

RESOLUTION NO. 4741

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF REDLANDS ESTABLISHING FRANCHISE GRANTEE TOWING AND STORAGE GARAGE RATES OF CHARGE AND OPERATING PROCEDURES EFFECTIVE WITHIN THE CITY OF REDLANDS AND RESCINDING RESOLUTION NO. 4496.

THE CITY COUNCIL OF THE CITY OF REDLANDS does resolve as follows:

SECTION ONE: Under provisions of Chapter 5.80 of the Redlands Municipal Code, the City Council of the City of Redlands hereby prescribes the following rates of charge and operating procedures for tow-truck and storage garage services with the City of Redlands.

SECTION TWO: The maximum permissible rates of charge relating to tows in response to calls placed by the Redlands Police Department to a Grantee shall be as follows:

A. Rates of Charge:

1. Hourly Rates

- a. The hourly rate for towing shall be computed from portal to portal and may be at a one hour minimum as indicated below. Charges in excess of one hour shall be computed in 15 minute increments.

1. Class A (up to 19,500 lbs.)

\$80.00 per hour

2. Class B (19,501-33,000 lbs.)

\$125.00 per hour

3. Class C (over 33,000 lbs.)

\$150.00 per hour

- b. The Grantee shall use the smallest class of tow truck possible to safely accomplish the tow. If that class of tow truck is unavailable the Grantee shall not charge the vehicle owner(s) more than the rate for the truck appropriate to accomplish the tow.
- c. Normal sweeping, coverage of oil spots with sand and gravel and general clean-up at the scene is not chargeable labor, but is considered part of the basic charge and is the legal responsibility of the tow-truck operator.

- d. Towing charges shall not be charged until the vehicle being towed is actually removed and in transit.
- e. Secondary towing requested by the customer may be negotiated by the Grantee in accordance with his/her business practices.

2. Storage Rates

- a. Storage rates, whether inside or outside, shall not exceed 20% of the hourly tow rate.
- b. Storage rates shall be calculated by calendar day, beginning four hours after the tow.

3. Service Calls

- a. Rates for service calls shall not exceed the hourly tow rate with a 30 minute minimum. Charges in excess of 30 minutes shall be computed in 15 minute increments.

4. After Hours Release Fee

- a. The fee for releasing vehicles or property after 6:00 P.M. and before 7:00 A.M., requiring the operator or his/her employee to make a special trip to the storage facility, shall not exceed \$25.00.

5. Lien Sale Fees

- a. Lien sale fees are regulated by the California Civil and Vehicles Codes.
- b. Lien sale fees shall not commence until the Grantee requests the names and addresses of all persons having an interest in the vehicle from the Department of Motor Vehicles.
- c. Lien sale fees shall not be made in the case of any vehicle redeemed before the third day of the Grantee's possession (CCC 3073).
- d. Tow operators shall inform vehicle owners of the amount and nature of any lien sale fees and allow the vehicle owner(s) to inspect the relevant paperwork upon request.
- e. No lien shall attach to any personal property in or on a towed or stored vehicle. The personal property in or on the vehicle shall be given to the registered owner or the owner's authorized agent upon demand (CVC 22851b).

6. Additional Charges

- a. Only those charges enumerated in this ordinance, and any applicable state statutes, shall be charged for towing and storing a vehicle at the request of the Redlands Police Department.

B. Disputed Charges:

1. In the event of a dispute over any tow charges relating to a vehicle towed at the request of the Redlands Police Department the supervising officer of the police department's Traffic Safety Section, or his designee, shall adjudicate the issue and decide the appropriate rate of charge pursuant to this Resolution and applicable local and state statutes.
2. The decision of the police department supervising officer deciding the issue may be appealed to a hearing officer appointed by the Chief of Police. This appeal must be filed, in writing, with the police department within 10 working days of the tow or storage.
3. The appealing party shall be afforded a hearing on the disputed charges within five working days of the date the written appeal was filed with the police department. The hearing officer shall notify the appealing party of his findings and decision within five working days of the hearing date.

C. Billing:

1. Grantees shall provide the owner(s) of vehicles towed at the request of the Redlands Police Department with an itemized bill for tow charges.

D. Payment of Towing or Storage Charges:

1. Grantees shall accept a valid bank credit card or cash for payment of towing and storage by the registered or legal owner, or their agent, claiming the vehicle. In addition, grantees shall have sufficient funds on their business premises to accomodate and make change in a reasonable monetary transaction (CVC 22651.1).

E. Posting:

1. A copy of the above rates of charge, shall be conspicuously posted in the Grantee's place of business.

SECTION THREE: The following tow-truck operating rules shall be complied with by all Grantees of franchises awarded by the City Council of the City of Redlands under Chapter 5.80 when responding to calls initiated by the Redlands Police Department:

- A. Request for any type of towing service received from the Redlands Police Department shall not be accepted unless the driver and the tow-truck or equipment requested are immediately available.
- B. Grantees shall respond to Police Department calls within the maximum response time established by the Chief of Police. If the Grantee is unable to do so he/she must so inform the police personnel requesting the tow service at the time the request is made.
- C. Request for any type of towing services received from the Redlands Police Department shall not be referred to another towing agency. If Grantee cannot respond after accepting the dispatch, notification must be made to the Redlands Police Department immediately. If Grantee receives a referral from another towing agency to respond to a call, approval to respond shall first be obtained from the Redlands Police Department.
- D. When request for towing services due to an accident is received from a private party, response is prohibited until the appropriate police agency has been notified.
- E. Drivers of tow vehicles shall be competently familiar with City of Redlands street locations.
- F. Speed and driving procedures enroute to a tow shall be entirely within lawful limits.
- G. Upon arrival at the tow scene, the tow-truck operator shall:
 - 1. Park legally off the roadway unless directed by a police officer to do otherwise.
 - 2. Pull into the median strip and park in the median strip only if the disabled vehicle(s) is in the median strip.
 - 3. Not stop or park in a moving traffic lane at any time unless directed by a police officer to do so.

- H. As indiscriminate use of extra lights often times confuses motorists or detracts from their driving attention and can cause unnecessary congestion and hazard, tow-trucks shall not be allowed to use revolving or flashing lights at the scene except during periods when the tow-truck is actually a hazard to moving traffic.
- I. As police officers must be allowed to complete their investigation as well as furnish traffic direction and protection during the hook-up, hooking-up to and moving disabled vehicles at accidents shall only be done after being so directed by a police officer.
- J. Before leaving the scene, tow-truck operators shall clean up all debris from the accident (required by California Vehicle Code Section 27700). Failure to clean the scene of debris from, or caused by the towed vehicle, shall subject Grantee to disciplinary actions in accordance with this resolution.
- K. When towing disabled vehicles:
 - 1. Revolving or flashing lights to the front shall not be used.
 - 2. A flashing amber light may be exposed to the rear when towing at a speed lower than the normal flow of traffic. (NOTE: Probably the only place where this provision would apply would be on a freeway when extremely slow speeds are used. Flashing lights to the rear never take the place of required rear lighting.)
 - 3. Tow-trucks must be equipped with a portable electrical extension for tail lights and stop lights.
 - 4. During daylight, a stop light must be displayed on the towed vehicle if the lights from the tow-truck are not plainly visible to the rear.
 - 5. During darkness, a tail light must be lighted on the rear of the towed vehicle.
- L. Grantee's name (company name), address, and phone number shall be displayed on each side of the tow-truck.
- M. As pickup trucks do not fall into any category stated in Sections 25256 through 25274 of the California Vehicle Code, the use of flashing amber lights thereon is prohibited.

SECTION FOUR: THE following procedures shall regulate disciplinary actions against Grantees violating any Redlands City Ordinance or state law regulating tow truck and storage garage services:

A. Disciplinary actions

1. The following written reprimand and suspensions from the Redlands Police Department's "Tow Rotation List" shall be taken by the Chief of Police, or his designee, against any Grantee for violations of this ordinance, the Redlands Municipal Code or state or federal law investigated and found true:

- a. 1st Violation within 12 Consecutive Months

Written reprimand issued by the Police Department

- b. 2nd Violation within 12 Consecutive Months

30 days suspension

- c. 3rd Violation within 12 Consecutive Months

90 days suspension

- d. 4th Violation within 12 Consecutive Months

1 year suspension

B. Hearing

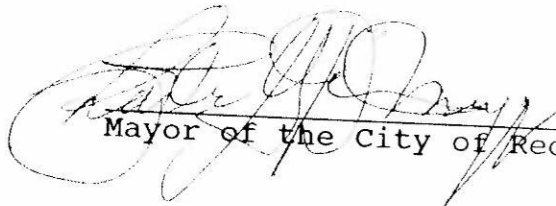
1. In the event the Redlands Police Department serves a Grantee with a letter of reprimand or suspension the Grantee may request a hearing within five working days with the Chief of Police who shall appoint a command officer to conduct the hearing. The Grantee shall be entitled to present all relevant facts in support of his/her position.
2. The Grantee shall be notified within five working days of the hearing officer's findings and decision.
3. The Grantee may appeal a written reprimand or suspension to the City Manager.

C. Effective Date of Suspension

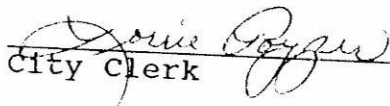
1. A written reprimand shall not be issued, nor a suspension take effect, until the hearing process has been exhausted, with the exception of Grantees whose conduct is deemed to be a danger to the public or whose conduct grossly violates the Redlands City Ordinances or state laws regulating towing operations.

SECTION FIVE: That Resolution No. 4496 of the City Council of the City of Redlands is hereby rescinded.

ADOPTED, SIGNED AND APPROVED this 19th day of February, 1991.

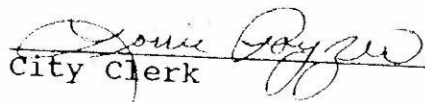

Mayor of the City of Redlands

ATTEST:


City Clerk

I, Lorrie Poyzer, City Clerk of the City of Redlands, hereby certify that the foregoing resolution was duly adopted by the City Council at the regular meeting thereof held on the 19th day of February, 1991 by the following vote:

AYES: Councilmembers Beswick, Cunningham, Larson, Milson;
Mayor DeMirjyn
NOES: None
ABSENT: None


City Clerk