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# CITY OF POMONA COUNCIL REPORT

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July 18, 2022

To: Honorable Mayor and Members of the City Council

From: James Makshanoff, City Manager

Submitted By: Michael Ellis, Chief of Police

**SUBJECT: INTRODUCTION AND FIRST READING OF PROPOSED ORDINANCE AMENDING POMONA CITY CODE SECTIONS 58-676 (18) AND 58-679 (A) AND (B) PERTAINING TO EQUIPMENT REQUIREMENTS AND THE ROTATION SYSTEM FOR CITY TOW FRANCHISEES**

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## **RECOMMENDATION:**

It is recommended that the City Council introduce, waive further and give first reading to the following ordinance (Attachment No. 1):

**ORDINANCE NO. 4318 – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, AMENDING POMONA CITY CODE SECTIONS 58-676 (18) AND 58-679 (A) AND (B) PERTAINING TO EQUIPMENT REQUIREMENTS AND THE ROTATION SYSTEM FOR CITY TOW FRANCHISEES**

## **EXECUTIVE SUMMARY:**

The current language pertaining to required equipment for city tow franchisees does not require the franchisees to have vehicles capable of “heavy-duty” towing. The current language also allows city tow franchisees to refuse response and forfeit their position in the tow rotation. Staff is recommending that the City Code be amended to require city tow franchisees to have vehicles capable of “heavy-duty” towing, that a second rotation system be created for “heavy-duty” tows to ensure equity amongst city tow franchisees, and that the option to refuse response and forfeit rotation position be removed.

## **FISCAL IMPACT:**

No Fiscal Impact at this time.

## **PUBLIC NOTICING REQUIREMENTS:**

No public noticing is required for this council item.

## **PREVIOUS RELATED ACTION:**

On October 21, 2002 the Council adopted Ordinance No. 3695 to amend the Pomona City Code to provide for and specify the means for the City to attain the best tow truck services for the City, establishing the Tow Service Franchise.

On June 17, 2013, the Council adopted Ordinance No. 4171 which reduced storage requirements from 200 to 100 vehicle spaces for towing franchises, clarified that vehicles must be stored and released from the same location as the tow operators' office, and continued to require that the office and storage yard shall have operated for at least two calendar years prior to applying for and obtaining a franchise.

On October 21, 2013, the Council adopted Ordinance No. 4176 which further reduced storage requirements from 100 to 75 vehicle spaces for towing franchises, and amended the requirement that franchisees must have been operating in the City for a minimum of two years. The adoption of this amendment changed the requirement to operation as a vehicle tow and storage provider for a minimum of four consecutive years within California, or operation as a contracted tow and storage provider for a public agency for a minimum of two years.

To date, no amendments have been adopted related to equipment requirements or the tow rotation established in 2002.

## **ENVIRONMENTAL IMPACT:**

No known Environmental Impact at this time.

## **DISCUSSION:**

The City of Pomona has received increasing complaints regarding the stopping, parking, and storage of large vehicles, including recreational vehicles, on City streets. These vehicles create a safety hazard for both motorists and pedestrians as these tend to block lines of sight, impair motorist and pedestrian visibility, and reduce the travel widths along City streets. The presence of these vehicles also leads to biohazardous contamination, illicit activity, and negatively impacts the quality of life for Pomona residents and visitors. Ordinance No. 4315 was introduced to amend Chapter 58, Article V, of the Pomona City Code to add Division 2.5, "Large-Vehicle Parking Regulations", in an effort to ensure adequate parking for residents of the City, to increase the safety of public streets, and to regulate the parking of large vehicles on City streets.

Large and/ or heavy vehicles, including recreational vehicles (“RV”), require the use of tow equipment designed for “heavy-duty” towing; these include, but are not limited to, heavy-duty wreckers or heavy-duty tilt trailers. There is presently no requirement in the current language of Pomona City Code 58-676 (18) that requires any of the franchise tow operators to possess a heavy-duty wrecker or heavy-duty tilt trailer capable of towing these vehicles.

The process for the disposition of unclaimed large vehicles, specifically dilapidated recreational vehicles, is an involved and drawn-out process for our tow franchise operators. The tow franchise operator must first secure the RV on their lot, which takes extra storage space due to the size. The “tanks” of the RV must then be drained and/ or sealed to prevent hazardous contamination caused by human waste present in the tanks. If the RV is not recovered by its owner, the tow franchise operator starts the several weeks’ long lien process to be able to release the vehicle from their possession through auction. Many of these vehicles do not sell at auction, and are given away or scrapped at the tow franchise operator’s expense. This process understandably places burden on our tow franchise operators, and has led to tow franchise operators refusing to respond to tow RVs for the Police Department. Out of the City’s three tow franchise operators, only one regularly responds to tow RVs; one will respond a majority of the time, and the third will not respond on the claim that they do not have sufficient equipment to tow large vehicles. On one known occasion, all three tow companies refused to respond to tow an RV.

This inequitable distribution of undesirable vehicles amongst the City’s tow franchise operators, and the proposed adoption of Ordinance No. 4315, necessitates updating the Conditions and Rotation System for City tow service franchises as defined in Article VIII of the Pomona City Code. Adopting the proposed amendments to Pomona City Codes 58-676(18) and 58-679(a) and (b) will promote a more equal distribution of burdensome vehicles amongst City tow franchise operators by requiring equipment capable of safely completing such tows, requiring response, and creating a separate tow rotation for large vehicles to promote more equal distribution. Adoption of these amendments will also facilitate Ordinance No. 4315.

Prepared by:

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Robert Scheppmann  
Police Sergeant

**ATTACHMENT(S):**

Attachment No. 1 – Proposed Ordinance No. 4318  
Attachment No. 2 – Presentation

**ORDINANCE NO. 4318**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, AMENDING POMONA CITY CODE SECTIONS 58-676 (18) AND 58-679 (A) AND (B) PERTAINING TO EQUIPMENT REQUIREMENTS AND THE ROTATION SYSTEM FOR CITY TOW FRANCHISEES**

**WHEREAS**, the City Council has considered amending the requirement for city tow franchisees to have vehicles capable of “heavy-duty” towing;

**WHEREAS**, the City Council has requested that a second rotation system be created for “heavy-duty” tows to ensure equity amongst city tow franchisees, and that the option to refuse response and forfeit rotation position be removed.

**NOW, THEREFORE, BE IT ORDAINED**, by the City Council of the City of Pomona, as follows:

**SECTION 1.** That subsection (18) of Section 58-676, “Conditions,” of Article VIII, “Tow Service Franchises,” of the Pomona City Code, are hereby amended as follows:

**Sec. 58-676. Conditions.**

- (18) The tow service operator shall have at least five tow trucks, one of which shall be a heavy-duty wrecker, or heavy-duty tilt trailer, capable of towing Class-A recreational vehicles and heavy commercial vehicles; five qualified drivers, each of whom shall be over the age of 18; and adequate equipment to handle police calls, impounds and storage of motor vehicles available when on top of the rotation list.

**SECTION 2.** That subsections (a) and (b) of Section 58-679, “Rotation System,” of Article VIII, “Tow Service Franchises,” of the Pomona City Code, are hereby amended as follows:

**Sec. 58-679. Rotation System.**

- (a) The tow truck operators that obtain a franchise pursuant to this article shall provide towing service to the city pursuant to the rotation system established by the chief of police. The chief of police shall develop a list of the franchised tow truck operators. The franchise tow truck operator at the top of the list shall be on call to provide towing service to the city in accordance with the rotation system established by the chief of police. Once a tow truck operator completes its designated on-call service, the operator's name shall be moved to the bottom of the list, and the operator then at the top of the list shall begin its designated on-call service. A separate rotation system will be implemented for the towing of heavy-duty/ recreational vehicles (RVs) that will follow the format of the rotational system implemented for other tow services. The franchised tow truck

**ATTACHMENT NO. 1**

operator is required to respond while on-call for both rotation lists. Any refusal by a franchised tow truck operator to respond for an on-call rotational tow request will result in forfeiting the position at the top of the on-call rotation in addition to a franchise agreement violation report submitted to the office of the chief of police. The city may request services from a franchised tow truck operator which is not on call or which is not franchised under this article in emergencies when the City Manager, Chief of Police or the watch commander deems an emergency to exist.

- (b) Notwithstanding subsection (a) of this section, the city also reserves the right to make a special request for a particular tow operator, out of rotation, should the circumstances necessitate the request in order to serve the best interests of the city. All franchised tow truck operators shall hold the city harmless from any mistake made in the rotation assignments.

**SECTION 3.** The City Clerk shall attest to the passage and adoption of this Ordinance, and shall cause same to be posted as required by law, and this Ordinance shall take effect thirty (30) days after its adoption.

**PASSED, APPROVED AND ADOPTED** this \_\_\_\_ day of \_\_\_\_, 2022.

**CITY OF POMONA:**

\_\_\_\_\_  
Tim Sandoval  
Mayor

**ATTEST:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Sonia Carvalho  
City Attorney

\_\_\_\_\_  
Rosalia A. Butler, MMC  
City Clerk

STATE OF CALIFORNIA  
COUNTY OF LOS ANGELES  
CITY OF POMONA

I, ROSALIA A. BUTLER, MMC, CITY CLERK of the City of Pomona do hereby certify that the foregoing Ordinance was introduced for first reading at a regular meeting of the

**ATTACHMENT NO. 1**

City Council of the City of Pomona held on \_\_\_\_\_, 2022 and was adopted at second reading at a regular meeting of the City Council of the City of Pomona held on \_\_\_\_\_, 2022, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

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Rosalia A. Butler, MMC  
City Clerk

# TOW EQUIPMENT REQUIREMENTS AND ROTATION SYSTEM FOR LARGE VEHICLES

Ordinance No. 4318

# ISSUES AT HAND

- Increase in large vehicles, including RVs, on City streets leads to reduced quality of life for residents and visitors
- Ordinance No. 4315 was developed to address these quality of life issues
- Towing and storing dilapidated large vehicles creates a burden on the tow franchise operators; the lien process and disposition is time consuming and can be costly for the tow franchise operator
- The burden of towing and storing of large vehicles has led to inequitable distribution amongst the City's tow franchise operators, because the present City Code language does not require vehicles capable of "heavy-duty" towing, and allows response refusals by tow franchise operators



# HISTORY OF

- October 21<sup>st</sup>, 2002: City Council adopted Ordinance No. 3695 to amend Pomona City Code to provide for and specify means for the City to attain the best tow truck services for the City; thus establishing the Tow Service Franchise
- July 17<sup>th</sup>, 2013: City Council adopted Ordinance No. 4171 to reduce storage requirements from 200 to 100 vehicle spaces, clarified that vehicles were to be stored and released from the tow operators' office location, and continued to require a qualification requirement that any tow franchise applicant have operated within Pomona for at least two years prior to applying for a City Tow Franchise
- October 21<sup>st</sup>, 2013: City Council adopted Ordinance No. 4176 which further reduced storage requirements from 100 to 75 vehicles, and changed the requirement that tow franchise operators had to operate in City for two years prior to application. The new requirement was operation for at least (4) years in California; or, (2) years as a contracted tow operator for a public agency
- To date, no amendments have been adopted related to equipment requirements or the tow rotation established in 2002.

# HIGHLIGHTS OF ORDINANCE 4318

- Amends Pomona City Code 58-676 (18) to require tow franchise operator applicants to have a heavy-duty wrecker, tilt-bed, or trailer, capable of towing Class-A recreational vehicles and heavy commercial vehicles.
- Amends Pomona City Code 58-679(a) to establish a separate rotation system for the towing of heavy-duty/recreational vehicle, and require tow franchise operator response while on-call for both rotational lists.
- Amends Pomona City Code 58-679(b) to remove language that reserves the right to call an operator out of order based on equipment requirements.
- **These amendments promote an equitable distribution of burdensome vehicles amongst all tow franchise operators by requiring all companies possess vehicles capable of heavy-duty towing, establishing a second rotation system specifically for heavy-duty tows, and requiring response when requested.**

THANK YOU