

ARTICLE XVII Towing (§ 285-135 — § 285-139)

[Adopted 5-13-2003 by Ord. No. 7-2003]

§ 285-135 Definitions.

Unless otherwise expressly stated, the following words and phrases shall be construed throughout this article to have the following meanings:

CITY

The City of Lancaster.

DEPARTMENT

The Pennsylvania Department of Transportation.

PERSON

An individual, sole proprietorship, partnership, corporation, limited liability company or other entity.

PRIVATE PARKING LOT

A parking lot open to the public or used for parking with or without charge. The term shall not include driveways.

TOWING SERVICE PROVIDER

The person providing towing services, but shall exclude the City of Lancaster or anyone acting under a contract with the City of Lancaster.

TOWING SERVICES

The towing of vehicles which are abandoned, illegally parked, parked without authorization of a property owner, disabled or being repossessed by or on behalf of the holder of a lien against the vehicle or the lessor of the vehicle.

VEHICLE OWNER

The individual or entity to whom a motor vehicle is registered in the motor vehicle records of any state or country, or otherwise possesses written evidence of such individual's authority to operate the motor vehicle. For purposes of this article, the term "vehicle owner" shall not include the lessor of the vehicle or the holder of a security interest in the vehicle.

WRECKER

A motor vehicle designed or constructed and used for the towing of abandoned, illegally/unauthorized parked, disabled or repossessed vehicles.

§ 285-136 Towing service provider registration.**A.**

Registration. No person shall provide towing services within the City at the request of a person other than the vehicle owner without first registering with the Bureau of Police upon a registration form developed by the Chief of Police or his designee. After initially registering with the Bureau of Police, a towing service provider shall annually renew his/her/its registration with the Bureau of Police on or before January 1 of each year. The towing service provider shall provide the Bureau of Police with notice of any changes to the information provided in the registration within 15 days of such change.

B.

Denial and revocation of registration. Any towing service provider who has been convicted of violating this Ordinance on three occasions within any consecutive twelve-month period shall be prohibited from registering under this Ordinance for a period of three years from the date of the third conviction, and shall be prohibited from providing towing services within the City. Upon a registered towing service provider's third conviction of this Ordinance within any consecutive twelve-month period, the towing service provider's registration shall be deemed to have been revoked, the towing service provider shall be prohibited from registering under this Ordinance for a

period of three years from the date of the third conviction and the towing service provider shall be prohibited from providing towing services within the City.

C.

Registration requirements. At a minimum, the annual registration form shall require the towing service provider to submit the following information:

(1)

Name, address and telephone number of towing service provider.

(2)

Number of wreckers operated by the towing service provider.

(3)

Location(s) of the towing service provider's vehicle storage facility(s).

(4)

List of convictions under this ordinance, including date of conviction.

D.

Registration Fee. Towing service providers shall pay an annual registration fee of \$50.

§ 285-137

Reporting of vehicles towed at the request of a person who is not the vehicle owner.

A.

In general. Each towing service provider shall use reasonable efforts to determine if the person requesting the towing of the vehicle is the vehicle owner. All towing service providers shall notify the City Police of each motor vehicle which they tow at the request of a person other than the vehicle owner and shall provide information as set forth herein and any additional information designated by the Chief of Police or his designee.

B.

Specific information. At a minimum, the towing service provider shall provide the following information with respect to each motor vehicle towed at the request of a person other than the vehicle owner:

(1)

Make and model of vehicle;

(2)

Color of vehicle;

(3)

License plate number (including state) of the vehicle;

(4)

Vehicle identification number;

(5)

The reason the vehicle was towed;

(6)

The name of the person requesting the Towing Service;

(7)

Location from which the vehicle was towed;

(8)

Location to which the vehicle was towed;

(9)

The name of the towing service provider; and

(10)

Telephone number or address at which the vehicle owner can arrange for the return of the vehicle.

C.

Timing of provision of information to City police. The towing service provider shall submit the information required by this section within one hour of the completion of the Towing Service. The towing service provider may provide the information to the City police by telephone or facsimile transmission (upon a form prepared by the Chief of Police or his designee). For purposes of this section, towing services shall be deemed to be complete upon the removal of the vehicle from the location within the City at which the vehicle was previously located before the provision of towing services.

§ 285-138 Private parking lots.

In addition to any other requirement imposed by law or Department regulation, the owner and/or operator of a private parking lot who tows or arranges for the towing of vehicles which are parked upon the private parking lot without authorization shall post a sign including either the phrase "Towing Service provided by:" or "Towing Service coordinated by:" (as the case may be), followed by the name and contact telephone number of the towing service provider or, alternatively, the name and contact telephone number of the owner/operator of the private parking lot, in a conspicuous location within the private parking lot.

§ 285-139 Violations, penalties and restitution.

Whoever violates any provision of this Article [XVII](#) shall, upon conviction thereof in a summary proceeding before a District Justice, be fined \$50 for the first offense and not more than \$100 for any subsequent offense and the costs of prosecution and, in default of payment thereof, shall be imprisoned for not more than 30 days. The fines collected by the District Justice for violations of the provisions of this article shall be paid over to the City of Lancaster.