

TOWN OF SAN ANSELMO

ORDINANCE NO. 925

AN ORDINANCE OF THE TOWN OF SAN ANSELMO AMENDING CHAPTER 5 OF TITLE 3, TRAFFIC, ADDING ARTICLE 19 ENTITLED TOW CAR BUSINESS AND OPERATORS

The Town Council of the Town of San Anselmo does ordain as follows:

SECTION 1: Chapter 5 of Title 3, Article 19 is added to the San Anselmo Municipal Code to read:

Chapter 5

Article 19

TOW CAR BUSINESS AND OPERATORS

Sections:

- 3-5.1901 Permit required.
- 3-5.1902 Notice required.
- 3-5.1903 Application for tow car operator's permit.
- 3-5.1904 Driver's permit.
- 3-5.1905 Application for tow truck driver's permit.
- 3-5.1906 Investigation of applications.
- 3-5.1907 Issuance of permit.
- 3-5.1908 Term of permit.
- 3-5.1909 Investigation fee.
- 3-5.1910 Notice of rejection.
- 3-5.1920 Appeal.
- 3-5.1930 Revocation of permit.
- 3-5.1940 Exemptions.
- 3-5.1950 Compliance with state law.

3-5.1901 Permit required. No person, firm, partnership, or corporation shall engage in the business of towing motor vehicles from public and private property and/or specially reserved private customer parking areas serving business, commercial, professional and industrial establishments within the town requiring the use of public streets to complete the towing services without first having obtained a permit therefor.

3-5.1902. Notice required. All owners and/or associations of owners owning, leasing, controlling and using lands reserved for the parking of motor vehicles by their customers, patrons and business invitees shall place and erect appropriate signs giving notice that parking is limited to such customers, patrons and business invitees, and that unauthorized parking by others will subject the removal of their motor vehicles at registered owner's cost and expense, and in accordance with established towing rates

approved by the town council and on file at both the office of the town clerk and the chief of police. The signs shall comply with the provisions of the Vehicle Code of the state.

3-5.1903 Application for tow car operator's permit.

Applicants for tow car operator's permit issued under this chapter shall be filed with the chief of police and shall contain the following information:

- (1) The type of ownership of the tow car business, i.e., whether individual, partnership, corporation, etc.;
- (2) The names, addresses of the owners of the business and if such owner is a corporation, the names and addresses of the officers of such corporation;
- (3) The name and style under which the business is to be conducted;
- (4) The business address and telephone number of the business;
- (5) The names and residence addresses of all employees of the business and the nature of their employment;
- (6) A schedule of rates to be charged for towing services, which rates shall be approved by the town council;
- (7) Such other information as the chief of police deems necessary in connection with the application, including violations of law;
- (8) A deposit equal to the amount of the annual business license fee, plus a fee for the processing of the application. The amount of said fee shall be set by resolution of the town council.

3-5.1904 Drivers permit. No person shall drive a tow truck used in the tow car business within the town unless he or she has a valid tow truck driver's permit issued to him or her by the chief of police pursuant to the provisions in this chapter; and, no permit shall be issued to any person under the age of eighteen years of age.

3-5.1905 Application for tow truck driver's permit.

Applications for tow truck driver's permits issued under this chapter shall be filed with the chief of police and shall contain the following information:

- (1) Applicant's full name, residence address and residence telephone number;

(2) The name and address of the tow car business which employs the applicant;

(3) Such other information as the chief of police deems reasonably necessary in connection with the application, including violations of any law;

(4) To pay the cost of investigation and issuance of a permit, tow truck drivers shall pay a fee as set by resolution of the town council.

3-5.1906 Investigation of applications. Upon receiving the application for a tow truck operator's permit or for tow car driver's permit, the chief of police shall conduct an investigation into the applicant's business integrity and may, in connection with such investigation, require any applicant for a tow car operator's license or any applicant for a tow truck driver's permit or any officer or employee of any applicant for a tow car operator's permit to submit full fingerprints and photographs.

3-5.1907 Issuance of permit. The chief of police shall issue a permit if he finds that the applicant and his principal officers and employees have a history of good business practice in this kind of activity.

3-5.1908 Term of permit. All licenses issued under this chapter shall be for a term of one year, renewable on written notice to the chief of police and accompanied by the payment of the annual business license fee as set by the business license ordinance. Such renewal, however, shall be subject to the recommendation of the chief of police.

3-5.1909 Investigation fee. A fee for background investigation of tow truck drivers and operators shall be set by resolution of the San Anselmo Town Council.

3-5.1910 Notice of rejection. The chief of police shall act upon an application for a permit within ten days after the filing thereof. If the chief of police disapproves the application, he shall, within five days after such disapproval, notify the applicant by mail of his action, stating the reason for his disapproval.

3-5.1920 Appeal. Any person whose application is disapproved by the chief of police shall have the right to appeal from such disapproval to the town council. Such appeal shall be taken by filing with the town council a notice of such appeal no later than ten days after receipt of the notice of disapproval by the chief of police. The appeal shall be heard by the town council within fifteen days after the filing of the notice of appeal. After the council has heard the appeal, it may either

overrule or affirm the action taken by the chief of police. If it overrules the chief of police, he shall thereupon issue the permit to the applicant.

3-5.1930 Revocation of permit. If after the issuance of a permit pursuant to the provisions of this chapter, facts and matters showing corrupt or negligent business practices of any permittee or its principal officers or employees are submitted to the town council, the town council may, after hearing thereon, revoke any permit theretofore issued; provided, that it shall give any such permittee an opportunity to be heard.

3-5.1940 Exemptions. The provisions of this chapter shall not apply to any governmental or public agency or to any of its officers and employees acting in the course and scope of such employment. Nor shall these provisions apply where the towing service is exercised only in emergency road service situations.


3-5.1950 Compliance with state law. None of the provisions of this chapter shall exempt tow car operators and/or drivers from applicable state laws.

The foregoing ordinance was introduced at a regular meeting of the San Anselmo Town Council on December 10th, 1991 and thereafter adopted on February 25, , 1992 .


AYES: Chignell, Colteaux, Kanis, Walsh, Zaharoff

NOES: (None)

ABSENT: (None)


Mayor

ATTEST:


Town Clerk