

RULES AND REGULATIONS GOVERNING PARKING ENFORCEMENT COMPANIES
TOWN OF AVON MUNICIPAL CODE, CHAPTER 5.12
ORIGINALLY ADOPTED JUNE 23, 2009
REVISED AND EFFECTIVE SEPTEMBER 30, 2010

PERSONNEL:

1. The Licensee and any employees of the parking enforcement company, who will immobilize vehicles or collect impound fees shall read Chapter 5.12 of the Avon Municipal Code and associated rules and agree to abide by the ordinance.
2. Within Three (3) days of hiring a new operator or employee the Licensee shall require the employee to appear at the Avon Police Department to complete the Vehicle Impoundment Employee Background Form.
 - a. The employee shall provide a valid U.S. government or state issued identification card with a picture.
 - b. A valid Colorado driver's license shall be required if the operator will be required to drive a vehicle.
 - c. The employee will pay for this service in the following manner:
 - i. Total of \$50 in cash or money order made out to the Town of Avon for fingerprinting and background investigation.
 - ii. \$18 money order made out to the Treasury of the United States (fee subject to change).
 - iii. \$16.50 money order made out to the Colorado Bureau of Investigations (fee subject to change).
 - d. The Avon Police will complete the preliminary background check and forward a copy of the form to the Licensee within five (5) days. The form will either approve or deny the employee. The complete fingerprint results will be completed within sixty (60) days and the Licensee will be notified if a change is required, based on the fingerprint results.
 - e. The licensee may appeal the decision in the same manner as outlined in Section 5.12.040 of the Municipal Code.
3. If the Licensee has knowledge that an operator or employee has been convicted of a felony, theft, embezzlement or any offense involving the unlawful use, taking or conversion of a vehicle belonging to another person, the person shall immediately be removed from duties.
4. The Licensee shall notify the Avon Police Department within five (5) days the name of the operator or employee, who is no longer acting in that capacity.
5. Operators or employees, engaged in parking enforcement, shall display a picture identification card containing: the employee's picture, the employee name, the employer's name, and the Avon business license number.
6. Operators shall not use or display dogs or weapons in a threatening or intimidating manner.
7. Before the operator or employee is allowed to engage in solo parking enforcement he or she must complete basic training by the Licensee that includes (Licensees shall be familiar with these issues):
 - a. Review of ordinance and rules associated with Chapter 5.12
 - b. Discussion of other legal and civil issues related to use of force.
 - c. Methods to defuse hostile confrontations, which may include walking away from the situation and calling the police.
 - d. Court hearing process and rights of the vehicle owner or property owner.

- e. Copy of written consent from property managers outlining the allowable enforcement on their property.
8. The licensee, operators, and employees shall report to the Avon Police Department within thirty (30) days of their one year anniversary date as listed on the Vehicle Impoundment Employee Background Form or last CBI Public Request for Arrest Information Form to complete a new CBI Public Request for Arrest Information Form.
 - a. The employee shall bring a money order for \$13.00 made out to the Colorado Bureau of Investigations (fee subject to change).

RECORDS:

1. The parking enforcement company shall affix a notice to a vehicle that has been immobilized as specified in Section 5.12.110. The notice shall contain the name, address, telephone number and license number of the company. It shall also contain the removal fee and right to request a post-seizure hearing and have the boot removed within ninety (90) minutes of contacting the company. The notice shall also list the owner or manager authorizing the boot and signature of the operator.
2. A receipt shall be given to the individual making payment for the boot removal. The receipt shall list the fees collected and advisement of the right to request a post-seizure hearing.
3. The parking enforcement company shall keep a copy of the receipt for one year (this only fulfills the requirement of these rules. Other laws may require maintenance of records for a longer period).
 - a. The company may use a triplicate form to meet the above rules. An example of an acceptable form is attached and may be requested in an electronic format.
4. The operator shall maintain a daily log of the vehicles that are booted and provide that log to the Avon Police Department before the end of the business day following immobilization of a vehicle. The company shall maintain a copy of the logs for one year. An example of an acceptable form is attached and may be requested in an electronic format.
5. The Licensee shall maintain an employee file for each operator and employee for the term of employment or until one year has passed from separation for the purpose of verifying compliance with these rules (other laws may require employee files to be maintained longer). The file shall contain:
 - a. Copy of the Vehicle Impoundment Employee Background Form.
 - b. Proof of basic training completed by the licensee.
 - c. Court subpoenas related to vehicle impoundment cases.
6. The owner or person in lawful possession of private property, or the agent or employee of either of them, shall give written consent to the parking enforcement company to immobilize vehicles for the purpose of parking violation enforcement and this shall be maintained by the Licensee. The consent shall include:
 - a. List the specific violations the operator is permitted to immobilize a vehicle for.
 - b. The method to verify and confirm that a violation took place.
 - c. Hours of the day that enforcement is permitted.
 - d. Example of valid permits (if used).
 - e. Method to contact the property manager 24 hours a day to confirm enforcement during disputes.

EQUIPMENT:

1. Vehicles shall be clearly marked with the business name and Avon license number and must have a blinking amber light on the top of or above the vehicle when engaged in booting operations and operators are required to wear reflective traffic safety vests.
2. The Licensee shall maintain an inventory of boots with their serial numbers.
3. The boots shall be marked with the business name.

OPERATIONS:

1. Vehicles may not be immobilized for license plate violations.
2. Government or emergency vehicles shall not be immobilized. If an undercover police vehicle is immobilized it shall be released once identified as such.
3. Vehicles shall only be immobilized in accordance with the consent authorization as specified by the property manger.

SIGNAGE:

1. The attached rules governing the use of signs as approved by the Community Development Department shall be adhered to.
2. Damaged or faded signs shall be replaced in a reasonable time period.

RULES AND REGULATIONS GOVERNING TOWING COMPANIES
TOWN OF AVON MUNICIPAL CODE, CHAPTER 5.12
ORIGINALLY ADOPTED JUNE 23, 2009
REVISED AND EFFECTIVE SEPTEMBER 30, 2010

PERSONNEL:

1. The Licensee and any employees, who will tow/impound vehicles at the direction of the Avon Police Department shall read Chapter 5.12 of the Avon Municipal Code and associated rules and agree to abide by the ordinance.
2. Operators and employees shall provide good treatment to the public and prompt response to calls for service.
3. Within Three (3) days of hiring a new employee the Licensee shall require the employee to appear at the Avon Police Department to complete the Vehicle Impoundment Employee Background Form.
 - a. The employee shall provide a valid U.S. government or state issued identification card with a picture.
 - b. A valid Colorado driver's license of the proper class shall be required if the operator will be required to drive a tow truck.
 - c. The employee will pay for this service in the following manner:
 - i. Total of \$50 in cash or money order made out to the Town of Avon for fingerprinting and background investigation.
 - ii. \$18 money order made out to the Treasury of the United States (fee subject to change).
 - iii. \$16.50 money order made out to the Colorado Bureau of Investigations (fee subject to change).
 - d. The Avon Police will complete the preliminary background check and forward a copy of the form to the Licensee within five (5) days. The form will either approve or deny the employee. The complete fingerprint results will be completed within sixty (60) days and the Licensee will be notified if a change is required, based on the fingerprint results.
 - e. The licensee may appeal the decision in the same manner as outlined in Section 5.12.040 of the Municipal Code.
4. If the Licensee has knowledge that an operator or employee has been convicted of a felony, theft, embezzlement or any offense involving the unlawful use, taking or conversion of a vehicle belonging to another person, the person shall immediately be removed from duties.
5. The Licensee shall notify the Avon Police Department within five (5) days the name of the operator or employee, who is no longer acting in that capacity.
6. The licensee, operators, and employees shall report to the Avon Police Department within thirty (30) days of their one year anniversary date as listed on the Vehicle Impoundment Employee Background Form or last CBI Public Request for Arrest Information Form to complete a new CBI Public Request for Arrest Information Form.
 - b. The employee shall bring a money order for \$13.00 made out to the Colorado Bureau of Investigations (fee subject to change).

RECORDS:

1. The Tow Company shall maintain a copy of the Avon Police Vehicle Impound/Recovery Report for a period of one year.
 - a. The name, address and phone number of the person who the vehicle was released to will be documented on the form.

- i. The company shall verify that the person is entitled to the vehicle.
 - ii. The person should have a current registration, driver's license and certificate of insurance prior to release.
 1. If the vehicle is towed from the premises a current registration and certificate of insurance is not required.
 - iii. The Company will ensure all holds placed on the impounded vehicle are cancelled by the Avon Police Department prior to release of the vehicle.
 - b. If the vehicle was entered into CCIC, the Police Department shall be notified when the vehicle was released so it may be removed from CCIC.
2. A receipt shall be given to the individual making payment for the release of the vehicle. The receipt shall list the fees collected. The company shall keep a copy of the receipt for one year (this only fulfills the requirement of these rules. Other laws may require maintenance of records for a longer period).
 3. A list of fees for towing service will be provided to the Town of Avon at the time of application or renewal or upon request.
 4. Fees shall not be higher than what is allowed by the Colorado Public Utilities Commission.
 5. The Licensee shall maintain an employee file for each operator for the term of employment or until one year has passed from separation for the purpose of verifying compliance with these rules and shall contain a copy of the background investigation form.

EQUIPMENT:

1. Trucks shall have equipment specified by the Public Utilities Commission, which shall include:
 - a. Broom, shovel and bucket to removed Debris from the roadway at a crash scene
 - b. Oil absorbing materials
 - c. Properly working emergency lights
 - d. Spot light behind the cab
 - e. Electric flashlight
 - f. Fire extinguisher
 - g. Portable tail/stop and turn lights
 - h. Wheel chocks/dead-man blocks
 - i. Flares and safety triangles
 - j. Webbing and strapping
2. Trucks are subject to police inspection at a vehicle crash scene once the scene is safe.
3. Operators shall wear reflective traffic safety vests.

OPERATIONS:

1. Operators and employees shall follow the reasonable directions of a police officer or firefighter at the scene of a crash.
2. Operators may request police assistance for traffic control if required to be in the roadway.
3. As outlined in Colorado Revised Statutes, the operator will remove debris from the roadway.
4. Operators shall verify the inventory/damage listed on the Avon Police Department Vehicle Impound/Recovery Report when taking possession of the vehicle.
 - a. The same information shall be verified when releasing the vehicle.
4. The company assumes full responsibility and liability for all property entrusted to it, including all property and equipment thereof.

IMPOUND:

1. The storage area shall be fenced with security precautions sufficient to protect any vehicles or property contained therein.
 - a. Person claiming their vehicles should be able to do so during reasonable hours in compliance with PUC rules, and the hours of operation shall be posted at the designated storage area.
 - b. The company's designated storage area shall have signs clearly identifying the Company including a twenty-four hour contact number.
2. The Police Department shall be contacted if any items of illegal contraband are found in an impounded vehicle or if there is an allegation of property loss or damage.
3. Non-consensual impounds shall follow PUC rules and vehicle information shall be reported to the Vail Police Dispatch within 30 minutes of the seizure.

Name of Parking Enforcement Company
Address
24 Hour Phone Number:
Avon Business License #:

Vehicle Type/Description:	Vehicle License Plate/State:
Property Name/Location:	Property Owner/Agent Authorizing:
Date/Time of Immobilization:	Signature of Booting Operator:
Violation Type:	Boot #:

This vehicle was immobilized (booted) by the property owner for a private property parking violation as outlined in Avon Municipal Code, Title 5. The Town of Avon was **not** involved in the action. The owner or operator of the vehicle may request a hearing by one of the following methods:

- (1) by providing a written request to the Avon Municipal Court Clerk for a post-seizure hearing to contest the booting within ten (10) calendar days of the date the vehicle was booted; or
- (2) by appearing in person at the Avon Municipal Court within a ten (10) calendar day period from the date on which the boot was placed on the vehicle and requesting an initial appearance before a Hearing Officer.

If a hearing is requested, the losing party shall be assessed a minimum hearing cost of one hundred dollars (\$100.00) and shall be required to pay for translation services, if used during the hearing. The Hearing Officer has the discretion to waive court costs.

The Boot may be removed by calling the 24 hour phone number above. Do not attempt to move this vehicle or remove the tire lock. Doing so will cause damage and the violator is liable for damage.

The boot removal fee of \$ _____ shall be paid in cash at the time of boot removal. The boot shall be removed within ninety (90) minutes of contacting the parking enforcement company.

Date/Time of Boot Removal:	Removal Fee Collected:
Signature of Vehicle Owner/Operator (NOT REQUIRED):	Signature of Booting Operator:

Booting Operator Notes:

Town of Avon Vehicle Impoundment Employee Background Form

Within three (3) days of hiring a new operator or employee, the Licensee shall require the employee to appear at the Avon Police Department to complete a background check. The employee shall provide:

1. A valid U.S. government or state issued identification card with a picture.
2. A valid Colorado driver's license, if the employee will be required to drive.
3. Total of \$50 in cash or money order made out to the Town of Avon
4. \$18 money order made out to the Treasury of the United States
5. \$16.50 money order made out to the Colorado Bureau of Investigations

Employee Last Name:	First Name:	Middle Name:
Date of Birth:	I.D. Type/Number:	
Social Security Number:	DL Number:	
Address:	PO Box:	
City/Zip:	Phone #:	
Company Name:		

I authorize the Avon Police Department to complete my background check for the purpose of verifying compliance with Chapter 5.12 of the Municipal Code. I have not been convicted of a felony, theft, embezzlement or any offense involving the unlawful use, taking or conversion of a vehicle belonging to another person.

Employee Signature: _____ Date: _____

APD Use

- | | | |
|---|-----|-------|
| <input type="checkbox"/> Local Records Check Completed | By: | Date: |
| <input type="checkbox"/> FBI fingerprint results Obtained | By: | Date: |
| <input type="checkbox"/> CBI Fingerprint Results Obtained | By: | Date: |

The employee has been approved to operate in accordance with the provisions of Chapter 5.12 of the Municipal Code. However, this status may change if further information, such as fingerprint results, is received at a later date that would cause a denial.

The employee has been denied authorization to immobilize or tow vehicles within Avon. The employee may come to Avon PD to request the reason and appeal the decision.

APD Vehicle Impoundment Coordinator: _____ Date (Anniversary): _____

(Employee is required to appear at Avon PD within 30 days of one year from the anniversary date to complete an annual records clearance to assure compliance with Chapter 5.12)