

(O-86-159)

ORDINANCE NUMBER O- 16657 (NEW SERIES)

ADOPTED ON JUN 2 1986

AN ORDINANCE AMENDING CHAPTER III, ARTICLE 3, DIVISION 40, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 33.4002, 33.4005 AND 33.4008 AND BY REPEALING SECTION 33.4007 RELATING TO TOWING MOTOR VEHICLES FROM PRIVATE PROPERTY

BE IT ORDAINED, by the Council of The City of San Diego, as follows:

Section 1. That Chapter III, Article 3, Division 40, of the San Diego Municipal Code be and the same is hereby amended by amending Sections 33.4002, 33.4005 and 33.4008 and by repealing Section 33.4007 to read as follows:

SEC. 33.4002 DEFINITIONS

For the purposes of this Division, the following definitions shall apply. Whenever any words or phrases are not defined herein, but are defined in the Vehicle Code of the State of California and the amendments thereto, such definitions are incorporated herein and shall be deemed to apply to such words and phrases as used herein as though set forth herein in full.

(a) "Business Enterprise" means a unit of economic organization or activity in the form of an individual natural person, sole proprietorship, corporation, partnership, organization, joint venture, trust, foundation, firm, group, society, association or any

combination thereof whose systematic purposeful activity includes the towing, removing and storing of parked vehicles from private property at the express instructions of the owners of such property.

(b) No change.

(c) "Removing" means to change by tow the location of a parked vehicle from its location on private property and to be in transit.

(d) No change.

(e) "Towing" means to draw or pull along a vehicle by means of another vehicle equipped with booms, car carriers, winches or similar equipment as defined in California Vehicle Code Section 615(a).

SEC. 33.4005 RATES AND CHARGES

It shall be unlawful to:

(a) Charge fees to the registered owner or other authorized person in control of the vehicle for any services other than those reasonably related to the towing and storage of the vehicle including but not limited to fees for being allowed to retrieve personal property from the impounded vehicle or fees for releasing the vehicle during non-business hours if such release is between 8:00 a.m. and 5:00 p.m., Monday through Friday except for the holidays of New Year's Day, Presidents Day, Memorial Day (observed), Independence Day, Labor Day, Veteran's Day, Thanksgiving Day and Christmas Day. Fees allowed pursuant to Section

22658(h) of the California Vehicle Code are exempt from these prohibitions.

(b) No change.

(c) No change.

(d) No change.

SEC. 33.4007 NOTICE REQUIREMENTS

Repeal

SEC. 33.4008 REGULATIONS

It shall be unlawful to:

(a) Tow or remove or store a vehicle except upon the express written authorization issued to the business enterprise by the property owner. Such authorization shall include the make, model, color and license plate number of the vehicle, the reason for the tow, and the legibly printed name of the property owner who is causing the removal of the vehicle. This authorization shall be signed by the property owner immediately prior to or at the time of towing.

(b) Tow or remove or store a vehicle where the registered owner or other legally authorized person in control of the vehicle returns to the vehicle before it is removed from the private property.

(c) No change.

(d) Tow or remove or store a vehicle unless the business enterprise notifies the San Diego Police Department immediately upon arrival at the garage. Such notification shall include the storage site, the date

and time in hours and minutes that the vehicle was towed or removed, the make, model, color, license plate number and vehicle identification number (V.I.N.) of the vehicle, the location from where the vehicle was removed, and the name of person giving written authorization for the removal of the vehicle. Further, the business enterprise shall obtain the name of the person at the San Diego Police Department to whom such information was reported and shall indicate that name as well as the above mentioned information on a record of the business enterprise.

(e) No change.

(f) Tow or remove or store a vehicle (1) unless notice pursuant to the requirements of Section 22658(a) of the California Vehicle Code is posted on the private property from which towing, removing or storing is made or (2) the lot or parcel upon which the vehicle is parked is improved with a single family dwelling.

(g) No change.

(h) No change.

(i) Violate any of the provisions of California Vehicle Code Sections 22658 and 22953.

Section 2. This ordinance shall take effect and be in force on the thirtieth day from and after its passage.

APPROVED: John W. Witt, City Attorney

By

Devin J. Chin-Lee
Devin J. Chin-Lee
Deputy City Attorney

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Passed and adopted by the Council of The City of San Diego on JUN 2 1986
by the following vote:

Councilmen	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bill Cleator	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gloria McColl	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
William Jones	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ed Struiksma	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mike Gotch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Judy McCarty	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Uvaldo Martinez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

VACANT

AUTHENTICATED BY:

ED STRUIKSMA
Deputy Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, California.

(Seal)

By Ellen Board, Deputy.

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

MAY 19 1986, and on JUN 2 1986

~~I FURTHER CERTIFY that said ordinance was read in full prior to its final passage.~~

I FURTHER CERTIFY that the reading of said ordinance in full was dispensed with by a vote of not less than a majority of the members elected to the Council, and that there was available for the consideration of each member of the Council and the public prior to the day of its passage a written or printed copy of said ordinance.

CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, California.

(Seal)

By Ellen Board, Deputy.

00649

Office of the City Clerk, San Diego, California

Ordinance Number 0-16657 Adopted JUN 2 1986

CERTIFICATE OF PUBLICATION

CITY OF SAN DIEGO
202 C STREET 12TH FLOOR
SAN DIEGO, CA 92101

IN THE MATTER OF

NO.

AN ORDINANCE AMENDING CHAPTER III, ARTICLE 3, DIVISION 40, OF THE
SAN DIEGO MUNICIPAL CODE

Thomas D. Kelleher

I, _____, am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the principal clerk of the San Diego Daily Transcript, a newspaper of general circulation, printed and published daily, except Saturdays and Sundays, in the City of San Diego, County of San Diego, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of San Diego, State of California, under the date of January 23, 1909, Decree No. 14894; and the

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This ordinance effecting towing motor vehicles from private property amends definitions, holidays on which certain fees can be charged, requirements for authorization for towing and requirements for notification to the police department. This ordinance also brings the private property tow sections into compliance with California Vehicle Code sections 22858 and 22953.

A complete copy of the ordinance is available for inspection in the Office of the City Clerk of the City of San Diego, 12th floor, City Administration Building, 202 "C" Street, San Diego, Ca 92101.

Introduced on May 19, 1986

Passed and adopted by the Council of the City of San Diego on June 2, 1986.

AUTHENTICATED BY: ED STRUIK SMA
Deputy Mayor of the City of San Diego, California.

CHARLES G. ABDELNOUR
City Clerk of the City of San Diego, California.

By ELLEN BOVARD,
Deputy.

(SEAL)
Pub. June 16

48289

ORDINANCE NUMBER O-16657

is a true and correct copy of which the annexed is a printed copy and was published in said newspaper on the following date(s), to wit:

JUNE 16, 1986.

I certify under penalty of perjury that the foregoing is true and correct.

Dated at San Diego, California this 16 day of June, 19 86.

Thomas D. Kelleher

(Signature)

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