

Introduced by: _____

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF PASADENA AMENDING TITLE 10, CHAPTER 10.46 SECTIONS 10.46.010, 10.46.020, 10.46.050, 10.46.060, 10.46.080, 10.46.090 AND 10.46.120 OF THE PASADENA MUNICIPAL CODE REGARDING THE POLICE TOWING FRANCHISE SYSTEM

The People of the City of Pasadena ordain as follows:

SECTION 1. This ordinance, due to its length and corresponding cost of publication, will be published by title and summary as permitted in Section 508 of the Pasadena City Charter. The approved summary of this ordinance is as follows:

“Summary

This proposed ordinance amends sections 10.46.010, 10.46.020, 10.46.050, 10.46.060, 10.46.080, 10.46.090 and 10.46.120 of Title 10 (Vehicles and Traffic) of the Pasadena Municipal Code to change the term of nonexclusive police towing franchises granted by the City of Pasadena from one year to three years, amend the definition of “police towing” to include the towing of vehicles as part of the Department of Transportation’s parking enforcement program, incorporate the City of Pasadena Towing Franchise System Operations Manual into Chapter 10.46 of the Pasadena Municipal Code, which regulates the police towing franchise system, and to allow the Pasadena City Council to limit the total number of towing franchises granted under this Chapter.”

SECTION 2. Pasadena Municipal Code, Title 10 (Vehicles and Traffic), Section 10.46.010 is amended as follows:

10.46.010 - Definitions.

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

"City" means the city of Pasadena.

"City council" means the city council of the city of Pasadena.

"City manager" means the city manager of the city or authorized representative.

"Franchisee" means any entity granted a franchise by the city pursuant to this chapter.

"Police chief" means the police chief of the city or authorized representative.

"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 or the towing of vehicles as part of the Pasadena Department of Transportation's parking enforcement operations.

SECTION 3. Pasadena Municipal Code, Title 10 (Vehicles and Traffic), Section 10.46.020 is amended as follows:

10.46.020 - Police impound towing franchises—Purpose and declarations.

A. It is declared and determined that the business of police towing affects the health, safety and public welfare of the residents of the city. The custody and control of vehicles owned by the public which are towed and/or stored either at the order of the Pasadena police for purposes of impound or facilitation of traffic flow or as part of the Pasadena Department of Transportation's parking enforcement operations require a high degree of proficiency with the procedures established by the California Department of Motor Vehicles and a high level of trust and confidence by the public and the city ~~police department~~ in the facilities used for storage and the personnel and equipment utilized for towing vehicles to impound, many of which may be of high value, may be or contain evidence of criminal activity, and which, if improperly towed or stored, may result in legal action against the city. The further responsibility of the police towing franchisee is to collect only the prescribed fee from owners of impounded vehicles and to release said vehicles promptly and efficiently, but only upon the evidence of proper documentation requires that only those towing contractors who have demonstrated that they possess the facilities, control systems and knowledgeable personnel to protect the interests of the city and vehicle owners. Therefore, it is a purpose of this chapter to regulate this service to the police department and to minimize any adverse effects upon the citizenry.

B. It is recognized that the city is required to adopt and implement a mechanism to promote the safe and efficient towing to impound of vehicles and that city may impose fees to fund the cost of this effort and to augment the funds available for purposes of law enforcement.

C. The city, by the adoption of Article XI of the City Charter, having elected to implement the home rule provisions of Article XI of the Constitution of the state of California as to municipal affairs and the granting of nonexclusive franchises of the nature referred to herein as being within the class of actions designated to "municipal affairs," declares that the provisions of the chapter, together with the provisions of the charter of the city, shall constitute the exclusive procedure for the grant of franchises for conducting police impound towing and storage services.

SECTION 4. Pasadena Municipal Code, Title 10 (Vehicles and Traffic), Section 10.46.050 is amended as follows:

10.46.050 - Nonexclusive franchise—Terms and conditions.

A. All franchises granted to persons pursuant to this chapter shall be nonexclusive. No provisions of this chapter shall be deemed to require ~~or to allow~~ restricting the number of franchises to one or any particular number.

B. All nonexclusive franchises shall be subject to the terms and conditions specified in the City Charter and in this chapter, in the City of Pasadena Towing Franchise System Operations Manual, in the resolutions and ordinances granting the franchise and in the terms and conditions of the franchise agreement.

C. In granting any franchise, the city council may prescribe such other and additional terms and conditions, not in conflict with the City Charter, ~~or this chapter, or~~ the City of Pasadena Police Towing Franchise System Operations Manual, as in the judgment of the city council are in the public interest.

SECTION 5. Pasadena Municipal Code, Title 10 (Vehicles and Traffic), Section 10.46.060 is amended as follows:

10.46.060 - Application for franchise.

At least once every three years ~~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 driver's 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 may be required pursuant to the City of Pasadena Police Towing Franchise System Operations Manual;

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

SECTION 6. Pasadena Municipal Code, Title 10 (Vehicles and Traffic), Section 10.46.080 is amended as follows:

10.46.080 - Criteria for granting nonexclusive franchise.

A. Upon conclusion of the hearing on the application for a franchise, or within a reasonable time thereafter, the city council shall render its decision on the application. The nonexclusive franchise shall be granted or denied, based upon compliance with this chapter and in compliance with the City of Pasadena Police Towing Franchise System Operations Manual. Any grant of a franchise by the city council may be subject to such terms, conditions, rules, regulations, restrictions and limitations as the city council deems necessary to protect the public health, safety or welfare. The total number of nonexclusive franchises may be limited based on the towing needs of the city as determined by the police chief.

B. Should a franchise not be granted to an applicant, the city shall issue a notice to the applicant that its service will not be utilized for towing vehicles as described in this chapter.

SECTION 7. Pasadena Municipal Code, Title 10 (Vehicles and Traffic), Section 10.46.090 is amended as follows:

10.46.090 - Requirements for franchise.

No franchise granted pursuant to this chapter shall become effective unless and until all of the following requirements have been satisfied:

- A. The ordinance granting the franchise is effective.
- B. The applicant and the city have signed, by their duly authorized representatives, a franchise agreement.
- C. Applicant has provided an acceptable list of the vehicles to be used to perform the services herein by registration or license number and the personnel assigned thereto as required herein.
- D. The applicant has provided evidence of compliance with the insurance requirements and any other terms and conditions of this chapter and any other terms and conditions of the City of Pasadena Towing Franchise System Operations Manual and any other terms and conditions imposed by the police chief.

SECTION 8. Pasadena Municipal Code, Title 10 (Vehicles and Traffic), Section 10.46.120 is amended as follows:

10.46.120 - Term of nonexclusive franchise

The term of any franchise granted under the provisions of this chapter shall be for three years ~~one year with annual renewal options of up to 4 additional one year terms~~, unless earlier terminated under the terms of this chapter or the terms of the City of Pasadena Towing Franchise System Operations Manual.

SECTION 9. The City Clerk shall certify the adoption of this ordinance and shall cause this ordinance to be published by title and summary.

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SECTION 10. This ordinance shall take effect upon publication.

Signed and approved this _____ day of _____, 2025.

Victor M. Gordo
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 held this ____ day of _____, 2025, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Date Published:

Mark Jomsky
City Clerk

Approved as to form:



Danielle St. Clair
Assistant City Attorney

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