

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 ~~and 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.

(Ord. 1211, 1983)

§ 5.40.020. Permit—Required.

No person, association, firm or corporation ~~whose principal place of business is located within the city shall engage in, conduct or carry on, the business of towing or impounding vehicles from a public or private property location, tow service within the city~~ without first having obtained a permit pursuant to this chapter.

(Ord. 1211, 1983; Ord. 1406 § 1, 1991)

§ 5.40.030. Permit—Application—Fee.

A. 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.

B. 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.

(Ord. 1211, 1983; Ord. 1213 §§ 2, 3, 1983)

§ 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 ~~will~~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;
- 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. (Ord. 1211, 1983)

Formatted: Right: 0.38"

§ 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 ~~chief of police or his designee and complete and return it to him~~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. ~~It determines that~~ Aan inspection or investigation by the city building department, police department or fire department reveals a deficiency, violation ~~of 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, ~~including, but not limited to, this code;~~ 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 ~~fifty percent above 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 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.

(Ord. 1211, 1983)

§ 5.40.060. Permit—Drivers required to carry.

Every permitted tow truck operator and driver performing towing services ~~of illegally parked vehicles from private property~~ in the city shall have on his person possess a valid permit or copy thereof issued pursuant to this chapter.

(Ord. 1211, 1983)

§ 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. ~~A new application shall be made deleting the person who no longer holds any ownership or profit interest and naming the person who has been sold or transferred ownership or profit interest in the tow service. A fee of one hundred dollars shall be payable for the application and all the provisions of this chapter shall apply to such new application. The fee may be adjusted by resolution.~~

(Ord. 1211, 1983)

§ 5.40.080. Permit—Term—Renewal.

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

(Ord. 1211, 1983)

§ 5.40.090. Permit—Revocation—Hearing—Notification.

- A. The chief of police may suspend or revoke the permit issued under this chapter when he determines 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 hearing and notice thereof be given. 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 ~~complaint against the holder of such permit, or against the business carried on by the permittee at the tow servicesuspension 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 place of business or residence at least five days prior to the date of such hearing.

~~D. It is unlawful for any person to conduct or carry on the business of towing illegally parked vehicles from private property until a permit, suspended or revoked, has been reinstated by the chief of police.~~

(Ord. 1211, 1983)

§ 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 ~~is to~~must include the ~~reasons the police chief's decision should be reversed~~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. ~~Also, T~~the city council may elect to review any determination of the grant or denial of a permit or, of a suspension or revocation.

(Ord. 1211, 1983)

§ 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: ~~691-0941~~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~~

§ 5.40.110

§ 5.40.140

~~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.~~

~~A. Owners of private property open to the public for parking shall not remove a vehicle until parked over one hour.~~

~~1. Property owner liable for double storage cost if waiting period violated.
(Ord. 1211, 1983; Ord. 1262, 1986)~~

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

A. Before authorizing a tow service to remove any illegally parked vehicle from private property ~~the a permitted owner or person in lawful possession of the private property~~ tow service operator must notify the police department of the following:

1. The name, address and phone number of the person authorizing removal of the illegally parked vehicle from private property;
2. The location of the private property from which the vehicle is to be removed;
3. The name, address and telephone number of the location where the vehicle is to be stored;
4. The license number, model and color of the vehicle to be removed;
5. The name and address of the person reporting the private property impound.

~~B. It is the responsibility of the tow service operator to ensure that the police department is notified by the owner or person in lawful possession of the private property prior to the tow service operator removing any illegally parked vehicle.
(Ord. 1211, 1983)~~

§ 5.40.130. Storage of cars towed from private property.

~~The~~ All illegally parked vehicles removed from private property and towed by a permitted tow company 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.
(Ord. 1211, 1983)

§ 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.

~~A.B.~~ If the vehicle owner returns before their vehicle is removed from private property,

Formatted: Numbered + Level: 1 + Numbering Style: A, B, C, ... + Start at: 1 + Alignment: Left + Aligned at: 0.75" + Indent at: 1.08"

the maximum fee the permitted tow service can impose is twenty dollars.

~~B.C. Permitted~~ ~~Tow~~ companies or storage facility where vehicles are stored must accept valid bank credit cards ~~or and cash and must have sufficient money transaction.~~

~~C.D. Tow service~~ ~~companies shall not charge fees that exceed the rates established by the police department for tow services,~~ ~~s who charge excessive fees (higher than indicated in contract with the police department) will be liable to vehicle owner for four times the amount charged.~~

~~D.E.~~ Tow companies will be responsible for damage to vehicles removed from private property and liable for wrong vehicles removed.

(Ord. 1211, 1983; Ord. 1262, 1986)

§ 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.

(Ord. 1211, 1983)

§ 5.40.160. Applicability of provisions to existing businesses.

The provisions of this chapter shall be applicable to all persons ~~and businesses providing tow services~~ described in this chapter ~~whose principal place of business is within the city~~ 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.

(Ord. 1211, 1983)

Formatted: Font: (Default) Times New Roman

§ 5.40.170. Violation—Penalty.

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 ~~and whose principal place of business is within the city~~ 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.

(Ord. 1211, 1983)

Formatted: Font: (Default) Times New Roman