

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

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 1st day of August, 2022.

CITY OF POMONA:

Tim Sandoval
Mayor

APPROVED AS TO FORM:

ATTEST:

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 City Council of the City of Pomona held on July 18, 2022 and was adopted at second reading at a regular meeting of the City Council of the City of Pomona held on August 1, 2022, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Rosalia A. Butler, MMC
City Clerk