

ORDINANCE NO. FINAL ADOPTION (CM)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WATSONVILLE AMENDING SECTIONS 4-11.09 (GATE FEES) AND 4-11.15 (RESPONSE TIME) AND REPEALING SECTION 4-11.30 (SERVICE FEES) OF CHAPTER 11 (VEHICLE TOWING SERVICES) OF TITLE 4 (PUBLIC SAFETY) OF THE WATSONVILLE MUNICIPAL CODE RELATING TO VEHICLE TOWING SERVICES

WHEREAS, the City contracts with tow service providers to remove and impound vehicles that are illegally parked on highways, public property, and private property; and

WHEREAS, in 1988, the City adopted various fees for tow-related services, including gate fees and services fees; and

WHEREAS, the City recently reviewed charges for tow-related services and determined the gate fees must be updated to comply with Vehicle Code section 22658; and

WHEREAS, the City further determined that tow service fees are no longer applicable and should be stricken; and

WHEREAS, the City further determined that the Municipal Code should be updated to provide operational flexibility for operators by increasing permissible response times; and

WHEREAS, the City desires to update provisions of the Municipal Code to effectuate these changes.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WATSONVILLE DOES ORDAIN AS FOLLOWS:

SECTION 1. RECITALS.

The recitals set forth above are true and correct and incorporated herein by this reference.

SECTION 2. SECTION 4-11.09 AND SECTION 4-11.15 OF CHAPTER 11 OF TITLE 4 AMENDED.

Sections 4-11.09 and 4-11.15 are hereby amended to read in words and figures as follows:

Sec. 4-11.09 Gate fees.

Gate fees shall not exceed one-half of the hourly maximum tow rate set forth in the tow schedule. A gate fee applies only to vehicles released from storage after normal business hours. Only one gate fee may be charged per vehicle. Normal business hours are Monday to Friday, from 8:00 a.m. to 5:00 p.m., except state holidays.

Sec. 4-11.15 Response time.

Not less than one tow truck and attendant shall be able to respond to any location within the geographical limits of the City within thirty (30) minutes for Class A and Class B tows, and within sixty (60) minutes for Class C tows. In the event of the unreasonable delay in time taken for the response, Police Department personnel charged with calling the permittee shall evaluate the length of delay and, if possible, the reason for the delay. If, in the judgment of the Police Department personnel, the tow will be unreasonably delayed, they may call another permittee and the tow will then be handled by the designated permittee. In the event a vehicle of greater weight than a private passenger auto, station wagon, or unladen pickup truck must be removed, the Police Department will notify the permittee on the rotation list next in line qualified to handle the assignment.

SECTION 3. SECTION 4-11.30 REPEALED.

Section 4-11.30 is hereby repealed in its entirety.

SECTION 4. SEVERABILITY.

The provisions of this Ordinance are severable, and if any section, subsection, sentence, clause, phrase, paragraph, provision, or part of this Ordinance, or the application of this Ordinance to any person, is for any reason held to be invalid, preempted by state or federal law, or unconstitutional by decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Ordinance.

SECTION 5. CALIFORNIA ENVIRONMENTAL QUALITY ACT.

The proposed ordinance qualifies under the “common sense” CEQA exemption pursuant to CEQA Guidelines Section 15061(b)(3) because it can be seen with virtual certainty that this ordinance, which concerns removal of fees charged for towing services, will not result in a significant impact on the environment, as it does not propose or permit any new development, nor does it increase (or change in any way) the land use, density, or development regulations applicable to any property.

SECTION 6. PUBLICATION.

This ordinance shall be published in the Register-Pajaronian and/or Santa Cruz Sentinel in compliance with the provisions of the Charter of the City of Watsonville.

SECTION 7. EFFECTIVE DATE.

This Ordinance shall be effective 30 days from the date of final passage by the City Council.

SECTION 8. EXECUTION.

The Mayor shall sign and the City Clerk shall attest to the passage of this Ordinance. The City Clerk shall cause the same to be published once in the official newspaper within 15 days after its adoption.
