

Ordinance 2022-48

SHORT TITLE:

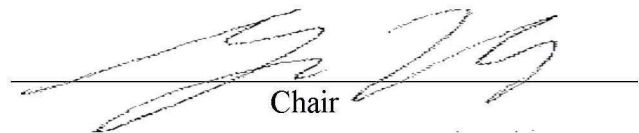
AN ORDINANCE AMENDING PROVO CITY CODE REGARDING TOWING OPERATIONS TO CLARIFY SIGNAGE REQUIREMENTS AND ALLOWED FEES. (22-076)

I
PASSAGE BY MUNICIPAL COUNCIL

ROLL CALL

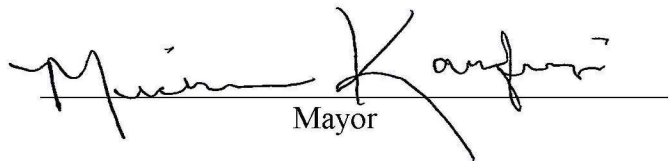
DISTRICT	NAME	FOR	AGAINST	OTHER
CW 1	KATRICE MACKAY	✓		
CW 2	DAVID SHIPLEY	✓		
CD 1	BILL FILLMORE			Excused
CD 2	GEORGE HANDLEY	✓		
CD 3	SHANNON ELLSWORTH			Excused
CD 4	TRAVIS HOBAN	✓		
CD 5	RACHEL WHIPPLE	✓		
TOTALS		5	0	

This ordinance was passed by the Municipal Council of Provo City, on the 15th day of November 2022, on a roll call vote as described above. Signed this 1st day of December 2022.


Chair

II
APPROVAL BY MAYOR

This ordinance is approved by me this 1st day of December 2022.


Mayor

Ordinance 2022-48

III

CITY RECORDER'S CERTIFICATE AND ATTEST

This ordinance was signed and recorded in the office of the Provo City Recorder on the 3rd day of January 2023 and was published on the Utah Public Notice Website on the 18th day of November 2022. I hereby certify and attest that the foregoing constitutes a true and accurate record of proceedings with respect to Ordinance Number 2022-48.



Heidi Allman

City Recorder

EXHIBIT A

42
43

44 **9.31.110**

45 **Towing and Parking Enforcement Operations¹.**

46

47 . . .

48 (5) No person may conduct a towing or parking enforcement operation without meeting any
49 applicable notice and signage requirements contained in the Utah State Code. ~~at a parking lot~~
50 ~~having four (4) or more parking spaces other than on a vehicle which has been continuously parked~~
51 ~~in such a lot for more than seventy-two (72) hours, unless:~~

52 ~~(a) "No parking" areas, restricted parking spaces, and visitor parking spaces, if any, are clearly~~
53 ~~marked with signage installed in such a manner as to provide adequate notice to those utilizing~~
54 ~~the parking area, including marking of the boundaries between the subject parking lot and any~~
55 ~~adjoining parking lot owned by another person; and~~

56 ~~(b) A conspicuous sign posted at, or immediately adjacent to, each entrance to the property~~
57 ~~provides notice that unauthorized vehicles may be towed from the parking lot or booted. Each~~
58 ~~such sign shall:~~

59 ~~(i) Be at least eighteen (18) inches by twenty-four (24) inches in size;~~

60 ~~(ii) Give warning, in large reflective lettering, that unauthorized vehicles may be towed or~~
61 ~~booted;~~

62 ~~(iii) Give the name and telephone number of business(es) authorized to conduct a towing~~
63 ~~or parking enforcement operation on the property;~~

64 ~~(iv) State the fees charged for towing and parking enforcement operations; and~~

65 ~~(v) Be posted within approximately five (5) feet of each entrance to a parking lot.~~

66 ~~(A) For purposes of this Subsection, a parking lot entrance shall mean any access~~
67 ~~allowing the entrance or exit of a vehicle between a private parking lot and a City street~~
68 ~~unless such access is not the property of the parking lot owner. In such case, the~~
69 ~~parking lot entrance shall mean:~~

70 ~~(I) The intersection of the parking lot property line and the property line of the~~
71 ~~access point; or~~

72 ~~(II) Any privately owned road connected to a public right-of-way leading to the~~
73 ~~entrance of a parking lot located on private property.~~

74 ~~(B) A sign posted directly over a driveway leading to an underground lot shall be~~
75 ~~deemed to meet the location requirements of this Subsection.~~

76 ~~(C) If signs cannot be posted within five (5) feet from the entrance to a parking lot for~~
77 ~~reasons of practical difficulty (such as the necessity of drilling a hole through concrete,~~
78 ~~removing a tree or shrubs, or because of an immediately adjacent private driveway not~~
79 ~~owned by the owner of the parking lot), a sign may be placed as close as reasonably~~
80 ~~practicable to the parking lot entrance. However, no sign shall be further than thirty~~
81 ~~(30) feet from the edge of the curb that borders the private property.~~

82 (6) . . .

83 (7) The written or telephonic request required under Subsection [\(6\)\(b\)\(i\)](#) of this Section prior to
84 initiating a towing or parking enforcement operation is not required if all of the following requirements
85 are met:

86 (a) The towing or parking enforcement business conducting the towing or parking enforcement
87 operation has been designated as a Provo City certified towing or parking enforcement business
88 by the Mayor, or the Mayor's designee;

89 (i) A licensed towing or parking enforcement business may seek this designation by
90 completing and signing a written application on a form provided by the City.

91 (ii) The licensed applicant business shall be granted this designation upon satisfying the
92 Mayor, or the Mayor's designee, that the applicant's business operations comply with all of
93 the contractual obligations required under Subsection [\(7\)\(c\)](#) of this Section.

94 (b) The owner of the property where the towing or parking enforcement operation takes place
95 complies with all the contractual obligations required under Subsection [\(7\)\(c\)](#) of this Section;
96 and

97 (c) The towing and parking enforcement business and the private property owner must have,
98 and comply with, a contract that contains provisions documenting and requiring all of the
99 following:

100 (i) A right of appeal to the property owner by the owner or operator of the vehicle booted
101 or towed;

102 (ii) The right of the property owner to grant the appeal and waive part or all of the fees and
103 charges incurred by the appellant;

104 (iii) A documented plan for providing adequate visitor parking;

105 (iv) Reasonable, as determined by the Mayor or the Mayor's designee, temporary permit
106 parking on a 24/7 availability basis for any property where the owner requires permit
107 parking;

108 (v) Signage that, in the Mayor or Mayor's designee's reasonable opinion, provides fair
109 notice to all persons of all limitations on parking on the property; ~~and~~

110 (vi) That the towing or parking enforcement operator's total maximum fees and charges for
111 ~~booting or otherwise~~ immobilizing a vehicle shall not exceed eighty percent (80%) of the
112 maximum fee allowed under Utah State Code for removing a vehicle immobilization device;

113 (vii) That the relevant fee charged by the towing or parking enforcement operator for towing
114 a vehicle, including shall not exceed eighty percent (80%) of the maximum allowed fee for
115 non-consent, non-police generated tows by Utah State Code and the Utah Administrative
116 Code for the:

117 (A) Tow Truck Service fee;

118 (B) Vehicle Storage fee for the first day of storage (subsequent days of storage may
119 be charged in accordance with the rules and rates set forth in Rule 909-19-13,
120 Utah Administrative Code, as amended); ~~shall not exceed eighty percent (80%)~~
121 ~~of the maximum fees set through Rule 909-19-11, Utah Administrative Code.~~

122 (C) Fuel Surcharge fee;

123 (D) Administrative fee; and

124 (E) After Hours fee; and

125 (viii) That the towing or parking enforcement operator shall not charge any fee, rate, or
126 charge not explicitly listed in Subsection (7)(c)(vi) or (vii).

127 (d) It is a violation of this Section to conduct a towing or parking enforcement operation without
128 a written or telephonic request pursuant to this Subsection (7) if either party to a contract
129 described in Subsection (7)(c) of this Section fails to comply with a contract provision required
130 under Subsection (7)(c) of this Section.

131 (e) Appeals by towing or parking enforcement operators or property owners of decisions by the
132 Mayor, or the Mayor's designee, made under this Subsection (7) may be appealed to a hearing
133 examiner to be appointed by the Mayor in accordance with Section 3.06.010, Provo City Code.

134 (8) A booted vehicle may not be removed from the site sooner than two (2) hours after the time of
135 booting.

136 (9) Except as otherwise provided in this Section, a towing or parking enforcement business
137 conducting a towing or parking enforcement operation shall comply with the following requirements:
138 ~~pursuant to this Section shall release the subject vehicle to its owner or agent immediately upon~~
139 ~~payment of applicable fees authorized by this Section or by Rule R909-19, Utah Administrative~~
140 ~~Code, as amended.~~

141 (a) The towing or parking enforcement business shall accept payment offered in cash or by
142 major credit card, but shall not be obligated to accept checks or payment in coins and shall
143 maintain sufficient cash on hand to make change of up to forty dollars (\$40.00).

144 (b) Every towing or parking enforcement business providing services pursuant to this
145 Subsection shall post in a conspicuous place upon its business premises a true copy of this
146 Section.

147 (c) A parking enforcement business removing a vehicle immobilization device shall be limited
148 to ~~a the~~ maximum ~~booting~~ fee, per vehicle, authorized by Utah State Code for removal of the
149 device of fifty percent (50%) of the maximum towing rate for non-consent tows as provided in
150 ~~Rule R909-19-12, Utah Administrative Code~~, and may not charge any other fee for a parking
151 enforcement operation. If an immobilized vehicle is towed, no fee ~~of any kind relating to booting~~
152 may be charged ~~in addition to~~ other than those fees explicitly listed in Subsection 7(c)(vii) towing,
153 ~~storage, or other applicable fees~~. If a vehicle is towed or booted unlawfully, no fee shall be
154 payable.

155 . . .