

## ARTICLE XVII - TOWING

### SECTION 285-135 SHORT TITLE.

This article shall be known and may be cited as the Public/Private Property Towing Ordinance.

### SECTION 285-136 PURPOSE.

The purpose of this article is to provide for a convenient and regulated towing system for the timely removal of motor vehicles damaged, abandoned, immobilized, illegally parked, or disabled on public rights-of-way or on public or private property within the City.

### SECTION 285-137 AUTHORITY TO REMOVE AND IMPOUND.

(a) Public Property. Any vehicle parked on any of the highways, public rights-of-way or other public property in the City, which is parked in violation of any provision of the law or of any ordinance of the City, or which has been immobilized in excess of 48 hours in accordance with the provisions of this article, may be removed under the provisions of this article. The Chief of Police, Director of Public Works, City Engineer, or any officer of the Lancaster City Police Department is authorized to make the decision whether or not to remove any vehicle. Removal shall be done only by employees of the Municipality or by a licensed towing company. Any vehicle removed shall be impounded in a storage facility, as herein defined, or on property controlled by the City and designated for vehicle impoundment by the City.

(b) Private Property. Any motor vehicle left unattended on private property within the City may be removed under the provisions of this regulation. The decision to remove any such motor vehicle shall be made by either the property owner or upon written authorization as specified in Section 285-148. Removal of such vehicle may be done only by a towing company licensed by the City as designated in Section 285-139. Any motor vehicle removed by authority of this article shall be impounded in a storage facility, as herein defined.

### Section 285-138 DEFINITIONS.

(a) **City.** The City of Lancaster, County of Lancaster, State of Pennsylvania.

(b) **Business.** Business is the physical place/establishment where employees report to work, equipment is stored and dispatched to and from, all company dealings take place, record keeping and daily activity, etc., is performed. For purposes of this article, a business shall have employees at the business address at a minimum of normal business hours, which is defined as 8:00 a.m. to 5:00 p.m., Monday through Friday, exclusive of national holidays.

(c) **Chief of Police.** The Chief of Police of the Lancaster City Police Department or his/her designee.

**(d) Custodian.** A person having permission from the vehicle owner to exercise care and/or control over a vehicle.

**(e) GVW Rating.** Gross vehicle weight rating.

**(f) Department.** The Pennsylvania Department of Transportation.

**(g) Drop Fee.** Is the fee an individual may pay to have a vehicle returned if it is on or hooked to the tow truck, but the tow truck has not yet left the location where the car was parked. The drop fee is only applicable before the tow truck begins to move the vehicle from the place it was parked.

**(h) Evidence Tow.** The towing of a vehicle directed by the Lancaster City Police Department to a lot where such vehicle will be held as evidence in an ongoing investigation of a crime or ongoing prosecution of a crime.

**(i) Motor Vehicle.** As defined in the Vehicle Code.

**(j) Ordinance.** The Public/Private Party Towing Ordinance of the City of Lancaster.

**(k) Person.** An individual, firm, sole proprietorships, partnership, association, employee, corporation, limited liability, company, or organization of any kind.

**(l) Policies and Procedures.** The Policies and Procedures promulgated by the Chief of Police with the approval of the Mayor in accordance with the terms of this Chapter.

**(m) Private Parking Lot.** A non-municipal parking lot open to the public or used for parking without charge, or a non-municipal parking lot used for parking with charge.

**(j) Private Property.** Real property owned by an individual, firm, partnership, association, corporation, company or organization including private parking lots as defined in the Vehicle Code.

**(k) Property Owner.** An individual, firm, partnership, association, corporation, company, organization, or designee representing the owner of the property from which the vehicle is being towed.

**(l) Snow Emergency.** A Snow Emergency as declared by the appropriate authorities of the City of Lancaster in accordance with state law and the Ordinances of the City of Lancaster.

**(m) Storage Facility.** A secured area for the storage of towed vehicles.

**(n) Timely Response.** Generally means 20 minutes or less from the time the towing company is requested until the wrecker arrives at the scene. At times there may be circumstances beyond a tower's control that makes it impossible for a towing company to arrive within 20 minutes.

**(o) Towing Rotation List.** The list maintained by the Chief of Police of all towing companies licensed by the City.

**(p) Towing Company.** Any business engaged in providing towing services including, but not limited to, towing, removing, or storing of motor vehicles at the request of the Municipality or private property owners. This includes the towing company owner and its employees and agents.

**(q) Towing Company Owner.** Any person(s) having financial interest in a licensed towing company. This does not include persons who are solely employed by the towing company.

**(r) Towing Services.** The towing of vehicles which are abandoned, illegally parked, parked without authorization of a property owner, disabled or being repossessed by or on behalf of the holder of a lien against the vehicle or the lessor of the vehicle.

**(s) Vehicle Code.** Title 75 of the Pennsylvania Consolidated Statutes.

**(t) Vehicle Owner.** The individual or entity to whom a motor vehicle is registered in the motor vehicle records of any state or country, or otherwise possesses written evidence of such individual's authority to operate the motor vehicle. For purposes of this article, the term "vehicle owner" shall not include the lessor of the vehicle or the holder of a security interest in the vehicle.

**(u) Winching.** When the cable that is attached to a motorized pulley system is unwound and attached to a vehicle to then place that vehicle in such a position that the vehicle may either be driven away or conventionally hooked to a wrecker.

**(v) Wrecker.** A vehicle designed and used for removing and transporting motor vehicles. This term shall also include a rollback truck, tow truck, or other vehicles commonly used to perform towing services.

### **285-139. ANNUAL LICENSE REQUIRED.**

There are three separate licenses available: a private towing license, a public towing license and an evidence towing license. The public towing license is required for any towing company engaged in the business of towing vehicles at the request of the City from highways, public rights-of-way or other public property in the City and the towing company shall be licensed annually in accordance with the provisions of this section. The private towing license is required for any towing company engaged in the business of towing vehicles from private property in the City and the towing company shall be licensed annually in accordance with the provisions of this section.

The evidence towing license is required for any towing company engaging in the business of performing Evidence Tows for the City and the towing company shall be licensed annually in accordance with the provisions of this section.

- (a) Application for License. Applications for license shall be submitted to the Chief of Police upon forms prepared and made available by the City. The application form(s) shall be properly completed, signed and accompanied by the application and license fee. The Chief of Police shall review and inspect the required storage facility and towing equipment and all applications for compliance with the terms of this article and other applicable regulations. With the application, the towing company shall submit to the Chief of Police a complete list of locations where the towing company is an authorized private property tow provider, along with that property owner's and manager's contact information.
- (b) Issuance of License(s). A private, public and/or evidence towing license shall be issued only to towing companies that comply with the provisions of this article.
- (c) License Fee. The license fee under this article for the original application shall be \$700.00 for the public towing license, \$700.00 for the private towing license and \$700.00 for the evidence towing license. These are nonrefundable application fees.
- (d) Multiple Licenses. The application fee for a second license for any towing company currently licensed (either public, private or evidence license) at the time of original application shall be \$200.00, and the application fee for a third license for any towing company currently licensed (either public, private or evidence license) at the time of original application shall be \$100.00.
- (e) License Renewal. All licenses, except those terminated for just cause as provided herein, are subject to an annual renewal fee of \$400.00 for a single license, \$500.00 for two licenses and \$600.00 for three licenses. These renewal fees shall be paid within the first quarter of each calendar year.
- (f) Resolution. Any of the fees set forth in this Section 285-139 and/or in Chapter 285 of the Code of the City of Lancaster Article XVII- Towing may be changed from time to time by Resolution of City Council.
- (g) Denial and Revocation of License. Any towing service provider who has been convicted of violating this Ordinance on two occasions, the dates of the occasions/violations which are within any consecutive twelve-month period, may be prohibited from obtaining a license under this Ordinance for a period of three years from the date of the second

conviction, and shall be prohibited from providing towing services within the City while so unlicensed. Additionally, upon a licensed towing company's second such conviction for a violation of this Ordinance, within a twelve-month period, the Towing Company may have its license revoked for a period of up to three (3) years by the Chief of Police. Any license revocation under this provision may be appealed to the Mayor. Notwithstanding the foregoing, any criminal conviction relating to towing and/or conduct in providing towing services, shall result in the automatic revocation of any permit issued hereunder.

## **285-140 MINIMUM REQUIREMENTS/QUALIFICATIONS.**

Towing companies to be licensed under this article to tow vehicles at the request of the City or private landowners shall meet and maintain the following minimum requirements:

(a) Wreckers and General Equipment.

(1) Business and equipment shall be located within 10 miles of the City of Lancaster, Pennsylvania.

A. Notwithstanding the foregoing, towing companies which, at the time of the effective date of this Ordinance, provide towing services within the City of Lancaster but do not have their business and equipment located within such ten-mile radius may upon submission of all appropriate applications and fees, be nonetheless licensed to tow within the City with the approval of the Chief of Police.

B. Only if the Chief of Police deems there to be a need to allow more towing companies to provide towing services controlled by this article shall a tow company whose business is located outside the City of Lancaster be allowed to be licensed under this article.

(2) All wreckers and vehicles shall be clearly marked with the towing company's name and telephone number marked on each side of the vehicle, as required by Section 4573 of the Vehicle Code.

(3) All wreckers and vehicles shall be maintained in safe mechanical condition and must display current Pennsylvania state inspection and registration.

(4) All wreckers and vehicles used for towing must be properly titled and registered with the Commonwealth of Pennsylvania in conformity with the Vehicle Code.

(5) All wreckers and vehicles used for towing must be equipped with one or more flashing or revolving yellow lights, as required by Section 4572 of the Vehicle Code.

(6) Towing Equipment Required. One wrecker with, at a minimum, the following equipment or specifications:

- A. 10,000 pound or greater GVW Rating chassis truck;
- B. Rear wheel lift with either an integrated or separate boom;
- C. 8,000 pound winching capability;
- D. Recovery chain;
- E. Jumpstart capability;
- F. Dolly wheels;
- G. One or two rotating amber overhead lights visible from 360 degrees;
- H. Clean-up equipment and oil dry or similar approved material; the ability to communicate immediately with the towing company's dispatcher; and
- I. Any other equipment to properly tow vehicles.

(7) One roll back vehicle (required for public property towing license).

(8) Wrecker(s) and required towing equipment shall be owned or leased by the towing company.

(9) A wrecker used by a City licensed towing company shall not be used or operated by any other towing company under this article unless authorized to do so by the Chief of Police.

(b) Storage Facilities For Vehicles Not the Subject of an Evidence Tow.

(1) All storage facilities used for impoundment of vehicles towed at the request of the City/private property owner shall be located within the City of Lancaster, Pennsylvania, or other such locations within a 10 mile radius of Lancaster Square as approved by the Chief of Police.

(2) The storage facility shall be owned or leased by the towing company owner.

(3) The storage facility shall comply with zoning regulations applicable in the jurisdiction where the facility is located.

(4) The storage facility shall be, at a minimum, enclosed by a secured fence or building. When enclosed by a fence, the fence shall be a minimum of 6 feet in height and made of a sturdy material such as a chain link, wooden slats, or other material approved by the Chief of Police or his designee. All gates shall be secured with locks or other security mechanisms to reasonably prevent entry by unauthorized persons.

(5) The lot and storage facility shall be reasonably well lit to provide ability for towers/customers to inspect, release, pick up vehicles, and to provide a safe environment during hours of darkness.

(6) The towing company owner is responsible for the security of the stored vehicles.

(7) The towing company owner shall establish a system convenient to the vehicle owner to provide for release of towed vehicles from the storage facility 24 hours a day, daily. At no time shall a towing company be required to release a vehicle to a visibly intoxicated individual, to a person who is visibly under the influence of drugs, or to any individual who is threatening violence or physical harm.(8) Release of towed vehicles under the private towing license shall be completed within a 2-hour time period following receipt of the request to release the towed vehicle and upon payment of all applicable fees due to the towing company as authorized by Section 285-144 of this Ordinance. As set forth above, a towing company need not release a vehicle to any person who is visibly intoxicated, visibly under the influence of drugs or who is threatening violence or physical harm.

(9) Release of personal property from a towed vehicle that is not attached to the vehicle shall be made within a 2-hour time period following receipt of the request to return the property. At any accident scene, the towing company shall allow release of personal property. At any other time, the towing company shall allow removal of medications from the vehicle within a two-hour time period following a receipt of the request to return the same. No fee shall be charged for the return of personal property pursuant to this provision. Any other personal property returned, other than medicine or personal property returned at an accident scene, shall only be returned upon payment to the towing company of any and all applicable fees.

(c) Storage Facilities For Vehicles Subject of an Evidence Tow.

(1) All such facilities shall be indoors with at least a 6-foot fence securing the vehicles from patrons and other work being done within the indoor facility. The fence should be secure with a lock and key/code, either or both of which should be provided to the Lancaster City Police Department.

(2) There should be a sign-in log maintained in an accessible location for anyone entering the secure area the vehicles are stored.

(3) The facility must have sufficient lighting to allow for vehicle processing and inspection.

(4) The indoor area designated for vehicle storage should contain at least 2,000 square feet and should have enough room to allow investigators to move around the vehicles for processing and photographing.

(5) The evidence tow license holder should establish systems that assure that no one from the public be authorized to obtain access to the area designated for storage of vehicles, that when vehicles are removed they are removed in such a way as not to disturb the other vehicles remaining in the facility; and that weekly reports are provided to the Lancaster City Police Department of vehicles maintained in the facility.

(6) The towing company owner shall establish a system convenient to the Chief of Police to provide for staffing of the facility 24 hours a day, 7 days a week or should otherwise provide an alarm system satisfactory to the Chief of Police.

(7) The towing company owner shall establish a system to provide the Lancaster City Police Department with access to the facility 24 hours a day, 7 days a week within 20 minutes of a request for access by a representative of the Lancaster City Police Department.

(d) Advertising: Towing companies must be listed in the Lancaster classified section of the current published telephone directory. This listing must, at minimum, include the company name, business address, and a business telephone number that is personally answered 24 hours per day.

(e) Insurance.

(1) Towing companies shall be required to carry insurance with minimum policy limits as follows:

A. Automobile liability insurance in an amount not less than \$1,000,000.00, combined single limits.

B. Workers' compensation insurance, as required by Statute.

C. Garage keeper's liability insurance in an amount not less than \$75,000.00 per location.

D. Garage liability insurance in an amount not less than \$500,000.00 combined single limit.

E. Miscellaneous coverage to provide complete protection to the City against any and all risks of loss or liability including comprehensive General Liability.

F. Collision coverage for vehicles in tow.

(2) The City shall be listed as an additional insured party on all policies and such policies shall contain a provision requiring notification to the City prior to any policy revision or termination. Copies of the policy and articles of insurance shall be provided to the Chief of Police.

(f) Criminal Record. No towing company owner shall have any misdemeanor and/or felony criminal convictions for criminal violations that would be inconsistent with providing professional towing services, including, but not limited to, conviction(s) for the following violations of the Pennsylvania Crimes Code:

Chapter 25 Criminal Homicide

Chapter 29 Kidnapping

Chapter 31 Sexual Offenses

Section 3502 Burglary

Section 3921 Theft by Unlawful Taking or Disposition

Section 3922 Theft by Deception

Section 3925 Receiving Stolen Property

Section 4101 Forgery

Section 4104 Tampering With Records or Identification

Section 4107 Deceptive Business Practices

Section 4117 Insurance Fraud

For companies applying for and/or holding public or private towing licenses under this Ordinance, upon request of such company, the Chief of Police may waive the provisions of this section. Any denial of the same by the Chief may be appealed to the Mayor of the City of Lancaster who will base his or

her decision on the time that has lapsed since the criminal conviction and the nature of the charge.

(g) Criminal Background Checks for Evidence Tows. Any towing companies holding an Evidence Tow License shall submit upon request from the Chief of Police lists of all employees providing security at the facility used to store the vehicles and any and all employees actually performing the evidence tows and hereby authorize the Lancaster City Police Department to run criminal background checks on all such employees. Should the Lancaster City Police Department determine that any individual or employee does not satisfy the Chief of Police's requirements regarding the criminal background of those employees, those employees shall not be authorized to handle any matters on behalf of the City or have access to the facilities where towed vehicles are stored.

(h) Property, Business Privilege, Mercantile, or Municipal Taxes and Fees. No towing company shall receive a license or license renewal if the towing company has not paid its property taxes or any other municipal fee or tax as required under City of Lancaster Ordinances.

(i) Registration. Towing companies must be registered by the Pennsylvania Department of Transportation as a miscellaneous vehicle business as required by Section 1337 of the Vehicle Code.

(j) License. Towing companies must maintain a license from the Commonwealth of Pennsylvania Department of State to collect sales tax.

(k) Licensed Drivers. Towing companies must assure that all its drivers have and maintain valid drivers licenses within the Commonwealth of Pennsylvania.

(l) Photographs. Holders of all towing company licenses, whether they be public, private or evidence, shall annually submit to the Lancaster City Police Department photographs of the lots or storage facilities sufficient to assure that the requirements regarding such lots are being satisfied and shall make such lots accessible to the Lancaster City Police Department upon their request for inspection.

(m) Inspections. The Chief of Police may from time to time inspect equipment utilized by towing companies, storage facilities utilized by towing companies, and any and all relevant business documentation of towing companies for compliance with the terms of this Ordinance.

(n) Submission of Fee Schedule. With each application for license or renewal the towing company shall submit its fee schedule for services consistent with those set forth in Section 285-144 and may not change those fees prior to submitting its next application for license or license renewal without the consent of the Chief of Police.

## **285-141. TOWING ROTATION.**

This section only applies to towing companies holding current public towing licenses, as provided for in this article. The Chief of Police shall maintain the list of licensed towing companies, listed alphabetically, requested by authorized City employees on a rotating basis. "Rotating basis" means the towing company appearing on top of the list shall be requested first to do the tow. Once the towing company on the top of the list is requested, that name shall be placed on the bottom of the list. Thereafter, for each subsequent request, the process shall be repeated. The towing company listed on the top shall be requested and that name then moved to the bottom. When the towing company on the top of the list is called for a towing request and fails to answer the telephone, or fails to accept the tow, that company shall be moved to the bottom of the list and the next name on the list will be requested. If a towing company on the top of the list is requested but prior to providing the towing services the request is canceled, that towing company shall be placed back on top of the towing rotation list to receive the next request. This rotation may be waived when, in the opinion of a City employee, the immediate removal of a vehicle(s) is critical to public safety, health, or welfare. The towing rotation set forth in this Section 285-141 shall not apply to Evidence Tows. Procedures for assigning Evidence Tows shall be set forth in the Policies and Procedures promulgated by the Chief of Police with approval of the Mayor in accordance with the terms of this chapter. Additionally, the rotation provisions of this Section 285-141 shall not apply to tows which are the result of the declaration of a Snow Emergency. Rotation provisions for public tows during a Snow Emergency shall also be set forth in the aforementioned Policies and Procedures. Notwithstanding the foregoing, the Chief of Police, in sole his discretion, may, in an emergency situation, ignore the rotation list and request a tow from the nearest available towing company.

## **285-142. GENERAL REGULATIONS.**

- (a) (1) Private Property. All vehicles removed, transported or conveyed from private property by a licensed towing company shall be stored at the towing company storage facility unless otherwise authorized by the Lancaster City Police Department.
- (2) Public Property: All vehicles removed, transported or conveyed at the request of the City, shall be stored at the towing company's storage facility or at property owned, controlled or designated by the City, or to a location specified by the vehicle owner or operator, provided that they pay for the tow at the time of the tow.

(b) Any vehicle remaining at the storage facility more than 30 days may be removed, as permitted by applicable salvor regulations in the Vehicle Code, and with written/faxed permission from the Chief of Police if the vehicle was impounded by the police.

(c) In the case of a Lancaster City Police Department request of a towing company holding a public towing license, the towing company requested shall respond to the tow location within 20 minutes of the City's request. The City recognizes there are circumstances, such as adverse road conditions, that are beyond the towing company's control that would prohibit them from arriving at the scene of the tow within 20 minutes. In these situations the City may allow additional time for the towing company to respond. Generally, if the towing company fails to respond within 20 minutes after being requested, the next available towing company on the towing rotation may be requested. Nothing in this regulation is intended to permit or encourage the towing company to violate any provisions of the Pennsylvania Motor Vehicle Code or to operate a vehicle in an unsafe manner but is intended to place police requested tows at the highest priority for public safety reasons.

(d) Towing companies shall be available to tow vehicles 24 hours-a-day, 7 days a week. In rare instances when a towing company is not available to tow vehicles for the City, the towing company shall notify the Chief of Police of the circumstances that prohibit them from performing tows and the estimated time they will be unavailable.

(e) All licensed towing companies shall be required to notify the Chief of Police within 2 business days of any modifications to information provided in the towing company's license application.

(f) All licensed towing companies shall be notified by the City of Lancaster of any additions, deletions, modifications, or changes to this article within 7 days of the change.

(g) Towing company owners shall comply with all local, state, and federal laws and regulations and are responsible for insuring that all employees of the towing company adhere to this article.

(h) The City shall not be liable for any towing company's fees for non-City vehicles towed for a public tow unless the vehicle is towed to a City facility. All fees for such public towing services and storage shall be levied against the owner of the vehicle unless it is determined by the City that the vehicle was towed in error, in which case no charges will be assessed against the owner. If the error is that of the towing company, no charges will be assessed. If the error is that of the City, appropriate charges may be assessed against the City.

(i) All fees for private towing services and storage shall be levied against the owner of the vehicle unless it is determined by the Chief of Police or the private property owner from which the vehicle was towed or the towing company that the vehicle was towed in error, in which case no charge will be assessed

(j) Towing companies shall post their towing, storage and related service fee schedule and their hours of operation in conspicuous locations of its towing storage

facilities and its business offices and shall provide such information to the Chief of Police.

(k) Towing companies shall be responsible for the conduct of all drivers and employees. Misconduct of towing company employees may subject a towing company to the suspension or revocation of towing privileges. The driver's licenses of persons towing for a towing company are subject to inspection by the Chief of Police.

(l) The towing company shall remove accident debris as part of the towing service.

(m) In situations involving hazardous materials that require the response by a specially trained hazardous material unit, towing services may be limited to those towing companies certified in the removal of hazardous material. Such companies may or may not be licensed under this article; however, those towing companies licensed by the City and certified in the removal of hazardous material will be requested first.

(n) In situations requiring the towing of an abandoned vehicle, as defined by the Pennsylvania Motor Vehicle Code, only approved "salvors" may be used to tow such vehicles. Salvors requested may or may not be licensed under this article; however, those towing companies that are salvors and licensed by the City will be requested first.

(o) In situations requiring the towing of a truck, truck tractor, or combination having a gross weight or registered gross weight in excess of 17,000 pounds, only those towing companies equipped to tow such vehicles may be requested. Such companies may or may not be licensed under this article; however, those licensed towing companies equipped for such tows will be requested first.

(p) Only in situations requiring the towing of a motor vehicle having a gross weight or registered gross weight in excess of the capability of the tower's equipment, the tower may subcontract the towing of the motor vehicle to an unlicensed towing company. The towed motor vehicle may be towed to and stored at either the tower's secured lot or to the subcontractor's storage area. When a tower utilizes the services of a subcontractor as permitted under this section, it will be the tower's responsibility to assure that the subcontractor complies with all other requirements of this article.

(q) Motor vehicles that are locked at the time they are to be towed and are not equipped with a lock steering mechanism shall have the front wheels placed on dollies before being towed to insure the vehicle being towed is kept in line with the towing vehicle. The exception would be those vehicles with front wheel drive, in which case the vehicle may be towed by the front. Motor vehicles being towed must have minimum lighting, as set forth in the Vehicle Code, to provide for safe movement on the highway.

(r) Before towing a vehicle from private property, a picture of the vehicle and parking violation must be taken by the tow company.

(s) All towing companies shall itemize and reduce to writing all accessed fees and provide a copy of the same to the owner or representative upon that owner or representative making payment either for the towing service itself and/or for the storage of the vehicle.

(t) All towing companies must permit the vehicle owner, an agent representing the owner, or an insurance company agent access to inspect the exterior of his or her vehicle during normal business hours, even if payment has not yet been rendered for towing and/or storage.

**285-143. PROHIBITED ACTS.**

It shall be a prohibited act for any towing company to:

- (a) Sub-contract towing services requested by the City, except as otherwise permitted under this Ordinance.
- (b) Tow or move a vehicle from or within public rights-of-way or public property without the consent of the owner or operator, or without authorization from the City.
- (c) Tow or move a vehicle from or within private property without authorization from the property owner.
- (c) Tow or move a vehicle from or within private property in violation of the requirements of this article.
- (d) Charge or provide a written quote or invoice, or collect fees in excess of those specifically designated in Section 285-144.
- (e) Falsify any information with regard to the application.
- (f) Remove a motor vehicle from private property without using a wrecker.
- (g) Remove a motor vehicle from private property before completing every procedure required to secure the motor vehicle to the wrecker, including the attachment of any safety chains, so that the motor vehicle may be safely towed.
- (h) No towing company or employee shall respond to the scene of an accident to circumvent the towing rotation by soliciting a tow directly from an involved party to the accident.

**285-144. Fees.**

Fees for towing and storage services charged by towing companies must be consistent with the schedule of fees submitted by the said towing company with its application for license or renewal of license. No

additional fees may be charged other than those provided in the schedule of fees so submitted and towing companies may not change their fees prior to the submission of their next application for license or renewal, at which time they may submit a new schedule of fees, for which they will be bound until their next license renewal.

**285-145. NOTIFICATION OF REMOVAL.**

Within 1 hour from the time of removal of any vehicle by an authorized and licensed towing company, the Lancaster City Police Department shall be notified, by providing the Lancaster City Police Department with a copy (or facsimile) of the written authorization and shall include the following information:

- (a) The make, model, color, and registration number
- (b) State of registration
- (c) Address from where vehicle was removed
- (d) Date and time of removal
- (e) Towing fee
- (f) Name and 24-hour telephone number of the towing company
- (e) Location where the vehicle may be claimed by the owner

**285-146. NOTIFICATION OF REMOVAL AND IMPOUNDING DUE TO CITY REQUEST.**

By the next business day, from the time of removal of any vehicle illegally parked or immobilized, notice of the fact of the removal and impounding shall be sent, in writing, by the Lancaster City Police Department to the registered owner of the vehicle. The notice shall advise the location from where such vehicle was removed, the reason for its removal, and the location of the storage facility where the vehicle is impounded.

**285-147. RECORDS OF VEHICLES TOWED OR STORED.**

(a) Every licensed towing company providing service at the request of the City shall make a written record of each vehicle towed or stored consisting of the following information:

- (1) Registration plate number and State

- (2) Time call was received
- (3) Spot or ticket time
- (4) Time wrecker arrived at the scene
- (5) Dates of accumulated unpaid parking tickets (if applicable)
- (6) Date vehicle was returned to owner/custodian
- (7) Towing and storage charges for each towed vehicle

(b) Every licensed towing company, on or before the 15th day of each month, shall send a copy of their towing records for the previous month that includes the information listed in subsection (a)(1) through (7) hereof. These records shall be maintained for at least 2 years and shall be subject to inspection by the Chief of Police.

#### **285.148 AUTHORIZATION FOR REMOVAL.**

No motor vehicle shall be removed from private property, except as authorized in subsection (b) hereof, under the authority of this article unless:

- (a) Written authorization (which can be provided by facsimile or e-mail) for the vehicle to be removed is provided to the authorized towing company, signed by the owner or agent of the owner or the person having control of the property upon which the vehicle is left unattended. The authorization form shall be similar to the one hereinafter set forth and shall be completed at the time the vehicle is to be towed by the aforementioned person or persons. You are hereby authorized to tow the following illegally parked vehicle from the parking lot/space indicated below. This lot is either owned and/or leased by (name of lot owner/manager).

The vehicle and location are described as follows:

MAKE

MODEL

COLOR

LICENSE NUMBER AND STATE

LOT/LOCATION

Name/Address of Towing/Immobilizing Service:

authorized signature

please print name here

(b) No vehicle shall be towed from a private parking lot unless the lot is posted at the time the vehicle is towed to notify the public of any parking restrictions and the operator of the vehicle violates those restrictions. Posting shall be in conformance to the Rules and Regulations set forth in Annex A, Title 67, Transportation, Part I, Department of Transportation, Subpart A, Vehicle Code Provision, Article VIII, Administration and Enforcement, Chapter 212-115, Posting of Private Parking Lots. The towing company is also required to include its telephone number on all signs.

(c) Signs as required in subsection (b) hereof and, in addition to the number of signs required by subsection (b) hereof, shall be in place and evenly spaced in the parking lot based upon the number of available parking spaces as follows:

26 - 50 parking spaces require 1 additional sign

51 - 75 parking spaces require 2 additional signs

76 - 100 parking spaces require 3 additional signs, etc.

(d) In addition to the posting of private parking lots as required in subsection (b) hereof, the Chief of Police may require additional signs be posted and/or that the posted signs be altered.

(e) Each towing service provider shall use reasonable efforts to determine if the person requesting the towing of the vehicle is the vehicle owner. All towing service providers shall notify the Lancaster City Police Department of each motor vehicle which they tow at the request of a person other than the vehicle owner and shall provide information as set forth herein and any additional information designated by the Chief of Police or his designee.

(f) At a minimum, the towing service provider shall provide the following information with respect to each motor vehicle towed at the request of a person other than the property owner:

- (1) Make and model of vehicle;
- (2) Color of vehicle;
- (3) License plate number (including state) of the vehicle;
- (4) Vehicle identification number;
- (5) The reason the vehicle was towed;

- (6) The name of the person requesting the Towing Service;
- (7) Location from which the vehicle was towed;
- (8) Location to which the vehicle was towed;
- (9) The name of the towing service provider; and
- (10) Telephone number or address at which the vehicle owner can arrange for the return of the vehicle.

(a) The towing service provider shall submit the information required by this section within one hour of the completion of the Towing Service. The towing service provider may provide the information to the Lancaster City Police Department by telephone or facsimile transmission (upon a form prepared by the Chief of Police or his designee). For purposes of this section, towing services shall be deemed to be complete upon the removal of the vehicle from the location within the City at which the vehicle was previously located before the provision of towing services.

(g) Notwithstanding the foregoing, should the towing company have a written agreement with the private property owner to allow for towing of vehicles whose license number is not on record with the towing company as being authorized to park in the private property owner's lot and is parked there, that towing service may be performed without the written notice required by this Section. If the agreement allows permitted cars may even be towed upon a finding of unusual, \_\_\_\_\_ or special circumstances.

**285-149. EFFECT OF PAYMENT OF TOWING AND STORAGE CHARGES WITHOUT PROTEST.**

The payments of any towing and storage charges, authorized by this article shall, unless made "under protest," be final and conclusive and shall constitute a waiver of any right to recover the fees paid.

**285-150. RECORD OF VEHICLES REMOVED/IMPOUNDED.**

The Chief of Police or designee shall keep a record of all illegally parked and/or immobilized vehicles impounded and shall be able at all reasonable times to

furnish the owners/custodians with information as to the location of the storage facility where such vehicles are impounded.

**285-151. OWNER/OPERATOR LIABLE FOR FINE/PENALTY.**

The payment of towing and storage charges authorized by this article shall not operate to relieve the owner or operator of any vehicle from liability for any fine or penalty for violation of any law or ordinance on account of which such vehicle was removed and impounded.

**285-152. REMOVAL TIME LIMITATIONS.**

(a) Non-Metered Private Lots. A motor vehicle found to be illegally parked or disabled on private property and otherwise authorized to be legally removed may not be removed from the property for 15 minutes if the discovery of the motor vehicle was made by the towing company (and if the towing company is not towing pursuant to an agreement with the property owner as referenced in 285-148(a) of this Ordinance) in which case the towing company shall include the discovered time and the removal time on the "Notification or Removal" as required in Section 285-145. If the discovery of the illegally parked or disabled motor vehicle was made by the property owner and the towing company was requested to remove the illegally parked or disabled vehicle, the motor vehicle may be removed immediately. If an illegally parked vehicle is discovered parked blocking the entrance or exit to or from private property, in a marked and signed fire lane, in a marked and signed handicapped space or wholly or partially on a lawn the vehicle may be towed immediately.

(b) Metered Private Lots. A motor vehicle found to be illegally parked or disabled at a metered parking space on private property may not be removed from the property unless the illegally parked vehicle has 3 or more consecutive unpaid parking tickets over the course of 3 or more calendar days, or 3 or more accumulated parking tickets in at least a 12-hour period of time. If a motor vehicle is towed from a metered parking space on private property, the towing company shall include the specific dates of the unpaid parking tickets on the "Records of Vehicles Towed or Stored" in Section 285-145.

**285-153. COMPLAINTS AGAINST LICENSED TOWING COMPANIES.**

The Chief of Police shall notify the towing company owner within 14 days of receipt of any complaint against a towing company that will be investigated by the Lancaster City Police Department. Complaints by City of Lancaster employees against a towing company shall be brought to the attention of the Chief of Police within 7 calendar days.

**285-154. FINANCIAL INTERESTS OF PRIVATE PROPERTY OWNER AND TOWING COMPANY PROHIBITED.**

Towing companies are prohibited, either directly or indirectly, from giving or furnishing a rebate or payment of money or any other valuable consideration to a

property owner from whose premise the towing company has, is about to, or will remove motor vehicles. Property owners are prohibited from accepting or giving, either directly or indirectly, any rebate, payment of money, or any other valuable consideration from or to a towing company in connection with the removal of a motor vehicle from private property except for signs and notices as required in Section 285-148. This section is not intended to prohibit the issuance of parking tickets to illegally parked vehicles.

**285-155. TERMINATION OF LICENSE.**

Towing companies are not entitled to a warning for violation of any provisions of this Chapter and may have their license suspended or terminated by the Chief of Police for the first and/or subsequent violations of that section. For such a suspension or termination, or any other suspension or termination of its license in accordance with any other provisions of this Ordinance, the towing company shall be notified in writing no less than 5 calendar days prior to the suspension or termination of its license. The notice of suspension or termination shall state the reason(s) for suspension or termination and the effective date of termination. The towing company shall have 14 calendar days to appeal the suspension or termination in writing to the Chief of Police. The Chief of Police or his/her designee shall hold the hearing within 10 calendar days of written receipt of the towing company's request for an appeal and shall render written decision within five (5) days of the decision of the hearing. The towing company may appeal the Chief's decision, in writing, to the Mayor within ten (10) calendar days of the receipt of the Chief's decision. The Mayor's decision may be appealed to City Council. City Council will research such appeals at its next regularly scheduled meeting, to allow at least two (2) weeks after the date of the written decision of the Chief of Police. Any Towing Company may follow the set procedure to appeal the denial of a license application or renewal application.

**285-156. FINES AND PENALTY FOR VIOLATION.**

Upon conviction of a first violation of any provision of this article a towing company may be fined a penalty between \$200.00 and \$400.00, for a second violation, a penalty between \$300.00 and \$600.00 and for a third violation up to \$1,000.00. In the absence of payment of any such penalty, the violator may be sentenced to imprisonment of up ninety (90) days. Additionally, upon two convictions of any provisions of this Article within a twelve month period, a towing company may have their license revoked for a period of up to 3 years by the Chief of Police. Any revocation under this provision by the Chief of Police may be appealed to the Mayor.

**285-157. POLICIES AND PROCEDURES.**

The Chief of Police, with approval of the Mayor, may promulgate policies and procedures for dealing with the implementation of the provisions of this chapter. All of the definitions and terms of this chapter are incorporated by reference into such policies and procedures and a violation of any of the terms of the policies and procedures shall be deemed a violation of this chapter subject to the penalties set forth

above. The Chief of Police, in his promulgated policies and procedures, may elect to issue only one evidence towing license per year. Should the Chief of Police so elect, the award of a contract for providing evidence towing services and storage shall be handled in accordance with state law regarding the bidding and/or solicitation of contracts and the issuance of an evidence towing license shall be a condition for the award of the bid.