



City of Philadelphia

City Council
Chief Clerk's Office
402 City Hall
Philadelphia, PA 19107

BILL NO. 060636

Introduced September 14, 2006

Councilmembers Clarke, Rizzo, Kelly, O'Neill and Miller

Referred to the
Committee on Licenses and Inspections

AN ORDINANCE

Amending Section 9-605 of The Philadelphia Code entitled "Towing", Chapter 12-2400 of The Philadelphia Code entitled "Towing And Immobilizing Of Parked Or Abandoned Vehicles" and Chapter 12-2500 of The Philadelphia Code entitled "Snow Emergencies" to provide that owners of vehicles which have been stolen or which have been illegally used without the owner's permission shall not be required to pay the towing, storage and recovery charges after their vehicle has been towed, all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Section 9-605 of The Philadelphia Code, entitled "Towing" is amended to read as follows:

§9-605. Towing.

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(4) Rotation method of tow truck selection.

* * *

(g) *No person shall remove or tow a disabled vehicle without first obtaining verification from the Police Department as to whether or not the vehicle has been reported stolen. If the vehicle has been reported stolen, then the towing company must comply with all of the requirements of §9-605(15).*

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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.

* * *

(d) No vehicle shall be towed under this subsection until the towing company has notified the Police Department that the vehicle is illegally parked and is to be towed. *Upon such notice, the Police Department shall determine whether or not the vehicle has been reported stolen. If the vehicle has been reported stolen, then the towing company must comply with the requirements of §9-605(15).* Within 24 hours following the towing of the vehicle the towing company must, in writing, notify the Police Department of the vehicle's removal.

[(e) The Commissioner of Streets shall designate private streets, private roads, private driveways and other private thoroughfares and other locations, including hospitals, railroad stations, and places of public assembly, at which the prohibition of unauthorized parking in public or private lots is a matter of particular public interest; and in respect to such locations the requirements of subparagraph (d) shall be inapplicable.]

* * *

(15) *Towing Stolen Vehicles.*

Notwithstanding any other provision of the Section, any person towing or removing any vehicle reported stolen to the Police Department must tow that vehicle to an Official Towing Station, as defined in §12-2402. No charges for storage, towing and recovery shall be assessed against the owner of any vehicle when the vehicle has been reported stolen to the Police Department or illegally used by a person other than the owner of the vehicle, without his authorization, express or implied, provided that the owner removes the vehicle within five business days following the owner's receipt of written notice by certified mail, return receipt requested. If the vehicle's owner fails to remove the vehicle within five days of receipt of such notice, the vehicle shall be released to the owner upon payment of the full costs of storage, towing and recovery fees, as provided in this Section.

SECTION 2. Chapter 12-2400 of The Philadelphia Code, entitled "Towing And Immobilizing Of Parked Or Abandoned Vehicles" is amended to read as follows:

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CHAPTER 12-2400. TOWING AND IMMOBILIZING OF PARKED OR ABANDONED VEHICLES.

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§12-2406.1. Fees and Charges.

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(4) *The foregoing charges shall not be assessed against the owner of any vehicle taken into custody by the Department when the vehicle has been reported stolen to the Police Department or illegally used by a person other than the owner of the vehicle, without his authorization, express or implied, provided that the owner removes the vehicle within five business days following the owner's receipt of written notice by certified mail, return receipt requested. If the vehicle's owner fails to remove the vehicle within five days of receipt of such notice, the vehicle shall be released to the owner upon payment of the full costs of storage, towing and recovery fees, as provided in subsection (5).*

[(4)](5) No vehicle towed to an Official Towing Station shall be released to its owner, lienholder or anyone claiming a right of possession until all outstanding fees, charges and fines are paid. Any person who disputes the validity or the amount of such fees, charges or fines may demand an expedited hearing pursuant to § 12-2406; except that, for vehicles towed pursuant to provisions of law other than this Chapter, such hearing may only be had after the Police Department determines the vehicle is available to be reclaimed, and the only issue at such hearing shall be the validity and amount of the fees, charges and fines. Prior to such determination, a vehicle may only be reclaimed pursuant to Police Department regulations or 99 to the Rules of Criminal Procedure.

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SECTION 3. Chapter 12-2500 of The Philadelphia Code, entitled "Snow Emergencies" is amended to read as follows:

CHAPTER 12-2500. SNOW EMERGENCIES.

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§12-2503. Towing.

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(2) Except as otherwise provided in this subsection 12-2503(2), if a vehicle, trailer, dumpster or other object is towed to an Official Towing Station designated

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pursuant to §12-2402, then the procedures set forth in Chapter 12-2400, including, but not limited to, the assessment of storage charges pursuant to §12-2406.1, shall apply. Notwithstanding any contrary provisions of § 12-2406.1, a towing fee shall be assessed in accordance with the fee and procedure set forth in subsection 12-2503(3)(a). *The provisions of §12-2406.1(4) shall, if applicable, apply to any vehicle, trailer, dumpster or other object towed pursuant to this Chapter.*

* * *

SECTION 4. This Ordinance shall take effect immediately.

Explanation:

[Brackets] indicate matter deleted.

Italics indicate new matter added.