
 7. for any other lawful purpose.
- B. The Chief of Police is authorized to adopt departmental policies for the implementation of this Ordinance. Such policies shall be reviewed and approved by the City Council prior to implementation.

Section 4. Impound Fees

- A. The following fees have been determined by the City Council to be reasonable and necessary for the implementation of this regulatory system and the provision of this service:
1. Impound Fee (Non-Commercial) \$100.00.
 2. Impound Fee (Commercial 10,000 lbs. or more) \$150.00.
 3. Impound Storage Daily Fee \$20.00, per day.
 4. Administrative Notification Fee \$45.00.
- B. Any vehicle impounded and stored at the City's VSF shall be retained until all charges for storage have been paid.
- C. Fees may be waived when required to do so under the Texas Code of Criminal Procedures, as amended.

Section 5: Notification Requirements

- A. Upon seizure or impoundment of a vehicle, the designated city staff must send a written notice to the registered owner and any lienholders within ten (10) days for vehicles registered in Texas and within fourteen (14) days for vehicles registered out of state, as per Texas Transportation Code Chapter 683.
- B. The notice must include:
1. The location where the vehicle is being held.
 2. Instructions for reclaiming the vehicle.
 3. A statement that the vehicle will be sold at public auction if not reclaimed within the specified period.
- C. The Chief of Police is authorized to develop notices and forms necessary for the implementation of this Ordinance.

Section 6: Posting Requirements

- A. The City shall ensure that a list of vehicles to be auctioned is publicly accessible at least twenty (20) days prior to the auction date.
- B. The list shall be posted:
 - 1. On the City's official website.
 - 2. On the City's bulletin board outside of City Hall.
 - 3. At the location of the auction.
 - 4. In a local newspaper of general circulation at least once during the twenty (20) day period.

Section 7: Auction Procedures

- A. Vehicles not reclaimed within the notice period shall be considered abandoned and sold at public auction.
- B. The auction shall be conducted at a designated location, with details included in the public postings.
- C. The auction shall be open to the general public, and all sales shall be final with vehicles sold "as is."
- D. The winning bidder shall receive an auction sales receipt, which must be presented to the county tax office to transfer the vehicle title.

Section 8: Use of Proceeds

- A. Proceeds from the sale of auctioned vehicles shall be used to cover the City's costs associated with towing, storage, and auctioning.
- B. Any remaining funds shall be held for the vehicle owner or lienholder for a period of 90 days. If unclaimed after 90 days, the funds shall be transferred to the City's general fund for law enforcement purposes.

Section 9: Compliance and Penalties

- A. A person commits an offense if the person removes or attempts to remove a vehicle from the City VSF without first paying the storage and other required fees that have accrued on the vehicle.
- B. An offense under this Ordinance is a class C misdemeanor offense punishable by a fine not to exceed \$500.00.

Section 10: Incorporation of Recitals

The facts and recitations set forth in the preamble of this Ordinance are hereby found to be true and correct.

Section 11: Severability

If any section, subsection, clause, or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Ordinance.

Section 12: Repeal

This Ordinance shall be and is hereby cumulative of all other ordinances of the City of Presidio, Texas, and this Ordinance shall not operate to repeal or affect any of such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this Ordinance, in which event such conflicting provisions, if any, in such other Ordinances, are hereby repealed.

Section 13. Open Meeting

It is officially found, determined, and declared that the meeting at which this Ordinance was adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Ordinance, was given, all as required by Chapter 551, Texas Government Code, as amended.

Section 14. Effective Date

This Ordinance shall take effect immediately upon its passage and approval by the City Council of the City of Presidio, Texas, and any publication requirements.

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

SECOND & FINAL READING PASSED & APPROVED this, the 17th of December, 2024 by the City Council of Presidio, Texas.

INTRODUCTION AND FIRST READING

November 4th, 2024

SECOND AND FINAL READING


December 17th, 2024

CITY OF PRESIDIO, TEXAS

By: 

John Ferguson, Mayor

ATTEST:

By: 
Brenda Lee Acuña, City Secretary



APPROVED AS TO FORM:

By: _____
Alan Bojorquez, City Attorney
Cynthia Trevino, Assistant City Attorney