

ORDINANCE ESTABLISHING RULES AND REGULATIONS  
FOR SOLICITATION OF WRECKER SERVICE  
IN THE CITY OF HALLSVILLE

WHEREAS, it is the policy of the City of Hallsville that officials responding to the site of a wrecked or disabled vehicle ask the owner of the wrecked or disabled vehicle if they wish for a specific wrecker service to be called to the scene, in an attempt to protect the rights of the owners of such wrecked and disabled vehicles to select the wrecker service of his own choosing while allowing for the prompt removal of such wrecked and disabled vehicle as traffic hazards; and

WHEREAS, the presence of unsolicited vehicles at the site of a wrecked or disabled vehicle increases the traffic hazards associated with wrecked and disabled vehicles, increases the potential for further and/or additional injury to persons and/or damage to property, and subjects emergency response personnel, the victim(s) of the collision, and the general public to an unwarranted danger; and

WHEREAS, the City of Hallsville deems it a reasonable and necessary exercise of its police power to establish rules and regulations governing solicitation of wrecker service furnished within the corporate limits of the City of Hallsville;

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

SECTION 1: DEFINITIONS

For the purpose of this article, the following terms, phrases, words and their derivations shall have the respective meanings given herein:

(a) "Accident" means any occurrence which renders a vehicle wrecked or disabled as defined herein.

(b) "Disabled" means the status of a vehicle which has been rendered unsafe to be driven upon the streets as the result of some occurrence other than a wreck, including, but not limited to, mechanical failures or breakdowns, fire, the elements, or vandalism, so as to reasonably necessitate that such vehicle be removed by a wrecker.

(c) "Motor Vehicle" means any vehicle which is self-propelled.

(d) "Wrecked" means the status of any vehicle that has been damaged as a result of overturning or colliding with another vehicle or object so as to reasonably necessitate that such vehicle be removed by a wrecker.

SECTION 2: SOLICITATION PROHIBITED

No person shall solicit in any manner, directly or indirectly, on the streets of the City, at or near the site of an accident within the City, any business regarding wrecked or disabled vehicles regardless of whether the solicitation is for the purpose of removing, repairing, wrecking, storing,

trading, or purchasing said vehicle. The presence of any person engaged in the wrecker business or other business for which solicitation is hereby prohibited (such person not having been specifically summoned by the owner of a wrecked or disabled vehicle, or if not by the owner, the officer in charge of the accident investigation) either as owner, operator, employee or agent on any street at or near the site of an accident within one (1) hour after the happening of such accident shall be prima facie evidence of a solicitation in violation of this section.

SECTION 3: PENALTY

Any person who violates, disobeys, omits, neglects or refuses to comply with, or who resist the enforcement of any of the provisions of this ordinance shall be fined not less than \$50.00 nor more than \$500.00.

SECTION 4: SEVERABILITY AND CONSTRUCTION

If any provision of this ordinance, or its application to any person or circumstances, is held invalid, the invalidity shall not affect other provisions or applications of the ordinance that can be given effect without the invalid provision or application, and to this end, the provisions of this ordinance are severable.

SECTION 5: EFFECTIVE DATE

THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT FROM AND AFTER THE 12th DAY OF MARCH, 1996.

PASSED AND APPROVED THIS 12th DAY OF MARCH, 1996.

  
MAYOR OF THE CITY OF HALLSVILLE, TEXAS

ATTEST:

  
CITY SECRETARY

AYES: 4

NOES: 0