

PART H

Public/Private Property Towing Ordinance

Section 701. Short Title. This ordinance shall be known and may be cited as the *Public/Private Property Towing Ordinance*. (Ordinance 1756, August 25, 2003, Section 1.)

Section 702. Purpose. The purpose of this ordinance is to provide for a convenient and regulated towing system for the timely removal of motor vehicles damaged, abandoned, immobilized, illegally parked, or disabled on public rights-of-way or on public or private property within the Borough. (Ordinance 1756, August 25, 2003, Section 2.)

Section 703. Authority to Remove and Impound.

a. Public Property. Any vehicle parked on any of the highways, public rights-of-way or other public property in the Borough, which is parked in violation of any provision of the law or of any ordinance of the Borough, or which has been immobilized in excess of 72 hours in accordance with the provisions of this ordinance, may be removed under the provisions of this ordinance. The Borough Manager, Director of Public Works, Borough Engineer, Parking Manager, or any officer of the State College Police Department is authorized to make the decision whether or not to remove any vehicle. Removal shall be done only by employees of the Municipality or by a licensed towing company.

Any vehicle removed shall be impounded in a storage facility, as herein defined, or on property controlled by the Borough and designated for vehicle impoundment by the Borough.

b. Private Property. Any motor vehicle left unattended on private property within the Borough may be removed under the provisions of this regulation. The decision to remove any such motor vehicle shall be made by either the property owner or upon written authorization as specified in Section 714. Removal of such vehicle may be done only by towing services licensed by the Borough as designated in Section 705 of this Chapter. Any motor vehicle removed by authority of this ordinance shall be impounded in a storage facility, as herein defined.

(Ordinance 1756, August 25, 2003, Section 3.)

Section 704. Definitions:

Borough. The Borough of State College, County of Centre, State of Pennsylvania.

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 ordinance, 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.

Chief of Police. The Chief of Police of the State College Police Department or his/her designee.

Custodian. A person having permission from the vehicle owner to exercise care and/or control over a vehicle.

GVW. Gross vehicle weight.

Motor Vehicle. As defined in the Vehicle Code.

Person. An individual, firm, partnership, association, employee, corporation, company, or organization of any kind.

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.

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.

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.

Storage Facility. A secured area for the storage of towed vehicles.

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.

Towing Rotation List. The list maintained by the Chief of Police of all towing companies licensed by the Borough.

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.

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.

Vehicle Code. Title 75 of the Pennsylvania Consolidated Statutes.

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 as position that the vehicle may either be driven away or conventionally hooked to a wrecker.

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.

(Ordinance 1756, August 25, 2003, Section 4.)

Section 705. Annual License Required. There are two separate licenses available, a private towing license and a public towing license:

The Public Towing License is required for any towing company engaged in the business of towing vehicles at the request of the Borough from highways, public rights-of-way or other public property in the Borough shall be licensed annually in accordance with the provisions of this Section.

The Private Towing License is required for any towing company engaged in the business of towing vehicles from private property in the Borough shall be licensed annually in accordance with the provisions of this Section.

a. Application for License. Applications for license shall be submitted to the Chief of Police upon forms prepared and made available by the Borough. The application form(s) shall be properly completed, signed and accompanied by the application and license fee. The Chief of Police shall review and inspect the required storage facility and towing equipment and all applications for compliance with the terms of this ordinance and other applicable regulations.

b. Issuance of License(s). A private and/or public towing license shall be issued only to towing companies that comply with the provisions of this ordinance.

c. License Fee. The license fee under this ordinance for the original application shall be established by resolution of the Borough of State College. These are nonrefundable application fees.

d. Multiple Licenses. The application fee for a second license for any towing company currently licensed (either public or private) at the time of original application shall be established by resolution of the Borough of State College.

e. License Renewal. All licenses, except those terminated for just cause as provided herein, are subject to an annual renewal fee that shall be established by resolution of the Borough of State College. This renewal fee shall be paid within the first quarter of each calendar year.

(Ordinance 1756, August 25, 2003, Section 5., as amended by Ordinance 1910, October 6, 2008, Section 1, Ordinance 1975, November 7, 2011, Section 1, Ordinance 2047, September 8, 2014, Section 1, and by Ordinance 2066, December 21, 2015, Section 1.)

Section 706. Minimum Requirements/Qualifications. Towing companies to be licensed under this ordinance to tow vehicles at the request of the Borough or private land owners shall maintain the following minimum requirements:

a. Wreckers and General Equipment.

(1) Business and equipment shall be located within 5 road miles of the State College municipal building, located at 243 South Allen Street.

(2) All wreckers shall be clearly marked with the towing company's name and telephone number marked on each side of the vehicle.

(3) Wreckers shall be maintained in safe mechanical condition and must display current state inspection and registration.

(4) Towing Equipment Required. One wrecker with, at a minimum, the following equipment or specifications:

- (a) 10,000 pound or greater GVW chassis truck;
- (b) rear wheel lift with either an integrated or separate boom;
- (c) 8,000 pound winching capability;
- (d) recovery chain;
- (e) jumpstart capability;
- (f) dolly wheels;
- (g) one or two rotating amber overhead lights visible from 360 degrees;
- (h) clean-up equipment and oil dry or similar approved material; the ability to communicate immediately with the towing company's dispatcher; and
- (i) any other equipment to properly tow vehicles.

(5) One roll back vehicle (required for public property towing license).

(6) Wrecker(s) and required towing equipment shall be owned or leased by the towing company.

(7) A wrecker used by a Borough licensed towing company shall not be used or operated by any other towing company under this ordinance unless authorized to do so by the Chief of Police.

b. Storage Facilities.

(1) All storage facilities used for impoundment of vehicles towed at the request of the Borough/private property owner shall be located within 5 road miles of the State College Municipal Building, located at 243 S. Allen Street.

(2) The storage facility shall be owned or leased by the towing company owner.

(3) The storage facility shall comply with zoning regulations applicable in the jurisdiction where the facility is located.

(4) The storage facility shall be, at a minimum, 12,000 square feet, and enclosed by a secured fence or building. When enclosed by a fence, the fence shall be a minimum of 6 feet in height and made of a sturdy material such as a chain link, wooden slats, or other approved material. All gates shall be secured with locks or other security mechanisms to reasonably prevent entry by unauthorized persons.

(5) The lot shall be reasonably well lit to provide ability for towers/customers to inspect, release, pick up vehicles, and to provide a safer environment during hours of darkness.

(6) The towing company owner is responsible for the security of the stored vehicles.

(7) The towing company owner shall establish a system convenient to the vehicle owner to provide for release of towed vehicles from the storage facility 24 hours a day, daily.

(8) Release of towed vehicles under the private towing license shall be completed within a 2-hour time period following receipt of the request to release the towed vehicle.

(9) Release of personal property from a towed vehicle that is not attached to the vehicle shall be made within a 2-hour time period following receipt of the request to return the property. Except as provided in Section 710.a(3), no fee shall be charged for the return of personal property from a towed vehicle that is not attached to the vehicle.

c. Advertising: Towing companies must be listed in the State College/Bellefonte classified section of the current published telephone directory. This listing must, at minimum, include the company name, business address, and a business telephone number that is personally answered 24 hours per day.

d. Insurance.

(1) Towing companies shall be required to carry insurance at the minimum policy limits as follows:

(a) Automobile liability insurance in an amount not less than \$500,000.00, combined single limits.

(b) Workers' compensation insurance, as required by Statute.

(c) Garage keeper's liability insurance in an amount not less than \$50,000.00 per location.

(d) Garage liability insurance in an amount not less than \$500,000.00 combined single limit.

(e) Miscellaneous coverage to provide complete protection to the Borough against any and all risks of loss or liability including comprehensive General Liability.

(f) Collision coverage for vehicles in tow.

(2) The Borough shall be listed as an additional insured party on all policies and such policies shall contain a provision requiring notification to the Borough prior to any policy revision or termination. A copy of the policy shall be provided to the Chief of Police.

e. Criminal Record. No towing company owner shall have any misdemeanor and/or felony criminal convictions for criminal violations that would be inconsistent with providing professional towing service. Specifically, no towing company shall have such conviction(s) for the following violations of the Pennsylvania Crimes Code:

Chapter 25	Criminal Homicide
Chapter 29	Kidnapping
Chapter 31	Sexual Offenses
Section 3502	Burglary
Section 3921	Theft by Unlawful Taking or Disposition
Section 3922	Theft by Deception
Section 3925	Receiving Stolen Property
Section 4101	Forgery
Section 4104	Tampering With Records or Identification
Section 4107	Deceptive Business Practices
Section 4117	Insurance Fraud

(Ordinance 1756, August 25, 2003, Section 6.)

Section 707. Towing Rotation. This Section only applies to towing companies holding current public towing licenses, as provided for in this ordinance. The Chief of Police shall maintain the list of licensed towing companies, listed alphabetically, requested by authorized Borough employees on a rotating basis. “Rotating basis” means the towing company appearing on top of the list shall be requested first to do the tow. Once the towing company on the top of the list is requested, that name shall be placed on the bottom of the list. Thereafter, for each subsequent request, the process shall be repeated. The towing company listed on the top shall be requested and that name then moved to the bottom.

When the towing company on the top of the list is called for a towing request and fails to answer the telephone, that company shall be moved to the bottom of the list and the next name on the list will be requested. However, if a towing company is unable to respond to the request because all towing equipment/drivers are handling other towing services, the next towing company on the list will be requested and the unavailable company will remain on the top of the list for the next request.

If a towing company on the top of the list is requested but prior to providing the towing services the request is canceled, that towing company shall be placed back on top of the towing rotation list to receive the next request.

This rotation may be waived when, in the opinion of a Borough employee, the immediate removal of a vehicle(s) is critical to public safety.

(Ordinance 1756, August 25, 2003, Section 7.)

Section 708. General Regulations.

a. 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.

Public Property: All vehicles removed, transported or conveyed at the request of the Borough, shall be stored at the towing company’s storage facility or at property owned or controlled by the Borough, or to a location specified by the vehicle owner or operator.

b. Any vehicle remaining at the storage facility for a minimum of 15 days and a maximum of 30 days may be removed, as permitted by applicable salvor regulations in the Vehicle Code or other state statute, and with written/faxed permission from the Chief of Police in the vehicle was impounded by the police department.

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 Borough's request. The Borough 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 Borough 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 Borough, 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 Borough of State College of any additions, deletions, modifications, or changes to this ordinance 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 ordinance.

h. The Borough shall not be liable for any towing company's fees for non-Borough vehicles unless the vehicle is towed to a Borough facility. All fees for towing services and storage shall be levied against the owner of the vehicle unless it is determined by the Borough 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 Borough, appropriate charges may be assessed against the Borough.

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 license 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 which 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 ordinance; however, those towing companies licensed by the Borough 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 ordinance; however, those towing companies that are salvors and licensed by the Borough 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 ordinance; 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 towers 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 towers responsibility to assure that the subcontractor complies with all other requirements of this ordinance.

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.

(Ordinance 1756, August 25, 2003, Section 8, as amended by Ordinance 1975, November 7, 2011, Section 2, and by Ordinance 2047, September 8, 2014, Section 2.)

Section 709. Prohibited Acts. It shall be a prohibited act for any towing company to:

a. Sub-contract towing services requested by the Borough.

b. Tow or move a vehicle from or within public rights-of-way or public property without the consent of the owner or operator, or without authorization from the Borough.

c. Tow or move a vehicle from or within private property without authorization from the property owner.

d. Tow or move a vehicle from or within private property in violation of the requirements of this ordinance.

e. Use "State College" in the name of the towing company.

f. Charge or provide a written quote or invoice, or collect fees in excess of those specifically designated in Section 710 of this ordinance.

g. Falsify any information with regard to the application.

h. Remove a motor vehicle from private property without using a wrecker.

i. Remove a motor vehicle from private property before completing every procedure required to secure the motor vehicle to the wrecker, including the attachment of any safety chains, so that the motor vehicle may be safely towed.

j. No towing company or employee shall respond to the scene of an accident to circumvent the towing rotation by soliciting a tow directly from an involved party to the accident.

(Ordinance 1756, August 25, 2003, Section 9.)

Section 710. Maximum Fee Schedule for Towing Services. The following fees are established for towing and storage services provided at the Borough'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 Borough request anytime a towing company is requested by the Borough directly or through the Centre 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\$130.00
- (2) Vehicles ¾-ton or larger but not exceeding 11,000 pounds GVW, or with dual rear wheels\$140.00

- (3) Drive shaft removal and reinstallation \$75.00 Remove &Install
 \$50.00 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 maybe removed for towing/impound \$40.00 for 10 to 30 minutes plus \$15.00 for each additional 15 minutes or part thereof.

- (6) Drop fee.....\$75.00

(7) No vehicle shall be removed under the authority of this ordinance 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 \$75.00 from the time the wrecker is backed up to the vehicle to be towed to the point that the wrecker is in motion towing the vehicle away. The towing company shall make reasonable accommodations to permit the owner/custodian to obtain payment for the fee charged.

Once the wrecker is in motion with the towed vehicle, the towing company is entitled to the full towing fee listed in Section 710(a). This is not applicable where the vehicle has been immobilized by Borough request for failure to pay accumulated fines and such fines remain unpaid.

(8) In the event fees other then authorized are charge because of unusual circumstances the Chief of Police shall be notified in writing within 72 hours after the tow of the fee charged.

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 Borough 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 ³/₄-ton GVW or less\$35.00

(3) Each calendar day or portion thereof after the first 24 hours for motor vehicles larger than ¾-ton GVW or dual rear wheels\$40.00

(4) Each calendar day, or portion thereof, after the 10th day of storage for any motor vehicle\$50.00

(5) **Overnight Vehicle Release Fee.** A towing company may assess the vehicle owner or custodian a \$45.00 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 \$40.00 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.

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 for covering motor vehicles or safeguarding the vehicle that is towed to the Borough impound facility or any other non-towing company 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\$225.00

(2) Vehicles ¾-ton or larger but not exceeding 11,000 pounds GVW, or with dual rear wheels\$250.00

(3) Drive shaft removal and reinstallation \$75.00 Remove &Install
..... \$50.00 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 maybe removed for towing/impound \$40.00 for 10 to 30 minutes plus \$15.00 for each additional 15 minutes or part thereof.

(6) In the event fees other then authorized are charge 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 \$40.00 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.

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 for covering motor vehicles or safeguarding the vehicle that is towed to the Borough impound facility or any other non-towing company facility with open convertible tops, open windows and /or open areas that will allow weather to penetrate the interior of the vehicle

(8) Authorized Winching Fees for Recovery. For tows requiring winching service, towing companies may charge up to the following fees in addition to the towing charge:

Per truck and 1 employee.....	\$70.00
minimum fee for the first 30 minutes or any part thereof	
Per Truck and 1 employee (after first 30 minutes)	\$45.00
per 30 minutes or any part thereof	

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 winch of the fee charged.

In calculating the above fees, the winching time begins when the towing service leaves the regularly maintained roadway and concludes when the vehicle to be towed is accessible by the wrecker.

d. Long Distance Tows. If a vehicle owner or custodian requests to have their vehicle towed to a location greater than either 5 road miles from the towing scene, a fee of up to \$4.00 per-mile fee (one-way) may be charged by the towing company. This per-mile fee is in addition to the towing fee schedule listed in Section 710.c. Additionally, the towing companies may increase their per-mile fee beyond the base of \$4.00 at increase intervals of twenty-five cents (.25) for every fifty cent per gallon increase in towing companies' fuel costs above \$5.00.

Towing Company Fuel Costs	Per Mile rate (one-way)
\$5.00 or less per gallon.....	\$4.25 per mile
Between \$5.01 – 5.50 per gallon.....	\$4.50 per mile
Between \$5.51 - \$6.00 per gallon.....	\$4.75 per mile
Between \$6.01 - \$6.50 per gallon.....	\$5.00 per mile

e. Clean Up Fees. Towing companies are required to clean up at an accident scene. An additional charge of up to \$45.00 may be charged for each vehicle involved in the accident that requires clean up and in which the cleanup is actually performed by the towing company. If the clearing of the accident debris takes more than 30 minutes, the towing company may assess additional cleanup fees at the rate of \$5.00 per 15 minutes, or any part thereof after the initial 30 minutes.

f. Storage Fees. The following storage fees may be assessed against the vehicle owner/custodian for the storage of towed vehicles at either the towing company’s facility or a Borough 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 or with dual rear wheels\$38.00
- (3) Each calendar day or portion thereof after the first 24 hours
for motor vehicles larger than ¾-ton GVW or with dual rear wheels.....\$43.00
- (4) Each calendar day or portion thereof after the 10th day of storage
for any motor vehicle\$50.00

(Ordinance 1756, August 25, 2003, Section 10., as amended by Ordinance 1820, October 20, 2005, Sections 1 to 5, Ordinance 1910, October 6, 2008, Section 2, Ordinance 1975, November 7, 2011, Section 3, and by Ordinance 2047, September 8, 2014, Section 3.)

Section 711. Notification of Removal. Within 1 hour from the time of removal of any vehicle by an authorized towing service, the Centre County Emergency Communications Center shall be notified, by providing the Center with a copy (or facsimile) of the written authorization and shall include the following information:

- a. the make, model, color, and registration number
- b. state of registration
- c. address from where vehicle was removed
- d. date and time of removal
- e. towing fee

- f. name and 24-hour telephone number of the towing company
- g. location where the vehicle may be claimed by the owner

(Ordinance 1756, August 25, 2003, Section 11.)

Section 712. Notification of Removal and Impounding Due to Borough Request. By the next business day, from the time of removal of any vehicle illegally-parked or immobilized, notice of the fact of the removal and impounding shall be sent, in writing, by the State College Police Department to the registered owner of the vehicle. The notice shall advise the location from where such vehicle was removed, the reason for its removal, and the location of the storage facility where the vehicle is impounded. (Ordinance 1756, August 25, 2003, Section 12.)

Section 713. Records of Vehicles Towed or Stored.

a. Every licensed towing company providing service at the request of the Borough shall make a written record of each vehicle towed or stored consisting of the following information:

- (1) Registration plate number and State
- (2) Time call was received
- (3) Spot or ticket time
- (4) Time wrecker arrived at the scene
- (5) Dates of accumulated unpaid parking tickets (if applicable)
- (6) Date vehicle was returned to owner/custodian
- (7) Towing and storage charges for each towed vehicle

b. Every licensed towing company shall maintain for at least two (2) years towing records for all vehicles towed. Each towing record shall include information listed in 1 through 7 of Section 713a. of this ordinance. Upon request by the Chief of Police or his designee, licensed towing companies shall make available for review and/or provide copies of any requested towing record(s).

(Ordinance 1756, August 25, 2003, Section 13, as amended by Ordinance 2047, September 8, 2014, Section 4.)

Section 714. Authorization for Removal. No motor vehicle shall be removed from private property, except as authorized in Section 714.b., under the authority of this ordinance unless:

a. Written authorization for the vehicle to be removed is provided to the authorized towing company, in duplicate, signed by the owner or agent of the owner or the person having control of the property upon which the vehicle is left unattended. The authorization form shall be similar to the one hereinafter set forth and shall be completed at the time the vehicle is to be towed by the aforementioned person or persons.

“You are hereby authorized to tow the following illegally parked vehicle from the parking lot/space indicated below. This lot is either owned and/or leased by (name of lot owner/manager). The vehicle and location are described as follows:

MAKE _____
MODEL _____
YEAR _____
COLOR _____
LICENSE NUMBER AND STATE _____
LOT/LOCATION _____
Name/Address of Towing/Immobilizing Service: _____
authorized signature _____
please print name here _____

b. No vehicle shall be towed from a private parking lot unless the lot is posted at the time the vehicle is towed to notify the public of any parking restrictions and the operator of the vehicle violates those restrictions. Posting shall be in conformance to the Rules and Regulations set forth in Annex A, Title 67, Transportation, Part I, Department of Transportation, Subpart A, Vehicle Code Provision, Article VIII, Administration and Enforcement, Chapter 217, Posting of Private Parking Lots.

c. Signs as required in Section 714.b of this Chapter and, in addition to the number of signs required by Section 714.b of this Chapter, shall be in place and evenly spaced in the parking lot based upon the number of available parking spaces as follows:

- 26 – 50 parking spaces requires 1 additional sign
- 51 – 75 parking spaces requires 2 additional signs
- 76 – 100 parking spaces require 3 additional signs, etc.

d. In addition to the posting of private parking lots as required in Section 714.b, the Chief of Police may require additional signs be posted and/or that the posted signs be altered.

(Ordinance 1756, August 25, 2003, Section 14.)

Section 715. Effect of Payment of Towing and Storage Charges Without Protest. The payments of any towing and storage charges, authorized by this ordinance shall, unless made “under protest,” be final and conclusive and shall constitute a waiver of any right to recover the fees paid. (Ordinance 1756, August 25, 2003, Section 15.)

Section 716. Record of Vehicles Removed/Impounded. The Chief of Police or designee shall keep a record of all illegally parked and/or immobilized vehicles impounded and shall be able at all reasonable times to furnish the owners/custodians with information as to the location of the storage facility where such vehicles are impounded. (Ordinance 1756, August 25, 2003, Section 16.)

Section 717. Owner/Operator Liable for Fine/Penalty. The payment of towing and storage charges authorized by this ordinance shall not operate to relieve the owner or operator of any vehicle from liability for any fine or penalty for violation of any law or ordinance on account of which such vehicle was removed and impounded. (Ordinance 1756, August 25, 2003, Section 17.)

Section 718. Removal Time Limitations.

a. Non-Metered Private Lots. A motor vehicle found to be illegally parked or disabled on private property and otherwise authorized to be legally removed may not be removed from the property for 15 minutes if the discovery of the motor vehicle was made by the towing company in which case the towing company shall include the discovered time and the removal time on the “Notification or Removal” as required in Section 711 of this Chapter. If the discovery of the illegally parked or disabled motor vehicle was made by the property owner and the towing company was requested to remove the illegally parked or disabled vehicle, the motor vehicle may be removed immediately. If an illegally parked vehicle is discovered parked blocking the entrance or exit to or from private property, in a marked and signed fire lane, in a marked and signed handicapped space or wholly or partially on a lawn the vehicle may be towed immediately.

b. Metered Private Lots. A motor vehicle found to be illegally parked or disabled at a metered parking space on private property may not be removed from the property unless the illegally parked vehicle has 3 or more consecutive unpaid parking tickets over the course of 3 or more calendar days, or 3 or more accumulated parking tickets in at least a 12-hour period of time.

If a motor vehicle is towed from a metered parking space on private property, the towing company shall include the specific dates of the unpaid parking tickets on the “Records of Vehicles Towed or Stored” in Section 713 of this Chapter.

(Ordinance 1756, August 25, 2003, Section 18.)

Section 719. Complaints Against Licensed Towing Companies. The Chief of Police shall notify the towing company owner within 14 days of receipt of any complaint against a towing company that will be investigated by the Police Department. Complaints by Borough of State College employees against a towing company shall be brought to the attention of the Chief of Police within 7 calendar days. (Ordinance 1756, August 25, 2003, Section 19.)

Section 720. Financial Interests of Private Property Owner and Towing Company Prohibited. Towing companies are prohibited, either directly or indirectly, from giving or furnishing a rebate or payment of money or any other valuable consideration to a property owner from whose premise the towing company has, is about to, or will remove motor vehicles. Property owners are prohibited from accepting or giving, either directly or indirectly, any rebate, payment of money, or any other valuable consideration from or to a towing company in

connection with the removal of a motor vehicle from private property except for signs and notices as required in Section 714.

Property owners are prohibited from having a direct or indirect monetary interest in a towing company that, for compensation, removes motor vehicles from their private property. This section is not intended to prohibit the issuance of parking tickets to illegally parked vehicles.

(Ordinance 1756, August 25, 2003, Section 20.)

Section 721. Schedule of Fee Review. All charges and fees authorized by this ordinance shall be reviewed by the Chief of Police after 2 years (but no more than 3 years of the effective date of this ordinance) and every 2 to 3 years thereafter. This section shall only be in effect when the Chief of Police receives a written request from a licensed towing company owner to review the charges and fees within 90 days prior to the scheduled review date. Any rate changes in response to the written request to the Chief of Police shall be made within 90 days after having received the request. (Ordinance 1756, August 25, 2003, Section 21.)

Section 722. Penalty. Any towing service that operates within the municipality of State College towing vehicles from private property in accordance with the Vehicle Code and is not an authorized towing service, as defined within this towing regulation, shall be subject to a fine, upon conviction, of not less than \$200.00 nor more than \$400.00 for the first violation and not less than \$300.00 nor more than \$600.00 for each subsequent violation. (Ordinance 1756, August 25, 2003, Section 22.)

Section 723. Termination of License. Any towing company or its employee who violates any provision of this Chapter (except Section 709) shall be issued a written warning for the first violation during any calendar year. Any subsequent violation during the same year may cause the termination of the towing company's license. The towing company is not entitled to a warning for violation of any provisions of Section 709 of this Chapter and may have their license terminated for the first and/or subsequent violations of this Section.

The towing company shall be notified in writing no less than 5 calendar days prior to the termination of its license. The notice of termination shall state the reason(s) for termination and the effective date of termination. The towing company shall have 14 calendar days to appeal the termination in writing to the Borough Manager. The Manager or his designee shall hold the hearing within 10 calendar days of written receipt of the towing company's request for an appeal. The towing company may appeal the Manager's decision, in writing, to Borough Council within 10 calendar days of the receipt of the Manager's decision.

(Ordinance 1756, August 25, 2003, Section 23.)

Section 724. Fines and Penalty for Violation. Upon conviction of any provision of this ordinance, in addition to the penalty listed in Section 723, a towing company may be fined not

less than \$300.00 or more than \$600.00. Additionally, upon conviction of any provision of Section 709 of this Chapter, a towing company shall have their license revoked for a period of 1 year.

(Ordinance 1756, August 25, 2003, Section 24, amended by Ordinance 1910, October 6, 2008, Section 3.)