

ORDINANCE NO. 2022-_____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE ELSINORE,
CALIFORNIA, AMENDING AND RESTATING CHAPTER 12.14 OF THE LAKE
ELSINORE MUNICIPAL CODE REGARDING ROTATIONAL TOWING
SERVICES**

WHEREAS, the City Council desires to amend and restate Chapter 12.14 of the Lake Elsinore Municipal Code in order to revise and update the provisions related to rotational towing services and the franchise granted by the City Council to provide such services.

**THE CITY COUNCIL OF THE CITY OF LAKE ELSINORE DOES ORDAIN
AS FOLLOWS:**

Section 1. Chapter 12.14 of the Lake Elsinore Municipal Code is hereby amended and restated as follows:

Chapter 12.14
ROTATIONAL TOWING SERVICES

Sections:

12.14.010	Purpose and intent.
12.14.020	Definitions.
12.14.030	Tow truck operator franchise.
12.14.040	Nonexclusive franchise.
12.14.050	Selection of franchisees.
12.14.060	Rotation system.
12.14.070	Vehicle impound cost recovery fee.
12.14.080	Franchise fees.
12.14.090	Franchise agreements.
12.14.100	Additional services to be provided.
12.14.110	Authority to maintain City towing operations and towing yard.

12.14.010 Purpose and intent.

It is the intent of this chapter and any subsequent amendments thereto to prescribe the basic regulations for the operation of the City of Lake Elsinore ("City") and Lake Elsinore Police Department ("Police Department") towing service in emergency situations and in the removal of vehicles that are abandoned, involved in an accident, or constitute an obstruction to traffic because of mechanical failure. It is the purpose of the City Council in enacting this chapter to provide a fair and impartial means of distributing requests for towing services among qualified franchises, and to ensure that such service is prompt and reasonably priced, and in the best interests of the public as well as the interest of efficient policing operations for the removal of such vehicles from public streets.

12.14.020 Definitions.

For purposes of this chapter, the following terms, phrases, words, and derivations shall have the meaning given in this section:

"City Manager" means the City Manager of the City of Lake Elsinore.

“Franchise agreement” means an agreement between the City and a franchisee for the purpose of providing towing services as provided in this chapter.

“Franchisee” means a certain tow truck operator to which the City Council may, by the adoption of a resolution or ordinance, grant a nonexclusive franchise for purposes of providing towing services to the City under and pursuant to the provisions of this chapter.

“Police Chief” means the Chief of Police of the Police Department of the City of Lake Elsinore.

“Police Department” means the Police Department of the City of Lake Elsinore.

“Tow truck operator” means a towing company and the owner(s) and/or managing employee(s) of a towing company.

12.14.030 Tow truck operator franchise.

The City Council may at its discretion, by the adoption of a resolution or ordinance, grant a nonexclusive franchise to a tow truck operator (“franchisee”) to provide towing services to the City under and pursuant to the provisions of this chapter.

12.14.040 Nonexclusive franchise.

A. All franchises granted to franchisees pursuant to this chapter shall be nonexclusive and shall be for a term to be specified by the City Council in the resolution granting a franchise hereunder and in the franchise agreement between the City and the franchisee.

B. No provisions of this chapter shall be deemed to require restricting the number of franchises to one or any particular number, and no provision of this chapter shall be deemed to require the City Council to grant any franchise if the City Council determines that the grant of any such franchise is not in the best interest of the City and the public.

12.14.050 Selection of franchisees.

A. The selection of the franchisees shall be done through a competitive selection process. Upon any opening(s) on the rotation list, the City Manager shall issue a notice of request for qualifications (RFQ) to solicit interested tow truck operators. The RFQ shall be posted on the City’s website and posted on a website devoted to procurement services, bid and vendor management such as Planetbids.com.–Responses to the RFQ shall be due no earlier than 20 days following posting of the notice as required herein.

B. The Police Chief, in coordination with the City Manager or designee, shall evaluate the qualifications of the tow truck operators responding to the RFQ. No later than 60 days after receipt of the responses to the RFQ, the Police Chief shall submit to the City Council for consideration the qualifications of the tow truck operator(s) that he/she deems most qualified together with a franchise agreement as provided in LEMC 12.14.110.

C. With respect to the selection process as provided herein, the Police Chief shall determine the number of franchisees needed to provide towing services to the Police Department. In determining the required number of franchisees, the Police Chief may consider the following factors:

1. The operational needs of the Police Department;
2. Population growth;

3. The number of currently authorized franchisees and their average response time;
4. Administrative burdens imposed by the number of franchisees to be included in a rotation list; and
5. Such other reasonable factors as determined by the Police Chief.

12.14.060 Rotation system.

A. The tow truck operators who obtain a franchise pursuant to this chapter shall provide towing service to the City pursuant to the rotation system established by the Police Chief.

12.14.070 Vehicle impound cost recovery fee.

A. The vehicle impound cost recovery fee ("VICR fee") is equal to one hour of Police Officer time at the current intermediate deputy rate in effect at the time of the release of the impounded vehicle. This rate is annually reviewed, updated and approved by the Board of Supervisors for the County of Riverside

B. The City hereby establishes a VICR fee, payable when a registered owner or a legal owner seeks the release of a vehicle which the Police Department has impounded.

C. A registered owner who redeems an impounded vehicle or requests its release from a franchisee's storage facility shall first pay to the Police Department the VICR fee.

D. The Police Department may waive the VICR fee due to extenuating circumstances. It is not the intention of the City nor the Police Department to penalize victims. Circumstances under which the VICR fee may be waived include the impounding of recovered stolen or embezzled vehicles, and vehicles impounded due to driver injury or incapacitation.

12.14.080 Franchise fees.

Any tow truck operator granted a franchise pursuant to the provisions of this chapter shall pay to the City franchise charges and fees as may be determined by separate resolution of the City Council. Such fee shall not exceed the City's annual cost of administration and enforcement of this chapter.

12.14.90 Franchise agreements.

All franchises granted by the City Council pursuant to this chapter shall be memorialized in a written franchise agreement between the franchisee and the City and approved by resolution of the City Council.

12.14.100 Additional services to be provided.

Franchisee shall provide to the City, at no charge, the services needed to facilitate the City's vehicle abatement program. Additionally, the franchisee will provide emergency response to aid and service City and Police Department vehicles that are one ton or less, within a reasonable radius no greater than one mile beyond the City's boundaries, at no cost to the City or Police Department.

12.14.110 Authority to maintain City towing operations and towing yard.

Nothing in this chapter shall be construed as restricting or prohibiting the City from conducting its own towing operations or maintaining its own towing yard, either in lieu of, or in addition to, any franchise awarded pursuant to this chapter.

Section 2. If any provision, clause, sentence or paragraph of this Ordinance or the application thereof to any person or circumstance shall be held invalid, such invalidity shall not affect the other provisions of this Ordinance and are hereby declared to be severable.

Section 3. This Ordinance shall become effective at 12:01 a.m. on the thirty-first (31st) day after the date of adoption.

Section 4. The City Clerk shall certify to the passage of this Ordinance and shall cause a synopsis of the same to be published according to law.

Passed and Adopted on this ____ day of _____, 2022.

Timothy J. Sheridan, Mayor

Attest:

Candice Alvarez, MMC
City Clerk

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss.
CITY OF LAKE ELSINORE)

I, Candice Alvarez, MMC, City Clerk of the City of Lake Elsinore, do hereby certify that the foregoing Ordinance No. 2022-_____ was introduced at the Regular meeting of _____, 2022, and adopted by the City Council of the City of Lake Elsinore at its Regular meeting of _____, 2022, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

I further certify that said Synopsis was published as required by law in a newspaper of general circulation in the City of Lake Elsinore, California on the _____day of _____, 2022, and on the _____day of _____, 2022.