

ORDINANCE NO. 2022-05

AN ORDINANCE OF THE CITY OF RIESEL, TEXAS AUTHORIZING IMPOUNDMENT OF VEHICLES FOR ENFORCEMENT OF STATE MANDATORY FINANCIAL RESPONSIBILITY LAW AND STATE REQUIRED DRIVER'S LICENSE LAW; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE

WHEREAS, the impoundment of vehicles is an important aspect of enforcing mandatory financial responsibility laws under Texas Transportation Code § 601.191; and

WHEREAS, the impoundment of vehicles is an important aspect of enforcing the requirement that drivers hold a valid driver's license under § 521.021 of the Texas Transportation Code; and

WHEREAS, the City Council finds that it is important that City law enforcement officers have these enforcement powers.

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

1. A motor vehicle may be impounded with or without citation and without giving notice to its owner under the following circumstances:
 - (A) When the vehicle is stopped by a police officer for an alleged violation of a city or state traffic law or other law applicable to the operation of a motor vehicle on a roadway and the vehicle's owner, driver, operator, or person in physical control of said motor vehicle fails to show evidence of financial responsibility as required under Tex. Transportation Code, Chapter 601; or
 - (B) When the vehicle is stopped by a police officer for an alleged violation of a city or state traffic law or other law applicable to the operation of a motor vehicle on a roadway and the vehicle's owner, driver, operator, or person in physical control of said motor vehicle fails to produce a valid driver's license as required under Tex. Transportation Code, Chapter 521.
2. Impoundment, Redemption, and Disposal of a motor vehicle under this Ordinance shall be handled in accordance with the existing policies and practices of the City of Riesel Police Department and State law. As with any other redemption of an impounded vehicle, the owner/operator is 100% responsible for towing and storage costs.
3. Severability Clause. If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City of Riesel hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

4. Publication. The City Secretary shall publish the caption of this Ordinance in the City's official newspaper.
5. Effective Date. This Ordinance shall become effective on the date of the publication of its caption.

Signed this 11th day of October, 2022.

Marshall Shree
Mayor Pro Tem

Attest:

Alisha Hanary
City Secretary

