
M E M O R A N D U M

DATE: September 10, 2004
TO: City Council Members
FROM: Russell Weeks
RE: Proposed Ordinances to Amend *City Code* Pertaining to Towing Operations and to Enact Regulations Pertaining to Vehicle Booting Services
CC: Cindy Gust-Jenson, Rocky Fluhart, Sam Guevara, Ed Rutan, Lee Martinez, Alison McFarlane, Gary Mumford, Ed Butterfield, Gwen Springmeyer

This memorandum pertains to two proposed ordinances. The first proposed ordinance would amend sections in the Salt Lake City Code pertaining to vehicle towing operations. The second proposed ordinance would enact a new City Code chapter pertaining to vehicle booting services. The proposed ordinances are scheduled for a briefing at the City Council's meeting September 14.

POTENTIAL OPTIONS

- Adopt the proposed ordinances.
- Do not adopt the proposed ordinances.
- Adopt the proposed ordinances with amendments proposed by City Council Members.

POTENTIAL MOTIONS

City Council staff will prepare motions after the Council's briefing September 14.

ISSUES/QUESTIONS FOR CONSIDERATION

- How did the Administration arrive at a \$50 ceiling for fees that may be charged for the release of an immobilized vehicle?
- Are letters one-and-one-half inches high adequate enough on signs to warn drivers that vehicles on private property may be immobilized, towed or impounded?

KEY POINTS

- The Administration submitted the ordinances in tandem because both refer to a proposed new section – 5.85.060, titled *Signs Required for Immobilization, Towing or Impoundment*.
- The ordinances appear to pertain largely to towing or immobilizing vehicles on private property.

- The proposed ordinance pertaining to towing service regulation would repeal sections of *City Code* Chapter 5.84 – titled *Wrecker Services and Towing Operations* – that State law has superseded. The repealed sections include setting a maximum of \$10 that a towler may charge someone if a vehicle owner or driver returns to the vehicle before it is towed away. (State regulations now require that towing services cannot charge vehicle owners or drivers if that occurs, according to the Administration transmittal.)
- Another amendment would make clear that a towing service could not tow away a vehicle from a public street without the owner’s consent “except at the direction of a law enforcement agency.”
- The bulk of the other amendments appear to pertain to a new proposed amendment pertaining to signage on private property to warn drivers that their vehicles may be towed, impounded or immobilized if they park on the property illegally.

The proposed ordinance pertaining to vehicle booting services would require:

- A booting service business to obtain a Salt Lake City business license.
- The applicant for a booting service business license to undergo a background check by the Salt Lake City Police Department.
- A minimum of \$25,000 in insurance.
- That employees of a booting service wear a “top article of clothing” that identifies the company and the employee.
- The booting service to have a written contract with the owner of the private property on which the service immobilizes vehicles, and that the contract be readily available to show to people whose vehicles have been immobilized.
- The booting service to accept credit cards and debit cards as payment for removing a boot.
- A booting service to charge no more than \$50 to remove an immobilizing boot.
- The booting service to allow an immobilized vehicle to remain on the private property for two hours before having the vehicle towed away.
- The booting service to charge only towing and impoundment fees if an immobilized vehicle is towed away.

The proposed ordinance also would require private property owners to have signs posted on their properties warning drivers that their vehicles will be immobilized, impounded or towed at the vehicle owner’s expense if they are on the private property without the property owner’s permission. The proposed section would require signs “visible to the driver of a vehicle entering the property” and signs “visible to the driver from the location where the vehicle is parked.” The proposed ordinance sets a minimum of one-and-one-half inches for the lettering on the warning signs “for at least the first half of the text on the sign.” Lettering on the lower half of the signs “may be no smaller than one-half inch high.”

BACKGROUND/DISCUSSION

The impetus for the proposed amendments to the *City Code* regulating wrecker and towing operations appears to be the need to conform the *City Code* to State law.

A reason for the proposal to enact a new ordinance regulating booting services appears to have been complaints to the City from people whose vehicles have been immobilized by the use of “Denver boots” or “California immobilizers.” (Please see attachments.)

It should be noted that the City uses a lighter weight “bulldog boot” to immobilize vehicles whose owners have been found to have six or more unpaid parking tickets, according to the Administration. One difference between the City’s program and the businesses that would be regulated by the proposed ordinance is the City program is restricted to vehicles parked on public streets while the booting services involve private property such as parking lots. It should be noted that many of the complaints received by the City have involved car owners who have parked their cars in private parking lots.

There appear to be three private booting services operating in Salt Lake City. One of the companies operates in three parking lots that are next to each other. The company checks the parking lots for vehicles whose drivers have not obtained monthly parking passes for the lot. If a vehicle is found not to have a monthly parking pass, the booting service “tickets” the vehicle. (Please see attachment.) If the same vehicle receives more than two tickets, the company places a “California immobilizer” on the vehicle.

The other two booting services generally use equipment such as the “Denver boot” to immobilize vehicles in private parking lots in some areas of the City.

Two of the three booting service operators spoke briefly to City Council staff and raised the following concerns:

One operator suggested that the proposed maximum \$50 fee should be raised to the \$80 range the company currently charges. The operator said the \$80 fee is enough to defray employment and equipment costs, but a \$50 fee may be too low.

The other operator Council staff spoke to questioned whether there was any way the proposed ordinance might allow his company to collect revenue from unpaid “tickets” as well as the fee in the proposed ordinance. The operator also said a requirement that immobilizing devices be placed only on the driver’s side of a vehicle was impractical in some cases.

The City Council may wish to discuss the size of lettering for warning signs in the proposed ordinance. As previously noted, the proposed ordinance sets a minimum of one-and-one-half inches for the lettering on the warning signs “for at least the first half of the text on the sign.” Lettering on the lower half of the signs “may be no smaller than one-half inch high.” The City Council may wish to consider whether the size of the letters is adequate to provide fair warning that vehicles could be immobilized, impounded or towed if they are parked on private property without the property owner’s permission.