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ORDINANCE NO. 7555

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVERSIDE, CALIFORNIA, AMENDING THE RIVERSIDE MUNICIPAL CODE BY AMENDING AND REPLACING CHAPTER 5.15, REGULATION OF RIVERSIDE POLICE OFFICIAL POLICE TOW TRUCK SERVICE, IN ITS ENTIRETY.


The City Council of the City of Riverside does ordain as follows:

Section 1: Chapter 5.15 of the Riverside Municipal Code, entitled "Regulation of Riverside Police Official Police Tow Truck Service" is hereby amended in its entirety as shown in Exhibit "A" attached hereto and incorporated herein by reference.

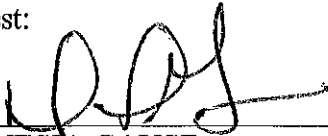
Section 2: The City Council has reviewed the matter and, based upon the facts and information contained in the staff reports, administrative record, and written and oral testimony, hereby finds that this ordinance is not subject to CEQA pursuant to Sections 15060(c)(2), 15060(c)(3) and/or 15061(b)(3) of the State CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, in that it will not result in a direct or reasonably foreseeable indirect physical change.

Section 3: The City Clerk shall certify to the adoption of this ordinance and cause publication once in a newspaper of general circulation in accordance with Section 414 of the Charter of the City of Riverside. This ordinance shall become effective on the 30th day after the date of its adoption.

ADOPTED by the City Council this 8th day of June, 2021.

  
PATRICIA LOCK DAWSON  
Mayor of the City of Riverside

Attest:

  
DONESIA GAUSE  
City Clerk of the City of Riverside

1 I, Donesia Gause, City Clerk of the City of Riverside, California, hereby certify that the  
2 foregoing ordinance was duly and regularly introduced at a meeting of the City Council on the  
3 25th day of May, 2021, and that thereafter the said ordinance was duly and regularly adopted at a  
4 meeting of the City Council on the 8th day of June, 2021, by the following vote, to wit:

5 Ayes: Councilmembers Edwards, Melendrez, Fierro, Conder, Perry, and Hemenway  
6 and Councilwoman Plascencia  
7

8 Noes: None

9 Absent: None

10 Abstained: None

11 IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the  
12 City of Riverside, California, this 14th day of June, 2021.


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16 DONESIA GAUSE  
17 City Clerk of the City of Riverside  
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EXHIBIT "A"

**Chapter 5.15 - REGULATION OF RIVERSIDE  
POLICE OFFICIAL POLICE TOW TRUCK SERVICE**

**Section 5.15.010 Intent and purpose.**

It is the intent of this chapter to prescribe the basic regulation for the operation of "official police towing service" in police emergency situations and in the removal of vehicles which are apparently abandoned, or involved in a collision, or which constitute an obstruction to traffic because of mechanical failure. It is the purpose of the City Council in enacting the ordinance codified in this chapter to provide a fair and impartial means of distributing requests for towing services among qualified firms, and to insure that such service is prompt and reasonably priced, and in the best interest of the public as well as the interest of efficient policing operations for the removal from public streets of such vehicles.

**Section 5.15.020 Definitions.**

*Approved Driver* means that the Attendant or operator has passed the Police Department review for criminal history and driver history screening (California Vehicle Code § 2431). Approved Drivers are authorized to work for more than one official police tow service upon notification to the Police Department of the additional employer(s) and Police Department approval.

*Attendant or operator* means a trained and/or qualified individual responsible for the operation of a tow car, tow truck or vehicle storage facility.

*Chief of Police* means the Chief of the Riverside Police Department or the Chief's designee.

*City* means the City of Riverside.

*Complaint* means a documented allegation against an official police tow service which will be investigated. The types of complaints include but are not limited to allegations of discourteous service; unethical business practices; unsafe or improper handling of impounded, stored or evidence vehicles; overcharging for services; failure to meet maximum response times; unsafe towing equipment; violations of State or Federal Laws; violations of City Ordinances or of Municipal Codes; deficient facility security; deficient facility storage conditions; failure to perform according to, or to comply with any Towing Agreement or Contract; failure to keep required records; use of an unapproved driver; or failure to maintain insurance policies or policy endorsements.

*Contract Administrator* shall be an employee of the Riverside Police Department designated by the Chief of Police to administer official police tow service contracts.

*Official police tow service* means a towing company having a contractual relationship with the City of Riverside to provide towing services to the Police Department. An official police tow

service shall be used by the Police Department for any police emergency situation where a tow truck is required.

*Passing* is defined as refusing, for any reason, any tow assignment or call for service from the City or from the Riverside Police Department.

*Person* means a natural person, corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership, limited liability company, association, or other entity.

*Police Department* means the Riverside Police Department.

*Response Time* is defined as the elapsed time between the relaying of the tow service request from the Police Department dispatch to the Official police tow service and arrival of the tow vehicle on the scene.

*Tow Board* means a board which shall consist of the Traffic Bureau Commander or his or her designee, and two additional Police Sergeants, excluding the Traffic Bureau Administrative Sergeant, each of whom shall be designated by the Chief of Police. The Tow Board shall enforce the California Vehicle Code (CVC), Riverside Municipal Code (RMC), the Official Police Tow Service written agreement with the Riverside Police Department, and regulations as they apply to the Official Police Tow Service. The Tow Board shall hear evidence from all parties and make determinations and enforce corrective actions, up to but not including cancellation of the Official Police Tow Service written agreement (except in instances when the official police tow service fails to appear at the Tow Board hearing, in which case the Tow Board may cause the official police tow service written agreement to be cancelled), regarding complaints of misconduct, contractual violations, and violations of law concerning the Official Police Tow Service. Upon the conclusion of the Tow Board hearing at which the official police tow service duly appears, the Tow Board may make a recommendation to the City Manager to cancel the Official Police Tow Service written agreement and to the Police Chief to suspend the Official Police Tow Service written agreement.

*Tow car or tow truck* means a motor vehicle which has been altered or designed and equipped for and exclusively used in the business of towing vehicles by means of a crane, tow bar, tow line, or dolly, or is otherwise exclusively used to render assistance to other vehicles.

*Vehicle Release* means the written authorization from a Police Department employee to release a towed vehicle; all such authorizations must be in writing, and verbal authorizations shall not be permitted.

#### **Section 5.15.030 Application.**

The Riverside Police Department may require any towing company expressing interest in becoming an official police tow service to complete a written application. Such application may require a physical inspection of the applicant's equipment and/or tow yard. Such application must be completed in its entirety before any tow company will be considered by the Riverside Police Department. The application shall require each interested party's Attendant or operator to

successfully clear the Police Department review for criminal history and driver history screen (California Vehicle Code § 2431).

**Section 5.15.080 Agreements and tow rates.**

- A. Tow companies selected and designated by the City as an official police tow service as defined in Section 5.15.020 shall enter into an agreement with the City, which agreement shall contain eligibility requirements, operating regulations, an address to send correspondences and official and/or legal notices to, and fee schedules as adopted by the City Council. Every official police tow service shall post in a conspicuous place in the interior of each tow truck operated by said official police tow service an approved rate schedule in a form and location approved by the Chief of Police.
- B. The terms of agreement are to be for three-years with three optional extensions of up to one-year each thereafter.
- C. No person may have an ownership interest in more than one business entity designated as an official police tow service.
- D. An official police tow service shall not assign, sell, or otherwise transfer any of its obligations, rights, benefits, or other interest it may have under its agreement with the City (including, but not limited to, ownership of stock, partnership interests, or tenancy in the official police tow service) to any other person or entity without first obtaining the express written consent of the City, which consent the City may withhold with or without cause in its sole discretion.
- E. City of Riverside Tow Rates for services shall be derived from tow rates that were effective January 21, 2015 and were adjusted for 8 percent cumulative U.S. inflation from 2016 through 2019. These effective tow rates may be adjusted biannually by the City, and are currently:

<b>TYPE OF SERVICE</b>	<b>MAXIMUM APPROVED RATE</b>
STANDARD (CHP Class A)	\$252.00 (per hour portal to portal)
MEDIUM DUTY (CHP Class B)	\$291.00 (per hour portal to portal)
HEAVY DUTY (CHP Class C)	\$361.00 (per hour portal to portal)
SUPER HEAVY DUTY (CHP Class D)	\$412.00 (per hour portal to portal)
EXTRA LABOR AT THE SCENE (Standard - CHP Class A only)	\$126.00 per half hour, or portion thereof (after first 30 minutes)
DOLLIES (if required)	\$49.00 (no extra labor allowed)

<b>VEHICLE STORAGE (OUTSIDE)</b>	<b>MAXIMUM APPROVED RATE</b>
STANDARD (CHP Class A)	\$54.00 (per vehicle per day)
MEDIUM DUTY (CHP Class B)	\$56.00 (per vehicle per day)
HEAVY DUTY (CHP Class C)	\$64.00 (per vehicle per day)
SUPER HEAVY DUTY (CHP Class D)	\$64.00 (per vehicle per day)
<b>VEHICLE STORAGE (INSIDE)</b>	<b>MAXIMUM APPROVED RATE</b>
STANDARD (CHP Class A)	\$58.00 (per vehicle per day)
MEDIUM DUTY (CHP Class B)	\$61.00 (per vehicle per day)
HEAVY DUTY (CHP Class C)	\$71.00 (per vehicle per day)
SUPER HEAVY DUTY (CHP Class.D)	\$72.00 (per vehicle per day)
<b>SPECIAL SERVICES</b>	
GATE FEE (after business hours/on weekends) CVC Section 22658(n)(2)(B): A gate fee may be charged for releasing a vehicle after normal business hours, weekends, and state holidays. However, the maximum hourly charge for releasing a vehicle after normal business hours shall be one-half of the hourly tow rate charged for initially towing the vehicle, or less.	\$126.00
SERVICE CALLS	\$126.00 (first half hour) \$55.00 per quarter hour thereafter

F. The Police Department has a business need to lawfully remove no/low value recreational vehicles (as defined by C.V.C. §§ 362, 22670, 22851.2, 22851.3) from the public right-of-way. For no/low value recreational vehicles that require destruction, the Police Department shall, subject to availability of funds, reimburse for this service at the rate of up to \$1,500.00 per vehicle upon confirmation of destruction.

**Section 5.15.090 Business license required.**

Every official police tow service shall have and maintain a valid license to do business in the City of Riverside.

**Section 5.15.095 - Per tow fee.**

Every official police tow service shall pay monthly to the City a per tow fee for each vehicle towed by request of the Police Department. Terms and provisions for payment of the fees shall be in the agreement set forth in Section 5.15.080.

**Section 5.15.100 Standards for tow truck equipment.**

A. Official police tow services shall provide towing equipment capable of providing for all of the following services or have immediate access to the required assets through a City-approved subcontracting agreement for:

1. Recovery trucks with an adjustable boom with at least five ton of lifting capacity.
2. Wheel lift towing.
3. Roll back/flatbed towing.
4. Towing in parking garages.
5. Towing from off-road areas.
6. Towing of large and oversized vehicles, including recreational vehicles.
7. Towing of motorcycles without causing additional damage.

B. All tow trucks shall be equipped as provided in the California Vehicle Code.

C. Official police tow services shall have at least three trucks and three drivers. Furthermore, official police tow services shall have at least two fully equipped and operational tow trucks in service, and two approved drivers available to operate them at all times.

D. Every official police tow service shall be equipped for and have personnel proficient in unlocking locked vehicles when requested to do so by Police Department employees.

**Section 5.15.110 Standard rules of operation.**

A. All requests for towing service and the removal of traffic hazards shall be made through the Police Department. Official police tow services shall provide towing service when:

1. The owner or driver of a disabled vehicle requests or specifies a specific garage or tow service.
2. The owner or driver of a disabled vehicle is unable to or fails to specify a garage or tow service.
3. A disabled vehicle presents a hazard that renders any request by a driver or owner impractical.

4. A Police Department employee requests a towing service and the owner or driver of the towed vehicle is not present or not consulted due to an arrest.
- B.
1. Official police tow service's business office shall be located within 150 feet from the storage yard and attended at all times for servicing the public and the City from 8:00 a.m. to 5:00 p.m., Monday through Friday, except for the following state holidays of January 1, known as New Year's Day; third Monday in January known as Dr. Martin Luther King Jr.'s Birthday; third Monday in February, known as Washington's Birthday/President's Day; March 31, known as Cesar Chavez Day; last Monday in May, known as Memorial Day; July 4, known as Independence Day; first Monday in September, known as Labor Day; the second Monday in October, known as Columbus Day; November 11, known as Veteran's Day; fourth Thursday in November, known as Thanksgiving Day; and December 25, known as Christmas Day. If January 1, March 31, July 4, November 11, or December 25 fall upon a Sunday, the Monday following is a holiday and if they fall upon Saturday, the preceding Friday is a holiday (California Vehicle Code § 22658(n)(2)(C)). Official police tow service may comply with this provision on the day after Thanksgiving and Christmas Eve only by providing an on-call attendant provided that the attendant can respond to the lot in 45 minutes or less from the initial call.
  2. Official police tow services may make an additional charge for after normal business hours release of vehicles as provided in the California Vehicle Code.
  3. Official police tow services must be available to promptly respond 24 hours a day, seven days a week for all requests by the City for towing services.
  4. Official police tow services shall release vehicles stored or evidence-stored by the Police Department, pursuant to authorization provided by appropriate employees of the Police Department. Such authorization shall be in writing on a form provided by the Police Department.
  5. A stored vehicle is any vehicle removed from a site and taken to the tow yard to be stored at the direction of a Police Department employee and, for which a Vehicle Report (currently, form CHP 180) is provided to the official police tow service or where such vehicle is involved in a traffic collision.
  6. An evidence-stored vehicle is any vehicle containing evidence of a criminal activity, or which in and of itself provides evidence of a criminal act, that is removed from a site and taken to the tow yard to be stored at the direction of a Police Department employee and for which a Vehicle Report (currently, form CHP 180) is provided to the official police tow service.
  7. No vehicle stored at the direction of the Police Department using a Vehicle Report (currently, form CHP 180) shall be released without written authorization from the Police Department.

8. The Police Department shall have sole authority for changing the "stored" or "evidence-stored" status of a towed vehicle. The Police Department shall pay the Official police tow service \$1.00 per day after the initial 30 days an "evidence-stored" vehicle has been held by Official police tow service at the direction of Police Department.
  9. With the exception of "evidence-stored" vehicles, all vehicles stored as a result of a tow ordered by the Police Department shall be made available to the owner of the vehicle or his representative, any insurance agent, insurance adjuster, or any body shop or car dealer, for the purpose of estimating or appraising damages.
- C. Removing hazards. After being dispatched by the Police Department to the scene, the official police tow service shall cooperate with the police officers in removing hazards and illegally parked vehicles as requested. It is the duty of the police officers to determine when such vehicle should be stored or moved, and the official police tow service shall abide by their decisions.
  - D. Official police tow services shall comply with the California Vehicle Code regarding signs on tow trucks.
  - E. The owners of each official police tow service shall be responsible for the acts of their employee and/or agent while the employee and/or agent is on duty. Official police tow services shall be responsible for damage to vehicles while in its possession caused by the active or passive negligence of the official police tow service and/or its employee(s) and agent(s).
  - F.
    1. All official police tow service records, equipment, and storage facilities shall be subject to periodic checks by Police Department or other City investigators during normal business hours.
    2. Official police tow services shall maintain all offices, storage facilities and equipment in a neat, clean and organized manner.
    3. Official police tow services shall provide access to employees of the City at any time during normal business hours, for the purpose of inspection or audit to determine that the objectives and conditions of the official police tow service agreements with the City are being fulfilled.
  - G. Official police tow services shall record its time in and its time out on every tow truck assignment. Such records shall be available and open to City examination.
  - H. Official police tow services shall submit a daily (except holidays and weekends) electronic tow inventory report to the Contract Administrator using the electronic file and format as provided by the Police Department. These daily reports shall be submitted no later than 9:00 a.m. the day following the reported day and must include all of the following information addressing all City-generated tows and/or calls for service that occurred during the preceding 24-hour period:

1. Date of tow;
  2. Tow driver name;
  3. File/Incident Number;
    - a. If no File/Incident Number is available, then the official police tow service must provide the location from which the vehicle was towed;
  4. Storage Authority Code listed on the State of California Vehicle Report;
    - a. If no Vehicle Report was received, and the vehicle was towed at the vehicle owner's request, such information shall be provided instead;
  5. License plate number affixed to the towed vehicle;
  6. Vehicle Identification Number (VIN) affixed to the towed vehicle;
  7. Vehicle Color;
  8. Vehicle Make;
  9. Vehicle Model;
  10. Salvage Slip Request;
  11. Evidence Vehicle Notification;
  12. Date Vehicle was released and/or sold from the tow yard;
  13. Name of person and/or company vehicle was released and/or sold to;
  14. Address of person and/or company vehicle was released and/or sold to.
- I. Official police tow services shall maintain a log to document the date, time, name, agency, agency identification number, and purpose of all person(s) entering the evidence hold storage area.
1. The Contract Administrator shall provide in advance to each official police tow service a list of all persons authorized to access the evidence storage area.
- J. Official police tow services shall comply with the following communications requirements:
1. Official police tow services shall subscribe to an answering service used in common with all other official police tow services.

2. Official police tow services shall require the answering service to retain data and records relating to the City's requests for towing services on premises.
  3. Official police tow services shall require the answering service to promptly accept and relay requests for towing services made by the City.
  4. Official police tow services shall install and maintain at all times communications between their tow vehicle(s) and the official answering service. This communication may be either two-way radio or cellular telephone.
  5. Official police tow services shall maintain a 24-hour per day communication contact with their tow vehicle(s).
  6. Official police tow services shall maintain a 24-hour per day telephone service to receive calls from the public.
- K. Official police tow services shall have a secure and environmentally safe vehicle storage facility with a minimum of 15,000 usable square feet and a minimum of two feet separation between each vehicle.
1. The vehicle storage facility must be located within one driving mile of the corporate City limits of the City of Riverside. The vehicle storage facility to be used for the processing and potential destruction of low/no value recreational vehicles must be located within ten (10) driving miles of the corporate city limits of the City of Riverside. Official police tow service shall notify the Contract Administrator in writing before a low/no value recreation vehicle stored at the direction of the Police Department is moved to a different location. The written notice shall include the date and time of the scheduled move, and the location to which the low/no value recreation vehicle will be moved.
  2. The vehicle storage facility must be completely enclosed by a six foot high wall or fence with no holes, gaps or other unsecured openings, and a gate. All gates into the storage yard shall meet the same standards required of the wall or fence.
    - a. Any damage to walls, fences or gates which allow unauthorized access must be repaired within 24 hours.
  3. The vehicle storage facility shall have adequate lighting, and comply with all applicable building codes, zoning regulations, environmental laws and regulations, and any and all the applicable laws, rules and regulations established by federal, state, county and/or city governments.
  4. Inside Storage: The vehicle storage facility must have adequate storage facilities to provide storage of two vehicles, with a minimum of three feet separation between each vehicle within an enclosed area, totally protected from the weather, contamination or handling by unauthorized person(s).

- a. The Police Department will designate when a vehicle is to be placed into inside storage and may place a seal on each door of the vehicle and/or door(s) of the storage facility. Vehicles placed into inside storage shall not be removed therefrom without authorization from the Police Department.
  - b. The vehicle storage facility must provide an inspection area for authorized members of the Police Department. Such area shall have, at a minimum, a covered inspection area (roof) with a paved (concrete or asphalt) surface.
  - c. The indoor storage area may be used for other purposes when not required by the Police Department.
- 5. No official police tow service shall perform any work upon any vehicle stored or evidence-stored by the Police Department without first obtaining authorization from the Police Department and the registered owner of the vehicle.
  - 6. Official police tow services shall not dispose of any stored or evidence-stored vehicle, through any process whatsoever, without first obtaining written authorization from the Police Department.
- L. Official police tow services when disposing of unclaimed vehicles shall abide by all federal, state, and local laws pertaining thereto.
  - M. All vehicles stored or evidence-stored as a result of a tow ordered by the Police Department shall be towed directly to an official storage lot unless the Police Department or other person legally in charge of the vehicle requests that it be taken to some other location.
  - N. The Police Department review for Authorized Drivers shall be completed and reported back to the official police tow service or applicant within ten (10) business days after receipt of the California Department of Justice live scan report.
  - O. Applicable Riverside Municipal Code amendments shall require an amendment to the towing agreements. Official police tow services that do not sign and return the contract amendment within 60 days of mailing thereof shall be deemed to forfeit the remainder of the towing agreement term, and the agreement shall be automatically cancelled.

**Section 5.15.120 Response time.**

- A. When it becomes evident that there will be a delay in responding to a request for towing service, the official police towing service shall advise the Police Department of this delay and the reason for the delay.
- B. The maximum response time for any single request for tow service by the Police Department shall not exceed 30 minutes for light duty or regular towing services, and 45 minutes for heavy or special circumstance tow services.

**Section 5.15.130 Determination of official police tow service providing service.**

- A. 1. Official police tow services shall be placed on a "rotation list" to be determined by the Police Department. The rotation list shall be used whenever a driver or owner of a disabled vehicle is unable to specify a particular garage or tow service, or whenever a Police Department employee directs a vehicle to be stored or evidence-stored, and the driver or owner is not present or is not consulted.
2. Official police tow services shall be called, in turn, in response to a Police Department request, and, when in turn, shall have exclusive right to provide service as follows:
- a. Official police tow services shall have preference to tow all vehicles from a specific scene, provided that official police tow service responds with all equipment needed to accomplish the tows within the response time specified herein.
3. Whenever official tow service cannot respond with all equipment needed to accomplish all tows at a specific scene within the response time specified herein, the next company on the rotation list shall be called to provide service to the remaining vehicle(s).
4. Whenever any official police tow service cannot, for any reason, respond with any equipment needed to accomplish the requested service within the response time specified herein, the official police tow service shall be passed over and the next company on the rotation list will be called. The official police tow service shall become eligible to provide service again only in its next turn in rotation.
5. Exception: whenever the driver or owner of a disabled vehicle specifies a particular club, association or tow service be called to provide service, such calls shall not constitute a "rotation" call.
6. Exception: whenever a Police Department employee determines that an emergency exists because official police tow service is unable, for any reason, to provide adequate tow service, the Police Department employee shall have the right to have such duties performed by any other means available.
7. For purpose of determining response, the City shall be divided into geographical service areas, as determined by the Police Department. The City reserves the right to determine the number of and the boundaries of the service areas.

**Section 5.15.140 Grounds for cancellation or suspension.**

In addition to cancellation under Section 5.15.110(O), the Official police tow service contractual agreement shall be subject to cancellation or suspension by the Riverside Police Department either as a whole or as to any person or vehicle described therein. The procedure for such cancellation or suspension is set forth herein and in Section 5.15.145. The contract can be cancelled or suspended for any of the following reasons:

- A. Nonpayment of any City business license fees or other fees provided in the official police tow service contract or by the Riverside Municipal code;

- B. Breach of any rules, regulations, or conditions set forth in the official police tow service contract or the Riverside Municipal Code;
- C. For the violation of any federal, state or local law by the contract holder, any person having any ownership interest in the official police tow service or any employee of the official police tow service;
- D. For failure to maintain a satisfactory level of service to the police or public;
- E. For failure to keep any such vehicle in safe condition and good repair;
- F. For failure to use distinctive coloring, monogram, or insignia;
- G. For any deviation from the schedule of rates set forth in the contract;
- H. Passing on a tow assignment more than 18 times in a calendar year.
- I. For any cause which the Riverside Police Department finds makes it contrary to the public interest, convenience, necessity, or general welfare for the contract to continue.

**Section 5.15.145 Procedure for action against official police tow service.**

- A. Complaints and/or allegations of violations of the Riverside Municipal Code, or the official police tow service contract, against the official police tow service shall be reviewed by the Traffic Bureau Administrative Sergeant, or designee. A copy of the complaint, the recommended action to be taken against the official police tow service, and a letter requiring a response within ten (10) business days of the date of mailing, shall be sent to the affected official police tow service at the address provided in the official police tow service written agreement. (No notice shall be sent or delivered if it is determined that notification will impede or interfere with law enforcement investigations.)
- B. The official police tow service may respond in writing to the complaint within ten (10) business days of the date of mailing of the letter requiring a response. Failure to respond within the ten (10) business days will result in the Traffic Bureau Administrative Sergeant or designee, making a determination on the complaint based on the information available.
- C. The Traffic Bureau Administrative Sergeant or designee will consider all the evidence available and assign a recommended disposition to the complaint. The disposition categories are:
  - 1. Unfounded: Incident did not occur or did occur but was lawful and within the terms of this Agreement.
  - 2. Inconclusive: Unable to determine if the incident did or did not occur, or unable to determine if the official police tow service or its employee(s) are responsible.

3. Founded: Incident occurred and was contrary to this official police tow service agreement, City Ordinances, Municipal Codes, State Laws, or Federal Laws.
- D. Within ten (10) business days upon assigning a recommended disposition to the complaint, the Traffic Bureau Administrative Sergeant, or designee, shall mail written notice to the official police tow service and complainant the Traffic Bureau Administrative Sergeant's recommended disposition of the complaint and any recommended disciplinary action to be taken against the towing company.
- E. If the Traffic Bureau Administrative Sergeant or designee determines a complaint, violation of this Agreement, or violation of the Riverside Municipal Code to be founded, the Riverside Police Department Tow Board ("Tow Board") will schedule a hearing to be held within twenty (20) business days of the mailing of the recommended disposition as set forth in section 5.15.145(D) to discuss the finding with all parties to determine the action to be taken against the towing company. The official police tow service will be provided with written notice of the Tow Board hearing date, time, and location at least ten (10) business days before the hearing date.
- F. At the Tow Board hearing, the Traffic Bureau Administrative Sergeant or designee will present the facts and a recommendation for disposition and action to be taken against the official police tow service, up to and including suspension and/or termination, taking into consideration the number of prior violations/complaints and the egregiousness of each within the preceding 12-month period. The official police tow service will be provided the opportunity to respond to the allegations and to present information relevant to the official police tow service's defense.
- G. The Tow Board will review the facts, any evidence presented, and the recommendations. The Tow Board will either concur with the recommended disposition and/or discipline, or determine another course of action.
- H. If the official police tow service fails to appear at the Tow Board hearing, then the Tow Board's decision, including the decision to suspend or cancel the official police tow service written agreement, shall be final, and official police tow service shall be deemed to have waived its right to appeal the Tow Board's decision.
- I. If the Tow Board arrives at a decision to take action or a recommendation against the official police tow service, the official police tow service shall be notified in writing after the hearing. If the official police tow service appeared at the Tow Board hearing, the Tow Board's decisions, except for suspension or recommendation of cancellation of the official police tow service written agreement, are final.
- J. If the official police tow service appeared at the Tow Board hearing, and the Tow Board arrives at a decision to suspend the agreement with the Official Police Tow Service, the decision will be forwarded as a recommendation to the Police Chief, or his or her designee.

1. If the Police Chief concurs with the decision to suspend an official police tow service agreement, the official police tow service will be notified in writing of the impending disciplinary action and the right to appeal to the Police Chief or his or her designee.
- K. If the official police tow service appeared at the Tow Board hearing, and the Tow Board arrives at a decision to cancel the official police tow service agreement, the decision will be forwarded as a recommendation to the City Manager.
2. If the City Manager concurs with the decision to cancel an official police tow service agreement, the official police tow service will be notified in writing of the impending disciplinary action and the right to appeal to the City Manager or his or her designee.
- L. If the official police tow service exercises the right to appeal set forth under sections 5.15.145(J) and (K), a request for an appeal hearing must be made in writing to either the Police Chief to appeal a recommendation of suspension, or the City Manager to appeal a recommendation of cancellation, within five (5) business days after the mailing date on which the City Manager or Chief of Police gives notification to suspend or cancel towing services.
1. Within ten (10) business days upon receiving a request for an appeal regarding a suspension or termination, the City Manager or Police Chief, as applicable, will schedule a hearing date and mail notice of the date, time, and location of the hearing to the official police tow service. The scope of the appeal hearing pursuant to this Section shall be limited to those issues raised by official police tow service in the written appeal. The official police tow service will be given written notice at least ten (10) business days before the hearing date. The hearing may take place at an earlier date, if all parties agree. Within a reasonable time after the conclusion of the appeal hearing, the City Manager or his or her designee, or the Police Chief or his or her designee, as applicable, shall make a finding as to any disciplinary action to be taken against official police tow service and notify official police tow service in writing of his or her finding. All findings of the City Manager or Police Chief, or their designees, as applicable, are final and effective on the date of mailing the finding(s) to the official police tow service.
  2. If the official police tow service fails to timely appeal or fails to appear at the scheduled appeal hearing the Police Chief or City Manager's decision, as applicable, shall be final, and official police tow service shall be deemed to have waived its right to further appeal.

**5.15.150 Penalties for passing on a call for tow service.**

Official police tow services shall have the right to pre-emptively remove their companies from the towing rotation cycles. By remaining on the rotation list, each company agrees to be available for Police Department towing needs. For companies that receive a call for service but pass on the request for any reason, the following penalties shall be imposed for passing on a call for tow service:

- A. On the 18<sup>th</sup> pass within a calendar year, the towing company's contract shall be subject to a 30-day suspension.
- B. Any additional passes after the 18<sup>th</sup> pass within a calendar year shall be grounds for termination of the Official Police Tow Service contract.