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RICK HOGABOAM

CANYON COUNTY RECORDER

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ORDINANCE

CANYON COUNTY COMMISSIONERS

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ORDINANCE NO. 24-002

**AN ORDINANCE OF CANYON COUNTY, IDAHO, AMENDING
CHAPTER 3, ARTICLE 19, LAW ENFORCEMENT TOWING; AND SEVERABILITY
CLAUSES; AND EFFECTIVE DATE**

Be It Ordained by the Board of County Commissioners of Canyon County, Idaho:

SECTION 1. TITLE.

This ordinance shall be known as the 2024 Amendment to Chapter 3, Article 19, Law Enforcement Towing of the Canyon County Code of Ordinances.

SECTION 2. STRUCTURE.

Titles and subtitles of this ordinance are only used for organization and structure and the language in each paragraph of this ordinance should control with regard to determining the legislative intent and meaning of the Board of County Commissioners.

SECTION 3. PURPOSE.

The purpose of this ordinance is to amend Chapter 3, Article 19, Law Enforcement Towing, of the Canyon County Code of Ordinances.

SECTION 4. AUTHORITY.

This ordinance establishing Chapter 3, Article 19, Law Enforcement Towing, is enacted pursuant to the authority conferred by Idaho Constitution, Article 12, Section 2, and Idaho Code §§ 31-714, 31-801, 31-807, and 31-828.

SECTION 5. AMENDING CHAPTER 3, ARTICLE 19, SECTION 5

Chapter 3, Article 19, Section 5 "DEFINITIONS" is hereby amended as follows:

03-19-05: DEFINITIONS:

As used in this article, the following terms will have the following meanings:

ACCIDENT: Any occurrence in Canyon County resulting in a wrecked or disabled vehicle, which results in an unintended injury or property damage attributable directly or indirectly to the motion of a motor vehicle or its load.

BUSINESS DAY: Monday through Friday, from nine o'clock (9:00) A.M. to five o'clock (5:00) P.M., excluding holidays declared by the Canyon County board of county commissioners.

CANYON COUNTY: That unincorporated area which is within the boundaries of Canyon County, Idaho.

CONVICTION: Finding or plea of guilt, whether or not the sentence is imposed, suspended, deferred, or withheld; and whether or not the case or charge is dismissed under Idaho Code section 19-2604 or any comparable statute or procedure.

DISABLED VEHICLE: A vehicle abandoned or rendered unsafe to be driven as the result of some occurrence other than an accident including, but not limited to: a) mechanical failures or breakdowns; b) fire; c) vandalism; d) a vehicle in a safe driving condition, but the owner is not present, able or permitted to drive; or e) any other occurrence in which the public interest or public safety reasonably necessitates removal of the vehicle by law enforcement.

DISPATCH: The person or persons within Canyon County assigned to route law enforcement agency calls for tow truck service by the use of a tow truck rotation list.

INSPECTION OFFICER (a.k.a., TOW COORDINATOR): The employee or employees designated by the Canyon County sheriff to handle law enforcement towing administrative duties.

LAW ENFORCEMENT TOW: Provision of a tow truck to the owner of a wrecked or disabled vehicle, at that owner's expense, by dispatch when a law enforcement agency has become involved and the owner has not articulated a preference in a tow truck service provider.

LUNCH HOUR: A one-hour lunch break that occurs during normal business hours (9:00 A.M. to 5:00 P.M.) on business days that must be clearly posted, as notice to the public, at the tow company's office and impound yard.

PERSON: An individual, assumed name entity, proprietorship, partnership, joint venture, association, corporation, or other legal entity.

PERSONAL PROPERTY: Items that are not affixed to the vehicle such as, but not limited to: papers, cellphones, portable radios, clothes, luggage, tools, or other items.

REASONABLY ACCESSIBLE: Staffed with at least one employee on site and open for business during normal business hours (9:00 A.M. to 5:00 P.M.) on business days, excluding lunch hour. Manned telephone line twenty-four (24) hours a day and a person available to access the yard within a reasonable time, not to exceed forty-five (45) minutes, from the request by dispatch or persons whose vehicles or property are stored within the secured storage lot or building.

TOW TRUCK: A vehicle designed to be used primarily for removing wrecked or disabled vehicles from any street.

TOW TRUCK ROTATION LIST: A list of qualified tow companies maintained by the Canyon County sheriff and which is used by dispatch to determine a suitable provider and the priority of the tow truck to be dispatched to the scene of a law enforcement tow in the event the owner of the vehicle requires a tow and has not articulated a preference.

VEHICLE OWNER: A person who holds legal title to a vehicle, or who has legal right of possession of a vehicle, or legal right of control of a vehicle.

WRECKED VEHICLE: A vehicle that has been damaged as the result of overturning or colliding with another vehicle or object so as to reasonably necessitate that the vehicle be removed by a tow truck. (Ord. 15-003, 2-27-2015)

SECTION 6. REPEAL AND REPLACE CHAPTER 3, ARTICLE 19, SECTION 27

Chapter 3, Article 19, Section 27 "FEES FOR LAW ENFORCEMENT TOWING" is hereby repealed and replaced as follows:

03-19-27: FEES FOR LAW ENFORCEMENT TOWING:

(1) Fees for services provided by tow companies pursuant to this article shall be set by resolution of the board of Canyon County commissioners upon the recommendation of the sheriff. Applications by tow companies to be placed on the law enforcement towing rotation shall be considered knowledge and consent by the applicant to abide by the provisions of this article. Failure to adhere to the established fee rates is cause for immediate removal from the law enforcement tow rotation list.

(2) The established fees apply to law enforcement towing only. The fees shall set forth the maximum amount a tow company is permitted to charge for different categories of vehicles for mileage rates, hourly rates, and vehicle storage, as described below. Tow companies shall not charge any additional fees or costs in addition to the established categories, unless approved by the inspection officer/tow coordinator on a case-by-case basis pursuant to the process established in this article. Tow companies may charge less than the established fees.

A. Mileage Rate. Mileage rates can only be charged for loaded miles, which is the mileage from point of hook up to a tow vehicle to the tow company's place of business, or vehicle drop off point, via reasonable and customary routes.

B. Hourly Rate. The hourly rate is the maximum allowable rate charged if all services, processes, and labor are provided. Charges for all services, processes, and labor associated with a vehicle tow, other than mileage and vehicle charges, shall be part of the hourly rate. This includes, but is not limited to, fees and charges for call-out/hook-up, winching, labor to perform preparation of tow, cleanup of debris and fluid, drive-line removal, recovery, use of dollies, snatch blocks and skates. Not every vehicle tow will require every available process or service, therefore it is anticipated that routine vehicle tows will not incur maximum hourly rates. Tow

companies shall only charge one hourly rate fee regardless of the number of representatives responding to the call; hourly rate charges for multiple representatives must be approved as a fee adjustment.

Tow companies may implement the equivalent of one full hour at the hourly rate as a minimum hourly rate charge. After the first hour of a tow service, the hourly rate shall be applied on a 30 minute prorated basis as follows:

5-30 minutes 50% of the hourly rate

31-60 minutes 100% of the hourly rate

C. Vehicle Storage Rate. The vehicle storage rate is the maximum rate a tow company may charge for storage of any towed vehicle. Storage fees may be assessed for each eligible calendar day a vehicle is stored. Vehicles stored for a period of twenty-four (24) hours or less shall not be charged for storage. Vehicle storage shall not be charged if, for any reason, the tow company is not open during normal office hours for vehicle retrieval, unless the vehicle has been in storage with available retrieval for more than seven (7) days.

(3) There shall be no charge for the release of personal property from towed vehicles during normal business hours, except as allowed by Idaho Code section 49-1814. The maximum charge for releasing personal property or vehicles after regular business hours is the equivalent of one full hour at the hourly rate.

(4) Tow Company Fee Adjustments. All fees charged by tow companies are subject to review by the inspection officer/tow coordinator. A tow company may have occasional need to apply charges or fees that exceed the established fees, and vehicle owners may have reason to contest fees charged to tow their vehicles. The inspection officer/tow coordinator shall have the authority to approve any additional/excess charges, deny any additional or excess charges, or adjust the towing fee to reflect the proper amount to be charged for the tow service based on the specific circumstances. Reasonable tow fee adjustments, as determined by the inspection officer/tow coordinator, will not be denied. The rationale supporting the fee adjustment decision will be provided in writing upon request. The sheriff will establish a fee adjustment process for tow companies and vehicle owners.

(5) Tow companies shall be entitled to request a closed hearing with the inspection officer/tow coordinator to review any fee adjustment decision. The closed hearing request must be submitted in writing within three (3) business days of notice of the inspection officer/tow coordinator's decision. Appeal of the decision to adjust fees is governed by subsection 03-19-23(6) of this article.

(6) A tow company on the law enforcement tow rotation shall not increase its law enforcement rates or fees during the rotation year, except as provided in this section. Tow companies agree to provide prompt refund of any paid fees that are determined to be excessive by the inspection officer/tow coordinator.

(7) Rates and fees may be reviewed and changed by the board of Canyon County commissioners at its discretion and upon consultation with the sheriff. Any proposed changes to rates and fees must be submitted in writing to the Canyon County sheriff by the last day of the inspection period. Approved changes are effective on the first day of the new rotation date. A request for rate and fee changes may be made during the rotation year where the party seeking the modification articulates in writing a substantial change in costs justifying the requested revision.
(Ord. 15-003, 2-27-2015)

SECTION 7. SEVERABILITY.

Should any action or provision of this ordinance be declared by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of this ordinance in whole or in part thereof other than the part so declared to be unconstitutional or invalid.

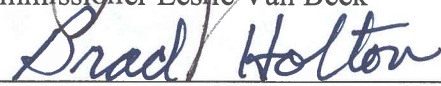
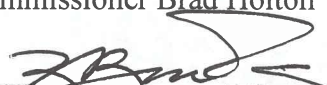
SECTION 8. EFFECTIVE DATE.

This ordinance shall be in full force and effect upon its passage, approval and publication, as provided by law, in one issue of the Idaho Press-Tribune as provided for in Idaho Code §§ 31-715 and 31-715A.

DATED this 27th day of June, 2024.

CANYON COUNTY BOARD OF COMMISSIONERS

☒ Motion Carried Unanimously
☐ Motion Carried/Split Vote Below
☐ Motion Defeated/Split Vote Below

	Yes	No	Did Not Vote
 _____ Commissioner Leslie Van Beek	 _____	_____	_____
 _____ Commissioner Brad Holton	<u>X</u> _____	_____	_____
 _____ Commissioner Zach Brooks	 _____	_____	_____

ATTEST: RICK HOGABOAM, CLERK

By: JKoss
Deputy Clerk

