

ORDINANCE NO. 2314

AN ORDINANCE OF THE CITY OF CHULA VISTA AMENDING
CHAPTER 5.58 OF THE CHULA VISTA MUNICIPAL CODE
RELATING TO REGULATION OF TOW COMPANIES

The City Council of the City of Chula Vista does ordain
as follows:

SECTION I: That Section 5.58.010 of the Chula Vista
Municipal Code is hereby amended to read as follows:

Sec. 5.58.010 Intent and purpose of provisions.

It is the intent of this chapter to prescribe the
basic regulations for the operation of tow cars or tow
trucks in police emergency and non-emergency situations
in the removal of and towing away of motor vehicles
which are illegally parked, apparently abandoned or
involved in an accident, or which constitute an
obstruction to traffic because of mechanical failure.
It is the purpose of the council in enacting this
chapter to provide a fair and impartial means of
selecting private operators to engage in said business
in the interest of the public as well as in the interest
of efficient policing operations for the removal from
the public streets of said vehicles.

SECTION II: That Section 5.58.030 of the Chula Vista
Municipal Code is hereby amended to read as follows:

Sec. 5.58.030 Regulations generally ~~Liability for~~
~~damages.~~

The city council may ~~shall~~ ~~at any time~~ ~~at any time~~, by
resolution, authorize ~~approve~~ ~~police~~ ~~for~~ the
selection ~~and designation~~ of tow car or tow truck
services ~~which shall be permitted to be engaged in~~ for
emergency and non-emergency ~~police~~ towing. Any tow
company not so selected will be prohibited from towing
upon notification of the head of the police department. ~~any and all tow cars or tow trucks~~
~~operators not so selected and designated pursuant to~~ ~~the policy of the council or hereby provided~~
~~from removing any tow vehicle services and towing~~
~~any~~ any vehicles involved in the situations as set
forth in Section 5.58.010; provided however, that the
owner of the vehicle ~~so~~ ~~involved~~ may designate any

towing service to be used for the removal and towing away of such vehicle. ~~The police department shall strictly adhere to the policies approved by the city council and any amendments thereto.~~ However, in the event that a towing service is contacted by the police department to perform said services, and performs said services in a manner not in accordance with the policies as established, the police department is held harmless from any and all liability or damages arising therefrom and shall not be accountable for, nor investigate, complaints of negligence and deviations from the policies unless the deviations are shown to be of a repeated and frequently recurring nature, and any complaints received from the tow car or tow truck services selected and designated to carry out such police towing operations and any complaints received concerning the quality and standards of service performed by said operators shall be deemed sufficient cause for cancellation and termination of any contract or operating agreement entered into for the performance of such service.

SECTION III: That a new Section 5.58.075 be, and the same is hereby added to Chapter 5.58 of the Chula Vista Municipal Code to read as follows:

Sec. 5.58.075 Indemnification and Hold Harmless, Insurance, and Bond Requirements.

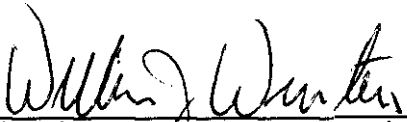
Any agreement to provide tow service shall include a hold harmless clause and bond and insurance requirements as required by City Risk Manager and City Attorney.

SECTION IV: That Sections 5.58.070 and 5.58.080 of Chapter 5.58 of the Chula Vista Municipal Code are hereby repealed.

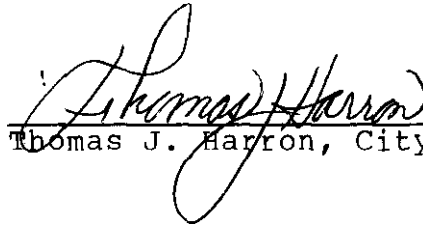
SECTION V: This ordinance shall take effect and be in full force on the thirtieth day from and after its adoption.

Presented by

Approved as to form by



William J. Winters, Director
of Public Safety



Thomas J. Harron, City Attorney

FIRST READ AT A REGULAR MEETING OF THE CITY COUNCIL OF THE
CITY OF CHULA VISTA, CALIFORNIA, HELD June 13, 19 89, AND
FINALLY PASSED AND ADOPTED AT A REGULAR MEETING THEREOF HELD June 20,
19 89, BY THE FOLLOWING VOTE, TO-WIT:

AYES: Councilmen : Cox, Moore, Malcolm, McCandliss, Nader
NAYES: Councilmen : None
ABSTAIN: Councilmen : None
ABSENT: Councilmen : None

Gregory R. Cox

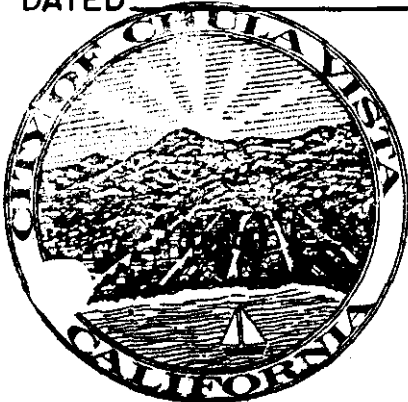
Mayor of the City of Chula Vista

ATTEST *Jennie M. Fulasz*
City Clerk

STATE OF CALIFORNIA)
COUNTY OF SAN DIEGO) ss.
CITY OF CHULA VISTA)

I, JENNIE M. FULASZ, CMC, CITY CLERK of the City of Chula Vista, California,
DO HEREBY CERTIFY that the above and foregoing is a full, true and correct copy of
ORDINANCE NO. 2314, and that the same has not been amended or repealed.

DATED _____



City Clerk