

CHAPTER 21. TOWING COMPANIES

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5-21-1. Purpose and intent.

(1) It is hereby declared by the Tooele City Council that, pursuant to the authority granted by state law and the city charter, in order to protect the public, to protect the rights of persons whose cars may be towed, and to preserve the peace of the community, the licensing and regulation of business enterprises engaged in the practice of towing, removing, and storing of motor vehicles from public rights-of-way and from private property are matters affecting the public interest, and any person desiring to conduct such a business enterprise shall be required to obtain a business license and to obey the regulations of this Chapter and this Title.

(2) The purpose of this Chapter is, further, to provide a uniform system for the licensing and regulation of business enterprises which are engaged in or which intend to engage in the practice of towing, removing, and storing of motor vehicles which are parked illegally or dangerously in the public right-of-way or which are parked on private property, allegedly without permission of the owner of the private property, or parked allegedly beyond the time paid for or authorized.

(Ord. 2016-12, 07-06-2016) (Ord. 1988-27, 09-07-1988)

5-21-2. License required.

(1) It shall be unlawful for any business enterprise to engage in the business of towing, removing, and storing of motor vehicles, which are parked illegally or dangerously in the public right-of-way or which are parked on private property without the permission of the owner of the private property, without first having secured a business license from the city to do so, if the business has a business location in Tooele City.

(2) There is no requirement that employees of such business enterprise have a business license otherwise required by this Title. The business enterprise itself shall apply for, obtain, and maintain the business license.

(Ord. 2016-12, 07-06-2016) (Ord. 1988-27, 09-07-1988)

5-21-3. Definitions.

As used in this Chapter :

(1) "Business Enterprise" means a unit of economic organization or activity in the form of person, firm, partnership, corporation, trust, association, or other business entity.

(2) "Property Owner" means any person in lawful possession of private property, including but not limited to the legal title holder, lessee, or property manager. In no case shall any owner, operator, or agent of a business enterprise engaged in the towing of vehicles be considered a property owner unless they are the legal title holder or in possession of said property.

(3) "Removing" means the act of changing, by towing, the location of a parked vehicle from its location in the public right-of-way or on private property to a storage site.

(4) "Storing" means to place and to leave a towed vehicle at a site where a business enterprise exercises control and supervision over the vehicle.

(5) "Towing" means drawing or pulling a vehicle by means of another vehicle equipped with booms, car carriers, winches, or other similar equipment.

(Ord. 2016-12, 07-06-2016) (Ord. 1988-27, 09-07-1988)

5-21-4. Issuance, renewal and denial of license.

(1) The Department, in consultation with the Police Department, shall approve the issuance or renewal of a business license hereunder where the Department finds:

(a) that the applying business enterprise does not have as an officer, director, partner, manager, or sole proprietor, a person who is or was an officer, director, partner, manager, or sole proprietor of a business enterprise which has had its towing license revoked by action of Tooele City within five years of the date of application, or who has been convicted of any theft-related crime or a crime involving violence within seven years of the date of the application; and,

(b) that the tow or storage yard has been inspected and found to be in compliance with the requirements of this Chapter, the fire code, and all other applicable state and local laws and regulations.

(2) A business license issued or renewed pursuant to the provisions of this Title shall not be assignable or transferable from one business enterprise to another business enterprise.

(3) The business license shall remain valid through December 31st of any given year unless sooner revoked or suspended.

(Ord. 2019-26, 11-20-2019) (Ord. 2016-12, 07-06-2016) (Ord. 1988-27, 09-07-1988)

5-21-5. Fees.

In accordance with the policy of the City, the costs of the enforcement of laws regulating towing businesses shall be borne by the business license applicant, licensee, or permittee, and current costs shall be reflected in the fees required for such license or permit. (Ord. 2016-12, 07-06-2016) (Ord. 1988-27, 09-07-1988)

5-21-6. Rates and charges.

It shall be unlawful to:

(1) Tow or remove or store a vehicle unless the business enterprise shall file and keep on record with the Department and the Police Department a complete copy of the current rates charged for the towing and storage of vehicles and copies of all written contracts or agreements between the business enterprise and property owners which relate to the towing and removal of vehicles.

(2) Tow or remove or store a vehicle unless the current rates charged for the towing and storage of vehicles are posted in an open and conspicuous public place on the premises from which the vehicle is removed and of the business enterprise doing the towing.

(3) Pay or rebate money, or solicit or offer the payment or rebate of money, or other valuable consideration, to property owners for the privilege of towing or removing vehicles from their property. (Ord. 2019-26, 11-20-2019) (Ord. 2016-12, 07-06-2016) (Ord. 1988-27, 09-07-1988)

5-21-7. Accountability and inspection.

A record of all towing and storage transactions relating to the impounding of vehicles from private property shall be maintained and kept on file in the office of the business enterprise. Such records shall include consecutively numbered receipts for all transactions, and shall be available for inspection during normal working hours of the business by the Department or the Police Department. (Ord. 2019-26, 11-20-2019) (Ord. 2016-12, 07-06-2016) (Ord. 1988-27, 09-07-1988)

5-21-8. Notice requirements.

It shall be unlawful to tow or remove or store a vehicle unless notice is posted on the private property from which the towing, removing, or storing is made. Such notice shall fulfill the requirements of state law. (Ord. 2016-12, 07-06-2016) (Ord. 1988-27, 09-07-1988)

5-21-9. Regulations.

It shall be unlawful to:

(1) Tow or remove or store a vehicle except upon the express written authorization issued to the business

enterprise by the person in lawful possession of the private property or his agent or employee. Such authorization shall include the make, model, and license number of the vehicle to be towed and shall be signed by the property owner or his agent or employee immediately prior to or at the time of towing.

(2) Tow or remove or store a vehicle where the registered owner or other legally authorized person in control of the vehicle arrives at the scene of potential towing prior to towing or removal and promptly removes the vehicle or establishes authorization for the vehicle's presence.

(3) Tow or remove a vehicle occupied by a person or persons.

(4) Tow or remove or store a vehicle unless the towing business enterprise notifies the city police department immediately upon arrival at the garage. Such notification shall include the storage site, the time the vehicle was towed or removed, and the make, model, color, license plate number and vehicle identification number of the vehicle. The person making the notification shall obtain the name of the person at the police department to whom such information was reported and indicate the name on a trip record, together with an indication of the date and time of the day in hours and minutes that the vehicle was removed, and the authorizing party.

(5) Tow or remove or store a vehicle unless the vehicle is towed directly to the business enterprise's garage or yard, not including any temporary holding or public area.

(6) Store a vehicle in a garage or yard located further than 5 miles from the point of removal unless no closer facility is available. If no garage or yard is located within a 5-mile radius of the point of removal, the closest available garage shall be utilized; however, in no case shall a vehicle be towed further than 10 miles from the point of tow. If the business enterprise doing the towing owns no garage or yard within 5 miles, any other available storage garage or yard within 5 miles may be used.

(7) Store a vehicle in a building or fenced area that does not comply with the following requirements:

(a) If stored in an area other than a building, the yard shall be surrounded on all sides by a fence of approved construction not less than 6 feet high and maintained in good condition.

(b) The business name, address, and telephone number shall be displayed on the exterior of such building or fence in such a manner to be visible for 50 feet and in compliance with city sign ordinances.

(c) Exterior portions of such business must be maintained free of oil, parts, and wash.

(d) No vehicle or part thereof may be placed closer than 2 feet from any fence or wall.

(e) Tow or remove or store a vehicle without

24-hour telephone access and vehicle release availability. During nonbusiness hours, tow companies shall not be required to release vehicles except upon request of a police supervisor.

(Ord. 2016-12, 07-06-2016) (Ord. 1988-27, 09-07-1988)

5-21-10. Revocation or suspension.

In addition to the grounds enumerated elsewhere in this Chapter and in Chapter 1 of this Title, in the event that any person holding a license or permit issued pursuant to this Chapter is convicted of any of those crimes enumerated in Section 4 of this Chapter or repeatedly fails to comply with city or state vehicle code regulations regarding towing and storage of vehicles, the Director may, in addition to other penalties provided by this Code, suspend or revoke the business license or permit.

(Ord. 2019-26, 11-20-2019) (Ord. 2016-12, 07-06-2016) (Ord. 1988-27, 09-07-1988)

5-21-11. Penalty.

Any person, firm, or corporation violating any provision of this ordinance shall be guilty of a class "B" misdemeanor, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

(Ord. 2016-12, 07-06-2016) (Ord. 1988-27, 09-07-1988)

5-21-12. Appeal.

The licensee may appeal the Director's decision to revoke or suspend the license to the Administrative Hearing Officer, under Chapter 1-28, by filing a written appeal with the City Recorder, within ten days of the Director's notice of revocation or suspension.

(Ord. 2019-26, 11-20-2019)