

ORDINANCE NO. CC 2026-__

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA HABRA, CALIFORNIA, AMENDING CHAPTER 5.40 ("TOWING SERVICES") OF TITLE 5 ("BUSINESS TAXES, LICENSES AND REGULATIONS") OF THE LA HABRA MUNICIPAL CODE AND MAKING A DETERMINATION THAT THIS ORDINANCE IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

WHEREAS, the City has the authority under Section 7 of Article XI of the California Constitution to make and enforce laws to preserve the public health, safety and welfare; and

WHEREAS, the City Council finds that updating the City's existing regulations on businesses providing towing services to comply with the current state of the law will promote the public health, safety and welfare.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF LA HABRA DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. The above recitals are true and correct and are adopted as the City Council's findings.

SECTION 2. Chapter 5.40 ("Towing Services") is hereby added to Title 5 ("Business Taxes, Licenses and Regulations") of the La Habra Municipal Code as follows:

Chapter 5.40 Towing Services

5.40.010 Definitions.

The following words shall have the following meanings:

"Public automobile storage facility" means any vehicle storage facility which provides to the public the service of storing or holding vehicles.

"Illegally parked vehicles" means any vehicle parked in violation of the laws of the city of La Habra, the county of Orange, or the state of California.

"Tow service" means any service whereby vehicles are towed or otherwise removed from one place to another.

"Tow truck" means any vehicle or device used to tow or otherwise remove vehicles from one place to another.

5.40.020 Permit - Required.

No person, association, firm or corporation whose principal place of business is located within the city shall engage in tow service without first having obtained a permit pursuant to this chapter.

5.40.030 Permit – Application – Fee.

Any person desiring to obtain or renew a permit to tow or impound illegally parked vehicles from public or private property locations within the city shall make application pursuant to Section 5.40.050. Each application shall be accompanied by a nonrefundable application fee as set by resolution, which may be adjusted from time to time by council resolution.

5.40.040 Permit – Application - Contents.

An applicant for a permit shall submit the following information:

- A. The full name, business and residence address of the applicant;
- B. The location, description and hourly availability of the tow trucks owned or operated by the applicant;
- C. The addresses of the available public automobile storage facilities that the applicant will use for housing all vehicles towed from public or private property. Such storage facility must be located in the city or within five miles of the city limits;
- D. Written proof that the applicant is over eighteen years of age;
- E. The names, addresses and driver's license numbers of all tow truck operators employed by the applicant. Applicant shall provide this information for any employees hired after issuance of the permit;
- F. The business, occupation or employment history of the applicant for the three years immediately preceding the date of the application;
- G. The business license and permit history of the applicant, owner or profit interest holder in the tow service company;
- H. All criminal convictions of applicant, including vehicle code violations;
- I. Such other identification and information reasonably necessary for the city to determine the fitness of the applicant.

5.40.050 Permit – Application – Form – Investigation - Determination.

- A. An applicant for a permit under the provisions of this chapter shall obtain the form from the police department. Upon receipt of a completed application, the police department will thereafter notify the permit applicant of a date and time in which to personally appear at the police department. The department shall have a reasonable time in which to investigate the application and the background of the applicant. Based upon such investigation, the chief of police, or his/her designee, shall approve or deny the permit.
- B. The city building department and the fire department may, on the request of the chief of police, inspect the premises proposed to be devoted to that of an automobile storage facility and shall make recommendations to the chief of police.
- C. The chief of police shall not grant a permit if, based upon his investigation, he/she finds any one or more of the following:
 - 1. Evidence showing that the permit applicant has deliberately falsified the application; or
 - 2. The permit applicant fails to furnish the information and documents required by this chapter; or
 - 3. An inspection or investigation by the city building department, police department or fire department reveals a deficiency, violation or course of conduct that endangers the peace, health, safety and general welfare of the public; or
 - 4. The operation as proposed by the applicant, if permitted, would not comply with all applicable laws; or
 - 5. The applicant is not of the age of eighteen years, or older; or
 - 6. The applicant's fee schedules contain rates that are more than the rates charged by the city contracted police towing service.
- D. The chief of police, after receiving the information described in subsections A, B and C of this section, may, in his/her discretion and judgment, grant or deny a permit. In the event the permit is denied, written notice of such denial shall be given to the applicant specifying the grounds for such denial. Notice of the denial of the permit shall be deemed to have been served upon personal service of applicant or when deposited in the United States mail with postage prepaid and addressed to the applicant at his/her last known address. Such refusal to issue a permit may be appealed to the city council under the procedures as set in Section 5.40.100.

5.40.060 Permit – Drivers required to carry.

Every tow truck operator and driver performing towing services in the city shall possess a valid permit or copy thereof issued pursuant to this chapter.

5.40.070 Permit - Nontransferable.

Upon the sale or transfer of any ownership or profit interest whether present or prospective in a tow service company, the permit issued under this chapter shall be null and void.

5.40.080 Permit – Term - Renewal.

Subject to revocation or suspension, the permit shall expire after a term of two years. The permit may thereafter be renewed by complying with all provisions of this chapter for a new permit prior to the expiration of the term.

5.40.090 Permit—Revocation—Hearing—Notification.

- A. The chief of police may suspend or revoke the permit issued under this chapter upon a determination that:
 - 1. The permit holder, his agent or employee was on notice or knew of, or should have known of, a violation of this code; or
 - 2. An inspection or investigation by the city building department, police department or fire department reveals a deficiency, violation of law or unethical course of conduct that endangers the peace, health, safety and general welfare of the public.
- B. No permit shall be suspended or revoked unless the City has provided notice and a public hearing. Notice of such hearing shall be given in writing and served at least five days prior to the date of hearing thereon. The notice shall state the grounds of the suspension or revocation and shall state the time and place where such hearing will be held.
- C. This notice shall be served upon the permit holder by delivering the same to such person or by leaving such notice at the place of business or residence of the permit holder. If the permit holder cannot be found with due diligence and the service of such notice cannot be made in the manner herein provided, a copy of such notice shall be mailed, postage fully prepaid, addressed to the permit holder at his/her place of business or residence at least five days prior to the date of such hearing.

5.40.100 Permit—Denial or revocation—Appeal.

- A. Within ten days from the date of notification of the police chief's denial of a permit or the police chief's imposition of a suspension or revocation pursuant to these provisions, the affected permit applicant or holder may appeal in writing by notice to the city clerk. The written appeal shall include the grounds for appeal. The city clerk shall schedule the appeal for a public hearing before the city council.

- B. The city council may uphold or reverse the police chief's decision, and such decision shall be final upon the applicant or permit holder. The city council may elect to review any determination of the grant or denial of a permit or, of a suspension or revocation.

5.40.110 Towing from private property – Warning signs required.

The permittee shall not tow from private property unless the private property has displayed signs visible from twenty-five feet at each vehicular entrance and exit that contain the information required by this section. There shall also be displayed one additional sign, visible from twenty-five feet, for each twenty-two thousand five hundred square feet of parking area. Each sign shall contain the following message:

Private Property

No Parking—Unauthorized Vehicles Subject to tow-away at owner's expense.

La Habra Police Department
Telephone: 562-383-4300

The words "Private Property" must be printed in red on a white background. The size of each letter in the words "Private Property" must be two inches in height, two inches in width, and must be printed with at least one-fourth-inch brush strokes (width). All other lettering and numbers must be at least one inch in height, three-fourths inch wide, and with a three-sixth wide brush stroke.

5.40.120 Towing from private property—Notification of police department required.

Before removing any illegally parked vehicle from private property, the tow service operator must notify the police department of the following:

- A. The name, address and phone number of the person authorizing removal of the illegally parked vehicle from private property;
- B. The location of the private property from which the vehicle is to be removed;
- C. The name, address and telephone number of the location where the vehicle is to be stored;
- D. The license number, model and color of the vehicle to be removed;
- E. The name and address of the person reporting the private property impound.

5.40.130 Storage of cars towed from private property.

The illegally parked vehicle removed from private property shall be towed or otherwise transported to the nearest available public automobile storage facility. The "nearest available public automobile storage facility" is defined as that facility which is closest to

the private property from which the illegally parked vehicle was towed or otherwise removed, or the storage lot of the permittee if approved by the chief of police.

5.40.140 Rates.

- A. The permittee shall maintain on file with the police department a current rate schedule indicating all charges for towing and storage services. The charges for towing and storage service of illegally parked vehicles removed from private property shall be assessed according to the rate schedule on file at the police department.
- B. If the vehicle owner returns before their vehicle is removed from private property, the maximum fee the tow service can impose is twenty dollars.
- C. Tow companies and storage facilities where vehicles are stored must accept valid bank credit cards and cash payments.
- D. Tow service companies shall not charge fees that exceed the rates established by the City for police department tow services.
- E. Tow companies will be responsible for damage to vehicles removed from private property and liable for wrong vehicles removed.

5.40.150 Business license requirements not waived by chapter provisions.

Nothing in this chapter shall constitute a waiver of the requirements for the issuance and possession of a business license.

5.40.160 Applicability of provisions to existing businesses.

The provisions of this chapter shall be applicable to all persons and businesses described in this chapter whether the activities described herein were established before or after the effective date of this chapter, except that those in business as of the date of enactment of this chapter shall have ten days to make application for a permit.

5.40.170 Violations.

Every person, whether acting as an individual owner, employee of the owner, operator or employee of the operator, or whether acting as a mere helper for the owner, employer or operator, or whether acting as a participant or worker in any way, who operates or conducts a towing service without first obtaining a permit and paying for a license to do so from the city, or shall violate any provisions of this chapter, shall be guilty of a misdemeanor.

SECTION 3. The City Clerk shall certify to the passage and adoption of this ordinance and shall cause the same to be published in the manner required by law. This ordinance shall become effective thirty (30) days from and after its passage.

SECTION 4. The City Council finds that there is no possibility that the adoption of this ordinance may have a significant adverse effect on the environment under CEQA guideline section 15061(b)(3).

PASSED AND ADOPTED at a regular meeting of the City Council of the City of La Habra held on the _____ day of _____, 2026.

José Medrano
Mayor

ATTEST:

Rhonda J. Barone, CMC
City Clerk

STATE OF CALIFORNIA }
COUNTY OF ORANGE } SS
CITY OF LA HABRA }

I, Rhonda J. Barone, CMC, City Clerk for the City of La Habra, do hereby certify that the above and foregoing is a true and correct copy of Ordinance No. CC 2026-__ which was duly passed and adopted at a regular meeting of the City Council of the City of La Habra held on the _____ day of _____, 2026, by the following vote:

AYES: COUNCILMEMBERS:
NOES: COUNCILMEMBERS:
ABSENT: COUNCILMEMBERS:
ABSTAIN: COUNCILMEMBERS:

Said ordinance has been published or posted pursuant to law.

Witness my hand and the official seal of the City of La Habra the _____ day of _____, 2026.

Rhonda J. Barone, CMC
City Clerk