

ORDINANCE NO. 2023-003

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHINO, CALIFORNIA AMENDING CHAPTER 5.36 (TOWING SERVICE REGULATIONS) OF THE CHINO MUNICIPAL CODE

WHEREAS, the City of Chino has adopted an ordinance regulating towing services and storage, codified in Chapter 5.36 of the Chino Municipal Code; and

WHEREAS, the City desires to revise Chapter 5.36 of the Chino Municipal Code to clarify certain language therein; and

WHEREAS, all legal prerequisites to the adoption of this Ordinance have occurred.

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

SECTION 1. The City Council finds that the above recitals are true and correct and are incorporated herein by this reference.

SECTION 2. Section 5.36.030 of the Chino Municipal Code, entitled "Tow service permits," and specifically subsection (A) thereunder, shall be amended as follows, with all other provisions of Section 5.36.030 remaining unmodified and in full force and effect (new text in underline, deleted text in ~~strike through~~):

"A. The chief of police may issue nonexclusive tow service permits to ~~one or more~~ three tow service operators to provide for the towing and storage of motor vehicles. The chief of police, in his/her discretion, may issue additional nonexclusive tow service permits depending on the city's needs. In exchange for the grant of a permit, the permittee shall comply with the provisions of this chapter including the collection and payment of such fees, as determined by city council resolution from time to time, for calls for service initiated by the Chino police department."

SECTION 3. Section 5.36.050 of the Chino Municipal Code, entitled Application contents," and specifically subsection J thereunder, shall be amended as follows, with all other provisions of Section 5.36.050 remaining unmodified and in full force and effect (new text in underline, deleted text in ~~strike through~~):

"J. A statement that no principal, agent, contractor, or employee of the tow service operator has been convicted of any felony or any misdemeanor involving theft, burglary, possession of stolen property, violence on the person of another, illegal acquisition of vehicles, parts or documents, flagrant or repeated violations of the Vehicle Code, violations involving narcotics or dangerous drugs or moral turpitude. ~~Alternatively, the statement shall warrant that any principal, contractor or employee of the tow service operator that has been convicted of any felony or any misdemeanor involving theft, burglary, possession of stolen property,~~

~~violence on the person of another, illegal acquisition of vehicles, parts or documents, flagrant or repeated violations of the Vehicle Code, violations involving narcotics or dangerous drugs or moral turpitude will~~ Any principal, agent, contractor or employee who has been convicted of such crimes may work for the tow service operator, but shall not drive or operate any vehicle related to the tow services provided under this chapter in the City of Chino.

SECTION 4. Section 5.36.130 of the Chino Municipal Code, entitled Application contents,” and specifically subsections D and F thereunder, shall be amended as follows, with all other provisions of Section 5.36.130 remaining unmodified and in full force and effect (new text in underline, deleted text in ~~strike-through~~):

“D. The chief Chino police department shall collect release fees from the legal or registered owners, or those persons authorized by their legal or registered owners, who claim stored motor vehicles prior to releasing said motor vehicles from storage. The city manager, or designee, may reduce or waive the release fee as provided in this chapter or the Vehicle Code. The chief shall issue a receipt for payment of said release fees and an authorization to release said motor vehicles from storage.

....

F. Each permittee shall collect all applicable storage fees prior to releasing vehicles. The tow service operator shall transmit one-half of all storage fees collected to the police chief Chino police department and retain one-half of such fees as compensation for its storage services, and shall remit the balance at the end of each month to the city. The permittee may retain all towing fees. Further, each permittee shall conduct lien sales on behalf of the city, remitting such portion of the proceeds thereof as may be required by the city from time to time.”

SECTION 5. The City Council hereby authorizes and directs the Mayor and the City Clerk to execute this Ordinance on behalf of the City of Chino forthwith upon its adoption.

SECTION 6. The City Clerk shall certify as to the passage of this Ordinance and shall cause the same to be published and/or posted at the designated locations in the City of Chino.

PASSED, APPROVED, AND ADOPTED this 7TH day of March, 2023.



Eunice M. Ulloa, Mayor

ATTEST:



Natalie Gonzaga, City Clerk

STATE OF CALIFORNIA)
COUNTY OF SAN BERNARDINO) §
CITY OF CHINO)

I, Natalie Gonzaga, City Clerk of the City of Chino do hereby certify that the foregoing Ordinance of the City of Chino was duly adopted by said City Council at a regular meeting held on the 7th day of March 2023 by the following vote:

AYES: COUNCILMEMBERS: LUCIO, FLORES, BURTON, COMSTOCK, ULLOA

NOES: COUNCILMEMBERS: NONE

ABSENT: COUNCILMEMBERS: NONE

By: 
NATALIE GONZAGA, CITY CLERK