City Of Oak Ridge Ordinance # 74-24 Impounding of Vehicles

SEC. AUTHORITY TO REMOVE VEHICLES; REDEMPTION; FEES.

- (a) A city peace officer, is authorized to remove or cause the removal of a vehicle or other property of any description from a street to a place designated by the chief of police or his designee, when:
 - (1) the vehicle is illegally parked to block the entrance to any private driveway.
- (2) the vehicle is found upon a street and a report has previously been made that the vehicle has been stolen or a complaint has been filed and a warrant issued charging that the vehicle has been unlawfully taken from the owner.
- (3) the peace officer has reasonable grounds to believe that the vehicle has been abandoned.
- (4) a vehicle upon a street is so disabled that its normal operation is impossible or impractical and the person or persons in charge of the vehicle are incapacitated by reason of physical injury or other reason to such an extent as to be unable to provide for its removal or custody or are not in the immediate vicinity of the disabled vehicle.
- (5) a peace officer arrests any person driving or in control of a vehicle for an alleged offense and the officer is by law required to take the person arrested immediately before a magistrate.
- (6) the vehicle is standing, parked, or stopped in any portion of a street, and the peace officer has reason to believe that the vehicle constitutes a hazard or interferes with the normal function of a governmental agency or that the safety of the vehicle is imperiled.
- (7) the vehicle is standing, parked, or stopped in violation of any provision of this chapter.
- (8) the vehicle is in an accident and the vehicle's owner, or operator fails to show evidence of financial responsibility as required under Chapter 601 of the Texas Transportation Code, as amended; or
- (9) the vehicle is stopped by a police officer for an alleged violation of a city or state traffic law or other law applicable to the operation of a vehicle on the roadway and the vehicle's owner or operator fails to show evidence of financial responsibility as required under Chapter 601 of the Texas Transportation Code, as amended.
- (10) the vehicle is stopped by a police officer for an alleged violation of a city or state traffic law or other law applicable to the operation of a vehicle on the roadway and the vehicle's owner or operator does not have a valid Texas drivers license as required by law.

- (b) A vehicle removed and towed under this section must be kept at the place designated by the chief of police or his designee until redemption is made by the owner or the owner's authorized agent, who will be entitled to possession of the vehicle upon proof of ownership and payment of costs of immobilization, towing, notification, impoundment, and storage. The chief of police or his designee shall charge a onetime fee for the city for the impoundment of vehicles at a contracted storage location in accordance with the following regulations:
- (1) The onetime per incident impound fee is \$120. This fee is paid to the city and does not affect the contracted storage locations fees that are accrued.
- (2) The onetime per incident storage fee on a stolen vehicle will be charged as outlined in Paragraph (1) of this subsection and may be waived by the chief of police or his designee.
- (3) The onetime per incident fee on a vehicle owned by an arrested person will be charged as outlined in Paragraph (1) of this subsection.
- (4) The onetime per incident fee will not be collected when a vehicle is not involved in an accident but is taken into protective custody and the driver is incapacitated due to physical injury or other illness to the extent that the driver is unable to care for the vehicle.
- (5) The onetime per incident fee will not be collected on any vehicle involved in a motor vehicle accident. However, the wrecker company towing the vehicle will charge their normal fees, commencing on the date of impoundment.
- (c) A police officer at his discretion, with the express written permission of an arrested person, may leave an arrested person's vehicle at the scene of the arrest or other location. In these instances, the arresting officer shall ensure that the vehicle is legally parked and secured and a vehicle inventory will be completed.
- (d) The chief of police or his designee may release a vehicle without the onetime payment of under the following circumstances:
- (1) a vehicle was taken into protective custody when the incident did not involve an arrest, violation, or automobile accident.
- (2) a vehicle is owned by or belongs to an individual who is entitled to diplomatic immunity.
- (3) subsequent investigation results in a determination that there was no violation of this code or the Texas Motor Vehicle Laws or that the arrested person did not commit a criminal offense; or
- (4) a vehicle is owned by or belongs to the victim of a violent crime and was taken into custody for evidentiary purposes.
- (e) If a vehicle was towed and stored for an evidentiary or examination purpose, the chief of police or his designee shall release the vehicle without payment of towage and storage fees when required to do so under Article 18.23 of the Texas Code of Criminal Procedure, as amended.

(f) A person commits an offense if he removes or attempts to remove a vehicle from a city pound location without first paying the towage, notification, impoundment, and storage fees that have accrued on the vehicle.

SEC. 28-5. RELEASE OF IMPOUNDED VEHICLES TO LIENHOLDERS, OWNERS

Upon payment of all fees required by Section 28-4, a vehicle impounded by the police department pursuant to the enforcement of the provisions of this code may be released to the lienholder, or an authorized agent, holding a valid and existing mortgage lien or title on the vehicle impounded if the mortgage lienholder:

- (1) furnishes to the police department or designee, for its inspection:
- (A) the mortgage lien contract, title, registration, or a certified copy of the contract, specifying that, upon default of the mortgagor, the mortgagee is entitled to possession of the vehicle; and
 - (B) the certificate of title with the lien appearing on it; and
 - (2) furnishes to the police department an affidavit stating that:
 - (A) the mortgage lienholder holds a lien on the impounded vehicle.
 - (B) the mortgagor has defaulted.
- (C) the mortgage lienholder desires possession and is entitled to possession of the vehicle; and
- (D) the mortgage lienholder agrees to indemnify and hold harmless the city, its police department, and its employees upon delivery of the vehicle to the mortgage lienholder.

Effective Date: This Ordinance shall take effect immediately after its passage and publication of the caption as the law in such cases provide.

Duly Passed by the City Council of Oak Ridge, Texas on the 8th day of July, 2024.

APPROVED:

Al Rudin, Mayor

ATTEST:

Karen Stacey, City Secretary