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Council of the City of York, PA
Session 2023
Bill No. 57
Ordinance No. 56

The mayor did not approve or veto this Bill within 10 days after it was presented, therefore, this Bill is automatically **APPROVED**.

INTRODUCED BY: Lou Rivera

DATE: December 5, 2023

AN ORDINANCE

Amending Article 545 “Public/Private Property Towing” to establish fees and amend rates for towing and storage services and update definitions to include “Salvor.”

BE IT ORDAINED, by the Council of the City of York, Pennsylvania, that Article 545 “Public/Private Property Towing” is hereby amended as follows:

SECTION ONE: Article 545 “Public/Private Property Towing,” Subsection 545.04 “Definitions” of the City of York Codified Ordinances is hereby amended as follows:

545.04 DEFINITIONS.

- (a) **City.** The City of York, County of York, State of Pennsylvania.
- (b) **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 article, 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.
- (c) **Chief of Police.** The Chief of Police of the York Police Department or his/her designee.
- (d) **Custodian.** A person having permission from the vehicle owner to exercise care and/or control over a vehicle.
- (e) **GVW.** Gross vehicle weight.
- (f) **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.
- (g) **Motor Vehicle.** As defined in the Vehicle Code.
- (h) **Person.** An individual, firm, partnership, association, employee, corporation, company, or organization of any kind.
- (i) **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.
- (j) **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.
- (k) **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.
- (l) Salvor. A person engaged in the business of acquiring abandoned vehicles for the purpose of taking apart, recycling, selling, rebuilding or exchanging the vehicles or parts thereof.**
- (m) **Storage Facility.** A secured area for the storage of towed vehicles.
- (n) **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.
- (o) **Towing Rotation List.** The list maintained by the Chief of Police of all towing companies licensed by the City.

(p) **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.

(q) **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.

(r) **Vehicle Code.** Title 75 of the Pennsylvania Consolidated Statutes.

(s) **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 a position that the vehicle may either be driven away or conventionally hooked to a wrecker.

(t) **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.

SECTION TWO: Article 545 “Public/Private Property Towing,” Subsection 545.08 “General Regulations” of the City of York Codified Ordinances is hereby amended as follows:

545.08 GENERAL REGULATIONS.

- (a) (1) 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.
- (2) 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~~ **20** 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 article 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 article.

(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 article; 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 article; 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 article; 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 tower's equipment, the tower 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 tower's 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 tower's responsibility to assure that the subcontractor complies with all other requirements of this article.

(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.

(r) All tow companies must be a salvor.

SECTION THREE: Article 545 "Public/Private Property Towing," Subsection 545.10 "Maximum Fee Schedule for Towing Services" of the City of York Codified Ordinances is hereby amended as follows:

545.10 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~~ **\$130.00**
- (2) Vehicles ¾-ton or larger but not exceeding 11,000 pounds GVW, or with dual rear wheels.....~~\$120.00~~ **\$145.00**
- (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 may be 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~~ **\$65.00**
- (8) In the event fees other than authorized are charged 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 article 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 subsection (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.

- ~~(9) Dolly Use.....\$50.00~~
- ~~(10) Winching for all tows.....\$70.00 first 15 minutes; \$75.00/hr. after first 15 minutes.~~
- ~~(11) Rollover Setup.....\$75.00 up to 10,000 lbs.; 10,000 lbs.-14,000 lbs. add \$40.00; Over 14,000 lbs. at market or facility rate~~
- ~~(12) Administrative fee for salvors.....\$35.00~~

- (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~~ **\$45.00**
 - (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~~ **\$50.00**
 - (4) Each calendar day, or portion thereof, after the 10th day of storage for any motor vehicle.....~~\$50.00~~ **\$60.00**
 - (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 ¾-ton GVW~~\$165.00~~ **\$195.00**
 - (2) Vehicles ¾-ton or larger but not exceeding 11,000 pounds GVW, or with dual rear wheels.....~~\$185.00~~ **\$215.00**
 - (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 may be 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 than authorized are charged 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.

