

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF PASADENA AMENDING CHAPTER 10.46 OF THE PASADENA MUNICIPAL CODE AND ADDING A NEW SECTION TO SAID CODE, RELATING TO FRANCHISES FOR POLICE TOWING SERVICES

The People of the City of Pasadena ordain as follows:

SECTION 1. Section 10.46.010 of the Pasadena Municipal Code is hereby amended to read as follows, in its entirety:

“10.46.010 Definitions.

For the purposes of this chapter, certain terms used herein are defined as follows:

- A. ‘City’ means the city of Pasadena.
- B. ‘City council’ means the city council of the city of Pasadena.
- C. ‘City manager’ means the city manager of the city or authorized representative.
- D. ‘Franchisee’ means any entity granted a franchise by the city pursuant to this chapter.
- E. ‘Police chief’ means the police chief of the city or authorized representative.
- F. ‘Police towing’ means towing of vehicles to impound or to other locations and the

storage of such vehicles as ordered and designated by authorized members of the Pasadena police department.”

SECTION 2. Section 10.46.040 of the Pasadena Municipal Code is hereby amended to read as follows, in its entirety:

“10.46.040 Nonexclusive franchise--City council authority to grant.

The city council may and is empowered to grant by the affirmative vote of 6 members, to any qualified person, a nonexclusive franchise to engage in the business of towing vehicles in response to police requests for towing services for purposes of impoundment within the city.”

SECTION 3. Section 10.46.060 of said code is hereby amended to read as follows, in its entirety:

“10.46.060 Application for franchise.

At least one time per calendar year, the city manager shall cause publication, in the manner described in Section 4.08.060 of this code, of a notice of request for applications for police towing franchises. Any person who intends to operate as a franchisee shall apply to the city by filing with the police chief, upon forms supplied by city and in accordance with the request for applications, a verified application containing at a minimum the following information:

- A. Name and address of applicant.
- B. If the applicant is a partnership, the name and address of each partner shall be set forth in the application. If the applicant is a corporation, the application shall state the names and addresses of the corporation's directors, main offices, major stockholders and associates, and the names and addresses of the parent and subsidiary companies.
- C. A list of all vehicles, including license plate numbers and vehicle identification numbers, to be used in connection with the franchise for which the application is filed.
- D. A list of all personnel assigned to perform services pursuant to such franchise accompanied by the California drivers' license number and license class of each such person.

E. Proof of insurance in a form acceptable to the city.

F. Such other and further information as the police chief may reasonably require to evaluate and process an application.”

SECTION 4. Section 10.46.120 of said code is hereby amended to read as follows, in its entirety:

“10.46.120 Term of nonexclusive franchise.

The term of any franchise granted under the provisions of this chapter shall be for 1 year with annual renewal options of up to 4 additional 1 year terms, unless earlier terminated under the terms of this chapter.”

SECTION 5. Chapter 10.46 of said code is hereby amended by adding a new section 10.46.125 to read as follows:

“10.46.125 Renewal options.

A renewal option granted a franchisee may be exercised by the franchisee’s timely filing a renewal application, upon forms supplied by city. The renewal option shall be deemed granted unless, no later than 21 days from the date of filing the renewal application, the city manager has found said franchisee not in compliance with the terms of this ordinance, the franchise, the franchise agreement or other provision of law applicable to the towing services provided pursuant to the franchise. Upon such findings, the city manager may deny the renewal option or grant it conditionally and, if denied, the franchise and all future options shall terminate.”

SECTION 6. Section 10.46.140 of said code is hereby amended to read as follows, in its entirety:

“10.46.140 Temporary suspension by city manager.

The city manager may temporarily suspend any nonexclusive franchise without a hearing under the following circumstances: whenever the continued operation by the franchisee would constitute a danger to public health, safety, welfare or public morals, including, without limitation, where there is a failure to maintain the minimum levels and standards of liability insurance or claims reserve, whenever there is a failure to keep in full force and effect any applicable licenses or permits required by federal, state or local law or whenever the franchisee has failed to observe or has defaulted in any material term of the franchise or franchise agreement including, without limitation, timely payment of franchise fees. The notice of temporary suspension may be personally delivered to the party named and to the address given on the application pursuant to which such franchise was issued, or, mailed by certified mail to the party named at the address given on the application pursuant to which such franchise was issued. The temporary suspension is effective upon the earlier of either receipt of said notice or the expiration of 5 days from the date of mailing. The notice of temporary suspension shall include a notice of the date and time for a termination hearing and all other information required by Section 10.46.130. The temporary suspension shall remain effective until the decision on termination by the city council is made pursuant to Section 10.46.130 or unless the suspension is earlier lifted by written notice of the city manager.”

SECTION 7. The City Clerk shall certify the adoption of this ordinance and shall cause this ordinance to be published in full text.

SECTION 8. This ordinance shall take effect upon the expiration of 30 days from its publication.

Signed and approved this _____ day of June, 2001.

Bill Bogaard
Mayor of the City of Pasadena

I HEREBY CERTIFY that the foregoing ordinance was adopted by the City Council of the City of Pasadena at its meeting regular held the _____ day of June, 2001 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Date Published:

Pasadena

JANE L. RODRIGUEZ, CMC
CITY CLERK

APPROVED AS TO FORM:



Nicholas George Rodriguez
Assistant City Attorney