November 22, 2022

THE COMMISSIONERS' COURT OF BRAZORIA COUNTY

SPECIAL MEETING

ORDER NO. 7.A.1

RE: Consider and Revise Ordinance Regulating Incident Management Towing and Storage Services for Brazoria County Texas

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That the court consider and approve the attached revisions to the Ordinance Regulating Incident Management Towing and Storage Services for Brazoria County Texas.

BRAZORIA COUNTY, TEXAS
ORDINANCE REGULATING INCIDENT MANAGEMENT TOWING AND STORAGE SERVICES

ORDER

WHEREAS, on December 14, 2021 this Court adopted Order 6.O.2, an Ordinance Regulating Incident Management Towing and Storage services under Section 2308.208 of the Texas Occupations Code; and

WHEREAS, after consultation with local tow truck operators it has become apparent that increased fee limits and other revisions of the Ordinance are necessary; and

NOW THEREFORE, **IT IS HEREBY RESOLVED, APPROVED AND ORDERED** that this Commissioners Court approves amending the Brazoria County Rules and Regulations for Non-Consent Towing and Storage Services adopted on December 14th, 2021 under Commissioners Court Order 6.O.2 by replacing them in their entirety with the attached Ordinance presented to Commissioners Court, effective the 23rd day of November, 2022.

BRAZORIA COUNTY, TEXAS
ORDINANCE REGULATING INCIDENT MANAGEMENT TOWING AND STORAGE SERVICES

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BRAZORIA COUNTY, TEXAS
ORDINANCE REGULATING INCIDENT MANAGEMENT
TOWING AND STORAGE SERVICES
(Effective the 1st day of January, 2021)

I. Title, Jurisdiction and Administrative Authority

a. This Ordinance, including all appendices and exhibits attached thereto, may be cited as the Brazoria County, Texas Ordinance Regulating Incident Management Towing and Storage Services ("Ordinance"). This Ordinance applies to Non-Consent Tows (as defined herein) of motor vehicles in the unincorporated areas of Brazoria County ("County") as provided hereunder unless a government owned Tow Truck(s) or Vehicle Storage Facility(ies) (as defined herein) is/are employed for the removal or storage of said motor vehicles. Nothing in this Ordinance shall prevent a mutual agreement, to the extent allowed by law, between County and a municipality wherein the latter voluntarily adopts the Ordinance, and in such event, all applicable provisions of this Ordinance shall be deemed to govern within the municipality to the same extent as within unincorporated areas of Brazoria County. This Ordinance is enacted pursuant to Chapter 2308, Texas Occupations Code and while its provisions primarily govern Non-Consent Tows that are Incident Management Tows, initiated by Peace Officers in the performance of their official duties, certain relevant provisions herein are applicable to Private Property Tows (as defined herein). This Ordinance does not apply to a Consent Tow, as defined under Chapter 2308, Texas Occupations Code, and this Ordinance. This Ordinance shall be effective and enforceable on the 23rd day of November, 2022, and rules of incident management towing, under the prior Brazoria County, Texas Rules and Regulations for Non-Consent Towing and Storage Services, shall continue to govern only until midnight on the 22nd day of November, 2022.

b. Pursuant to Section 2308.201 of the Texas Occupations Code, the Brazoria County Commissioners Court ("Commissioners Court") has delegated to the Sheriff of Brazoria County, or his/her designee ("Sheriff"), the authority to administer and enforce the registration/permitting and operational requirements promulgated by this Ordinance, and further authorized the Sheriffs utilization of all available resources, including but not limited to the use of an appropriate web-based/mobile platform furnished by an online provide or vendor (referenced as 'online provider' within the Ordinance), as approved by the Commissioners Court, to facilitate same. The Sheriff may further establish, adjust and utilize operational procedures, for facilitation of same.

II. Definitions

a. For the purposes of this Ordinance, the definitions stated below shall control, to the extent that said definitions do not conflict with applicable statutory provisions as outlined in Sections 2303.002 and 2308.002 of the Texas Occupations Code, as well as 16 Tex. Admin. Code § 85.10 and 16 Tex. Admin. Code § 86.10, as applicable. The following definitions apply under

this Ordinance, and any words or terms used in this Ordinance, not otherwise defined herein, shall have the same meaning as the definitions contained within the aforementioned statutory provisions:

(1) "Application" (also referred to as "Permit Application" means the written document form approved by the Office to request a new, renewal or replacement Tow Truck Permit, Tow ID Card and/or Vehicle Storage Facility Permit, as defined below, including all required supportive documents and applicable fees;

(2) "Consent Tow" means any tow of a motor vehicle in which the tow truck is summoned by the owner or operator of the vehicle or by a person who has possession, custody, or control of the vehicle. The term does not include an Incident Management Tow or a Private Property Tow;

(3) "Division" means a geographical segment of Brazoria County covering a selection of Tow Zones, as designated by the Office;

(4) "Incident Management Tow(ing)" means any tow of a vehicle in which the tow truck is summoned to the scene of a traffic accident or to an incident, including the removal of a vehicle, commercial cargo, and commercial debris from an accident or Incident Scene;

(5) "Incident Scene" means a location within the unincorporated areas of Brazoria County, Texas, where the Brazoria County Incident Management Towing Rotation System is, or may be, utilized for Non-Consent Towing following an *incident*, as defined under 16 Tex. Admin. Code § 86.10(10) [an unplanned randomly occurring traffic event that adversely affects normal traffic operations];

(6) "Heavy Duty Tow Truck" means a Tow Truck having a gross vehicle weight rating ("GVWR") that exceeds twenty-five thousand (25,000) pounds, as rated by the truck manufacturer. Except where a distinction is specifically made, the term "Tow Truck" used herein includes "Heavy Duty Tow Truck";

(7) "Light Duty Tow Truck" means a Tow Truck having a GVWR of ten thousand (10,000) pounds or less, as rated by the truck manufacturer. Except where a distinction is specifically made, the term "Tow Truck" used herein includes "Light Duty Tow Truck";

(8) "Medium Duty Tow Truck" means a Tow Truck having a GVWR of over ten thousand (10,000) pounds but no more than twenty-five thousand (25,000) pounds, as rated by the truck manufacturer. Except where a distinction is specifically made, the term "Tow Truck" used herein includes "Medium Duty Tow Truck";

(9) "Brazoria County Incident Management Towing Rotation System", also referred to as "Incident Management Towing Rotation System", means a rotation system utilized by Brazoria County, Texas to select and designate a Towing Company for the purposes of a Non-Consent Tow;

(10) "Non-Consent Tow(ing)" means any tow of a motor vehicle that is not a Consent Tow,

including:

(A) an Incident Management Tow; and

(B) a Private Property Tow;

(11) “No-Show” refers a type of violation of this Ordinance by a Towing Company, as identified under Section V, subsection n, and Section X, subsections d and f;

(12) "Office" means the Brazoria County Sheriff’s Office (also referred to as "BCSO");

(13) "Parking Facility" means public or private property used, wholly or partly, for restricted or paid vehicle parking, as defined under Section 2308.002(7) of the Texas Occupations Code;

(14) "Peace Officer" means a person who is a peace officer under Article 2.12, Texas Code of Criminal Procedure;

(15) "Permit" means the applicable, new, renewal or replacement, Tow Truck Permit(s), Vehicle Storage Facility Permit(s) and/or Tow ID Card(s) issued by the Brazoria County Sheriff’s Office to an approved Towing Company, Vehicle Storage Facility and/or their individual owners, operators and Tow Assistants for operation in compliance with this Ordinance;

(16) “Permit Applicant” means a person or entity that applies for a Brazoria County Tow Truck Permit, Tow ID Card, and/or Vehicle Storage Facility Permit and files a Permit Application for a new, renewal or replacement Permit;

[“Permitted” refers to those entities and individuals whose applications for Permit(s) have been approved];

(17) “Private Property Tow(ing)” means any tow of a vehicle authorized by a Parking Facility owner without the consent of the owner or operator of the vehicle;

(18) “Sheriff” means the Sheriff of Brazoria County, Texas or his/her designee;

(19) “Tow ID Card” means the identification card issued by the Brazoria County Sheriff's Office to an approved Tow Truck operator;

(20) “Tow Truck” means a motor vehicle, including a wrecker, equipped with a mechanical device used to tow, winch, or otherwise move another motor vehicle. The term does not include:

(A) a motor vehicle owned and operated by a governmental entity, including a public school district;

(B) a motor vehicle towing:

(i) a race car;

(ii) a motor vehicle for exhibition; or

(iii) an antique motor vehicle;

(C) a recreational vehicle towing another vehicle;

(D) a motor vehicle used in combination with a tow bar, tow dolly, or other mechanical device if the vehicle is not operated in the furtherance of a commercial enterprise;

(E) a motor vehicle that is controlled or operated by a farmer or rancher and used for towing a farm vehicle;

(F) a motor vehicle that:

(i) is owned or operated by an entity the primary business of which is the rental of motor vehicles; and

(ii) only tows vehicles rented by the entity;

(G) a truck-trailer combination that is owned or operated by a dealer licensed under Chapter 2301 Texas Occupations Code and used to transport new vehicles during the normal course of a documented transaction in which the dealer is a party and ownership or the right of possession of the transported vehicle is conveyed or transferred; or

(H) a car hauler that is used solely to transport, other than in a Consent or Non-Consent Tow, motor vehicles as cargo in the course of prearranged shipping transaction or for use in mining, drilling, or construction operations;

(21) "Tow Zone" means the geographical area that the Brazoria County Sheriff's Office has designated to best respond to Incident Scenes;

(22) "Tow Sticker" means a sticker provided by the Office to a Permitted Towing Company to serve as the physical Permit and to be displayed on its Tow Truck(s)'s windshield to indicate approved Tow Zone(s) for said Towing Company;

(23) "Towing Company" means an individual, association, corporation, or other legal entity that controls, operates, or directs the operation of one or more tow trucks over a public roadway in this state but does not include a political subdivision of the state; and

(24) "Vehicle Storage Facility" (also referred to as "VSF"), means a vehicle storage facility, as defined by Section 2303.002(8) of the Texas Occupations Code, that is operated by a person who holds a license issued under Chapter 2303 (of said Code) to operate the facility. Under Section 2303.002(8) of the Texas Occupations Code, "Vehicle storage facility" is expressly defined as a garage, parking lot, or other facility that is:

(A) owned by a person other than a governmental entity; and

(B) used to store or park at least 10 vehicles each year.

III. Vehicle Storage Facilities, Non-Consent Tows including Private Property Tows, and Notification/Reporting Requirements

a. Each Vehicle Storage Facility (also referred to as a "VSF") located in the unincorporated

area of Brazoria County, that stores motor vehicles which are towed without the owner's consent, shall complete and file as required, with the Office, an Application for a Brazoria County Vehicle Storage Facility Permit (see Appendix A), and shall be subject to the provisions of this Ordinance in addition to any other applicable laws, including but not limited to Chapters 2303 and 2308 of the Texas Occupations Code as well as Chapters 85 and 86, Title 16, Texas Administrative Code. Permit fees shall accompany and be part of an Application, and shall be payable in accordance with an approved fee schedule as provided by the Office. As a pre-requisite to a Permit Application approval, a Vehicle Storage Facility must possess and provide, to the Office, a copy of all valid and applicable licenses issued by the Texas Department of Licensing and Regulation ("TDLR") corresponding to the Permit Application. Vehicle Storage Facilities must meet and maintain all Application, insurance and licensing requirements mandated by the TDLR and the Office, particularly in relation to Non-Consent Towing. The Office may, as provided herein, deny an Application for a VSF Permit, and/or suspend, revoke, and/or refuse to renew or replace a VSF Permit, due to any violation of this Ordinance, including but not limited to a violation of Section IV, subsection **c.,** of this Ordinance (below) which encompasses applicable state laws and regulations.

b. The validity of said TDLR issued Vehicle Storage Facility license, and all applicable insurance requirements, must be maintained throughout the term of any issued Brazoria County Vehicle Storage Facility Permit, and the Vehicle Storage Facility must at all times comply with the requirements of Chapter 2303 of the Texas Occupation Code, Chapter 85 under Title 16, Texas Administrative Code, and this Ordinance, in addition to other applicable, federal and state, statutory provisions. Except as and when otherwise stated on a Vehicle Storage Facility Permit, Brazoria County Vehicle Storage Facility Permits expire at midnight on the 31st day of January of each year, and applications for renewals must be received by the Office no later than thirty (30) calendar days prior to the stated expiration date.

c. Except as expressly allowed under this Ordinance, Section 2308.205 of the Texas Occupations Code and any other applicable state law, any vehicle removed as a Non-Consent Tow from within unincorporated Brazoria County, shall only be stored at a County Permitted Vehicle Storage Facility that is within the geographical boundaries of Brazoria County, or at a TDLR licensed VSF validly operating pursuant to local rules in a municipality within the geographical boundaries of Brazoria County. Each Permitted VSF (whether such is stand-alone or one of a larger sub-divided facility) must only allow right(s) of access and storage to a single Towing Company for the duration of the validity of the VSF Permit. At the same time, except as otherwise provided under Section III, subsection d. below, each Towing Company seeking to be Permitted, and to participate in the Incident Management Towing Rotation System pursuant to this Ordinance, must obtain and provide the Office with a copy of, at least one (valid) VSF license issued by the TDLR to said Towing Company, and identify such licensed VSF(s) on its Tow Truck Permit Application as the designated VSF(s) to which it shall transport and store all its Non-Consent Towed vehicles (without violating Sections 2308.401 and 2308.402 of the Texas Occupations Code and/or any other applicable regulation of this Ordinance). If a Towing Company and/or Tow Truck operator transport/tow a Non-Consent Towed motor vehicle from within the unincorporated areas of Brazoria County, and store said motor vehicle at a Vehicle Storage Facility that i) has not

been expressly designated by the Towing Company in its Non-Consent Tow Truck Permit Application as the VSF to which it shall transport, and then store said Non-Consent Towed motor vehicles at, ii) the Towing Company does not *itself hold* a corresponding and valid TDLR issued VSF license to, iii) operates without a valid and current TDLR license and/or otherwise in violation of state law, iv) is Permitted by the Office but has granted contemporaneous rights of storage to another Towing Company and/or is found to be storing another Towing Company's towed vehicles, v) is operating without a valid and current Office issued Permit when operating within unincorporated areas of Brazoria County, and/or vi) is outside the geographical boundaries of Brazoria County, *except where the vehicle was taken to a location designated by the vehicle owner or a Peace Officer and/or expressly allowed by section 2308.205 of the Texas Occupations Code/state law*, said conduct shall be deemed a violation of this Ordinance and may subject said Towing Company, Vehicle Storage Facility and/or Tow Truck operator to adverse administrative and/or criminal sanctions, pursuant to applicable provisions of this Ordinance.

d. In an effort to ensure accuracy, centralization and consolidation, of towing information, safety of services for the protection of consumers/owners of motor vehicles, and to facilitate the Office's administration of affected processes under this Ordinance, the following provision is made applicable to Non-Consent Tows, taking place within unincorporated areas of Brazoria County, that are Private Property Tows, court ordered tow(s), and/or where towing is incidental to a lawful repossession of the towed motor vehicle. In these applicable circumstances, the Tow Truck operator shall, prior to towing the vehicle, report the tow and associated information to Brazoria County Sheriff's Office Communications at (979) 864-2392 or other call-in phone numbers (s)/online portal as may be designated by the Office from time to time. The tow information, shall include, the year, make, model, color, license plate number, Vehicle Identification Number (VIN), condition, location towed from, Towing company, Tow Truck operator and Vehicle Storage Facility (with address) where the towed motor vehicle is intended to be transported to and stored at. Towing Companies, Tow Truck operators and/or Tow Assistants exclusively engaged in Private Property Tows within unincorporated areas of Brazoria County, are required to be Permitted by the Office under this Ordinance, and renew such Permits as needed, but an Application(s) and any related Tow Truck inspection(s) for such Permitting/renewal shall be at no charge to these Applicants. Said exclusively Private Property Towing Companies must identify and designate, on the Application forms, all TDLR licensed VSFs at which their towed vehicles would be stored, and may but are not required to hold a TDLR issued VSF license (to such VSFs). Upon their Application approval, said Permitted Companies/Tow Truck operators and Tow Assistants must comply with, and remain subject to, the following requirements: i) all state mandated rules and requirements related to Private Property Towing and storage including, but not limited to, fees, insurance, licensing, records retention and consumer protection ii) reporting tows to the Office at its designated phone number/online portal, ,as stated above, iii) unless expected by state law and/or otherwise designated by motor vehicle owner/Peace Officer, storing motor vehicles, that are towed as Private Property Tows form within the unincorporated areas of Brazoria County, strictly within the geographical boundaries of Brazoria County, and iv) any other provisions of this Ordinance, that ae not specific to Incident Management Towing alone, but apply generally to Non-Consent Tows, as well as state and local laws/rules, including, but not limited to, TDLR rules. Fees charged

by Towing Companies for Private Property Tows shall not exceed the then controlling maximum fee amount(s), as applicable, pursuant to 16 Tex. Admin. Code § 86.455 (as amended).

e. When a location is designated by the vehicle owner, provisions of 16 Tex. Admin. Code § 86.700(b) as mandated by the TDLR, shall be complied with by the Towing Company and/or Tow Truck operator, as applicable: in the event the vehicle is taken to a location other than a licensed Vehicle Storage Facility, the document signed by the vehicle owner or operator to authorize the tow may not include authorization of any other services other than those necessary to perform the Non-Consent Tow.

f. The Towing Company and Tow Truck operator shall not allow or cause said towed vehicle (as stated in Section III, subsection c, above) to be towed, transferred or moved outside of the geographical boundaries of Brazoria County unless and until directed to by a Peace Officer and/or consent is received from the current vehicle owner (including where ownership is transferred, in the event of an abandoned vehicle). Once a vehicle is transported via Non-Consent Towing services to a Vehicle Storage Facility, it may not be moved to a different facility if that movement results in charging the vehicle owner more for transporting and storage services than if it had not been moved beyond the initial storage facility. If a vehicle towed pursuant to Non-Consent Towing services is moved between licensed Vehicle Storage Facilities, each facility must comply with notification provisions of 16 Tex. Admin. Code § 85.703, as applicable.

g. Abandoned motor vehicles stored at a Vehicle Storage Facility, following Non-Consent Towing services, shall be disposed of pursuant to, and in compliance with, applicable provisions of Section 2303.157 of the Texas Occupations Code, Chapter 683 of the Texas Transportation Code and other applicable laws.

h. Each Permitted Vehicle Storage Facility that accepts Non-Consent Tows shall post a sign plainly visible to the public, and in a prominent location within the business office/premises, clearly displaying the Vehicle Storage Facility Permit number, maximum charges allowed pursuant to this Ordinance and 16 Tex. Admin. Code § 85.722, and any other information as may be required by Chapter 85, Title 16, Texas Administrative Code, in the form and manner required by said Chapter.

i. Permit holding (current or past) Vehicle Storage Facilities shall keep and maintain records of all motor vehicles received through Non-Consent Tows for a period of not less than two (2) years from the date of the release or disposal of the vehicles, in a manner and form required by the TDLR, pursuant to Chapter 85, Title 16, Texas Administrative Code, and any other applicable state statute/rules.

j. Any Vehicle Storage Facility, by voluntarily filing an Application, to be Permitted for the first time under this Ordinance and for the purposes of subsequent renewal(s), authorizes the Office to review records of all tow slips and storage receipts pertaining to Non-Consent Tows, including tows initiated by the use of the towing rotation list, that are required to be maintained under applicable laws. Upon notice, and within all applicable legal/timing requirements for record keeping, the VSF will provide the aforementioned tow slips and

storage receipts/records, for inspection by the Office as and when indicated, within five (5) business days of the date of the notice for inspection, even if the Permit of such VSF has expired or is otherwise invalidated, pursuant to this Ordinance, at the time of said inspection.

k. Once a motor vehicle has been towed upon authorization of a Peace Officer and delivered to a Permitted Vehicle Storage Facility, said Vehicle Storage Facility shall give notice to the registered owner of the motor vehicle as may be required by Chapter 2303, Subchapter D of the Texas Occupations Code, 16 Texas Administrative Code § 85.703, and/or any other applicable statute/ rules.

l. As explained under Section III, subsection **c.** above, rights of storage of motor vehicles, towed and brought as Non-Consent Tows, at a Permitted Vehicle Storage Facility must be exclusively limited by said facility to a single Permitted Towing Company at all times; a single Permitted Vehicle Storage Facility shall not allow its storage lot to be shared by more than one Towing Company for storage of said motor vehicles at any time.

m. All Vehicle Storage Facility Permits issued by the Office are non-transferable. Additionally, all Permits are the property of Brazoria County and must be surrendered upon demand by the Office or expiration, in accordance with the terms of this Ordinance. Except as required under Section XI, subsection e., or otherwise under this Ordinance, expired Vehicle Storage Facility Permit(s), that are not renewed, must be returned to the Office no later than fifteen (15) calendar days after the expiration of such Permit, in person or by a verifiable delivery method. Failure to timely return said expired Vehicle Storage Facility Permit(s) shall be a violation of this Ordinance.

n. A Permitted Vehicle Storage Facility (and its Permit holder) shall ensure that all its employees, officers, independent contractors, representatives, and/or agents, are familiar with this Ordinance, and comply fully with the provisions herein, in addition to other applicable local, state and federal laws/regulations.

o. A copy of all valid and applicable insurance certificate(s), demonstrating minimum coverage requirements mandated by state law, must be submitted to the Office at the time of each new and renewal Application of the Vehicle Storage Facility Permits(s); said certificates must be timely updated, without any lapse or gaps in coverage, during the full course of validity of a VSF Permit. Certificates must mandate a notification to the Office, as designated, within thirty (30) calendar days of a cancellation or material change in the policy, including a reduction in coverage below minimum limits.

IV. Application for Participation on the Brazoria County Incident Management Towing Rotation System and/or Performing a Non-Consent Tow

a. Pursuant to Section 2308.201 of the Texas Occupations Code, an established and licensed Towing Company desiring to participate in the Brazoria County Incident Management Towing Rotation System in order to perform a Non-Consent Tow in Brazoria County, shall complete its Application(s) and submit it (these) along with the required documents to the Brazoria County Sheriff's Office located at 3602 County Road 45 Angleton, Texas 77515 (See Appendix A) or as otherwise designated by the Office. This requirement is applicable

regardless of whether the owner of a Tow Truck has a place of business in Brazoria County (as provided under Section 2308.201(c) of the Texas Occupations Code).

b. The Application for a Tow Truck Permit and/or corresponding Vehicle Storage Facility Permit(s) may be hand delivered in person during normal business hours, delivered via United States Postal Service, or delivered via any private courier service to the Office. The Application(s) shall meet the standards required under all state laws and codes generally governing tow truck companies, tow trucks, tow truck operators and vehicle storage facilities. Application for a Tow ID Card must be submitted to the Office, at its designated facility in person by the Applicant to allow for necessary processing.

c. Applying and Permitted Towing Companies and Vehicle Storage Facility licensees/owners, as well as Tow Truck operators and Assistants shall possess knowledge of, and at all times comply with all requirements of applicable governing/administrative entities as well as applicable provisions of federal, state and local laws, rules, regulations, definitions and codes, including but not limited to, the following:

(1) Texas Occupations Code;

(2) Texas Department of Licensing and Registration (also referred to as "TDLR");

(3) Texas Local Government Code;

(4) Texas Administrative Code (also referred to as "Tex. Admin. Code");

(5) Texas Transportation Code;

(6) Code of Federal Regulations; and

(7) Property Code; and

(8) This Ordinance.

Violation(s) of any of the applicable requirements or provisions of the above, shall be deemed a violation(s) of this Ordinance and may subject the violator to adverse administrative and criminal action, as applicable, under this Ordinance, regardless of any other, applicable, state or federal penalty. To the extent allowed by law, any violation(s) of this Ordinance may also be reported by the Office to the TDLR, local law enforcement authority(ies) and any other state and/or federal governing/administrative/regulatory entities.

d. In addition to complying with the entities as well as provisions, laws, rules and regulations listed above, each Towing Company participating in the Brazoria County Incident Management Towing Rotation System, shall meet the minimum equipment requirements, as indicated in the Tow Truck Inspection Checklist form (See Appendix A and Section

VIII, subsection c, below), and provide any required fees and documents. Moreover, (except as otherwise provided under Section III, subsections c and d above) as part of its Application, each Towing Company seeking to be Permitted, and to participate in the Incident Management Towing Rotation System pursuant to this Ordinance, must obtain and provide the Office with a copy of, at least one (valid) VSF license issued by the TDLR to said Towing Company, and identify such licensed VSF(s) on its Tow Truck Permit Application as the designated VSF(s) to which it shall transport and store all its Non-Consent Towed Vehicles.

e. In the event of any change in Towing Company's physical business address, Vehicle Storage Facility's physical address, contact phone number(s) and/or any information previously provided on any Application, including but not limited to a Tow ID Card Application, the concerned business entity or Tow ID card holder must contact the Office, using the then Office designated contact method for such changes, within ten (10) business days of said changes and provide the updated information.

f. Approval by the Office for replacement Permits, due to loss, theft, damage or expiration of current Permit(s), requires the completion and filing of applicable new/renewal Application(s) by Applicant, with accompanying documents/fees, and a TDLR status in good standing. All issued Tow Truck Permits, Tow ID Cards, Tow Zone Stickers and Vehicle Storage Facility Permits are non-transferable.

g. An Application for a Tow Truck Permit/Tow ID Card/Tow Zone Sticker/Vehicle Storage Facility Permit shall include payment of the required fees. The Office may issue a Tow Truck Permit, Tow ID Card, Tow Zone Sticker and/or Vehicle Storage Facility Permit after the applicant meets and satisfies all the requirements of the relevant Application(s).

h. All renewal Applications must be received by the Office no later than thirty (30) calendar days prior to the expiration date of the current Permit/Tow Card, to avoid interruption of the Permit's/Tow Card's validity. It is solely the responsibility of the Towing Company/applicant to ensure that the Application is submitted timely, such that the applicable inspections are completed prior to the expiration of the current Permit. The Office may, as provided herein, deny an Application for any Permit/Tow Card, and/or suspend, revoke, and/or refuse to renew or replace a Permit/Tow Card due to any violation of this Ordinance, including but not limited to a violation of Section IV, subsection **c.,** of this Ordinance (above), which encompasses applicable state and federal laws/regulations.

i. Except as and when otherwise stated on a Permit, all Permits expire annually at midnight on the 31st day of January, regardless of the issuance date. To renew a Tow Truck Permit and/or Vehicle Storage Facility Permit, the Towing Company must file a renewal Application with required documents and fees.

V. Additional Towing Company Requirements

a. As a pre-requisite to a Permit Application approval, a Towing Company must possess and provide a copy of all valid and applicable licenses issued by the TDLR corresponding to the

Permit Application. Hence, Towing Companies must meet all application and licensing requirements mandated by the TDLR, including but not limited to continuing education requirements, in order to obtain and maintain the applicable TDLR license(s), particularly in relation to Non-Consent Towing. The validity of said TDLR license(s) must be maintained by the Towing Company(ies) throughout the term of applicable Office issued Permit(s). Failure to maintain said validity shall be deemed a violation of this Ordinance and may subject the concerned Towing Company(ies) to adverse administrative and criminal action, as applicable, pursuant to this Ordinance.

b. As part of its Application (unless a Towing Company performs exclusively private Property Tows), the Towing Company must provide a copy of at least one (valid) VSF license issued by the TDLR to said Towing Company and which VSF(s) must be the only facility(ies) where the Towing Company's Non-Consent Towed vehicles may be stored (if and as allowed by state law, in particular, without violating Sections 2308.401 and 2308.402 of the Texas Occupations Code). Upon approval of the Application, said VSF(s) cannot be shared by the Permitted Towing Company contemporaneously with another Towing Company.

c. Each Towing Company may choose to file an Application for Permit(s) for one or more of its owned or leased Tow Truck(s) within one or more Tow Zone(s) and said Permit(s), if approved, shall only allow it to operate within the boundaries of those Tow Zone(s) for Non-Consent Towing. However, this does not provide additional rotation spots so that, at all times, there will only be one rotation per Permitted Towing Company per Tow Zone (further subject to Section V, subsection 1. below).

d. A separate Permit Application must be filed by the Towing Company for each Tow Truck that is sought to be Permitted. Towing Companies owning/leasing multiple Tow Trucks may apply for Permit(s) for one or more Tow Trucks to operate in each Zone, each Division or all Zones.

e. Each Towing Company with one or more Tow Truck Permitted in a particular Tow Zone, will receive only one spot in the rotation cycle for such Tow Zone, under the Brazoria County Incident Management Towing Rotation System, regardless of the number of Permitted Tow Trucks that the Towing Company may have available at its disposal in the particular Tow Zone.

f. A Towing Company in an adjacent Tow Zone may only be utilized for a Non-Consent Tow when there are no Permitted Towing Companies available in the affected Tow Zone, or under exigent circumstances as determined by the Peace Officer at the Incident Scene.

g. A Towing Company may, only upon annual renewal Application and inspection, choose to change the Tow Zones selection. All Permits, Tow ID Cards and Tow Zone Stickers issued by the Office are non-transferable. Additionally, all Permits, Tow ID Cards and Tow Zone Stickers are the property of Brazoria County and must be surrendered upon demand by the Office or expiration, in accordance with the terms of this Ordinance. Except as required under Section XI, subsection **e.** below, or otherwise under this Ordinance, all expired Permits

and corresponding Tow Zone Stickers must be returned to the Office no later than fifteen (15) calendar days after expiration of said Permit(s), in person or by a verifiable delivery method. Failure to timely return said expired Permit(s) and corresponding Tow Zone Sticker(s) shall be a violation of this Ordinance.

h. Tow Trucks will be inspected by the Office on an annual basis unless information is received by the Office that certain Tow Truck(s) is/are out of compliance, in which event, the Office may require said Tow Truck(s) to be brought in by the Towing Company for inspection at any time prior to the next annual inspection/renewal of the Permit. A notification by the Office to bring a Tow Truck(s) to a designated location for inspection shall be complied with, by the Towing Company, in accordance with instructions provided.

~~i.~~ During the validity of the Permit, Permitted Towing Companies are allowed to submit an Application(s) to add additional Tow Trucks or replace existing Tow Trucks any time before the next annual renewal of the Permit(s), which Application(s) may be approved provided that the additional or replacement Trucks pass inspection by the Office and the applying Towing Company is otherwise in compliance with the Ordinance's requirements.

j. Tow Truck replacement during the validity of the corresponding Permit, prior to the next annual Permit renewal, shall be, at a minimum, the same weight category truck as the truck being replaced, which must pass inspection by the Office prior to being placed into service.

k. Towing Companies shall only use specifically designed and appropriate equipment in loading, recovering, and towing of vehicles towed from Incident Scenes. The equipment used must, at all times, be commensurate with the type of tow involved, in good working order, capable of performing such services without causing damage to the vehicles involved and complaint with all applicable state laws and regulations. In addition to other requirements, every hydraulic line on each Tow Truck must be free of leaks and in good working condition, free from defects; and the winch must not exceed the capacity of the boom or leak oil. (See Tow Truck Inspection Checklist attached under Appendix A.)

l. Two or more Towing Companies sharing ownership of a Tow Truck or Towing Company, may not appear more than once on the rotation list in any single Tow Zone (and/or on a Division/Countywide rotation list in the event of Heavy Duty Towing) within Brazoria County. Furthermore, an individual or business entity that has an ownership interest (in whole or in part) in more than one Permitted Towing Company, may have only one of its Permitted Towing Companies on the rotation list in any single Tow Zone (and/or on a Division/Countywide rotation list in the event of Heavy Duty Towing).

m. A Towing Company must conduct towing operations with honesty, trustworthiness, and integrity (16 Tex. Admin. Code§ 86.711).

n. A Permitted Towing Company which, when attempted to be contacted by the Office or its designated online provider, either fails to respond or responds that it is unable/unwilling to provide the Non-Consent Towing services as indicated, will lose its turn in the current rotation cycle and must await its customary turn in the next rotation cycle. At any time prior

to such contact, a Permitted Towing Company is free to request a removal from the rotation list due to lack of availability by way of notification to the Office via the Office's then designated method. Failure to timely arrive at an Incident Scene, after having indicated an affirmative intent to respond to the Incident Scene when called by the Office pursuant to the customary rotation cycle, shall be deemed a "No-Show" violation, and may subject the Towing Company to administrative and criminal sanctions, as applicable, pursuant to this Ordinance. A Tow Truck Operator and/or Tow Assistant shall not arrive at an Incident Scene in Brazoria County to perform a Non-Consent Tow of a motor vehicle without first being contacted by the Office. Violation of this requirement may subject the Towing Company, Tow Truck Operator and/or Tow Assistant to administrative and criminal sanctions as applicable, pursuant to this Ordinance and state law. [See Section X, subsections d. and f.]

o. The Towing Company shall comply with all insurance requirements stated under Section VI below, both prior to the issuance of any applicable Permit and during the term of said Permit, in addition to any other requirements mandated by state law.

p. The Towing Company shall ensure that all its Tow Truck Operators and Tow Assistants, whether such are employees, officers, independent contractors, representatives, and/or agents, are familiar with this Ordinance, and comply fully with its provisions, in addition to other applicable local, state and federal laws/regulations.

VI. Towing Company Insurance Requirements

a. Prior to the issuance of any Tow Truck Permit, the applicant shall have filed, with the Office, proof of motor vehicle liability insurance coverage, at or above the minimum amounts set forth below under Section VI, subsection e, and in compliance with any other requirements mandated by state law.

b. A Towing Company shall have and maintain in full force and effect, throughout the term of the Tow Truck Permit(s) (without any lapse or gaps in coverage), liability coverage that is combined single limit liability for bodily injury to, or death of, an individual per occurrence and loss or damage to property (excluding cargo) per occurrence, as required under this Ordinance and state law.

c. A copy of a valid and applicable insurance certificate must be submitted to the Office at the time of each new and renewal Application of the Tow Truck Permit(s), and carried in applicable Tow Trucks. The certificate shall clarify the type as well as amount of insurance coverage, and require a notification to the Office within thirty (30) calendar days of a cancellation or material change in the policy, including a reduction in coverage below minimum limits.

d. Each liability insurance policy for vehicle, bodily injury or property damage shall be issued by a casualty insurance company, authorized to conduct business in the State of Texas, which complies with all applicable rules and regulation of the Texas Department of insurance.

e. The minimum amounts of liability coverage for each Tow Truck shall comply with 16 Tex. Admin. Code § 86.400, including any future amendments thereto.

f. Insurance covering Permitted Tow Trucks must be kept in full force and effect at all times. A Towing Company shall not participate in any Non-Consent Tow if it fails to carry and provide evidence of the required minimum insurance coverage for any Tow Truck and Tow Truck Operator performing Non-Consent Towing services, as stated above. Participation in a Non-Consent Tow without applicable and valid proof of insurance coverage shall be a violation of this Ordinance.

g. All certificates of insurance covering Permitted Tow Trucks shall be provided to the Office, and/or Peace Officer present at the Incident Scene, upon demand and, at a minimum, indicate the following:

(1) indicate that the policy covers the particular vehicle covered by the Tow Truck Permit;
(2) identify the vehicle by year, make and vehicle identification number;

(3) indicate that the policy coverage is consistent with the minimum liability limits established by this Ordinance and state law; and

(4) the Insurance Certificate shall show the Certificate Holder as (and shall be timely updated as notified and required by the Office).

VII. Tow Truck Operators

a. Prior to any person operating or occupying a Tow Truck on an Incident Scene, each Tow Truck Operator(s) and Tow Assistant(s) must first obtain a Brazoria County Identification Card or "Tow Card". The Application for the Tow Card will be available from the Office. Tow Cards issued to Tow Truck Operators shall have the same expiration date as their TDLR incident management towing operator's license, after which date these shall be deemed invalid if not timely renewed. Tow Cards issued to Tow Assistants shall expire at midnight on the 31st day of January following issuance of said Tow Card, regardless of timing of initial issuance, after which date these shall be deemed invalid if not timely renewed. Tow Cards are non-transferable. The requirements for obtaining and maintaining a Tow ID Card are stated below.

b. No person, with the exception of the towed motor vehicle's owner(s), driver and/or occupant(s), shall operate or occupy a Tow Truck at an Incident Scene unless he/she possesses and carries a valid and applicable Tow ID Card issued to him/her by the Office. Tow Truck Operators and Tow Assistants must prominently display Tow Cards issued to them by the Office at all times while on an Incident Scene. A Tow Card so displayed must reflect the name of the individual actually possessing/carrying said Tow Card and the name of his/her current employer/Towing Company. A person shall not carry, Display, or use a Tow ID Card at an Incident Scene that has not been issued to said person by the Office. All Tow Cards are non-

transferable. Failure by the concerned Tow Truck Operator and/or Tow Assistant to produce his/her valid Tow Card for inspection, upon demand by a Peace Officer, shall be deemed a violation of this Ordinance and may subject said Tow Truck Operator(s) and/or Tow Assistant to adverse administrative and criminal action, as applicable, pursuant to the Ordinance.

c. Tow Cards issued by the Office are valid until the applicable expiration date, after which date these shall be deemed invalid if not timely renewed. No later than thirty (30) calendar days prior to the applicable expiration, the Tow Truck Operator and Tow Assistant shall file an Application for renewal with the Office, including all required documents, and pay renewal fees, to avoid interruption of validity.

d. As a pre-requisite to a Tow ID Card Application approval, Tow Truck Operators must possess and provide a copy of all valid and applicable licenses, issued by the TDLR, corresponding to the Tow Card Application, and must additionally satisfy all the stipulations/qualifications required under said Tow Card Application. Hence, said operators must meet all application and licensing requirements mandated by the TDLR, including but not limited to all applicable continuing education requirements, in order to obtain and maintain appropriate towing operator license(s), particularly in relation to Non-Consent Towing. Moreover, approval of an Application for a Tow Card may be denied, or is subject to later revocation if initially approved, where the individual applying for a Tow Card is found to have falsified, or withheld, required information, and/or otherwise failed to satisfy criteria stated on the Application.

e. Tow Assistants must posses and prominently display a valid Tow Card issued by the Office, while on any Incident Scene.

f. In addition to the duly issued Tow ID Cards, another current and valid government issued identification document must be carried by all Tow Truck Operators at all times while on an Incident Scene and shall be made available for inspection, upon demand by a Peace Officer.

g. The Office may, as provided herein, deny an Application for a Tow ID Card, and/or suspend, revoke, and/or refuse to renew or replace a Tow Card due to any violation of this Ordinance, including but not limited to a violation of Section IV, subsection c, of this Ordinance (above) which encompasses applicable state laws and regulations. Tow Cards are the property of Brazoria County and shall be surrendered upon demand by the Office or expiration, in accordance with the terms of this Ordinance.

h. Tow Truck Operators and Assistants must submit all required fees and required information/documentation to Office at the time of Application for a Tow ID Card including, but not limited to:

(1) a copy of the current TDLR incident management towing operator's license;

(2) a copy of any current Brazoria County Permit;

(3) all information required on the Application; and

(4) a copy of a valid driver's license for Tow Truck Operators or a valid state-issued ID for Tow Assistants.

i. The following rules apply to Incident Scenes (in addition to any other, applicable, rules contained in this Ordinance and state/federal rules):

(1) the rotation Tow Truck shall park a minimum of one-hundred (100) feet from the scene, on the same side of the roadway as the vehicle to be towed;

(2) the rotation Tow Truck(s) shall remove all debris from the Incident Scene and properly dispose of all debris collected only under and in compliance with the directions of the Peace Officer(s) at the Incident Scene;

(3) any Tow Truck Operator, who is other than the authorized rotation Tow Truck Operator (duly responding to a rotation call by the Office/online provider), or one who is not otherwise authorized by a Peace Officer/the Office/online provider to be present at an Incident Scene, and who arrives at an Incident Scene, will not be allowed to perform the Non-Consent Tow, may be deemed in violation of this Ordinance and any applicable state law(s), and may be subject to applicable criminal and administrative sanctions as provided for in this Ordinance and state law (the Towing Company employing or affiliated with such Tow Truck Operator may also be subject to administrative and/or criminal sanctions under this Ordinance);

(4) a motor vehicle towed pursuant to a Non-Consent Tow, within unincorporated Brazoria County, must be taken to a State/TDLR licensed and Brazoria County Permitted Vehicle Storage Facility, or a VSF operating in the applicable municipality wherein it is located, within the geographical boundaries of Brazoria County, unless the vehicle owner requests an alternate location and such request is approved by the Peace Officer on the Incident Scene; and

(5) Tow Truck Operators and Tow Assistants shall obey all lawful orders given to them by Peace Officers present at an Incident Scene and shall not in any matter, knowingly or intentionally, interfere with said Peace Officers in the performance of their duty. Tow Truck Operators shall not remove a vehicle from an Incident Scene without permission from the Peace Officer(s) in charge of the Incident Scene. Additionally, Tow Truck Operators and Tow Assistants shall conduct themselves with professionalism while present at an Incident Scene.

j. The following requirements are applicable to Heavy Duty Tow Truck Operators responding to an Incident Scene (in addition to any other, applicable, local, state and federal rules):

(1) no person shall operate a Heavy Duty Tow Truck in order to perform a Non-Consent Tow without a valid Heavy-Duty Tow Truck Permit issued by the Office under this Ordinance;

(2) dispatch of Heavy Duty Tow Trucks will be on a Division(s) or countywide rotation, and allow a maximum of ninety (90) minute(s) to respond to an Incident Scene;

(3) each Operator of a Heavy Duty Tow Truck shall have a minimum of sixteen (16) hours of Heavy Duty towing related continuing education/training (which may include hands on training), approved by the Texas Department of Licensing and Regulation (TDLR) and/or the Texas Engineering Extension Service (TEEX), which includes hands on training within twelve (12) months of a Brazoria County Heavy-Duty Tow Truck Permit being issued. All Tow Truck Operators that respond to Incident Scenes pursuant to this Ordinance shall repeat the above level of continuing education/training at least once every five (5) years; and

(4) operators of Heavy Duty Tow Trucks hired by a Towing Company after the approval of the Brazoria County Heavy Duty Tow Truck Permit shall have twelve (12) months from the date of hire to complete the sixteen (16) hours of continuing education/training (which may include approved hands on training).

k. All Tow Cards issued by the Office are non-transferable. In the event of termination and/or change of employment/affiliation of a Tow Card holder (with his/her employing/affiliated Towing Company), his/her held Tow Card is deemed invalid as of the next business day following the change/termination, and he/she must surrender said Tow Card to the Office within five (5) business days of such invalidation date. If applicable, he/she must timely file an Application with the Office for a replacement Tow Card, indicating any new or changed employment/affiliation, with all required fees and documentation, and must not provide any services requiring a valid Tow Card until the Application is duly approved. Additionally, all Tow Cards are the property of Brazoria County and must be surrendered upon demand by the Office or expiration, in accordance with the terms of this Ordinance. Except as required under Section XI, subsection **e.** below or otherwise under this Ordinance, each Tow Truck Operator and Tow Assistant shall at the time of renewal or within fifteen (15) calendar days after the expiration of a Tow Card, return it to the Office in person or by a verifiable delivery method. Failure to timely return an expired Tow Card shall be a violation of this Ordinance.

VIII. Required Identification Markings and Inspections

a. A Tow Truck Permit holder must display on each Permitted Tow Truck:

(1) the Permit holder's name, publicly listed telephone number, city and state where the permit holder is located and the TDLR permit number for the Tow Truck;

(2) the phone number(s) and the address(es) of each Permitted Vehicle Storage Facility to which the Operator of the Tow Truck delivers vehicles; the phone number(s) and address(es) shall be displayed on the right and left side of the Tow Truck bed, visible from a minimum distance of fifty (50) feet from the Truck;

(3) required lettering must be at lease two (2) inches high and in a color that contrasts with the color of the background surface. All lettering must be permanently affixed in conspicuous places on both sides of the Tow Truck; and

(4) the Tow Zone Sticker must be displayed prominently on the left side of the Tow Truck windshield (as viewed from inside the Truck), no more than three (3) inches above the Texas vehicle registration sticker.

It is a violation of this Ordinance for a Permitted Tow Company to use magnetic or removable signs in lieu of the markings required to be affixed to Tow Trucks.

b. The Office may inspect any Tow Truck, place of business of the Towing Company, or Vehicle Storage Facility Permitted, or pending approval of Application to be Permitted, under the Brazoria County Incident Management Towing Rotation System, pursuant to this Ordinance, at any time, with or without notice, to ensure compliance with all aspects of this Ordinance.

c. The Office's designated personnel shall in particular, as part of the Tow Truck Permit Application process, inspect every Tow Truck prior to issuance of a new or renewal Permit. The inspection shall ensure compliance with applicable provisions of state law and this Ordinance, utilizing a "Brazoria County Tow Truck Inspection Check List" form provided by the Office [see Appendix A]. Said form may also be used at any time after issuance of a Permit to evaluate continued compliance with this Ordinance.

d. Any Tow Truck, Towing Company and/or Vehicle Storage Facility, that fails an inspection shall not be issued the relevant Permit under this Ordinance, and shall immediately surrender a previously issued Permit. The Towing Company owner, may schedule a new inspection once the vehicle complies with all applicable laws and County Ordinances, but not less than three (3) business days from the date of failed inspection. Only a designated official with the Office may review and approve an inspection related to a Permit under this Ordinance.

IX. Fees, Records Retention, and Compliance with Chapters 85 and 86, Title 16, Texas Administrative Code, as well as Chapters 2308 and 2303 of Texas Occupations Code

a. Pursuant to Section 2308.2065 of the Texas Occupations Code and 16 Tex. Admin. Code § 86.458, whenever a Tow Truck service is used pursuant to this Ordinance and in response to the Brazoria County Incident Management Towing Rotation System, the maximum amount allowed to be charged by a Permit holder for such services, including but not limited to tow, winch, clean-up and removal, shall not exceed the applicable and allowable fees as outlined in

the current, County approved, rate schedule mentioned above and incorporated in this Ordinance under Appendix A. This rate schedule includes "Contract Cost", which is the actual cost of required equipment and/or labor from 3rd parties charged to Towing company plus 20%. The Administrative Fees assessed by the Office, to offset its administration costs as stated above, must be included within the applicable Incident Management Tow fees charged by the Permit holder (see Appendix A), and timely remitted to the Office/online provider, as designated. Failure to timely remit the required Administrative Fee, as designated by the Office/online provider, shall be deemed a violation of this Ordinance and subject the violator to temporary or permanent removal from the Incident Management Towing Rotation System among other administrative sanctions under this Ordinance.

b. Additionally, each Towing Company that has been issued a Permit shall maintain a record of Non-Consent Tows carried out pursuant to said Permit for a minimum period of two (2) years. Such records include, but are not limited to, Tow Truck slips from Peace Officers, charges to customers for vehicles transported as Non-Consent Tows, and records of remittance of Administrative Fees under this Ordinance. The Office may, with a minimum of five (5) business days advance written notice, inspect all records on any working day at any time during normal business hours. A Towing Company's failure to provide the Office with access to records upon request and/or failure to provide any such records, specifically requested by the Office, beyond five (5) business days of said request(s), is a violation of this Ordinance.

c. Towing Companies and Tow Truck Operators are, in addition to the requirements stated in this Ordinance, in particular subject to, and must comply with, the reporting and other requirements imposed by Chapter 86, Title 16, Texas Administrative Code, and Chapter 2308 of the Texas Occupations Code, including future amendments thereto, as applicable. Vehicle Storage Facilities, in addition to the requirements stated in this Ordinance, are in particular subject to, and must comply with, the reporting and other requirements imposed by Chapter 85, Title 16, Texas Administrative Code, and Chapter 2303 of the Texas Occupations Code, including future amendments thereto, as applicable.

d. Pursuant to Section 2308.203 of the Texas Occupations Code, a Towing Company may file with the Office, at any time but not more often than once biennially, a request for a towing fee study to be performed by the Office. In that event, the Office will make a determination whether it believes a towing fee study is warranted and advise the Commissioners Court of the request with a recommendation whether to conduct a towing fee study. The Commissioners Court may accept the recommendation of the Office or order a Towing fee study despite a recommendation otherwise. The Commissioners Court is not absolutely obligated to order a towing fee study. If so ordered, the Office shall review the allowable fees for Non-Consent/Incident Management Towing services and present to the Commissioners Court a recommendation whether the allowable fees then in effect represent the fair value of the services of a Towing Company and are reasonably related to any financial or accounting information collected by the Office during the course of its towing fee study. The

Commissioners Court shall determine whether the allowable fees should be established or amended, and proceed accordingly.

X. Operation of the Brazoria County Incident Management Towing Rotation System

a. A Peace Officer who is requesting a Towing Company for a Non-Consent Tow on any Incident Scene, shall notify Brazoria County Sheriff's Office Communications of the request for a Towing Company. The Peace Officer shall make the request based upon the appropriate need: Light Duty, Medium Duty, or Heavy Duty, except as provided under Section X, subsection g, below, and a rotation call may then be placed by the Office in accordance with this Ordinance. Based on the then running procedures of the Office, a rotation call may take the form of a phone call and/or a mobile/other electronic message.

b. With the exception of Permitted Towing Companies providing Heavy Duty Tow Truck services (which are placed on a rotation list in alphabetical order), Permitted Towing Companies that are on rotation in a particular Tow Zone, will be placed on a rotation list for said Tow Zone in alphabetical order. Regardless of the type of rotation list, once placed on a list, a Towing Company must immediately notify and update the Office in the event of a change in its contact information or other required Application information, as indicated in this Ordinance.

c. There is no penalty to a Towing Company for indicating to the Office an unwillingness or inability to respond to an Incident Scene at the time of a rotation call, and/or requesting prior removal for a certain period from the Incident Management Towing Rotation System and then requesting a re-instatement thereto, as designated by the Office; however, no refund (in whole or in part) of any type of Application fees, submitted in relation to a particular validity period, is due from the Office as result of any voluntary or involuntary removal from the Incident Management Towing Rotation System. An indication as stated hereinabove, or a failure by a Towing Company to immediately respond to a rotation call, shall not be deemed a violation under this Ordinance, but said Towing Company shall lose its turn in the then running rotation cycle (as the Office will then advance to the next Towing Company on the list), and may only receive a rotation call again, during the next rotation cycle per its customary turn, provided that any disciplinary procedures initiated by the Office pursuant to this Ordinance, at any time, do not preclude such rotation call.

d. A Permitted Towing Company, that indicates an affirmative intent to respond to the Incident Scene, shall have forty-five (45) minutes to arrive at the Incident Scene from the time of the rotation call, except that Towing Companies which are required to send Heavy Duty Tow Truck(s) are allowed ninety (90) minutes to arrive at the Incident Scene, from the time of the rotation call. Failure to timely arrive at an Incident Scene, after having indicated an affirmative intent to respond to the Incident Scene when contacted by the Office/online provider pursuant to the customary rotation cycle, shall be deemed a "No-Show" violation, and subject the Towing Company to sanctions pursuant to this Ordinance. Additionally, said Towing

Company shall lose its turn in the then running rotation cycle (as the Office will then advance to the next Towing Company on the list), and may only receive a rotation call again, during the next rotation cycle per its customary turn, provided that any disciplinary procedures initiated by the Office pursuant to this Ordinance, at any time, do not preclude such rotation call.

e. Any change in the Permit holders' contact numbers will require an updated Application prior to any change being made in the Office records. Failure to timely provide an updated phone number(s) to the Office, as indicated under Section IV, subsection e, of this Ordinance, shall be deemed a violation.

f. If a "No-Show" violation is caused by a duly responding rotation Tow Truck attempting to reach an Incident Scene, but suffering mechanical failure prior to reaching the Scene, such "No-Show" violation may be voided by the Office if the Towing Company contacts the Office via its designated method while en-route to notify the Office of such development, and then provides written proof and details of repairs performed on said Truck, to the Office within ten (10) business days following the date of the rotation call. A voided "No-Show" shall not be deemed a violation. Additionally, said repaired Tow Truck shall be subject to inspection and clearance by Office, prior to being reinstated under the rotation list.

g. Under exigent circumstances, the Peace Officer present at the Incident Scene may, in the interest of immediate public safety, request a Tow Truck outside the order of the rotation list and/or outside the scope of this Ordinance to remove a vehicle/hazard.

h. An affected motor vehicle owner at an Incident Scene may request his/her preferred Towing Company which may fall outside the Incident Management Towing Rotation System and/or the Permitting requirements instituted under this Ordinance. If a motor vehicle owner requests such Towing Company at an Incident Scene, which is outside the Incident Management Towing Rotation System and/or the Ordinance's Permitting requirements, the Peace Officer at the Incident Scene may, but is not obligated to, honor such request, unless so required by an applicable state law. A Peace Officer may consider the speed and efficiency of response of the owner requested Towing Company [whether it can arrive within forty-five (45) minutes (for a Light or Medium Duty Tow) or within ninety (90) minutes (for a Heavy Duty Tow) from time of request], and consider applicable public safety concerns, before honoring the owner's request. Moreover, the owner requested Towing Company must, as a pre-requisite, be in compliance with all applicable TDLR requirements: both the responding Tow Truck and the Tow Truck Operator must be licensed by the TDLR (which licenses must be valid and in good standing at the time of the owner request) to perform an Incident Management Tow, and the Towing Company must have the ability to appropriately complete all aspects of an Incident Management Tow, including but not limited to, required clean-up of spills, cargo and debris from the Incident Scene. If the request is honored, the owner and/or Peace Officer may contact the Towing Company but in either event, the requested Towing Company must independently and immediately contact Brazoria County Sheriff's Office Communications, at (979) 864 2392

or other phone number(s)/online link as may be designated by the Office, to confirm its agreement to respond to the Incident Scene and expected arrival time at the Incident Scene. Except as expressly exempted otherwise under this Ordinance, operations of the owner requested Towing Company shall be regulated by all applicable state and local laws. If, following Office/Peace Officer authorization, an owner requested Towing Company fails, for any reason, to timely confirm its agreement to respond and/or timely arrive at the Incident Scene, as indicated hereinabove, the Peace Officer may proceed with utilizing the Brazoria County Incident Management Towing Rotation System for the required Incident Management Tow. In addition to any customarily required documentation, in the event of owner requested Towing Company(s) performing an Incident Management Tow, the Peace Officer may, at any time, require execution of an appropriate release(s) and associated documentation by the owner and/or Towing Company.

XI. Adverse Administrative Action

a. All applicants, Permit holders, Tow ID Card holders and Permitted entities/individuals, including Towing Companies, Vehicle Storage Facilities, their individual owners, Tow Truck Operators are subject to adverse administrative action pursuant to applicable provisions of this Ordinance. In terms of adverse administrative action by the Office, any one or more violation(s) of this Ordinance may result in an applicable Permit(s)'s denial, suspension, non-renewal and/or revocation, and consequent temporary or permanent removal (as applicable) of the violator(s) from the Brazoria County Incident Management Towing Rotation System. Said adverse administrative action by the Office shall take place in accordance with the procedures stated in this Ordinance, and shall be subject to the due process rights of appeal and hearing stated under Section XII of this Ordinance. Notification of adverse administrative action by the Office to an applicant or Permit/Tow Card holder shall be in writing, whether or not a verbal notification is also provided, and must also be responded to in writing.

b. A Permit/Tow ID Card shall be denied, suspended, not renewed and/or revoked, as applicable, by the Office with immediate effect for any of the following reasons:

(1) the applicant/Permit/Tow Card holder is under indictment for a felony, or has a felony conviction involving sexual, assaultive or theft offense, within the last five (5) years from the date of Application, or is on community supervision or deferred adjudication for a felony. If the conviction is on appeal, for the duration of the appeal period, it is considered a conviction for the purposes of this Ordinance;

(2) the applicant/Permit/Tow ID Card holder is under indictment for, or has a conviction of, a misdemeanor theft offense, within the last five (5) years from the date of application. If the conviction is on appeal, for the duration of the appeal period, it is considered a conviction for the purposes of this Ordinance;

(3) non-compliance with, or violation of, any provision(s) of this Ordinance;

(4) knowingly supplying false or incomplete information to the Office and/or Peace Officer, in an Application or otherwise;

(5) falsifying records;

(6) knowingly towing a motor vehicle that is reported stolen without first contacting a Peace Officer and/or having been contacted by the Office/online provider; or

(7) deceptively obtaining or using a motor vehicle owner/driver's consent or waiver, verbal or written, in relation to any Non-Consent Towed vehicle, in an attempt to circumvent the approved fees mandated by this Ordinance (and/or by the TDLR, as applicable), to tow the motor vehicle to a facility not duly Permitted or allowed under this Ordinance, and/or to circumvent any provision of this Ordinance. Said conduct shall additionally subject the entity (Towing Company or Vehicle Storage Facility) and/or its individual owner, as well as any involved Tow Truck Operator to permanent removal from the Brazoria County Incident Management Towing Rotation System as well as revocation of all Permit(s)/Tow Card(s).

c. Citizen complaints regarding any Permitted Towing Company, Tow Truck Operator, Vehicle Storage Facility, including individual owner, and operator, must be filed in writing, and addressed to the following:

Brazoria County Sheriff's Office
Attn: Patrol Division Captain
3602 CR 45, Angleton, Texas 77515.

Complaints may be reviewed for adverse administrative action, as necessary.

d. Notice(s) to Towing Companies and/or Vehicle Storage Facilities, including individual owners, and Tow Truck Operators of adverse administrative action by the Office under this Section XI shall be as follows:

(1) the Office shall provide written notice following a denial, suspension, denial of renewal of revocation of a Permit or Tow ID Card; and

(2) written notice may be delivered via hand-delivery to the concerned Permit or Tow ID Card holder, or delivered via United States Postal Service Certified Mail Return Receipt to the last updated address of the Permit/Tow ID Card holder as stated in Application records and an additional copy(s) may be sent via email and/or First Class Mail. Hand-delivered notices, for all purposes, shall be marked accordingly by the Office and state the date of delivery, which shall also be deemed the date of receipt.

e. If a Permit/Tow Card is denied, suspended, revoked or a renewal Application is denied, as a result of adverse administrative action, such action shall take effect immediately (unless otherwise indicated in the notice sent to the Permit/Tow Card holder) and the affected entity and/or individual shall surrender all (applicable) currently held Permits, Zone Stickers and Tow Cards to the Office, within three (3) business days after the notice of adverse action was received, regardless of filing of an appeal. Said surrender shall be made to the Office in person or by a verifiable delivery method. Office may demand the surrender of any Permit/Tow Card at any time. [An expiration of a Permit/Tow Card alone, without any corresponding adverse administrative action by the Office, shall not invoke the three (3) business days return requirement and shall continue to subject the Permit holder to fifteen (15) calendar days requirement for surrender/return of the expired Permit/Tow ID Card.]

f. Failure to timely surrender a suspended, renewal-denied or revoked Permit, Zone Sticker and/or Tow Card to the Office shall be deemed an additional violation of this Ordinance. This additional violation shall subject the violator to a continuation of suspension or non-reinstatement, by the same number of business days as said Permit/Zone Sticker/Tow Card remained unreturned to the Office after the third (3^{rd}) business day following receipt of the original adverse administrative action notice stated above.

g. Hearing and appeal procedures for a denial, suspension, renewal-denial or revocation, under Section XI of this Ordinance, shall follow the requirements of Section XII below.

h. The Office's denial, suspension, renewal-denial or revocation of any Permit/Tow Card disqualifies the person or business entity from participating in, and removes the person or business entity from, the Brazoria County Incident Management Towing Rotation System until such Permit/Tow Card is approved, reinstated or reissued (as applicable), and all other requirements of this Ordinance have been complied with, following an appeal or otherwise.

XII. Hearing Process for Adverse Administrative Action

a. A person or Towing Company may appeal any adverse administrative action by the Office by delivering a written notice of appeal to the Office within ten (10) business days from the date of the written notice of the Office's adverse action.

b. Delivery of a notice of appeal to the Office is effective if hand-delivered, or forwarded by United States Postal Service, Certified Mail Return Receipt Requested, to the Office, to the attention of the Office, Patrol Division Captain.

c. Upon receipt of a written notice of appeal, the Captain shall convene a Disciplinary Hearing Committee to hear the appeal; the Committee shall be comprised of the following individuals:

(1) Chief Deputy;

(2) Patrol Division Captain; and

(3) Commercial Vehicle Enforcement Deputy; and

(4) representative from other Tow Company in different zone.

d. The Disciplinary Hearing Committee shall give the person or company making the appeal a written notice, via hand-delivery or via United States Postal Service Certified Mail Return Receipt Requested, stating the date, time and place of an appeal hearing to be conducted by the Committee. Both the person and/or company that made the appeal and the Office are entitled to offer evidence and argument at the appeal hearing. Following that hearing, the Committee shall render a decision and provide written notice of their decision no later than fifteen (15) business days from the hearing date. A decision of the Committee shall become final, if not appealed to the Patrol Division Captain within ten (10) business days of the date of notice of the Committee's decision.

e. An adverse decision by the Disciplinary Hearing Committee may be appealed to the Sheriff by delivering a written notice of final appeal within ten (10) business days of the date of notice of the Disciplinary Hearing Committee's decision. Additional information may not be submitted in a final appeal to the Sheriff. Rather, the Sheriff's decision shall be based only on a review of the written information previously submitted to the Disciplinary Hearing Committee. The Sheriff will render a written decision within fifteen (15) business days from the receipt of the final notice of appeal. County shall deem and approve the Sheriff's decision as final.

f. A person or company forfeits its right to any appeal available under the provisions hereof by failing to timely file an appeal under this Section XII of the Ordinance.

g. All notices of appeal shall be sent in writing to:

Brazoria County Sheriff's Office
Attn: Patrol Division Captain
3602 County Road 45, Angleton, Texas 77515.

XIII. Additional Requirements

a. In the event the initial adverse administrative action is a denial, refusal/denial to renew or revocation of a Permit or Tow ID Card issued under this Ordinance, a person or company subject to such action may submit a new Application with the Office, together with payment of the appropriate fees and submission of required documents, as follows:

(1) no earlier than one hundred and eighty (180) business days from the date of the Disciplinary Hearing Committee's final decision, if no appeal was made to the Patrol Division Captain or Sheriff; or

(2) no earlier than ninety (90) business days from the date of a final decision by the Disciplinary Hearing Committee or the Sheriff, in the event of an appeal, whichever rendered the decision that is last in time.

b. As a further condition of Application approval or reinstatement, following a denial, suspension, denial of renewal of revocation, resulting from adverse administrative action, the Disciplinary Hearing Committee, Patrol Division Captain or the Sheriff may require the submission of a new Application and/or payment of the appropriate Application fees (regardless of any fees previously paid in connection with a prior Application), in order to perform a subsequent Non-Consent Tow and/or to participate in the Incident Management Towing Rotation System.

c. The Office reserves the right at all times, prior to initiating any adverse administrative action, to issue a verbal and/or written warning/notice of a violation to a violator of this Ordinance. In no event is the Office obligated to issue said warning prior to initiating any adverse administrative action, unless otherwise required by this Ordinance.

XIV. Affirmative Defenses

a. It is an affirmative defense to adverse administrative action, and to the extent consistent with applicable state/federal law, any criminal action, that:

(1) the Tow Truck used to tow the vehicle was owned by the owner of the vehicle being towed, carried or otherwise transported by the Tow Truck;

(2) the vehicle towed, carried or otherwise transported was originally picked up or loaded onto the Tow Truck outside the unincorporated area of Brazoria County;

(3) the motor vehicle was towed pursuant to a Consent Tow at the direction of its owner, without violating any other provision of this Ordinance;

(4) the involved towing was incidental to a lawful repossession of the towed motor vehicle and the Tow Truck Operator complied with all requirements of this Ordinance and state law that would be applicable if the lienholder were the owner of the vehicle being towed;

(5) the Tow Truck Operator, the Towing Company and/or the Vehicle Storage Facility involved were not required to be Permitted under this Ordinance at the time of occurrence of the alleged violation; or

(6) the Towing Company responding to an Incident Scene was not Permitted in the Tow Zone of the Incident Scene but was nevertheless requested by Brazoria County Sheriff's Office or its designated online provider.

XV. Criminal Offense(s)

A violator of this Ordinance may be subject to adverse administrative action under this Ordinance, as well as any other applicable civil and/or criminal penalty(ies) pursuant to federal, state and local laws.

XVI. Severability and Scope

a. It is not intended, and no provision herein shall be so construed, to contravene, conflict with or contradict any applicable state and/or local law or to pre-empt any federal statute. To the extent any part or any provision in this Ordinance might otherwise be construed or deemed as conflicting with state and/or local law, invalid, illegal and/or unenforceable in any respect, it shall be construed as being limited in its scope and applicable to only those circumstances to which it can legally apply. To the extent that any provision or part hereof is found to be conflicting with state and/or local law, invalid, illegal or unenforceable in any respect, it shall not affect any other provision or application thereof. Applicable laws and procedures, as defined by local, state and/or federal statutory instruments, shall continue to control where this Ordinance is found to be silent.

b. All references to state statutory provisions in this Ordinance shall include and encompass successor statutes and rules, as may be enacted and/or amended after the effective date of this Ordinance.

c. The table of contents and headings contained in this Ordinance are for reference purposes only, and are neither intended to, nor shall be construed to, limit any of the provisions of this Ordinance. References to the singular shall include the plural, and the masculine gender shall include the feminine and neuter, and vice versa, as the context requires.

d. All Exhibits, under Appendix A, as attached to this Ordinance, are incorporated herein and shall be deemed part of this Ordinance. This Ordinance, including its Exhibits, and any part thereof, may be added to, updated, removed, replaced, altered and/or amended, in whole or in part, as mandated by the Commissioners Court of Brazoria County, at any time.

EXHIBIT(S): **APPENDIX A**

- Tow Rate Schedule
- Non-Consent Tow Truck Permit Application
- Tow ID Card Application
- Tow Truck Inspection Checklist
- Vehicle Storage Facility Permit Application
- Vehicle Storage Facility Permit

APPENDIX A

BRAZORIA COUNTY TOW RATE SCHEDULE

Permitting and Office Fees		
Application – Towing Company 1- Tow Truck Permit / Inspection 2- Tow ID Permit	$200.00	Per Company
Additional Tow Truck Permit / Inspection	$25.00	Per Tow Truck
Tow ID Card	$10.00	Per Driver
Re-Scheduling Tow Truck /VSF Inspection	$25.00	Per Inspection

Light Duty Tow Fees	**GVWR 0-10,000 lbs.**
Incident Management Tow (Includes Rollback)*	$200.00
Light Duty Wrecker Assist (Must be approved by a Peace Officer)	$200.00

Medium Duty Tow Fees	**GVWR 10,001-24,999 lbs.**
Incident Management Tow (Includes Rollback)*	$300.00
Medium Duty Wrecker Assist (Must be approved by a Peace Officer)	$300.00

Heavy Duty Tow Fees	**GVWR 25,000 lbs. and over**
Incident Management Tow	$450.00
Heavy Duty Wrecker Assist	$450.00

Specialty Fees	
Motorcycle Fee	+$50.00
Mileage Fee* Per mile traveled outside the jurisdiction of Brazoria County for an Incident Management Tow. The distance shall be calculated via the most direct route from the County Line to and from the scene.	+$2.00 per mile
Contract Cost (Must be approved by a Peace Officer)	Actual Cost +20%
Special Recovery Fee (Maximum charge for work for the recovery of vehicles from abnormal situations such as creeks, muddy fields, submersion in water, or other unusual circumstances requiring more time and effort than a standard tow for each tow truck involved in the recovery. The accrual of time for this charge begins 30 minutes after the wrecker driver actually begins such a recovery or tow. Must be approved by a Peace Officer)	+$50.00 After First Thirty (30) Minutes **OR** + industry standard fees if a heavy duty wrecker is required

Note: Whenever a light duty, medium or heavy duty tow truck service is used pursuant to this ordinance **and in response to the Brazoria County Incident Management Towing Rotation System**, the maximum amount allowed for such services shall not exceed the allowable fees an outlined in approved fee schedule.

BRAZORIA COUNTY, TEXAS NON-CONSENT TOW TRUCK PERMIT APPLICATION

(This Application Form to also be used for Permit Renewals)

Permit Number: _____ ☐ Sole ☐ Partner ☐ Corp

☐ New ☐ Renewal ☐ Replacement ☐ Substitute ☐ Denied

Name of Partner(s) or Corporation Officer(s), Address and Phone Number for each (if applicable):

_____

_____

Physical Address _____City _____ Zip _____

Mailing Address _____ City _____ Zip_____

Primary Phone _____ Secondary Number _____

Contact Person _____ Email _____

Mobile Phone _____ Fax Number _____

TOW TRUCK INFORMATION

Heavy Duty ☐ Yes ☐ No Lift Capacity _____ License Plate # _____

Year _____ Make _____ VIN #_____ Current Permit # (if applicable) _____

AUTHORIZED VEHICLE STORAGE FACILITIES

Division _____ Storage Facility _____

VSF# _____ Address _____

City _____ Zip _____Contact Person _____ Email _____

Phone Number _____

Division _____ Storage Facility _____

VSF# _____ Address _____

City _____ Zip _____Contact Person _____ Email _____

Phone Number _____

Division _____ Storage Facility _____

VSF# _____ Address _____

City _____ Zip _____Contact Person _____ Email _____

Phone Number _____

APPLICANT AGREES TO INDEMNIFY AND HOLD HARMLESS BRAZORIA COUNTY IN THE EVENT OF DAMAGE TO OR LOSS OF ANY MOTOR VEHICLE, OR THE CONTENTS THEREOF, HANDLED BY THE TOWING COMPANY OR INJURY OR DAMAGE TO ANY PERSON OR OTHER PROPERTY AS A RESULT OF NON-CONSENT TOWING SERVICES PERFORMED BY APPLICANT OR THE TOWING COMPANY

_____ _____

Applicant's Printed Name Date Applicant's Signature Date

Application MUST include the following documents: □ Vehicle Registration Listing ("cab card"); □ Current Registration; □ Most recent Tow Truck Invoice; □ Schedule of Tow Company's Non – Consent Fees posted on TxDot website; □ Original business card □ Vehicle Inspection; Authorization letter for use of each Vehicle Storage Facility listed on application; □Evidence of insurance coverage or financial responsibility for each tow truck; □Original CERTIFICATE OF INSURANCE naming "Brazoria County, Texas" as certificate holder; and □Payment of Fees

FALSIFYING ANY GOVERNMENT DOCUMENT IS A CRIME AND WILL BE PROSECUTED

BRAZORIA COUNTY, TEXAS TOW ID CARD APPLICATION

□ Tow Operator □ Tow Assistant

This form must be submitted in person with required supportive documents for processing.

□New □Renewal □Change

Date: _____ TXDL/ID: _____

_____

TDLR (Incident Management Towing Operator's License)

_____ _____

TDLR License Issue Date TDLR License Expiration Date

Last _____ First _____ Middle _____

DOB_____ Sex(M/F) ____ HT_____ WT_____ Eyes_____ Hair_____

Phone_____Cell_____Address_____City/Zip_____

Towing Company: _____ Address_____ City/Zip_____

The Tow Card worn by an Operator/Assistant MUST be attached flush to the Tow Truck Operator's/Assistant's clothing using a badge clip or pin, or worn around the neck using a breakaway lanyard. No motor vehicle will be loaded, recovered and towed using any tow truck not properly equipped and qualified to handle that vehicle, and any motor vehicle loaded, recovered and towed by the applicant as a tow truck operator pursuant to non-consent towing services will be loaded, recovered and towed pursuant to safe procedures. I, _____, the applicant, do solemnly swear that the following statements are true and correct by initialing each statement and understand that a Criminal History Check will be conducted.

___ I have not been convicted within the past three years of any of the following:

□ a serious traffic violation

□ leaving the scene of an accident

□ a violation of law that regulates the operation of a motor vehicle at a railroad crossing

□ driving a motor vehicle under the influence of alcohol or controlled substance

□ using a motor vehicle in the commission of a felony

□ causing the death of another person through negligence or criminal operation of a motor vehicle

□ driving a motor vehicle while license was revoked, suspended, cancelled or while otherwise disqualified from driving

A conviction of any of the above could result in denial of the tow card.

___ The applicant is not addicted to the use of alcohol, controlled substance or another drug that renders a person incapable of driving, an applicant has not refused to submit to a test during the last year to determine alcohol concentration or the presence of a controlled substance/drug while operating a commercial motor vehicle.

___ Analysis during the last year of the applicant's blood, breath, or urine under TEX, TRANSP. CODE 522, 524, or 724 would not disqualify the applicant from driving a commercial vehicle.

___ Applicant does not hold a driver's license issued by another State or another country that has been revoked, cancelled or suspended.

___ Applicant has not been determined by a judgement of a court to be mentally incompetent, unless declared restored to competency by a court or certificate of competency issued by an attending hospital physician; and

___ Applicant does not have any mental or physical disability that prevents the person from exercising reasonable and ordinary control over operation of a Tow Truck.

The applicant agrees to indemnify and hold harmless Brazoria County against any claim of damage to a motor vehicle towed, or the contents thereof, and against any injury or damage to any person or another vehicle as a result of non-consent towing services performed by applicant. Applicant acknowledges that failure to notify the Department within 20 days of change of employer may result in suspension or revocation of operator's permit.

Applicant Signature _____ Date: _____

Official use Only

□CCH Clear

□Tow ID Card Issued

□Tow Card Denied, Reason for Denial

_____

_____

_____

Date/Initials_____

FALSIFYING ANY GOVERNMENT DOCUMENT IS A CRIME AND WILL BE PROSECUTED

BRAZORIA COUNTY, TEXAS
TOW TRUCK INSPECTION CHECK LIST

☐ **Approve** ☐ **Denied** **Date: _____ Inspector _____**

Company Name_____ TDLR#_____

Business Phone_____ E-Mail_____

Physical Address_____ City _____ Zip _____

Mailing Address (if different) _____ City _____ Zip _____

Contact Person _____ Cell Phone _____

TOW TRUCK INFORMATION

Heavy Duty Yes ☐ No ☐ Lift Capacity _____ License Plate_____

Year_____ Make_____VIN _____ Current Permit # (if applicable)_____

VSF# _____ Storage Address _____

VSF# _____ Storage Address _____

VSF# _____ Storage Address _____

Truck Type					
Rollback W/Wheel Lift	□ Yes	□ No	Power Winch Line & boom (Not to exceed 8000 lbs.)	□ Yes	□ No
Rollback W/0 Wheel Lift	□ Yes	□ No	Ropes/Straps	□ Yes	□ No
Sling Truck W/Wheel Lift	□ Yes	□ No	Safety Chains	□ Yes	□ No
Wheel Lift Only	□ Yes	□ No	Fire Extinguisher (10 lbs. or 2 -5 lbs.)	□ Yes	□ No
Hydraulic lines/cylinder free of leaks	□ Yes	□ No	Crow/Wrecking Bar	□ Yes	□ No
			Broom	□ Yes	□ No
			Shovel	□ Yes	□ No
			Closed or Sealable Container	□ Yes	□ No
Truck Equipment			Flashlight	□ Yes	□ No
Headlights	□ High	□ Low	Magnetic Tow Lights	□ Yes	□ No
Tail Lights	□ L	□ R	Amber Warning Lights (46 inches wide Min.)	□ Yes	□ No
Turn Signals	□ L	□ R	Work Lights	□ Yes	□ No
Hazard Lights	□ Yes	□ No	Flares/Safety Reflectors/18" Orange Cones	□ Yes	□ No
Brake Lights	□ L	□ R	Reflective Vest (ANSI/ISEA)	□ Yes	□ No
Mirrors	□ L	□ R	Correct Graphics (Per VIII of Ordinance)	□ Yes	□ No
Rearview	□ Yes	□ No	County ID (Active/Proper Company)	□ Yes	□ No
Copy of State MVI report	□ Yes	□ No	TDLR ID (Active)	□ Yes	□ No

Inspector Signature: _____

Owner/Operator Signature: _____

BRAZORIA COUNTY, TEXAS
VEHICLE STORAGE FACILITY PERMIT APPLICATION

□New □ Renewal □Substitute □Denied

Company Name _____ TDLR# _____

□Sole Partnership □Corp □Limited Partnership □Limited Liability Company Name of Partner(s) or Corporate Officer(s), Address and Phone Number for each (if applicable):
_____
_____

Physical Address _____ City _____ Zip _____

Mailing Address _____ City _____ Zip _____

Business Phone _____ Fax _____

Contact Person _____ Email _____

Mobile Phone _____ Federal ID# _____

Storage Lot Capacity:

□ 50 vehicles or fewer □ 51-99 vehicles □ 100 vehicles or more

APPLICANT AGREES TO INDEMNIFY AND HOLD HARMLESS BRAZOIRA COUNTY IN THE EVENT OF DAMAGE TO OR LOSS OF ANY MOTOR VEHICLES, OR THE CONTENTS THEREOF, HANDLED BY THE VEHICLES STORAGE FACILITY OR INJURY OR DAMAGE TO ANY PERSON OR OTHER PROPERTY AS A RESULT OF NON-CONSENT STORAGE SERVICES PERFORMED BY APPLICATION OR THE VEHICLE STORAGE FACILITY.

I, THE APPLICANT, DO UNDERSTAND THAT A CRIMINAL HISTORY CHECK WILL BE CONDUCTED.

_____ _____

Applicant's Printed Name Date Applicant's Signature
Date

Application must include the following documents/requirements: □Evidence of insurance coverage or financial responsibility for each Vehicle Storage Facility; □Original Certificate of Insurance naming "Brazoria County, Texas" as certificate holder; **LOT REQUIREMENTS**; □6 ft. fence with gate □All-weather lot surface □Lighting 1-250 watt element per ¼ acre □Signage per TDLR guideline 16 Texas Administrative Code, Chapter 85, Section 85.1003 □Original business card □Vehicle Storage Facility invoice (voided) and □Payment of Fees

Mail to: Brazoria County Sheriff's Office

3602 County Road 45

Angleton, Texas 77515

FALSIFYING ANY GOVERNMENT DOCUMENT IS A CRIME AND WILL BE PROSECUTED

BRAZORIA COUNTY SHERIFF'S OFFICE

3602 County Road 45

Angleton, Texas 77515

Vehicle Storage Facility Permit

_____	_____	_____
Permit #	Date Issued	Expiration Date

Issued to

_____

_____

_____

TDLR #

_____

_____

Storage Facility Address

_____

_____

_____

BCSO Authorized Representative

PLEASE DISPLAY IN PLAIN VIEW AT STORAGE FACILITY