

City of Philadelphia



(Bill No. 040595)

AN ORDINANCE

Amending Title 9 of The Philadelphia Code (“Regulation of Businesses, Trades and Professions”) by amending Section 9-605 (“Towing”) to prohibit certain towing upon the establishment of a rotational towing system; to define the parameters of the rotational system; and to make certain technical changes; all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Title 9 of The Philadelphia Code is amended to read as follows:

TITLE 9. REGULATION OF BUSINESSES, TRADES AND PROFESSIONS

* * *

CHAPTER 9-600. SERVICE BUSINESSES

* * *

§9-605. Towing.

(1) Declaration of Policy. For the purposes of protecting the general welfare and public interests of the community, safe-guarding the public against fraud, discrimination, deception and similar abuses, and eliminating the retarding of traffic, unnecessary street congestion, unnecessary delays and traffic hazards, the towing of vehicles disabled by collision, [or other] accident, *mechanical failure or wear and tear* shall be subject to supervision and administrative control [in] *pursuant to the police powers of the City*.

(2) Definitions. In this Section the following definitions apply:

* * *

(d) Disabled Vehicle. A motor vehicle which has been damaged, or rendered inoperative *or unsafe to drive* as the result of wear and tear, [or] mechanical failure, *collision or accident*.

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(f) Rotation system. A method of selecting a [tow truck] *towing company* from an authorized list for the purpose of towing a [disabled] vehicle from one point to another. Once an assignment is made, that [vehicle] *towing company* rotates to the bottom of the list. [The list will be controlled by the Philadelphia Parking Authority on a Divisional basis.]

(g) Solicitation. The act, at a vehicular accident scene, hospital, emergency care facilities, funeral homes or during the occurrence of police operations relating thereto, of seeking, persuading, enticing or in any way offering assistance of services [other than] *relating to* the towing of vehicles, which services have not been requested by the person solicited.

(h) *Traffic. Pedestrians, vehicles, street cars and other conveyances, whether singly or together, using any highway, roadway or trafficway for purposes of travel.*

* * *

(4) Rotation method of tow truck selection.

[(a) Establishment of a rotation method of tow truck dispatch must be approved by a separate Ordinance of City Council.

(b) No tow truck shall respond to an incident requiring the assistance of a tow truck unless that vehicle has been selected from the rotation list, as approved by Section (a) above.

(c) Vehicles on the rotation list shall be tow trucks licensed by the Department.

(d) The department in conjunction with the Parking Authority shall establish regulations for the operation of the rotation system.

(e) The owner/driver of the disabled vehicle may select their own tow truck in lieu of the rotation selection, provided that the vehicle is not blocking or impeding traffic on a major highway, however, such selection shall not be made as a result of a solicitation at the site by a tow truck operator.

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(f) The tow operator must agree to respond to calls from the Philadelphia Police Department for towing of vehicles seized under any City vehicle forfeiture ordinance only when requested by the Police Department.]

(a) *Upon the City's establishment by competitive process of a rotational towing system, no person shall engage in towing from the scene of an accident or with respect to a disabled vehicle that is either impeding traffic or on the shoulder of a limited access highway unless that person has been selected through operation of such rotational system.*

(b) *No rotational system shall be considered established until notice of its establishment shall be published in at least two newspapers of general circulation.*

(c) *The Police Department or Department of Licenses and Inspections may establish, with respect to towing pursuant to a rotational system, additional safety, accessory, insurance and other requirements not otherwise established pursuant to the Code.*

(d) *The City may charge a fee in connection with the towing of vehicles pursuant to a rotational system. City and tower fees established in connection with a rotational system shall be set by regulation.*

(e) *The owner or operator of a vehicle towed pursuant to operation of a rotational system shall have the option to designate the location to which the vehicle shall be towed, within geographic limits as may be adopted in connection with the establishment of the rotational system.*

(f) *Solicitation, as otherwise prohibited by subsection (12), shall be cause for exclusion of a towing company from future participation in a rotational system.*

* * *

(6) Charges.

(a) Charges listed in the fee schedule certified under *Section 9-605(3)* may be calculated by mileage, time and type of service and shall be clearly stated on the towing agreement. The maximum fee a tower may charge for towing a disabled vehicle is forty (40) dollars, and two (2) dollars per mile during normal work hours of 6:00 a.m. to 7:00 p.m. and fifty (50) dollars and two (2) dollars per mile for evenings, weekends and holidays. The maximum storage fee for a vehicle towed

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under this section cannot exceed twenty-five (25) dollars per day. A day for the purposes of this section shall be calculated on a twenty-four (24) hour basis. *The limitations and requirements of this subsection 6(a) shall not apply to tows pursuant to a rotational system.*

* * *

(8) Estimates, Repairs and Services.

* * *

(g) *Except where such towing is prohibited pursuant to subsection (4), [T]the owner or driver of any disabled motor vehicle may require the service of any available towing car and the owner or driver of any towing car shall not refuse to render such services if:*

(.1) the owner or driver of the disabled vehicle is willing to pay the fee prescribed under this Section;

(.2) it is physically possible for the towing car to tow the disabled vehicle;

(.3) the towing car is not going to or returning from a towing job.

* * *

(14) Penalties.

(a) Every person licensed to engage in the business of towing who violates any provisions of this section or who fails to comply with any provision or term of a towing agreement shall have his towing license revoked for 90 days upon the first offense and for one year upon each succeeding offense *and shall be subject to any other penalties or remedies as may be applicable pursuant to rules and regulations established in connection with the implementation of a rotational towing system.*

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SECTION 2. This ordinance shall not be effective unless the rotational towing system referenced in section 1 of this Ordinance is established pursuant to a bid solicitation substantially in the form of Exhibit “A” hereto, with such changes as the Procurement Commissioner shall deem necessary to protect the interests of the City, provided, however, that the provisions of Subsection 1.9 (“Bidder Qualifications”) and Section 2 (“Specifications”) shall not be revised in any material way and no provision shall be added that conflicts with such provisions.

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 June 2, 2005. The Bill was Signed by the Mayor on June 15, 2005.



Patricia Rafferty
Chief Clerk of the City Council