

**TITLE 7 – BUSINESS AND COMMERCE CODE
CHAPTER 8 – PASCUA YAQUI TRIBE TOWING ORDINANCE**

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Legislative History: *Enacted and codified on October 16, 2012 by Resolution No.C10-176-12 and Ord. 19-12*

Section 1 **Short Title; Codification (7 PYTC §8-1)**

- (A) This ordinance shall be known as the “Pascua Yaqui Tribe Towing Ordinance.”
- (B) This ordinance shall be codified at Title 7, Chapter 8, Sections 10 through 20.

Section 10 **Purpose (7 PYTC § 8-10)**

- (A) The Tribal Council may regulate the maximum rate and charge for towing, transporting or impounding a motor vehicle from its lands without the permission of the owner or operator of the vehicle by any private towing carrier. A private towing carrier is subject to the maximum rate and charge regulation prescribed by Tribal Council for all such towing, transporting or impounding services if the vehicle being towed or transported is towed from property located on Tribal lands.
- (B) The Tribe shall be deemed to have given consent to unrestricted parking by the general public in any parking area of a Tribal or other enterprise located on Tribal lands unless such parking area is posted with signs as prescribed by this subsection which are clearly visible and readable from any point within the parking area. Such signs shall contain, at a minimum, the following:
 - (1) Restrictions on parking.
 - (2) Disposition of vehicles found in violation of the parking restrictions.
 - (3) Maximum cost to the violator, including storage fees and any other charges that could result from the disposition of a vehicle parked in violation of parking restrictions.
 - (4) Telephone number and address where the violator can locate the violator’s vehicle.
- (C) It is unlawful for a private towing carrier to tow or transport a motor vehicle from the premises of a Tribal or other enterprise without the permission of the owner or operator of the motor vehicle unless such private towing carrier receives a request from a representative of the Security Department of the Tribal or other enterprise (if the vehicle is parked on the premises of a Tribal or other premises) or the express written permission of the Security Department of the Tribal or other enterprise that has complied with the requirements of subsection B. It is unlawful for a private towing carrier to tow or transport a motor vehicle from Tribal property other than property of a Tribal or other enterprise, without the permission of the owner or operator of the motor vehicle unless such private towing carrier receives a request from a representative of the Tribe’s police or fire department or the express written permission of the Tribe’s police or fire department that has complied with the requirements of subsection B. The Security Department or the Tribe’s police or fire department representative shall either sign each towing order or authorize the tow by a written authorization which is valid for a specific length of time. The private towing carrier may not act as the agent of the owner.
- (D) The provisions of this section do not apply to abandoned or junk vehicles disposed of in accordance with other laws or ordinances.
- (E) For the purposes of this section, “private towing carrier” means any person who commercially offers services to tow, transport, or impound motor vehicles from private property without the permission of the owner or operator of the vehicle by use of a truck or other vehicle designed for or adapted to that purpose.

- (F) Nothing herein is intended to or does waive the Tribe's sovereign immunity or the sovereign immunity that attaches to acts or omissions of employees or agents of the Tribe acting in their official capacities.