

ORDINANCE NO. 2020- 17

AN ORDINANCE OF RADNOR TOWNSHIP, DELAWARE COUNTY, PENNSYLVANIA REVISING CHAPTER 262 TOWING, ADDING NEW DEFINITIONS, FEES AND REGULATIONS FOR PRIVATE AND DUTY TOWERS IN THE TOWNSHIP

The Board of Commissioners of Radnor Township does hereby ordain as follows.

SECTION 1. Chapter 262 Towing, Section 262-1 A., definitions and hooking fees is revised as follows:

- A. Definitions. As used in this chapter, the following terms shall have the meanings indicated:

BOARD OF COMMISIONERS – The governing body of Radnor Township.

DAY — Anytime between the hours of 7:00 a.m. and 6:00 p.m., Monday through Friday.

HOOKING - Having at least two wheels of the towed vehicle lifted from the ground

LICENSE REGISTRATION DATES- Applications for private and or duty towers will be available on the Township website. Open registration for all towers shall be November 1 through December 31. All licenses shall be mailed out in the third week of January. Private tow licenses shall be good for one year and duty tow licenses shall be good for four years. During the calendar year a tower may be issued a license provided a complete application is provided and approved and the license fee is paid. Such partial year license shall be effective through the remainder of the calendar year.

NIGHT- All other times not meeting the definition of Day.

STORAGE DAY — A twenty-four-hour period, commencing at the time the vehicle is actually placed into storage (i.e., a vehicle placed in storage at 11:00 p.m. would be charged at minimum one-day storage, for the time, up to the twenty-four-hour period ending 11:00 p.m. the following night.)

SUPERINTENDENT of POLICE – The chief administrative officer of the police department

TOWNSHIP — The Township of Radnor.

TOWNSHIP MANAGER - The chief executive officer for the township appointed by the Board of Commissioners.

SECTION 2. Chapter 262 Towing, Section 262-2 Vehicles towed at the request of the Township of Radnor, Subsections A., B., and C. are hereby amended and a new Subsection E. is added to read as follows:

A. Police towing services. The costs for towing services ordered by the Police Department for passenger cars and trucks with the gross vehicle weight of 10,000 pounds or less, to be paid and received by any authorized towing service or approved pound keeper, shall be due upon a vehicle being hooked and removed from the premises and shall not be in excess of the flat rate of \$150. The flat fee of \$50 will be charged for cleanup.

B. Towing costs of heavy vehicles (for vehicles with a gross weight in excess of 10,000 pounds). The costs of towing trucks and other heavy vehicles shall not exceed \$250 flat rate per hour, commencing on arrival at the tow scene.

C. Storage costs.

(1) The cost of storage of any impounded passenger car or truck with a gross vehicle weight of 10,000 pounds or less shall not exceed the rate of \$50 per storage day.

(2) Storage costs of heavy vehicles with a gross vehicle weight in excess of 10,000 pounds shall not exceed \$80 per storage day.

E. When on call or as a secondary tower, duty towers must be available for release of towed vehicles from 9 am to 3 pm on Saturdays.

SECTION 3. Chapter 262 Towing, Section § 262-3. Towing unattended vehicles from private property is hereby amended as follows:

The following regulations shall apply to the towing of vehicles parked or left unattended on private property without the consent of the property owner.

A. No towing service shall remove vehicles parked or left unattended on private property without the written authorization of the property owner who shall be present at the time of the removal of the vehicle if he or she is available. During operating hours, the property owner or designee must contact the tower via phone for removal of any unattended vehicles. No towing service shall pay a fee to a private property owner in consideration for contracted towing services. The towing service must be issued a license by the Township on a yearly basis authorizing them to do so. The license shall be issued by the Radnor Township Police Department upon completion of an application and payment of a fee in the amount of \$200 per year or as amended by separate resolution by the Board of Commissioners. The license shall be effective for one year from the date of its issuance, or in the case of special license issuance, the balance of the year issued, and shall be renewed every year by the towing service by the procedures established in this section. Incomplete applications, if not corrected during open registration shall be cause for denial.

The application form shall contain, at a minimum, the following information:

- (1) The name and address of the towing service.
- (2) The name and business address of all persons or entities having an ownership interest in the towing service.
- (3) The name and address of all persons, businesses and institutions from whose property in Radnor Township the towing service is authorized to remove vehicles.
- (4) The address of the storage yard where vehicles removed from private property in Radnor Township will be towed.
- (5) The name of the insurance company and the name and address of the insurance company agent through whom the insurance required by this section has been issued.
- (6) A copy of any private towing contracts shall be submitted to the police department and such information shall be updated with the department during the calendar year.

B. If any licensed towing service commits a violation of any provision of this chapter, the Superintendent of Police, upon determining that any provision of this section has been violated, shall issue a written warning to the licensed towing service informing them of the violation. In the event that a second violation of this chapter occurs within the same calendar year, the Superintendent of Police may revoke a license issued hereunder together with the right to reapply for a subsequent license for a period of up to two years. The Superintendent of Police shall notify the towing service in writing no less than five days prior to the revocation of its license and provide an explanation of the violation of this chapter and the length of the revocation. The Superintendent of Police may issue an intent to revoke a license for a period of up to two years. Upon receipt of the intent to revoke a license, the towing service may request a pre-termination hearing before the Superintendent of Police or his/her designee.

C. Authorized towing services shall:

(1) Provide certificates of insurance to the Township as follows: in the minimum amount of \$500,000 combined single limit for any auto, hired autos, non-owned autos; \$100,000 for each personal injury; and garage keepers' liability in the amount of \$50,000 per occurrence. The towing services must provide the Township with immediate notice of any change in coverage.

(2) Notify the Radnor Township Police Department of the removal of a vehicle from private property before leaving the lot of such removal and provide a description and license number of the vehicle thus removed. This can be accomplished by dialing 911, and contacting the officer in charge.

(3) Treat all owners of towed vehicles with courtesy and dignity and provide secure, well-lighted and maintained facilities which at all times promote the safety and protection of towed and impounded vehicles and owners thereof who visit such facility.

(4) If towing outside of normal business hours (9am-5pm), make themselves available for a release for the period of one (1) hour after leaving a lot with a towed vehicle and after notifying the police department. Towing must be available for release of a towed vehicle on Saturdays and Sundays from 9 am to 3 pm.

SECTION 4. Chapter 262 Towing, Section § 262-4. Application for duty tow license is hereby revised to read as follows:

A. License required. No person shall be called by the Township or its Police Department as a tower for the purpose of removal of disabled, wrecked, or abandoned vehicles unless that person is granted a duty tow license by the Board of Commissioners.

B. License application.

(1) Applications for a duty tow license shall be made to the Superintendent of Police or his designee, upon a form available from the township website, and shall require the following information:

(a) The name, address, telephone number, and email of the business for which the license is sought.

(b) The name, home and business address, telephone number and emails of all the owner(s) or, in the case of a corporation, stockholder(s) of the business for which the license is sought, together with a designation of the business organization (i.e., sole proprietorship, partnership, corporation, etc.).

(c) A list of tow trucks, vehicle wreckers, car carriers or other vehicles available for service to Radnor Township. A description of each vehicle (make, model, type, year, and vehicle identification number), copies of current registrations, inspections and insurance cards, the name and address of the owner/lessee of each vehicle or piece of equipment, and the location where regularly parked or stored, shall be included.

(d) A certificate of insurance providing a minimum of \$1,000,000 automobile liability and garage liability or other proof acceptable to the Township that the applicant has obtained the liability insurance required for the issuance of a duty tow license.

(e) Photo copy of employees issued OLN's, and certificates designated to the operation of tow vehicles.

(2) Applications shall be completed and signed by the owner(s) of the business for which a duty tow license is sought or, in the case of a corporation, the president of the corporation.

(3) Applicants must execute an agreement to indemnify the Township for any and all losses or expenses incurred by virtue of any acts performed in the course of service.

(4) Applications for duty tow licenses must be accompanied by a fee of \$200 every four years to offset the cost of investigation and processing of licenses.

(5) The application shall be reviewed by the Police Department within 60 days of receipt of the completed application and application fee. Incomplete applications shall be promptly returned to the applicant. An incomplete application, if not corrected within the open registration period, will be denied. A report shall be filed with the Township Manager for recommendation to the Board of Commissioners by each department responding to applications.

(6) Applicants for duty tow licenses must possess a current and valid salvor's license from the Commonwealth of Pennsylvania and have a minimum five years' experience as a tower.

(7) Vehicles required.

(a) The following vehicles shall be owned or leased exclusively by the applicant and available on call for service at the request of the Township or its Police Department:

[1] Two light/medium flatbed or two wheel-lift trucks.

[2] All of the aforesaid required vehicles shall bear a sign indicating the name and telephone number of the applicant's towing business and must be made available for inspection by the Township.

[3] Applicants must show proof that access to heavy-duty equipment, including a heavy-duty wrecker, is available to applicant on a twenty-four-hour basis.

(8) The applicant must maintain a business yard located within the Township boundaries in order that the response time to a call for duty tow service is within 15 minutes. Vehicles towed to applicants yard must remain there 14 days or until released by police. Tower must contact police if vehicle needs to be moved to another location.

(9) After consideration of the Township Manager's recommendations, the Board of Commissioners shall appoint one or more duty towers meeting the requirements of this chapter by January 31 of each year to serve for a period of four years, The Police Department shall determine an on-call schedule for all licensed duty towers in the Township

(10) Each duty tower shall pay a \$200 license fee or as fixed by resolution of the Board of Commissioners. Upon payment of the license fee, the Police Department shall issue a license to appointed duty towers. Such licenses shall be effective for a period of four years from the date of issuance. C. Specific duties of duty tow licensees shall be as follows:

(1) All licensees shall respond within 15 minutes from their receipt of the Police Department's call requesting service to the arrival of the licensee's towing vehicle at the location of the disabled, wrecked, or abandoned vehicle, except during adverse roadway conditions.

(2) If any licensee cannot respond to the service call from the Police Department with the appropriate towing vehicle or within the required response time, the licensee

shall so advise the police dispatcher. If the licensee's vehicle is delayed while in transit to the requested location, the vehicle operator shall advise the police dispatcher of the delay and of his present location, whereupon a determination shall be made by the appropriate police official as to whether the secondary duty tower shall be called.

(3) Any licensee who performs duty towing services as an independent contractor to the Township of Radnor shall not exceed the maximum rates established in Chapter 262.

(4) All licensees shall be responsible for removing all vehicular parts and debris from the highway and dispose of such from their yard. Minor liquid cleanup is required of the licensee.

(5) All licensees shall comply with all rules and regulations established by the Township Manager or Police Department.

(6) Duty tow licensees must secure a towed vehicle in a designated impound yard. The windows and doors of the towed vehicle must be closed and/or locked whenever possible. The vehicle's key must be deposited with a copy of the invoice for services in the impound yard office. All yards must have an enclosed area to handle at least one vehicle at police request.

(7) An invoice for each tow service must be completed by the licensee, which invoice shall include the following information:

- (a) The incident number.
- (b) The date and location.
- (c) The make, model, vehicle identification number and license plate number.
- (d) Indication of status, i.e., wrecked, stolen, abandoned, disabled or impounded.
- (e) Amount charged, including storage fees.

SECTION 5. Repealer. All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

SECTION 6. Severability. If any clause, sentence, paragraph, section, subsection, part, or provision of this Ordinance is, for any reason, found to be unconstitutional, illegal, or invalid by a court of competent jurisdiction, such unconstitutionality, illegality, or invalidity shall not affect the validity of this Ordinance as a whole or any part thereof other than that portion specifically declared invalid. It is hereby declared as the intent of the Board of Commissioners of Radnor Township, that this Ordinance would have been adopted had such unconstitutional,


illegal, or invalid clause, sentence, paragraph, section, subsection, part, provision, or part thereof not been included therein.

SECTION 7. Effective Date. This Ordinance shall become effective in accordance with the Radnor Township Home Rule Charter.

ENACTED and ORDAINED by the Board of Commissioners this 5 day of October, 2020.

RADNOR TOWNSHIP
BOARD OF COMMISSIONERS

By:


Name: Jack Larkin
Title: President

ATTEST: 