

City of Philadelphia



(Bill No. 060636-A)

AN ORDINANCE

Amending Section 9-605 of The Philadelphia Code entitled “Towing”, Chapter 12-2400 of The Philadelphia Code entitled “Towing And Immobilizing Of Parked Or Abandoned Vehicles” and Chapter 12-2500 of The Philadelphia Code entitled “Snow Emergencies” to provide that owners of vehicles which have been stolen or which have been illegally used without the owner’s permission shall not be required to pay the towing, storage and recovery charges after their vehicle has been towed, all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Section 9-605 of The Philadelphia Code, entitled “Towing” is amended to read as follows:

§9-605. Towing.

* * *

(4) Rotation method of tow truck selection.

* * *

(g) No person shall remove or tow a disabled vehicle when the owner or authorized operator of the vehicle is not present without first obtaining verification from the Police Department as to whether or not the vehicle has been reported stolen. If the vehicle has been reported stolen, then the towing company must comply with all of the requirements of §9-605(15).

* * *

(11) Towing From Private Lots, Private Property and Driveways. Only towing companies licensed under paragraph (3) of this Section shall be permitted to tow any illegally parked vehicle from any licensed or unlicensed parking lot, from private property, from any common driveway and from in front of any driveway where the vehicle is blocking access to that driveway.

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(d) No vehicle shall be towed under this subsection until the towing company has notified the Police Department that the vehicle is illegally parked and is to be towed. *Upon such notice, the Police Department shall determine whether or not the vehicle has been reported stolen. If the vehicle has been reported stolen, then the towing company must comply with the requirements of §9-605(15).* Within 24 hours following the towing of the vehicle the towing company must, in writing, notify the Police Department of the vehicle's removal.

[(e) The Commissioner of Streets shall designate private streets, private roads, private driveways and other private thoroughfares and other locations, including hospitals, railroad stations, and places of public assembly, at which the prohibition of unauthorized parking in public or private lots is a matter of particular public interest; and in respect to such locations the requirements of subparagraph (d) shall be inapplicable.]

* * *

(15) Towing Stolen Vehicles.

No more than \$15 shall be charged to the owner of any vehicle to cover the City's administrative costs related to towing, storage and recovery when the vehicle has been reported stolen to the Police Department or illegally used by a person other than the owner of the vehicle, without his authorization, express or implied.

SECTION 2. Chapter 12-2400 of The Philadelphia Code, entitled "Towing And Immobilizing Of Parked Or Abandoned Vehicles" is amended to read as follows:

CHAPTER 12-2400. TOWING AND IMMOBILIZING OF PARKED OR ABANDONED VEHICLES.

* * *

§12-2406.1. Fees and Charges.

* * *

(4) *Notwithstanding the foregoing, no more than \$15 shall be charged to the owner of any vehicle taken into custody by a private tower on behalf of the Department to cover the City's administrative costs related to towing, storage and recovery when the vehicle has been reported stolen to the Police Department or illegally used by a person other than the owner of the vehicle, without his authorization, express or implied.*

[(4)](5) No vehicle towed to an Official Towing Station shall be released to its owner, lienholder or anyone claiming a right of possession until all outstanding fees, charges and fines are paid. Any person who disputes the validity or the amount of such fees, charges or fines may demand an expedited hearing pursuant to § 12-2406; except

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that, for vehicles towed pursuant to provisions of law other than this Chapter, such hearing may only be had after the Police Department determines the vehicle is available to be reclaimed, and the only issue at such hearing shall be the validity and amount of the fees, charges and fines. Prior to such determination, a vehicle may only be reclaimed pursuant to Police Department regulations or 99 to the Rules of Criminal Procedure.

* * *

SECTION 3. Chapter 12-2500 of The Philadelphia Code, entitled “Snow Emergencies” is amended to read as follows:

CHAPTER 12-2500. SNOW EMERGENCIES.

* * *

§12-2503. Towing.

* * *

(2) Except as otherwise provided in this subsection 12-2503(2), if a vehicle, trailer, dumpster or other object is towed to an Official Towing Station designated pursuant to §12-2402, then the procedures set forth in Chapter 12-2400, including, but not limited to, the assessment of storage charges pursuant to §12-2406.1, shall apply. Notwithstanding any contrary provisions of § 12-2406.1, a towing fee shall be assessed in accordance with the fee and procedure set forth in subsection 12-2503(3)(a). *The provisions of §12-2406.1(4) shall, if applicable, apply to any vehicle, trailer, dumpster or other object towed pursuant to this Chapter.*

* * *

SECTION 4. This Ordinance shall take effect immediately.

Explanation:

[Brackets] indicate matter deleted.
Italics indicate new matter added.

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CERTIFICATION: This is a true and correct copy of the original Bill, Passed by the City Council on January 23, 2007. The Bill was Signed by the Mayor on February 7, 2007.



Patricia Rafferty
Chief Clerk of the City Council