

**ORDINANCE NO. 2015 – 21**

**AN ORDINANCE OF RADNOR TOWNSHIP, DELAWARE COUNTY, PENNSYLVANIA, AMENDING CHAPTER 262 TOWING, OF THE RADNOR TOWNSHIP CODE OF ORDINANCES TO INCREASE THE HOOKING FEE; INCREASE THE MAXIMUM COST OF TOWING FLAT FEE PER HOUR; ADD A STANDARD CLEANUP FEE; INCREASE THE FEE FOR STORAGE COSTS; ESTABLISH A POLICE ADMINISTRATION FEE; REVISE THE REQUIREMENTS AND REGULATIONS FOR NON-CONSENT TOWING OPERATORS AND DUTY TOWING OPERATORS; INCREASE THE YEARLY TOWING LICENSE FEE; AND PROVIDE FOR PENALTIES FOR VIOLATIONS OF THIS CHAPTER**

The Radnor Township Board of Commissioners does hereby enact and ordain:

**Section 1.** Chapter 262, Towing, Sections 262-1.B.1 and B.2 shall be amended to read as follows:

- (1) In all instances, when a vehicle is hooked and the owner/operator returns prior to the vehicle being moved, tow operators shall charge no more than a \$95 hooking fee and immediately release the vehicle to its owner.
- (2) If the owner/operator is unable to pay the hooking fee, the tow operator has the option of towing the vehicle to an impound facility or releasing the vehicle to the owner/operator and issuing a written bill at the scene. Tow operators are encouraged to allow vehicle owners/operators 15 minutes to obtain funds to pay hooking fees before towing the vehicle to an impound facility.

**Section 2.** Chapter 262, Towing, Sections 262-2 shall be amended 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 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 \$125. The standard cleanup fee is \$25; if excessive cleanup is needed, a flat fee of \$45 will be charged.
- 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 \$200 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 \$45 per storage day.
  - (2) Storage costs of heavy vehicles with a gross vehicle weight in excess of 10,000 pounds shall not exceed \$75 per storage day.
- D. Police administration fee. Prior to release of the vehicle, the impound yard shall collect an administrative fee of \$25 and a release form from the Police Department. This payment shall be made to the Township for each vehicle towed, by the order of the Police Department. Records of such payment will be included in the monthly reports provided to the Police Department.
- E. Review of all fines, towing, storage and administrative fees. All fines, towing, storage and administrative fees may be amended from time to time by separate Resolution of the Board of Commissioners.

**Section 3.** Chapter 262, Towing, Section 262-3 shall be amended to read 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. 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 for the date of its issuance and shall be renewed every year by the towing service by the procedures established in this section. 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.

**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 5 days prior to the revocation of its license and provide an explanation of the violation of this Chapter and the length of the revocation. 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 within one hour of such removal and provide a description and license number of the vehicle thus removed.
- (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.

**Section 3.** Chapter 262, Towing, Sections 262-4.B.4, B.8 and B.9 are hereby amended to read as follows:

- (4) Applications for duty tow licenses must be accompanied by a fee of \$200 per year to offset the cost of investigation and processing of licenses.
- (8) The applicant's place of business shall be located within the Township boundaries in order that the response time to a call for duty tow service is within 15 minutes.

- (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 Ordinance by January 31<sup>st</sup> of each year to serve for a period of two years. The Police Department shall determine an on call schedule for all licensed duty towers in the township.

**Section 4.** Chapter 262, Towing, Section 262-4.C is hereby amended to read as follows:

**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 vehicular parts and debris from the highway. 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.
- (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) Whether a police release is required.

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

**Section 5.** Chapter 262, Towing, Section 262-5 is hereby amended to read as follows:

Any person, firm, association or corporation who operates a towing service without a license in violation of this Chapter, upon conviction thereof, shall be subject to a fine or penalty of not less than \$50 or more than \$600 for each and every offense. Such fines or penalties shall be collected as like fines or penalties are now by law collected, and shall be in addition to any other penalty provided for herein.

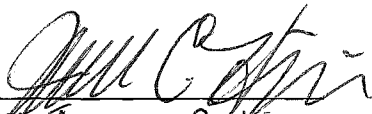
**Section 6. Repealer.** All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

**Section 7. Severability.** If any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality, or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared the intent of the Board of Commissioners of Radnor Township that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section or part thereof not been included therein.


**Section 8. Effective Date.** This Ordinance shall become effective in accordance with the Home Rule Charter of Radnor Township.

***ENACTED AND ORDAINED*** this 14<sup>th</sup> day of December, 2015.

RADNOR TOWNSHIP

BY:   
Name: James C. Higgins  
Title: President, Board of  
COMMISSIONERS

ATTEST:

  
Robert A. Zienkowski, Secretary