

Legislation Text

File #: 160682, **Version:** 1

Amending Section 9-605 of The Philadelphia Code, entitled "Towing," by adding a requirement that an illegally parked vehicle be ticketed prior to its towing from a private parking lot, private property, or driveway, except for hospital premises, under certain terms and conditions.

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:

§ 9-605. Towing.

* * *

(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.

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

* * *

(d) No vehicle shall be hooked, towed, or handled in any manner under this subsection *unless the vehicle has been ticketed, by the police or other law enforcement authority, for a violation of § 12-913(1)(b)(i) (relating to parking in front of a public or private driveway), or § 12-913(2) (relating to parking or leaving unattended a vehicle on private property without consent of owner), at the location from which the vehicle is to be towed, except as provided in § 9-605(11)(d)(.1),* [until the towing company has notified the Police Department that the vehicle is to be towed, and has received confirmation from the Police Department as to the vehicle's status,] except that in a licensed parking lot, a vehicle may be moved to another location in the parking lot prior to [being towed] *ticketing.* [Upon such notice] *Before issuing such a ticket,* the Police Department shall determine whether or not the vehicle has been reported stolen. If the vehicle has been reported stolen, *the police officer shall implement the rotational program maintained by the Police Department for towing of stolen vehicles, by notifying police radio to dispatch the next towing company authorized under that program to recover and safely store the vehicle where it may be claimed by its owner.* [and except in the case of an immediate threat to public safety as determined by the Police, or a case where a vehicle is blocking access to a public or private driveway, no such vehicle shall be towed unless the Police have either notified, or attempted to notify, the owner of the vehicle of its recovery by calling the contact number provided to the Police at the time it was reported stolen.] [and, unless the Police are unable to contact the owner or leave a message for the owner, or the owner elects to have the Police tow the vehicle, the owner has been given 24 hours from the time of such notification or attempted notification to recover the vehicle in lieu of the tow. The towing company shall not tow the vehicle until the Police confirm to it that contact with the owner has been made, or attempted and concluded, and any further instructions are conveyed.] [If the vehicle is towed] *Where applicable,* the towing company must comply with all of the requirements of § 9-605(15) *and (16).* [Within one hour following the towing of the vehicle the towing company must, in writing, or in such other manner as the Enforcement Agency may permit or require, notify the Police Department of the vehicle's removal.]

(.1) An authorized tow company may remove a vehicle that is illegally parked on the premises of a hospital, or relocate it on the hospital premises, without the vehicle first being ticketed for a violation, provided:

(.a) Prior to any tow to remove the vehicle, an employee designated by the hospital completes a form that includes a description, including license number, of the vehicle to be towed, its location, and the date and time the hospital requested the tow. A copy of the completed form shall be affixed to the vehicle in a conspicuous place and shall not be removed except by the vehicle owner, and the original shall be kept on file by the hospital and made available to the vehicle owner upon request.

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Explanation:

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

