

Council of the City of York, PA
Session 2011
Bill No. 16
Ordinance No.
Final Draft

INTRODUCED BY: **Henry Hay Nixon**

DATE: **May 3, 2011**

AN ORDINANCE

OF THE CITY OF YORK, YORK COUNTY, PENNSYLVANIA, AMENDING THE CODE OF ORDINANCES OF THE CITY OF YORK TO ESTABLISH UNIFORM FEES AND RATES THAT PRIVATE AND CONTRACT TOWING COMPANIES MAY CHARGE TO OWNERS OF VEHICLES TOWED IN THE CITY OF YORK, ESTABLISH RULES GOVERNING THE TOWING OF VEHICLES FROM PRIVATE AND PUBLIC AREAS, AND TO REQUIRE ALL TOWING COMPANIES OPERATING IN THE CITY OF YORK TO REGISTER ANNUALLY WITH THE CITY AND OBTAIN A LICENSE TO OPERATE A TOWING COMPANY WITHIN THE CITY OF YORK.

RECITALS:

WHEREAS, the Council of the City of York has enacted the Code of the City of York, which contains, inter alia, provisions for the health, safety, and welfare of the residents and visitors to the City of York; and

WHEREAS, the City Administration has become aware that towing companies in the City of York are charging arbitrary fees and rates for towing vehicles in the City, and are engaging in certain towing practices, which the Administration views as unfair and adverse to the welfare of residents of the City of York; and

WHEREAS, the City Administration has determined that it is in the best interests of the welfare of the residents and visitors of the City of York to regulate the fees and rates charged by towing companies to owners of vehicles towed within the City of York, and to require that towing companies to obtain an annual license from the City of York in order to insure that said towing companies are following the fee and rate schedule and regulations established herein; and

WHEREAS, this Ordinance is not intended to, nor shall it regulate, in any manner, the prices, fees, or costs for consensual tows within the City of York.

NOW, THEREFORE, BE IT ORDAINED, by the Council of the City of York, Pennsylvania, and it is hereby ordained by the authority of the same as follows that the City of York's Codified Ordinances is hereby amended to add a new Chapter to Part 5 of the Codified Ordinances to be known as the "Public/Private Property Towing" ordinance, which is attached and herein incorporated by reference.

PASSED FINALLY:

BY THE FOLLOWING VOTE:

YEAS: _____, _____, _____, _____, _____

NAYS: _____, _____, _____, _____, _____

ATTEST:

Genevieve H. Ray, President

Dianna L. Thompson, City Clerk

Presented to the Mayor for approval this _____ day of _____ 2011.

APPROVED: _____
Mayor Date

VETOED: _____
Mayor Date

I.) The City of York's Code of Ordinances is amended to add the following new Chapter to Part 5 of the Code of Ordinances as follows:

Public/Private Property Towing Ordinance

Section 1. Short Title. This ordinance shall be known and may be cited as the *Public/Private Property Towing Ordinance*.

(Ordinance _____, _____, 2011, **Section 1.**)

Section 2. Purpose. The purpose of this ordinance 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. (Ordinance _____, _____, 2011, **Section 2.**)

Section 3. 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 72 hours in accordance with the provisions of this ordinance, may be removed under the provisions of this ordinance. The Chief of Police, Director of Public Works, City Engineer, Parking Manager, or any officer of the York 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 14**. Removal of such vehicle may be done only by towing services licensed by the City as designated in **Section 5** of this Chapter. Any motor vehicle removed by authority of this ordinance shall be impounded in a storage facility, as herein defined.

(Ordinance _____, _____, 2011, **Section 3.**)

Section 4. Definitions:

City. The City of York, County of York, State of Pennsylvania.

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 ordinance, 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.

Chief of Police. The Chief of Police of the York Police Department or his/her designee.

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

GVW. Gross vehicle weight.

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.

Motor Vehicle. As defined in the Vehicle Code.

Person. An individual, firm, partnership, association, employee, corporation, company, or organization of any kind.

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.

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.

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.

Storage Facility. A secured area for the storage of towed vehicles.

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.

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

Towing Company. Any business engaged in the 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.

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.

Vehicle Code. Title 75 of the Pennsylvania Consolidated Statutes.

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 as position that the vehicle may either be driven away or conventionally hooked to a wrecker.

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.

(Ordinance _____, _____, 2011, [Section 4.](#))

Section 5. Annual License Required. There are two separate licenses available, a private towing license and a public 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 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 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 ordinance and other applicable regulations.

b. Issuance of License(s). A private and/or public towing license shall be issued only to towing companies that comply with the provisions of this ordinance.

c. License Fee. The license fee under this ordinance for the original application shall be \$750.00 for the public towing license and \$750.00 for the private 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 or private) at the time of original application shall be \$200.00.

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 and \$700.00 for both a public and private license. This renewal fee shall be paid within the first quarter of each calendar year.

(Ordinance _____, _____, 2011, **Section 5.**)

Section 6. Minimum Requirements/Qualifications. Towing companies to be licensed under this ordinance to tow vehicles at the request of the City or private landowners shall maintain the following minimum requirements:

a. Wreckers and General Equipment.

- (1) Business and equipment shall be located within the City of York, Pennsylvania.
 - (1) Only if the Chief of Police deems there to be a need to allow more tow companies to provide services controlled by this ordinance shall a tow company whose business is located outside the City of York be allowed to be licensed under this ordinance.
- (2) All wreckers shall be clearly marked with the towing company's name and telephone number marked on each side of the vehicle.
- (3) Wreckers shall be maintained in safe mechanical condition and must display current state inspection and registration.
- (4) Towing Equipment Required. One wrecker with, at a minimum, the following equipment or specifications:
 - (A) 10,000 pound or greater GVW 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.
- (5) One roll back vehicle (required for public property towing license).
- (6) Wrecker(s) and required towing equipment shall be owned or leased by the towing company.
- (7) A wrecker used by a City licensed towing company shall not be used or operated by any other towing company under this ordinance unless authorized to do so by the Chief of Police.

b. Storage Facilities.

- (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 York, Pennsylvania.
- (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 approved material. All gates shall be secured with locks or other security mechanisms to reasonably prevent entry by unauthorized persons.
- (5) The lot shall be reasonably well lit to provide ability for towers/customers to inspect, release, pick up vehicles, and to provide a safer 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.
- (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.
- (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. Except as provided in [Section 10\(a\)\(3\)](#), no fee shall be charged for the return of personal property from a towed vehicle that is not attached to the vehicle.

c. Advertising: Towing companies must be listed in the York 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.

d. Insurance.

- (1) Towing companies shall be required to carry insurance at the 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 \$50,000.00 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. A copy of the policy shall be provided to the Chief of Police.

e. 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 service. Specifically, no towing company shall have such 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

f. Property, Business Privilege, Mercantile, or Municipal Taxes and Fees. No company shall receive a license or license renewal if the company has not paid its property taxes and/ or business privilege and mercantile Taxes or any other municipal fee as required under York City Ordinance. (Ordinance _____, _____, 2011, **Section 6.**)

Section 7. Towing Rotation. This **Section** only applies to towing companies holding current public towing licenses, as provided for in this ordinance. 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, that company shall be moved to the bottom of the list and the next name on the list will be requested. However, if a towing company is unable to respond to the request because all towing equipment/drivers are handling other towing services, the next towing company on the list will be requested and the unavailable company will remain on the top of the list for the next request. 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. (Ordinance _____, _____, 2011, **Section 7.**)

Section 8. General Regulations.

a. 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 police department.

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 or controlled by the City, or to a location specified by the vehicle owner or operator.

b. Any vehicle remaining at the storage facility more than 90 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 Police 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 24 hours of any modifications to information provided in the towing license application.

f. All licensed towing companies shall be notified by the City of York of any additions, deletions, modifications, or changes to this ordinance 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 ordinance.

h. The City shall not be liable for any towing company's fees for non-City vehicles unless the vehicle is towed to a City facility. All fees for 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 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 be responsible for the conduct of all drivers and employees.

Misconduct of towing company employees may subject a towing company to the suspension of towing privileges. The driver's licenses of persons towing for a towing company are subject to inspection by the Chief of Police.

k. The towing company shall remove accident debris as part of the towing service.

l. 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 ordinance; however, those towing companies licensed by the City and certified in the removal of hazardous material will be requested first.

m. 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 ordinance; however, those towing companies that are salvors and licensed by the City will be requested first.

n. 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 ordinance; however, those licensed towing companies equipped for such tows will be requested first.

o. 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 tow's equipment, the tow 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 towers 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 towers responsibility to assure that the subcontractor complies with all other requirements of this ordinance.

p. 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.

q. Before towing a vehicle a picture of the vehicle and parking violation must be taken by the tow company.

(Ordinance _____, _____, 2011, **Section 8.**)

Section 9. Prohibited Acts. It shall be a prohibited act for any towing company to:

a. Sub-contract towing services requested by the City.

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.

d. Tow or move a vehicle from or within private property in violation of the requirements of this ordinance.

e. Use "York" in the name of the towing company.

f. Charge or provide a written quote or invoice, or collect fees in excess of those specifically designated in **Section 10** of this ordinance.

g. Falsify any information with regard to the application.

h. Remove a motor vehicle from private property without using a wrecker.

i. 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.

j. 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.

(Ordinance _____, _____, 2011, **Section 9.**)

Section 10. Maximum Fee Schedule for Towing Services. The following fees are established for towing and storage services provided at the City's request by licensed towing companies or performed for private property owners and are the maximum fees that may be assessed. It shall be deemed a City request anytime a towing company is requested by the City directly or through the York County Emergency Communication Center for towing services.

a. Fees for Non-Accident: Towing fees (including use of dollies) for each wrecker required to complete the tow request shall be:

- (1) Motorcycles and vehicles less than ¾-ton GVW\$105.00
- (2) Vehicles ¾-ton or larger but not exceeding 11,000 pounds GVW, or with dual rear wheels.....\$120.00
- (3) Drive shaft removal and reinstallation \$60.00 (Remove & Install)
.....\$30.00 (Removal Only)
- (4) Vehicles larger than 11,000 lbs. GVW or with dual rear wheels shall be commensurate with the service provided. The Chief of Police shall be notified in writing within 72 hours after the tow of the fee charged for all tows greater than 11,000 pounds.
- (5) A snow removal fee is permitted when employee of towing company must shovel snow 10 minutes or more before vehicle maybe removed for towing/impound \$35.00 for 10 to 30 minutes plus \$15.00 for each additional 15 minutes or part thereof.
- (6) Drop fee.....\$60.00
- (7) If the towing company is notified to cancel their response before a wrecker arrives at the scene, no fee may be charged. However, from the time the wrecker arrives at the scene through the point the towing company departs from the scene, the towing company may charge no more than.....\$55.00
- (8) In the event fees other then authorized are charge because of unusual circumstances the Chief of Police shall be notified in writing within 72 hours after the tow of the fee charged. No vehicle shall be removed under the authority of this ordinance if, at the time of the intended removal, the owner or custodian of the vehicle is present and expresses a willingness and intention to remove the vehicle immediately. In these instances, the towing company shall charge no more than \$60.00 for responding to the scene and the limited services provided. The towing company shall make reasonable accommodations to permit the owner/custodian to obtain payment for the fee charged. Once the vehicle to be towed is secured to wrecker and the wrecker is in motion, the towing company is entitled to the fee listed in Section 10(a). This is not applicable where the vehicle has been immobilized by City request for failure to pay accumulated fines and such fines remain unpaid.

b. Storage Fees. The following storage fees may be assessed against the vehicle owner/custodian for the storage or towed vehicles at either the towing company's facility or a City facility:

- (1) For the first 24-hour period from the time the wrecker arrived at the scene.....no charge
- (2) Each calendar day or portion thereof after the first 24 hours for motor vehicles ¾-ton GVW or less.....\$30.00
- (3) Each calendar day or portion thereof after the first 24 hours for motor vehicles larger than ¾-ton GVW or dual rear wheels\$35.00
- (4) Each calendar day, or portion thereof, after the 10th day of storage for any motor vehicle.....\$50.00
- (5) **Overnight Vehicle Release Fee.** A towing company may assess the vehicle owner or custodian a \$40.00 fee in addition to the towing fee and any other applicable fees to release a vehicle to its owner or custodian between the hours of Midnight to 6:00 a.m. When possible, the towing company shall notify the vehicle owner/custodian in advance of the additional overnight vehicle release fee.
- (6) **Protection Fee.** A towing company may assess the vehicle owner or custodian a \$25.00 fee in addition to the towing fee and any other applicable fees for covering motor vehicles or safeguarding the vehicle within a towing facility with open convertible tops, open windows and /or open areas that will allow weather to penetrate the interior of the vehicle.
- (7) **Method of Payment.** Due to the unexpected and costly nature of persons having their vehicles towed, towing companies shall, in addition to cash payment, accept at least 2 major credit cards for payment of towing and storage services.

c. Fees for Crashes (Public Towing Licensees Only). Basic towing fees (including dollies) for each wrecker required to complete the tow request shall be:

- (1) Motorcycles and vehicles less than $\frac{3}{4}$ -ton GVW\$165.00
- (2) Vehicles $\frac{3}{4}$ -ton or larger but not exceeding 11,000 pounds GVW, or with dual rear wheels.....\$185.00
- (3) Drive shaft removal and reinstallation \$60.00 (Remove & Install)
.....\$30.00 (Removal Only)
- (4) Vehicles larger than 11,000 pounds GVW or dual rear wheels shall be commensurate with the services provided. The Chief of Police shall be notified in writing within 72 hours after the tow of the fee charged for all tows greater than 11,000 pounds.
- (5) A snow removal fee is permitted when employee of towing company must shovel snow 10 minutes or more before vehicle maybe removed for towing/impound \$35.00 for 10 to 30 minutes plus \$15.00 for each additional 15 minutes or part thereof.
- (6) In the event fees other then authorized are charge because of unusual circumstances, the Chief of Police shall be notified in writing within 72 hours after the tow of the fee charged.
- (7) Protection Fee. A towing company may assess the vehicle owner or custodian a \$25.00 fee in addition to the towing fee and any other applicable fees for covering motor vehicles or safeguarding the vehicle within a towing facility with open convertible tops, open windows and/or open areas that will allow weather to penetrate the interior of the vehicle.
- (8) Authorized Winching Fees for Recovery. For tows requiring winching service, towing companies may charge up to the following fees in addition to the towing charge:
 - i. Per truck and 1 employee: \$65.00 minimum fee for the first 30 minutes or any part thereof
 - ii. Per Truck and 1 employee (after first 30 minutes): \$35.00 per 30 minutes or any part thereof
 - iii. Additional employee: \$35.00 minimum fee for the first 30 minutes or any part thereof
 - iv. Additional employee (after first 30 minutes): \$30.00 per 30 minutes or any part thereof
 - v. Vehicles larger than 11,000 pounds GVW or dual rear wheels shall be commensurate with the services provided. The Chief of Police shall be notified in writing within 72 hours after the winch of the fee charged.

In calculating the above fees, the winching time begins when the towing service leaves the regularly maintained roadway and concludes when the vehicle to be towed is accessible by the wrecker.

d. Long Distance Tows. If a vehicle owner or custodian requests to have their vehicle towed to a location greater than either 5 road miles from the towing scene a fee of up to \$4.00 per-mile fee (one-way) may be charged by the towing company. This per-mile fee is in addition to the towing fee schedule listed in **Section 10(c)**. Additionally, the towing companies may increase their per-mile fee beyond the base of \$4.00 at increase intervals of twenty-five cents (.25) for every fifty cent (.50) per gallon increase in towing companies' fuel costs above \$5.00.

Towing Company Fuel Costs Per Mile rate (one-way)

\$5.00 or less per gallon.....	\$4.00 per mile
Between \$5.01 – 5.50 per gallon.....	\$4.25 per mile
Between \$5.51 - \$6.00 per gallon.....	\$4.50 per mile
Between \$6.01 - \$6.50 per gallon.....	\$4.75 per mile

e. Clean Up Fees. Towing companies are required to clean up at an accident scene. An additional charge of up to \$30.00 may be charged for each vehicle involved in the accident that requires clean up and in which the cleanup is actually performed by the towing company. If the clearing of the accident debris takes more than 30 minutes, the towing company may assess additional cleanup fees at the rate of \$5.00 per 15 minutes, or any part thereof after the initial 30 minutes.

f. Storage Fees. The following storage fees may be assessed against the vehicle owner/custodian for the storage or towed vehicles at either the towing company's facility or a City facility:

- (1) For the first 24-hour period from the time the wrecker arrived at the sceneno charge
- (2) Each calendar day or portion thereof after the first 24 hours for motor vehicles $\frac{3}{4}$ -ton GVW or less or with dual rear wheels\$30.00
- (3) Each calendar day or portion thereof after the first 24 hours for motor vehicles larger than $\frac{3}{4}$ -ton GVW or with dual rear wheels\$35.00
- (4) Each calendar day or portion thereof after the 10th day of storage for any motor vehicle\$50.00

(Ordinance _____, _____, 2011, **Section 10.**)

Section 11. Notification of Removal. Within 1 hour from the time of removal of any vehicle by an authorized towing service, the York County Emergency Communications Center shall be notified, by providing the Center 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

g. location where the vehicle may be claimed by the owner

(Ordinance _____, _____, 2011, **Section 11.**)

Section 12. 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 York 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.

(Ordinance _____, _____, 2011, **Section 12.**)

Section 13. 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 Nos. (1) through (7), inclusive, in **Section 13** of this Chapter. These records shall be maintained for at least 2 years and shall be subject to inspection by the Chief of Police. (Ordinance _____, _____, 2011, **Section 13.**)

Section 14. Authorization for Removal. No motor vehicle shall be removed from private property, except as authorized in **Section 14(b)**., under the authority of this ordinance unless:

a. Written authorization for the vehicle to be removed is provided to the authorized towing company, in duplicate, 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 _____

YEAR _____

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 217, Posting of Private Parking Lots. The tow company is also required to include its telephone number on all signs.

c. Signs as required in **Section 14(b)** of this Chapter and, in addition to the number of signs required by **Section 14(b)** of this Chapter, 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 requires 1 additional sign

51 – 75 parking spaces requires 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 **Section 14(b)**, the Chief of Police may require additional signs be posted and/or that the posted signs be altered. (Ordinance _____, _____, 2011, **Section 14**.)

Section 15. Effect of Payment of Towing and Storage Charges Without Protest. The payments of any towing and storage charges, authorized by this ordinance shall, unless made “under protest,” be final and conclusive and shall constitute a waiver of any right to recover the fees paid.

(Ordinance _____, _____, 2011, **Section 15**.)

Section 16. 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. (Ordinance _____, _____, 2011, **Section 16**.)

Section 17. Owner/Operator Liable for Fine/Penalty. The payment of towing and storage charges authorized by this ordinance 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.

(Ordinance _____, _____, 2011, [Section 17.](#))

Section 18. 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 in which case the towing company shall include the discovered time and the removal time on the “Notification or Removal” as required in [Section 11](#) of this Chapter. 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 13](#) of this Chapter. (Ordinance _____, _____, 2011, [Section 18.](#))

Section 19. 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 Police Department. Complaints by City of York employees against a towing company shall be brought to the attention of the Chief of Police within 7 calendar days. (Ordinance _____, _____, 2011, [Section 19.](#))

Section 20. 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 14](#). Property owners are prohibited from having a direct or indirect monetary interest in a towing company that, for compensation, removes motor vehicles from their private property. This section is not intended to prohibit the issuance of parking tickets to illegally parked vehicles. (Ordinance _____, _____, 2011, [Section 20.](#))

Section 21. Schedule of Fee Review. All charges and fees authorized by this ordinance shall be reviewed by the Chief of Police after 2 years (but no more than 3 years of the effective date of this ordinance) and every 2 to 3 years thereafter. This [section](#) shall only be in effect when the Chief of Police receives a written request from a licensed towing company owner to review the charges and fees within 90 days prior to the scheduled review date. Any rate changes in response to the written request to the Chief of Police shall be made within 90 days after having received the request. (Ordinance _____, _____, 2011, [Section 21.](#))

Section 22. Penalty. Any towing service that operates within the municipality of York towing vehicles from private property in accordance with the Vehicle Code and is not an authorized towing service, as defined within this towing regulation, shall be subject to a fine, upon conviction, of not less than

\$200.00 nor more than \$400.00 for the first violation and not less than \$300.00 nor more than \$600.00 for each subsequent violation. (Ordinance _____, _____, 2011, **Section 22.**)

Section 23. Termination of License. Any towing company or its employee who violates any provision of this Chapter (except **Section 9**) shall be issued a written warning for the first violation during any calendar year. Any subsequent violation during the same year may cause the termination of the towing company's license. The towing company is not entitled to a warning for violation of any provisions of **Section 9** of this Chapter and may have their license terminated for the first and/or subsequent violations of this **Section**. The towing company shall be notified in writing no less than 5 calendar days prior to the termination of its license. The notice of termination shall state the reason(s) for termination and the effective date of termination. The towing company shall have 14 calendar days to appeal the 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. The towing company may appeal the Chief's decision, in writing, to City Council within ten (10) calendar days of the receipt of the Chief's decision. (Ordinance _____, _____, 2011, **Section 23.**)

Section 24. Fines and Penalty for Violation. Upon conviction of any provision of this ordinance, in addition to the penalty listed in **Section 23**, a towing company may be fined not less than \$300.00 or more than \$600.00. Additionally, upon conviction of any provision of **Section 9** of this Chapter, a towing company shall have their license revoked for a period of 1 year. (Ordinance _____, _____, 2011, **Section 24.**)

Section 25. Severability. If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance shall be declared invalid for any reason whatsoever, such a decision shall not affect the remaining portions of the ordinance, which shall remain in full force and effect, and for this purpose the provisions of this ordinance are hereby declared to be severable. (Ordinance _____, _____, 2011, **Section 25.**)