

Chapter 10-23

NON-CONSENT TOWING SERVICES

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10-23 NON-CONSENT TOWING SERVICES

It shall be the policy of the City of Boise to provide for the protection of the public interest as it relates to the towing of vehicles from public or private property without the consent of the vehicle's owner or operator. To that end, this Chapter provides

for regulations intended to safeguard the public health, safety, and welfare, and promote the best interests of the community, including regulations to prevent fees, rates and tow activities that are arbitrary, unfair, discriminatory or unequally applied.

Nothing in this Chapter shall be construed to grant an applicant or licensee a property right or interest in conducting non-consent tows. The person or entity requesting a non-consent tow retains full authority to select the licensee of their choice to perform this service.

Section 10-23-01 DEFINITIONS

The terms as used in this Chapter shall have the following meanings:

- A. **Abandoned.** A vehicle left on private property without permission of the persons with possessory interest or on a highway or other property open to the public for purposes of vehicular traffic or parking, or upon or within the right-of-way of any highway, for twenty-four (24) hours or longer.
- B. **Fire Lane.** An area on public or private property reserved for providing Fire Department access to structures, firefighting fixtures or equipment, and clearly marked with such designation.
- C. **GVWR.** Gross vehicle weight rating or maximum allowable weight of the fully loaded vehicle to include all fuel and other liquids, passengers, cargo and the tongue of any towed vehicle.
- D. **Junked.** Vehicles that are extensively damaged to include, but not limited to, broken windows and/or windshield or missing parts integral to physical operation of the vehicle, such as tires, motor or transmission; vehicles that pose a safety risk, such as those with leaking fluids; and vehicles that otherwise cannot be legally driven on the roadway in the condition in which they are found.
- E. **Law Enforcement Personnel.** Employees of a law enforcement agency, to include civilians as well as sworn officers.
- F. **Non-Consent Towing.** Removal of a vehicle from public or private property by the use of a tow truck without the consent of the vehicle owner, driver or agent of the vehicle owner.
- G. **OEM.** Original equipment manufacturer.
- H. **VIN.** Vehicle identification number, consisting of numbers and letters, placed on a vehicle by the manufacturer for the purpose of identifying the vehicle.

(6718, Amended, 06/16/2009)

Section 10-23-02 LICENSING REGULATIONS

All persons who tow or otherwise remove vehicles from public or private property without the consent of the vehicle owner or operator shall maintain a valid Boise city towing license. It shall be unlawful to conduct a non-consent tow without a valid license issued under this Ordinance.

10-23-02.1 License Application Procedure

- A. Written application upon the form provided by the City Clerk's Office and signed by the applicant must be filed with the City Clerk and accompanied by the required administrative fee. The following information must be contained in the application and must be verifiable at the time of the application's review:
 - 1. The trade name, address, and telephone number of the company requesting the license.
 - 2. The number and types of tow trucks to be operated under the license.
 - 3. The license number and VIN number of each tow truck to be utilized under the license.
 - 4. The full name, address, telephone number and date of birth of the owner(s) of the applicant company or the principal stockholders and operating manager if the applicant is a corporation.
 - 5. The full name, date of birth, date of hire and driver's license number for all persons who will be operating a tow truck pursuant to the requested license.
 - 6. A notarized signature of the applicant attesting that the applicant and all other listed operators meet all license qualifications outlined in this Chapter.

- B. The applicant must be the company owner or authorized representative.

- C. All persons listed on the application shall submit to a background check as set forth in Boise City Code Section 05-02-06.

- D. Only one license per individual, business or company will be permitted. An applicant for a license may not be named as an owner or driver on any other license application under this Chapter. A licensee under this Chapter may not operate a tow truck under any non-consent tow license except for the license issued directly to that licensee.

- E. Licenses will expire on September 30 of each calendar year. The license must be renewed on an annual basis by re-submitting the written application form with current information and the administrative fee, no later than 30 days prior to the expiration date.

- F. The City Clerk shall process the application and forward to the Police Department for review. Once the Police Department has verified that the

applicant and all others listed as operating under the license meet all applicable requirements, the City Clerk will be notified to issue the license.

- G. The non-refundable annual fee to accompany a towing license application shall be in an amount established by the Boise City Council and listed on the most current City Clerk License Fee Schedule. A pro-rated annual fee will be assessed if the prior annual license was obtained within four months of the renewal date.
- H. The applicant/licensee shall be required to obtain certified inspections on an annual basis for all tow trucks covered by the license and submit an inspection form for each truck, available from the City Clerk's Office, completed and signed by the certifying mechanic. The completed inspection forms shall be submitted to the Police Department within ninety (90) days of the issuance of the license. The applicant/licensee shall be responsible for all costs associated with such inspections. Failure to submit the inspection forms in a timely fashion or failure to pass the inspection shall be grounds for suspension or revocation of the license.
- I. The licensee shall notify the City Clerk and the Boise Police Department in writing within ten (10) days of any changes to the information contained on the license application. Failure to make proper notifications under this section may result in the suspension or revocation of the license. Additional named individuals shall be required to submit to fingerprinting and are subject to criminal background checks as described in Boise City Code 5-02-01 et.seq..

(Ord-38-15, Amended, 8/25/2015; 6824, Amended, 09/13/2011)

10-23-02.2 Requirements and Responsibilities of Licensees

- A. Each licensee shall maintain a single, twenty-four (24) hour towing service, available seven (7) days per week, with the dispatch of such service to be from base stations or an answering service. Two or more licensees may share a base station.
- B. Each license issued pursuant to this Chapter must be posted and kept in a conspicuous place in the main place of business of the licensed tow company. The main place of business shall be either the tow lot from which citizens will retrieve their vehicle or a business office at which the licensee or representative can be reached twenty-four hours a day.
- C. All tow trucks used pursuant to a towing license, to include all required accompanying equipment, shall be maintained in good working order and safety certified through inspection at all times.

- D. All tow trucks used pursuant to a towing license shall be readily identifiable by conspicuous permanent painting or lettering with the name of the tow company, and shall display a license sticker issued by the City Clerk on the inside lower right-hand corner of the windshield.
- E. Each licensee shall maintain an entry in a local phone book under the operating name of the tow company.
- F. All operators of tow trucks covered by a towing license are required to receive a nationally recognized operator's certification of training within one year of employment as a tow truck operator. Copies of the training certification shall be provided to the City Clerk and the Boise Police Department.
- G. All operators of tow trucks covered by a towing license must maintain a current and valid Idaho Driver's License and must carry said license on their person, along with a copy of the towing license which covers the vehicle they are operating, at all times when operating the tow truck on public roadways or while engaged in the act of towing or otherwise moving a vehicle.
- H. No person who has pled guilty to or been convicted of, regardless of the form of the judgment, any crime punishable by incarceration in a state correctional facility or any crime of violence, harassment or theft, shall be eligible to receive a license under this Chapter or operate a tow truck covered by a license issued under this Chapter until five (5) years has passed since the date of initial entry of judgment.
- I. The City Clerk and the Boise Police Department shall be notified in writing within ten (10) days of any change, either wholly or in part, of the ownership of the licensed entity or any change of address or business name of the licensed entity.
- J. Each licensee shall maintain its own separate locked, lighted and secured impound lot, bordered by a chainlink, steel or concrete fence not less than six (6) feet in height and maintain insurance on said property to cover any fire, theft and vandalism of vehicles stored upon the property. In addition, the licensee is required to maintain an agent on the premises at all times or, in the alternative, to post a clearly legible and visible phone number on the premises which can be used to contact the licensee or an agent of the licensee at any time. The licensee or agent must be immediately available to respond to the impound lot upon request and allow for retrieval of personal property or recovery of towed vehicles at any time, day or night. The licensee or agent may deny immediate recovery of personal property or the towed vehicle if there is an identifiable safety issue. An identifiable safety issue means obvious intoxication or aggressive behavior by the

person wishing to retrieve the possessions or the vehicle which can be documented by the licensee or agent. When such refusal of service occurs, the licensee shall send notification in writing to the Boise Police Department the next business day. Licensees may only charge for removal of personal property when it occurs after hours at the request of the owner of the personal property as described in section 23.06 of this chapter.

- K. Each licensee shall procure and maintain throughout the term of the license a commercial general liability insurance policy, naming the City of Boise as an additional insured, in an amount not less than \$1,000,000 and a current copy of such shall be filed with the City Clerk and the Boise Police Department. In addition, each tow truck operated under a towing

license shall be insured pursuant to Title 49 of Idaho Code with proof of such insurance to be located within each vehicle.

- L. All licensees and employees and other agents of licensees shall conduct themselves in a professional manner at all times when dealing with members of the public. Documented verbal and/or physical abuse towards citizens will not be acceptable and may be grounds for suspension or revocation of the related tow license or denial of a renewal of the license.

- M. Licensees shall accept major credit cards as well as cash for payment of any fee authorized by this Chapter. A three percent (3 %) administrative fee may be charged when accepting payment by credit card.

(6824, Amended, 09/13/2011)

10-23-02.3 Employee License to Perform Non-Consent Tows

Employees of licensees who are listed on the license application and who meet all qualifications pursuant to this Chapter, may conduct non-consent tows without obtaining an individual towing license; provided, they shall be required upon request to verify they are covered employees.

10-23-02.4 Required Records

- A. A licensee conducting a non-consent tow must maintain a record of the tow to include the following information:
 1. The person or business authorizing the tow;
 2. The name of all persons present during the tow.
 3. The location of the tow;
 4. The date and time of the tow;
 5. The color, make, model and year of the vehicle towed;
 6. A description of any personal property located within the towed vehicle if known to the licensee;
 7. An itemized statement of services provided and fees owed; and
 8. The final disposition of the vehicle after the tow to include whether

it was claimed by the owner or agent of the owner, disposed as low value or auctioned. If auctioned or disposed as low value, detailed statement of the revenue received for the vehicle, including any parts of the vehicle sold or auctioned as separate parts.

- B. Upon request of the Boise Police Department, the registered owner of a towed vehicle or the owner's lawful representative, the license responsible for the tow shall provide a copy of the record of the tow, as defined in Section A, above, at no cost.

10-23-02.5 Denial, Suspension or Revocation of License

- A. The Boise Police Department may deny a request for license under this Chapter, or suspend or revoke a previously issued license upon notice of a failure to meet, maintain, or follow all qualifications, regulations, and requirements of this Chapter; and in addition for the following reasons:
 - 1. Making of any false statement in the application for license or license renewal, or in a hearing regarding the license.
 - 2. Allowing anyone to conduct non-consent tows pursuant to the license who does not qualify under this Chapter, or who violates any provisions of this Chapter while operating pursuant to the license.
 - 3. Use of the license in a manner contrary to the terms of this Chapter or in violation of any City ordinance, State law, Regulation or Statute.
 - 4. Three or more previous violations of the provisions of this Chapter.
- B. Upon notice of a denial, suspension or revocation of a license under this Chapter, the licensee or applicant may request a hearing. Such request must be in writing and mailed to the Boise Police Department Impound Unit no later than ten (10) days from receipt of the notice of denial, suspension or revocation.
- C. Upon receipt of the request for hearing, the Boise Police Department shall appoint a hearing examiner to take testimony and other evidence, and issue a finding as to whether there is good cause for the denial, suspension or revocation of the license. Such finding shall be in writing and submitted to the Deputy Chief of the Operations Support Bureau of the Boise Police Department.
- D. If the denial, suspension or revocation is upheld by the hearing examiner, the applicant/licensee may appeal the decision to the Boise City Council by sending written notice to the Boise Police Department Impound Unit within ten (10) days of receipt of the findings of the hearing examiner.
- E. The Boise Police Department shall be responsible for noticing a hearing

before the Council by which objection to the hearing examiner's findings can be made. The Council may hear argument but shall not take additional evidence. The Council may adopt the findings of the hearing examiner or may issue an amended finding.

- F. The decision of the Council shall be final and conclusive. Appeal of the decision of the Council may be made by filing a complaint with the District Court for the County of Ada within ten (10) days of the Council's decision.

(6718, Amended, 06/16/2009)

Section 10-23-03 TOWING REGULATIONS

It shall be unlawful for any person to tow a vehicle or otherwise act in contravention of the following regulations.

10-23-03.1 Response to Scene of Collision

No person may drive a tow truck, regardless of whether the tow truck is licensed or not under this Chapter, to the scene of a collision which is required to be reported to law enforcement under any of the provisions of Idaho Code, Title 49, unless expressly summoned by law enforcement personnel.

If a tow truck operator responds pursuant to a private request and is unaware that a reportable collision has occurred, the operator will not be deemed to have violated this Section; provided that the tow truck operator shall immediately notify law enforcement once the operator is made aware of the reportable collision.

10-23-03.2 Use of Emergency Lights

Tow trucks must utilize their overhead emergency lights, required to be on all tow trucks licensed by this Chapter, while standing on a roadway for the purpose of conducting a tow, and while actively engaged in the preparation for towing and transportation of a towed vehicle. These lights must be amber in color unless the truck is actively engaged in the recovery of a motor vehicle and is blocking one or more lanes of travel, at which time red lights are authorized.

10-23-03.3 Clean-up of Debris at Scene of a Collision

Tow truck operators are required to remove all collision debris from the roadway when towing a vehicle away from the scene of a collision. Tow truck operators must also clean up roadway debris caused by the removal of an abandoned vehicle.

10-23-03.4 Soliciting Business

No person may solicit, either directly or indirectly, the business of towing, removing, repairing, wrecking, storing, trading, or purchasing motor vehicles while at the scene of a law enforcement authorized tow.

10-23-03.5 Specific Request for Tow

It shall be unlawful to conduct a non-consent tow except under the specific

request of law enforcement personnel, other government officials, or the owner or authorized representative of the private property from which a tow will be made. General authorization for non-consent tows from private property is not permitted. Specific requests for non-consent tows from private property, other than requests from law enforcement or other government officials, must include written authorization from the owner of the property or the authorized representative, who shall be present at the time of the removal of the vehicle. Such presence will not be required when the vehicle to be removed is parked in a manner which interferes with entrance to or exit from the private property.

10-23-03.6 Required Notification of Private Property Tows

It shall be unlawful to tow a vehicle from private property unless it is clearly posted in a conspicuous area near the location of the tow the name and phone number of the licensee conducting the tow, or unless the tow is directed by law enforcement personnel or other government officials. It shall be unlawful to post private property pursuant to Idaho Code §49-1806 with any sign indicating vehicles may be towed by a company not licensed to perform non-consent tows. Tow companies are expressly prohibited from posting signs indicating they will perform non-consent tows if they are not licensed under this Chapter. Licensees shall notify the Boise Police Department by the next business day after any private property tow, the make, model and license number of the vehicle removed as well as the location from which it was towed and the person authorizing the tow.

10-23-03.7 Unlawful Request for Tow

It shall be unlawful to knowingly request a tow of a vehicle or to conduct a tow of a vehicle that is lawfully parked or otherwise lawfully upon private property, unless at the direction of law enforcement personnel or other government officials. It is unlawful to authorize a non-consent tow by any company or individual not licensed under this Chapter. It is unlawful to receive any payment, including tow fees, storage fees or any other fee listed in this Chapter for a tow initiated in violation of this Chapter.

10-23-03.8 Placement of Towed Vehicle

All vehicles towed without the consent of the owner or operator shall be delivered in a safe manner to an impound lot, located within the Boise city limits or area of impact, or the city limits of Meridian or Garden City, that is locked, lighted and secure. If the tow was directed by law enforcement personnel, that person may also direct the location of the vehicle storage.

10-23-03.9 Release of Vehicle

A tow truck operator shall release a vehicle upon request of the owner or driver if the vehicle has not yet been removed from the tow location and the owner or driver can lawfully remove the vehicle from the location at that time. The tow truck operator shall not be permitted to require payment of the tow fee unless the vehicle has been attached to the tow truck and is in a position ready to be towed prior to the request for release. If the vehicle is not attached to the tow truck at the time of request for release, the tow truck

operator may require a payment not to exceed fifty dollars (\$50.00) plus mileage one way from the storage lot prior to releasing the vehicle; however the tow truck operator shall allow for reasonable accommodations for the owner or driver to obtain the required fee before removing the vehicle from the location.

(6718, Amended, 06/16/2009)

Section 10-23-04 REMOVAL OF VEHICLES FROM PUBLIC STREETS AND PROPERTY

10-23-04.1 Unlawful Standing or Parking of Vehicles

Any police officer shall be authorized to direct the removal of a vehicle stopped or parked upon a street, roadway or public place in violation of any of the provisions of Boise City Code Title 10, or Idaho Code Title 49.

10-23-04.2 Vehicle Operator Arrested

Any police officer shall be authorized to direct the removal of a vehicle from which the operator has been arrested or otherwise taken into lawful custody. Exceptions to this authorization are vehicles parked on private property with the express permission of the property owner or owner representative and vehicles which are owned by a person other than the arrested operator and the owner is available to remove the vehicle upon direction by a police officer in a reasonable and timely manner. Removal of vehicles under this section shall be considered lawful law enforcement impounds.

10-23-04.3 Other Law Enforcement Tows

Any law enforcement personnel shall be authorized to direct the removal of vehicles that are abandoned, unlicensed, wrecked, junked, or hazardedly parked at or upon any street, roadway or public place. In addition, any police officer shall be authorized to direct the removal of vehicles from any place public or private which is parked in a designated fire lane or for which there is probable cause to believe it is stolen, constitutes evidence of a crime or contains evidence of a crime.

10-23-05 TOW TRUCK SPECIFICATIONS

All tow trucks operating under a Boise city towing license shall comply with all safety provisions, rules and regulations required to be observed by motor carriers by federal and state law, and, in addition thereto, shall comply with the requirements of this ordinance.

10-23-05.1 Classes of Tow Trucks

- A. **Class A Tow Truck** shall be capable of towing and recovery of passenger cars, pickup trucks, small trailers, or equivalent vehicles and shall have:
1. A minimum manufacturer's gross vehicle weight rating (GVWR) of not less than thirteen thousand five hundred (13,500) pounds, with dual rear tires; and
 2. A wheel lift with a minimum manufacturer's rating of three thousand (3,000) pound lift rating retracted; and
 3. A boom with a minimum manufacturer's rating of four (4) ton

- capacity with single or dual winches; and
- 4. Winches with a minimum manufacturer's rating of eight thousand (8,000) pounds; and
- 5. Wire rope (winch line) which shall be a minimum 3/8 inch diameter 6x19 or OEM specification , and not less than one hundred (100) feet continuous length.

B. **Class B Tow Truck** shall be capable of towing and recovery of medium size trucks, trailers, motor homes or equivalent vehicles and shall have:

- 1. A minimum manufacturer's GVWR of not less than twenty-five thousand (25,000) pounds with dual rear tires; and
- 2. A wheel lift/under lift with a minimum manufacturer's rating of five thousand (5,000) pound lift rating retracted; and
- 3. A boom with a minimum manufacturer's rating of twelve (12) ton capacity, with single or dual winches; and
- 4. Winches with a minimum manufacturer's rating of ten thousand (10,000) pounds; and
- 5. Wire rope (winch line) which shall be a minimum 7/16 inch diameter 6x19 or OEM specification, and not less than one hundred fifty (150) feet continuous length.

C. **Class C Tow Truck** shall be capable of towing and recovery of large trucks, trailers, buses, motor homes, or similar vehicles, and shall have:

- 1. A minimum manufacturer's GVWR of not less than forty thousand (40,000) pounds with tandem drive axels; and
- 2. An under lift with a minimum manufacturer's rating of twenty-five thousand (25,000) pounds retracted; and
- 3. A boom with a minimum manufacturer's rating of twenty (20) ton capacity with single or dual winches; and
- 4. Winches with a minimum manufacturer's rating of twenty thousand (20,000) pounds; and
- 5. Air brakes with air hookup package capable of supplying air to disabled vehicles; and
- 6. Wire rope (winch line) which shall be a minimum 5/8 inch diameter 6x19 or OEM specification, and not less than two hundred (200) feet continuous length; and
- 7. Tow bar or tow sling (if equipped) with a minimum twelve thousand (12,000) pound rating.

D. **Class D Tow Truck** shall be designed and intended to transport other vehicles by loading the vehicle entirely onto the truck; may be flatbed, roll bed or rail type design; and shall have:

- 1. Light Duty - One Vehicle
 - a. A minimum manufacturer's GVWR not less than thirteen thousand (13,000) pounds with dual rear tires; and
 - b. Winch with a minimum manufacturer's rating not less than

- eight thousand (8,000) pounds; and
 - c. Wire rope (winch line) with a minimum 3/8 inch diameter 6x19 or OEM specifications, and not less than forty (40) feet continuous length.
 - 2. Light Duty – Two Vehicle
 - a. A roll bed equipped with wheel lifts or tow bar; and
 - b. A minimum manufacturer’s GVWR of more than sixteen thousand (16,000) pounds with dual rear tires; and
 - c. Winch with a minimum manufacturer’s rating not less than eight thousand (8,000) pounds; and
 - d. Wire rope (winch line) with a minimum 3/8 inch diameter 6x19 or OEM specifications, and not less than forty (40) feet continuous length; and
 - e. Wheel lift/tow bar with a minimum manufacturer’s rating of three thousand (3,000) pound lift rating retracted.
 - 3. Medium Duty
 - a. A minimum manufacturer’s GVWR not less than twenty-five thousand (25,000) pounds with dual rear tires; and
 - b. Winch with a minimum manufacturer’s rating not less than eight thousand (8,000) pounds; and
 - c. Wire rope (winch line) with a minimum 3/8 inch diameter 6x19 or OEM specifications, and not less than forty (40) feet continuous length; and
 - d. Wheel lift/tow bar with a minimum manufacturer’s rating of three thousand (3,000) pound lift rating retracted.

10-23-05.2 Tow Truck Requirements

- A. All tow trucks regardless of class shall be equipped with the following:
 - 1. Operating parking brake independent of hydraulic brake system; and
 - 2. Heavy duty transmission, and
 - 3. Dual rear wheels; and
 - 4. Power assisted brakes constructed so as to lock and hold drive wheels, unless ABS equipped; and
 - 5. Revolving or strobe overhead amber emergency lights with three hundred sixty degree (360°) visibility; and
 - 6. Spotlight(s) mounted behind cab capable of lighting scene of disablement; and
 - 7. At least two (2) safety securing devices, which may be chain, nylon strap or steel strap, with a minimum breaking strength of fifteen thousand (15,000) pounds or OEM specification (winches are not classified as securing devices); and
 - 8. One fire extinguisher having a minimum capacity of five (5) pounds ABC dry chemical; and
 - 9. A minimum of six (6) traffic cones or triangles with a height of not

- less than eighteen inches (18”); and
10. Magnetic or plastic base portable tail, stop and turn signal lights for the vehicle being towed (except single vehicle roll beds); and
 11. Permanent lettering in a size to be easily visible to passing motorists with the company name and phone number.
- B. Tow trucks equipped with non-OEM winches and booms shall be required to provide proof upon request of law enforcement personnel that the equipment capacity rating is not less than that nationally accepted for the class of tow truck upon which the equipment will be used.
- C. Wire rope (winch line) on all tow trucks shall conform to the following:
1. Shall be capable of being fully extended from and fully wound onto the winch drum; and
 2. Shall be in good working order with no more than six (6) randomly distributed broken wires in one rope lay or no more than three (3) broken wires in one strand on one rope lay; and
 3. Shall contain no evidence of heat damage from any cause; and
 4. Shall contain no evidence of being pinched or crushed; and
 5. Shall have no end attachments that are cracked, deformed, worn or loosened; and
 6. Wire rope end connections shall be wedged using a thimble. Wire rope end connections may be clamped as a temporary field repair, but shall be wedged at the earliest opportunity. When clamped, there shall be a minimum of three (3) clamps spaced a minimum of six (6) rope diameters apart and attached with the base or saddle of the clamp against the longer or live end of the wire rope. The “U” bolt must be placed over the short or dead end of the rope and must be the proper size for the wire rope being clamped.
- D. A tow truck which responds to accident scenes shall carry the following equipment in addition to the standard equipment required for all tow trucks:
1. Towing dollies with OEM specifications, except roll bed trucks; and
 2. Two (2) four (4) gallon or larger trash cans; and
 3. A minimum four foot (4’) wrecking bar, three-fourths inch (3/4”) in diameter; and
 4. A broom of a minimum twelve (12) inch width; and
 5. A flat tip shovel; and
 6. A minimum of six (6) flares, fuses or other alternate lighting devices with a minimum twenty (20) minute capacity; and
 7. Jumper cables; and
 8. A minimum of four (4) gallons of sand or absorbent material; and
 9. A minimum four (4) ton OEM rating snatch block; and
 10. A two-way radio or the ability to immediately communicate with

- the tow office or answering service (not including CB radios); and
- 11. A minimum of two (2) wheel chocks or scotch blocks capable of securely holding the tow truck while the truck is recovering a disabled or wrecked vehicle, except tow trucks equipped with locking systems capable of locking the tow truck brake system; and
- 12. A reflective vest, with a minimum ANSI class 2 visibility.

Section 10-23-06 TOWING AND STORAGE RATES

The rates and fees outlined in this Chapter are the maximum amounts that may be collected from an owner, or owner representative, of a vehicle towed without consent of the owner for the release of the vehicle. It shall be unlawful for anyone to collect a fee or fee amount for a non-consent tow unless such fee and fee amount is specifically enumerated in this Chapter. All licensees under this Chapter must accept major credit cards as well as cash for any payment authorized under this Chapter, provided a three percent (3%) administrative fee may be charged when accepting payment by credit card.

10-23-06.1 Tow Fee Rates

- A. Light Duty Vehicles (3/4 ton or less cars and trucks)..... \$125.00
- B. Medium Duty Vehicles (1 ton chassis or larger)..... \$175.00
- C. Heavy Duty Vehicles (semi-tractor trailers, buses, etc.).....\$225.00

10-23-06.2 Daily Storage Rates

Storage fees may not accrue past the date upon which the registered owner has mailed notice of intent to relinquish title to the appropriate government agency or for more than sixty days.

- A. Release of the vehicle within 24 hours of the wrecker arriving at the scene of the tow.....included in tow fee (above).
- B. Subsequent calendar days or portions thereof
 - Light Duty and Medium Duty Vehicles.....\$25.00
 - Heavy Duty Vehicles.....\$50.00

10-23-06.3 Additional Allowed Fees

The following are fees that are authorized in addition to the tow fee and storage fee otherwise applicable.

- A. After Hours Gate Fee – may be collected when a vehicle or personal property from a vehicle is retrieved between the hours of 5:00 pm and 8:00 am, Monday – Friday and anytime on Saturday, Sunday or a City holiday..... \$50.00

- B. Special Equipment Fee – may be collected when special equipment, (defined as equipment not generally needed to accomplish a tow) is required to accomplish the tow, but tower has the burden of proving the necessity for use of the special equipment.....\$25.00 per item
- C. Clean Up Fee – may be collected when clean up of debris is required by this Chapter.....\$25.00
- D. Mileage Fee – may be collected when a vehicle is released at the scene pursuant to Section 10-23-03.9 of this Chapter and from the location of a non-consent tow to the tower’s nearest impound lot..... \$4.00 per mile
- E. Labor Fee – the first hour is included in the tow fee; each subsequent hour or portion thereof:
 - Light Duty and Medium Duty Vehicles.....\$75.00 per hour
 - Heavy Duty Vehicles.....\$100.00 per hour

Section 10-23-07 ADMINISTRATION AND ENFORCEMENT

10-23-07.1 Authorized Fee for VIN Inspections

Boise Police are authorized to collect a fee of \$5.00 per VIN inspection from the party requesting the inspection to cover administrative expenses.

10-23-07.2 Compliance Checks

Law enforcement personnel are authorized to conduct compliance checks of any and all requirements contained in this Chapter. Failure to allow law enforcement personnel to verify compliance may result in suspension, denial or revocation of the tow license issued pursuant to this Chapter.

10-23-07.3 Penalties

Any person violating the provisions of this Chapter shall be deemed guilty of a misdemeanor and shall be subject to a minimum fine of one hundred fifty dollars (\$150) up to five hundred dollars (\$500). A second violation of this Chapter shall be subject to a minimum fine of three hundred dollars (\$300) up to one thousand dollars (\$1000). Any third or subsequent violation shall be subject to a minimum fine of five hundred dollars (\$500) up to one thousand dollars (\$1000) or imprisonment in the county jail not to exceed six (6) months, or both. Each day such violation is committed or permitted to continue shall constitute a separate offense and be punishable as such hereunder.

Criminal penalties shall be in addition to, and not considered in lieu of, any action taken to deny, suspend or revoke a license held under this Chapter.

10-23-07.4 Severability

The provisions of this Chapter are severable, and should any sentence, section or other part of this Chapter be held invalid, such invalidity shall not affect the remaining provisions and the remaining provisions will continue to remain in full force and effect.

(6674, Enacted, 06/24/2008)

