

Legislation Text

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Amending Section 9-605 of The Philadelphia Code, entitled "Towing," by providing further requirements for towing companies regarding towing vehicles from private lots, private property and driveways, under certain terms, conditions and penalties.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Section 9-605 of The Philadelphia Code is hereby amended to read as follows:

CHAPTER 9-600. SERVICE AND OTHER BUSINESSES.

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§ 9-605. Towing.

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(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, and provided that such towing companies must have the prior written permission of the owner or other person in lawful possession of the property, or of a designated agent of such person, prior to towing from or in front of such property. A towing company shall retain on file all written permissions required by this Section.

(a) No such tow is permitted unless the parking lot or private property has posted in a conspicuous place near its entry which can be easily seen by the public a sign, no smaller than thirty-six (36) inches high and thirty-six (36) inches across or, for single-family residential properties, no smaller than eighteen (18) inches high and eighteen (18) inches across, with text of sufficient size to ensure that the sign can be easily read. No such sign shall be posted unless the towing company has reported the location of the sign to the Enforcement Agency. The Enforcement Agency may by regulation [detail the manner in which such reports must be filed, and may] require a towing company to file an annual or other regularly updated list of all signs posted by the towing company. The towing company is responsible for the information on the sign, which shall give notice:

- (.1) That unauthorized parking is prohibited and unauthorized vehicles will be towed.
- (.2) That vehicles whose authorized parking time has elapsed will be towed.
- (.3) Of the name, address, and telephone number of the towing company.
- (.4) Of the charges for the towing and storage of towed vehicles.

(.5) Of the place where the towed vehicle can be redeemed after paying the allowable charges and the hours of operation.

(.6) That payment shall be made by cash, credit card or debit card.

(.7) That towing related complaints shall be reported to 3-1-1.

(b) No such sign shall be posted unless it bears an official sticker, issued by the Enforcement Agency. The towing company shall be responsible for affixing such sticker to the sign, upon issuance of the sticker by the Enforcement Agency. The Enforcement Agency shall not issue any such sticker unless the following conditions are satisfied.

(.1) The towing company must submit to the Enforcement Agency an official towing sticker application. An official towing sticker application shall not be complete unless it provides, with respect to each property on which a proposed sticker will be posted, (i) the address of the property; (ii) whether a sign is currently posted on the property; (iii) written permission from the owner or other person in lawful possession of such property, or from the designated agent of such person, that a towing company may post a towing sign and sticker on the property; (iv) the name and contact information of such owner, other person, or designated agent; and (v) such other information as the Enforcement Agency deems appropriate.

(.2) The Enforcement Agency must verify that the official towing sticker application is complete, accurate and truthful.

(.3) The Enforcement Agency must verify that, if issued, the proposed sticker would be posted on a sign located on a property listed in the City's inventory, created and maintained under Section 12-2405.1, of driveways and private parking spaces, from which an owner or possessor is authorized to remove any unattended vehicle blocking access thereto.

([b]c) No towing company may charge more than the amounts set forth in subsections 9-605(11)(b)(.1) through (.3) for towing and storage of a vehicle pursuant to this subsection 9-605(11). Neither the towing company, owner of the property from where the vehicle was towed nor any other person may charge the vehicle owner or operator any other charges, amounts or fees in connection with the towing and storage of the vehicle. The towing company or person storing such towed vehicle may not refuse to release the vehicle based on a claim to any charges in excess of the permitted amounts.

(.1) One hundred and seventy-five (\$175.00) dollars for the towing of vehicles or combinations under 11,000 pounds (i.e. passenger vehicles, cars, pickup trucks, SUVs, and light duty vans) and twenty-five (\$25.00) dollars for the storage of these vehicles for each twenty-four-hour period. Where a vehicle is stored for less than twenty-four (24) hours on any day, storage fees shall be in the same proportion as the fractional part of the day the vehicle is stored.

(.2) Two hundred and fifty (\$250.00) dollars for the towing of vehicles or combinations at or over 11,000 pounds up to 17,000 pounds and forty (\$40.00) dollars for the storage of these vehicles for each twenty-four-hour period. Where a vehicle is stored for less than twenty-four (24) hours on any day, storage fees shall be in the same proportion as the fractional part of the day the vehicle is stored.

(.3) Three hundred and sixty (\$360.00) dollars for the towing of vehicles or

combinations at or over 17,000 pounds and seventy-five (\$75.00) dollars for the storage of these vehicles for each twenty-four-hour period. Where a vehicle is stored for less than twenty-four (24) hours on any day, storage fees shall be in the same proportion as the fractional part of the day the vehicle is stored.

[(c) Reserved.]

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(14) Enforcement.

(a) The Enforcement Agency or the Police Department may impound any unlicensed tow truck. The owner may reclaim any impounded vehicle upon the payment of a five hundred (500) dollars impoundment fee. Such impoundment fee shall be in addition to any fines or civil penalties set forth in this Section.

(b) Fines, Civil Penalties, and License Suspension.

(.1) Violations of this Section and any regulations promulgated under this Section shall be subject to the following civil penalties and license suspensions:

Violation	Civil Penalty- License Suspension
Refusing excessive number of assignments (§ 9-605(4)(d)(.1))	\$100
Failure to appear within 20 minutes (§ 9-605(4)(d)(.2))	\$100
Improper maintenance of accident site (§ 9-605(4)(d)(.5))	\$100
Expired truck registration, inspection, or tow license (§ 9-605(3)(a))	\$500
Failure to maintain proper equipment (§ 9-605(3)(e)(.9))	\$100
Illegal solicitation of work (§ 9-605(12))	
First offense	\$500
Second offense	\$1,000
Third offense	\$1,000 and six months license suspension
Fourth offense	\$1,000 and one year license suspension
Towing from private lot, private property or driveway in violation of § 9-605(11)([d]a)-(f)	
First offense	\$1,000 and release of vehicle towed without charge and reimbursement for any damages caused to the vehicle
Second offense	\$1,000 and all other first offense penalties, and six months towing company license suspension

Third offense	\$1,000 and all other first offense penalties, and one year towing company license suspension
Failure to accept credit/debit card (§ 9-605(3)(e)(.8))	
First offense	\$175
Second offense	\$250
Third offense	\$1,000 and six months license suspension
Fourth offense	\$1,000 and one year license suspension
Failure to report vehicle towing (§ 9-605(11)(d))	\$500
Failure to maintain proper records (§ 9-605(4)(g))	\$500
All other violations	\$300

SECTION 2. This Ordinance shall take effect upon the creation by the Department of Streets, or other department designated by the Mayor, of an inventory and database of the addresses of all driveways and private parking spaces, in accordance with Section 12-2405.1(2) of The Philadelphia Code.

Explanation:

[Brackets] indicate matter deleted.

Italics indicate new matter added.