

Introduced in Council on above date and referred to Committee on March 5, 2024

PUBLIC SAFETY

[Signature]
City Clerk

March 19, 2024

Scranton, PA
Committee on Public Safety reports favorably on the
with the ordinance

[Signature]
Chair

SIXTH ORDER:
March 12, 2024

FILE OF THE COUNCIL NO. 13
2024

AN ORDINANCE

(AS AMENDED)

ENACTING THE "TOWING ORDINANCE OF 2024" BY REPEALING AND REPLACING THE CITY'S TOWING AND STORAGE CODE.

WHEREAS, it is the intent of the City of Scranton to prescribe the basic regulations for the operation of towing services initiated by the City ("public towing") to remove illegally parked vehicles; to remove vehicles that are apparently abandoned, wrecked, dismantled, or inoperative that constitute a public nuisance; and to remove vehicles that constitute an obstruction to traffic, for reasons such as mechanical failure or involvement in an accident; and

WHEREAS, the prevention of solicitation at incident scenes and the establishment of a rotational towing program facilitate the provision of emergency services and promotes consumer protection; and

WHEREAS, the City of Scranton has a responsibility to the city's residents and those who drive on its roads to enforce the safety of our community; and

WHEREAS, this legislation is also intended to ensure that qualified towing operators are authorized to participate in the city's rotational towing program to assist the police department in conducting efficient police investigations and provide area drivers with prompt, safe and comprehensive towing services; and

WHEREAS, the City underwent an exhaustive review of the current rotational towing program, the best available data regarding the current landscape of towing in Scranton, the best practices from peer cities, and the state of the law in Pennsylvania regarding municipal regulation of towing; and

WHEREAS, for example, Pennsylvania municipalities including Lancaster, Reading, York, Altoona, Philadelphia, Pittsburgh, Norristown, Spingettsbury, Springfield (Montgomery County), Johnstown, Indiana, and Sandy Township all regulate public towing through a licensing system; and

WHEREAS, the City wishes to set forth regulations governing operators engaged in the business of removing and storing motor vehicles requested by the City of Scranton through a licensing system; and

WHEREAS, the City is authorized to establish procedures governing towing pursuant to the PA Vehicle Code; and

NOW THEREFORE, BE IT ORDAINED AND ENACTED that, effective immediately upon enactment of this ordinance through April 30, 2024, File of Council No. 50 of 2013, codified in Article III of Chapter 439 of Scranton City Code, shall remain in effect and the public towing fees shall be authorized at the same amounts contemplated for the year 2023 under File of Council No. 50 of 2013, as follows:

| | Towing. | Parking* | Winching and Rollover** | Road Cleaning*** | Gate Release |
|------------------|---------|-------------------------------|---|---|--------------|
| Authorized Tower | \$165 | Outside: \$65 Inside: \$90 | \$50 per 1/2 hour \$65 per extra person per 1/2 hour | \$50 per 1/2 hour \$65 per extra person per 1/2 hour | \$65 |
| City of Scranton | \$60 | Outside: \$25 Inside: \$25 | N/A | N/A | \$25 |
| Total | \$225 | N/A | N/A | N/A | \$90 |

*There will be no storage fee when the vehicle stored is owned by a victim of a crime or criminal investigation by a Law Enforcement Agency.

CERTIFIED COPY

[Signature]
City Clerk

**Authorized Towers will charge a minimum of \$50 on winching and rollover, however, said charges may increase, if the time for winching and rollover exceeds one-half hour by \$50 for each one-half hour. Each extra person will increase to \$65 per person per one-half hour.

***Authorized Towers will charge no less than \$50 for road cleanup, however, road cleanup may increase if the cleanup exceeds one-half hour by \$50 each half-hour, \$65 per person per one-half hour.

NOW THEREFORE, BE IT FURTHER ORDAINED AND ENACTED that, effective May 1, 2024, all prior ordinances—including but not limited to File of Council No. 50 of 2013, as may have been amended—shall be amended or repealed to the extent necessary to repeal Article III of Chapter 439 of Scranton City Code in its entirety and replace said article with the “Towing Ordinance of 2024,” as follows:

“Article III - Towing and Storage

439-30 Title.

The Article shall be known and may be cited as the “Towing Ordinance of 2024.”

439-31 Purpose.

The purpose of this article is to provide for a convenient and regulated towing system for public towing, as defined by this Article, by qualified towers.

439-32 Definitions.

Accident Towing -- Public Towing to remove a vehicle because that vehicle was in an accident or collision.

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

Motor Vehicle - As defined in the Vehicle Code.

PennDOT - The Pennsylvania Department of Transportation.

Person - An individual, firm, sole proprietorship, partnership, association, employee, corporation, limited liability company, or organization of any kind.

Public Towing - Towing initiated at the request of the City to remove illegally parked vehicles; to remove vehicles that are apparently abandoned, wrecked, dismantled, or inoperative that constitute a public nuisance; and to remove vehicles that constitute an obstruction to traffic, for reasons such as mechanical failure or involvement in an accident. Public Towing shall include General, Heavy, and Salvage tows. Public Towing shall not include the towing of City-owned vehicles pursuant to a contract with the City and shall not include evidentiary towing pursuant to a contract with the City. Public Towing includes, but is not limited to, City-initiated towing from highways, public rights-of-way, City property, or other property. Public Towing explicitly includes towing summoned to the scene by law enforcement personnel or authorized municipal personnel.

Public Towing Licensee - A towing company that holds one or more public towing licenses.

Solicitation - The act of seeking, persuading, enticing, or in any way offering assistance of services relating to the towing of vehicles, which services have not been requested by the person solicited.

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

Towing Company - Any business engaged in providing towing services, including, but not limited to, the towing, removing, or storing of motor vehicles, be it at the request of the City, a private property owner, a vehicle owner, or any other person. A Towing Company includes the Towing Company Owner and any and all of its employees and agents.

Towing Company Owner - Any person(s) having financial interest in a towing company, where financial interest is defined as direct or indirect ownership of more than 5% of the total assets or capital stock of any Towing Company. Towing Company Owner shall not include any person who is merely employed by the Towing Company.

Towing Rotation List - The list maintained by the City of all towing companies licensed by the City.

Towing Services - Any towing of vehicles, to include the towing of vehicles that are abandoned or junk, as defined in Section 438-1, or otherwise illegally parked, disabled, or immobilized.

Vehicle Code - Title 75 of the Pennsylvania Consolidated Statutes.

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.

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 a 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 vehicle commonly used to perform towing services.

439-33 Public towing licenses required; fees; application and denial procedure.

A public towing license is required for any towing company engaged in the business of public towing. Such towing company shall be licensed annually in accordance with the provisions of this section.

- A. **Types of licenses.** There are three separate public towing licenses available: a general public towing license, a heavy public towing license, and a salvage public towing license.
 - (1) General towing license: Needed to tow vehicles on the City's behalf that are under 10,000 pounds.
 - (2) Heavy towing license: Needed to tow vehicles on the City's behalf that are 10,000 pounds or over.
 - (3) Salvage license: Needed to tow or cause the towing of vehicles, regardless of weight, on the City's behalf when such vehicles are deemed abandoned and require processing by a salvor pursuant to the regulations in Chapter 438 of the Scranton City Code. A Salvage licensee must also have a valid General or Heavy towing license to tow vehicles of such weight, or else the Salvage licensee must use a licensed General or Heavy towing licensee to cause the towing of vehicles of such weight.
- B. **Application for license.** Applications and renewal applications for license(s) shall be submitted to the City in a format prepared and made available by the City. The application shall be properly completed, signed, and accompanied by the applicable license fee. The City shall review all applications for compliance with the terms of this Article and other applicable regulations and, upon just cause, may require additional information or inspection to confirm compliance.
- C. **Issuance of license.** A public towing license shall be issued only to towing companies that comply with the provisions of this Article.
- D. **License fee.** The license fee under this article for the first application shall be \$700 for a General towing license, \$700 for a Heavy towing license and \$700 for a Salvage license, respectively.
- E. **Multiple licenses.** The application fee for a second license for any towing company currently licensed (either General, Heavy, or Salvage towing license) at the time of first application shall be \$200, and the application fee for a third license for any towing

company currently licensed (either General, Heavy, or Salvage towing license) at the time of first application shall be \$100.

F. **License renewal.** All public towing licenses must annually renew any license(s) at an annual renewal fee of \$400 for one license, \$500 for two licenses, and \$600 for three licenses. The renewal fee shall be paid before January 1 of each calendar year. If a towing company fails to apply for renewal of any license(s) by January 1, the license fee schedule of Subsections D and E shall apply. Any public towing company sanctioned with revocation, suspension, or nonrenewal of a license as provided herein may not apply for renewal of that license but must submit a license application and pay the associated license fee.

G. **Partial refund upon denial of license.** If an application for a public towing license is denied, applicants shall receive a partial refund of their license fee.

- (1) If an applicant applies for one license pursuant to Subsection D, they shall be refunded \$500 if denied that license.
- (2) If an applicant applies for two licenses pursuant to Subsection E, they shall be refunded \$100 if denied one license and \$600 if denied both licenses.
- (3) If an applicant applies for three licenses pursuant to Subsection E, they shall be refunded \$50 if denied one license, \$150 if denied two licenses, and \$650 if denied all three licenses.
- (4) If an applicant applies for renewal under Subsection F, they shall be refunded \$350 if denied one license, \$400 if denied two licenses, and \$450 if denied three licenses.

439-34 Minimum requirements and qualifications.

Public towing licensees shall meet and maintain all the following minimum requirements:

A. Wreckers and general equipment.

- (1) **Location.** The towing company shall maintain business operations and equipment within the City of Scranton or within a three-mile radius of 340 N Washington Ave, Scranton, PA 18503 (Scranton Municipal Building).
 - (a) Notwithstanding the foregoing, a towing company that, as of the effective date of this ordinance, provides public towing services within the City but does not maintain business operations and equipment located within such radius may be grandfathered into the licensing program upon compliance with all other provisions of this Article. However, the City may rescind the grandfathered status of such towing company upon just cause, including but not limited to change of corporate structure, failure to renew a license, or violation of this Article.
 - (b) If the City deems there to be a shortage of public towing companies (General, Heavy, and/or Salvage), a towing company who does not maintain business operations and equipment within the area described in paragraph (1) may be licensed.
- (2) **Minimum Requirements.**
 - (a) All wreckers and vehicles used for towing shall be clearly marked with the towing company's name and telephone number marked on each side of the vehicle, pursuant to Section 4573 of the Vehicle Code.
 - (b) All wreckers and vehicles used for towing shall be maintained in safe mechanical condition and must display current Pennsylvania state inspection and registration.
 - (c) All wreckers and vehicles used for towing must be properly titled and registered with the Commonwealth of Pennsylvania in conformity with the Vehicle Code.
 - (d) All wreckers and vehicles used for towing must be equipped with one or more flashing or revolving yellow lights, pursuant to Section 4572 of the Vehicle Code.
- (3) **Towing Equipment Required.** All public towing licensees will be required to own or lease the equipment on this list. All public towing licensees may be subject to inspection by the City and must be able to show the following as part of that inspection:

- (a) One rollback truck.
- (b) One tow truck with wheel lift.
- (c) All identification logos and decals must be permanently affixed to the doors of all vehicles used in performing towing services and cannot be manipulated in any way as to identify the vehicle as owned and operated by another entity.

B. Storage facilities for vehicles.

- (1) All storage facilities used for impoundment of public-towed vehicles shall be located within the City of Scranton or within a three-mile radius of the Scranton Municipal Building.
- (2) The storage facility shall be owned or leased by the towing company.
- (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, enclosed by a secured fence or building. When enclosed by a fence, the fence shall be a minimum of six feet in height and made of a sturdy material such as a chain link, wooden slats, or other material approved by the City. All gates shall be secured with locks or other security mechanisms to reasonably prevent entry by unauthorized persons.
- (5) The lot and storage facility shall be reasonably well lit to provide ability for towers/customers to inspect, release, and pick up vehicles and to provide a safe 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 from 7:00 AM to 7:00 PM, seven days a week. At no time shall a towing company be required to release a vehicle to a visibly intoxicated individual, to a person who is visibly under the influence of drugs, or to any individual who is threatening violence or physical harm.

C. Release of personal property and/or medications. At any incident scene, the public towing licensee shall allow release of personal property. At any time following a tow and while the vehicle is in storage, the public towing licensee shall allow removal of medications from the vehicle following a written or oral receipt of a request to return the same, within business hours of the same day as the request. No fee shall be charged for the return of personal property or medication at an incident scene pursuant to this provision. Any other personal property returned shall only be returned upon payment to the public towing licensee of all applicable fees.

D. Insurance.

| Type of Insurance | Minimum Limit of Liability |
|--|---|
| Commercial General Liability | \$2,000,000 General Aggregate \$2,000,000 Products/Completed Operations Aggregate \$1,000,000 Each Occurrence |
| Workers' Compensation's and Employer's Liability | Statutory |
| Employer's Liability | \$1,000,000 Each Accident \$1,000,000 Disease: Each Employee \$1,000,000 Disease: Policy Limit |
| Umbrella/Excess Liability | \$1,000,000 Each Occurrence \$1,000,000 Aggregate |
| Comprehensive Automobile Liability | <u>Bodily Injury</u> \$300,000 Each Person \$500,000 Each Occurrence <u>Property Damage</u> |

| | |
|------------------|--|
| | \$500,000 Each Occurrence |
| Garage Liability | \$1,000,000 Each Accident \$2,000,000 Aggregate |
| Garage Keepers | \$500,000 Legal Liability |
| On Hook | \$100,000 Each Vehicle |

The City shall be listed as an additional insured party on all policies, and such policies shall contain a provision requiring notification to the City prior to any policy revision or termination. Copies of the certificate of insurance shall be provided to the City.

- E. Current on Taxes and Fees.** No towing company shall receive or hold a license if the towing company is delinquent on any property tax, payroll preparation tax, earned income tax, or any other municipal fee or tax owed to the City of Scranton.
- F. Licensed drivers.** Towing companies must assure that every driver has and maintains a valid driver's license acceptable within the Commonwealth of Pennsylvania.
- G. Photographs.** All public towing licensees shall annually submit to the City photographs of the lots or storage facilities sufficient to assure that the requirements regarding such lots are being satisfied.
- H. Inspections.** The City may from time to time inspect equipment utilized by public towing licensees, storage facilities utilized by public towing licensees, and any and all relevant business documentation of public towing licensees for compliance with the terms of this ordinance.
- I. Public Towing Fee Schedule.**
 (1) **Fee Schedule Required.** As a condition of receiving a public towing license from the City, public towing licensees agree to charge only according to the below fee schedule. Except as provided for in Paragraph (2), no other charges may be assessed outside of the below fee schedule.

| Weight of Vehicle | Non-Accident Tow | Accident Tow | | Storage | | Administrative Fee |
|-------------------------|--|--------------|--|----------------|--------------------|--------------------|
| | | Tow | Winching, Rollover, and/or Road Cleaning Services Per 30 Minutes Per Person | First 24 Hours | Per 24 Hours After | |
| Under 10,000 pounds | \$135 | \$205 | \$45 | Included | \$60 | \$45 |
| 10,000 to 17,000 pounds | \$185 | \$255 | | | | |
| Over 17,000 pounds | Fees for towing, storage, winching and rollover, road cleaning, or any other towing service shall be reasonable and commensurate with the services provided. | | | | | |

- (2) **Off-Hours Fee.** If a vehicle is released between the hours of 6:00 PM to 8:00 AM, or on a legal holiday, the public towing licensee may charge an Off-Hours Fee of up to \$60.

- J. Return Prior to Tow.** If a vehicle is on or hooked on to the tow truck, but the tow truck has not yet begun departing the vicinity of where the vehicle was parked or stationed, the vehicle owner or other authorized person shall be permitted to have the vehicle returned to the possession and control of that owner or person, provided that such action would not otherwise violate any law or the lawful order of a law enforcement official. If a public towing

licensee so returns a vehicle without charging any fees, that licensee shall maintain their position on the towing rotational list as if they had not responded to such tow.

K. **State Laws and Regulations.** Every public towing licensee shall comply with all other state laws and regulations, including but not limited to Pennsylvania State Police Field Regulation 6-2: Highway Assistance, as may be amended.

L. **Electric Vehicles.** The Fire Department shall promulgate regulations for the safe towing and safe storage of electric vehicles.

439-35 General regulations for towing companies with public towing licenses.

A. Towing rotation.

- (1) **Towing rotation list.** The City shall maintain the list of public towing licensees, listed alphabetically, requested by authorized City employees on a rotating basis. "Rotating basis" means the public towing licensee 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 public towing licensee listed on the top shall be requested and that name then moved to the bottom.
- (2) **Failure to respond.** When the public towing licensee on the top of the list is called for a towing request and fails to answer the telephone, or fails to accept the tow, that public towing licensee shall be moved to the bottom of the list and the next name on the list will be requested. If a public towing licensee on the top of the list is requested but prior to providing the towing services the request is canceled, that public towing licensee shall be placed back on top of the towing rotation list to receive the next request.
- (3) **Responses when tow not needed.** If a public towing licensee is called for a miscellaneous call such as lockout, out of fuel, jump start, or flat tire, then the same public towing licensee shall get the next phone call about a tow. Charges for flat tire, out of fuel, jump-start or flat tire remain with the public towing licensee.
- (4) **Exceptions to towing rotation list.** This rotation may be waived when, in the opinion of the City official responsible, the immediate removal of a vehicle is critical to public safety, health, or welfare during an unusual or exigent emergency.

B. Storage of towed vehicles.

- (1) All vehicles removed, transported, or conveyed by a public towing licensee shall be stored at their storage facility or at property owned, controlled, or designated by the City, or to a location specified by the vehicle owner or operator, provided that such vehicle owner or operator pays for the tow at the time of the tow.
- (2) Any vehicle remaining at the storage facility more than 30 days may be removed, as permitted by applicable salvor regulations in the Vehicle Code.

C. Towing of heavy vehicles and vehicles to be salvaged.

- (1) In situations requiring the towing of a truck, truck tractor, or combination having a gross weight or registered gross weight in excess of 10,000 pounds, only those public towing licensees equipped to tow such vehicles may be requested.
- (2) In situations requiring the towing of an abandoned vehicle, as defined by the Vehicle Code, only licensed salvors may be used to tow such vehicles.

D. Response times.

- (1) In the case of a Scranton Police Department request of a tow, the public towing licensee requested shall respond to the tow location within 25 minutes of the City's request. The City recognizes there can arise unusual circumstances and severely adverse road conditions that are beyond the towing company's control that would prohibit it from arriving at the scene of the tow within 25 minutes. In these unusual and rare situations, the City, at its sole discretion, may allow additional time for the public towing licensee to respond. Generally, if the public towing licensee fails to respond within 25 minutes after being requested, the next available public towing licensee on the towing rotation may be requested. Nothing in this regulation is intended to permit or encourage public towing licensees 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.

- (2) Public towing licensees shall be available to tow vehicles 24 hours a day, seven days a week. In rare instances when a towing company is not available to tow vehicles for the City, the towing company shall notify the City of the circumstances that prohibit it from performing tows and the estimated time it will be unavailable.

- E. **Changes to application information.** All public towing licensees shall be required to notify the City within two business days of any modifications to information provided in the public towing licensee's license application or most recent renewal.
- F. **Changes to this ordinance.** All public towing licensees shall be notified by the City of Scranton of any additions, deletions, modifications, or changes to this Article, or to any rules and regulations promulgated in furtherance of this Article, within seven days of the effective date of such change.
- G. **Posting of fee schedule and hours of operation.** Public towing licensees shall post the public towing fee schedule contained in this Article and the licensee's hours of operation in a conspicuous location at each of its towing storage facilities and at each of its business offices that stores vehicles and/or conducts other business related to public towing.
- H. **Conduct.** Public towing licensees shall be responsible for the conduct of all drivers and employees. Misconduct of public towing licensee employees may subject a public towing licensee to sanctions as provided herein. The driver's licenses of persons towing for a public towing licensee are subject to inspection by the City.
- I. **Hazardous materials.** In situations involving hazardous materials that 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 public towing licensees; however, public towing licensees certified in the removal of hazardous material will be requested first.
- J. **Itemization of fees.** All public towing licensees shall itemize and reduce to writing all assessed fees and provide a copy of the same to the vehicle owner or representative upon that vehicle owner or representative making payment either for the towing service itself and/or for the storage of the vehicle.
- K. **Permission to inspect.** All public towing licensees must permit the vehicle owner, an agent representing the owner, a lienholder of record of that vehicle, or an insurance company agent access to inspect the exterior of the vehicle during normal business hours, even if payment has not yet been rendered for towing and/or storage.
- L. **Further policies and procedures.**
The City may promulgate policies and procedures in furtherance of the provisions of this article. All definitions and terms of this chapter are incorporated by reference into such policies and procedures, and a violation of any of the terms of the policies and procedures shall be deemed a violation of this chapter subject to sanctions and/or other penalties.

439-36 Notification of removal and impounding due to City request; Records of vehicles towed or stored.

- A. **Notice of removal to Scranton Police Department.** Within one hour from the time of any vehicle removal requested by the City, the towing company shall provide the Scranton Police Department with a copy of the written authorization and shall include the following information:
- (1) The make, model, color, and registration number;
 - (2) State of registration;
 - (3) Location/address from where vehicle was removed;
 - (4) Date and time of removal;
 - (5) All fees assessed up to that point;
 - (6) Name and twenty-four-hour telephone number of the towing company; and

(7) Location where the vehicle may be claimed.

B. Notice of removal to interested parties. Any towing company that has removed any vehicle at the City's request shall provide notice of such removal to the registered vehicle owner and any lienholder(s) of record pursuant to the Vehicle Code.

C. Records of vehicles towed or stored. All public towing licensees 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; and
- (7) All charges, itemized, for each towed vehicle.

439-37 Prohibited acts; Fines and penalty for violation; Notice and appeals process.

A. Prohibited acts. It shall be a prohibited act for any towing company, regardless of if they hold a public towing license, to:

- (1) Subcontract towing services requested by the City;
- (2) Tow or move a vehicle from or within public rights-of-way or public property without either the consent of the vehicle owner or operator or authorization from the City;
- (3) Charge or provide a written quote or invoice or collect fees in excess of those specifically designated;
- (4) Falsify any information in a public towing license application;
- (5) Engage in solicitation of tows following an incident; or
- (6) Violate any other provision of this article.

B. Sanctions permitted. After making a reasonable investigation, the City may initiate disciplinary action against any towing company in their jurisdiction by issuing a formal warning, levying a fine, and/or nonrenewing, suspending, or revoking a public towing license for violating any provision of this chapter.

C. Formal Warnings; Fines.

- (1) Formal Warning. A written formal warning shall be issued to any towing company for any applicable violation of this chapter. A written formal warning may be issued in conjunction with any fine, sanction, or other penalty.
- (2) Fines. Fines shall be levied against towing companies violating any applicable violation of this chapter. There shall be two distinct fine schedules based on the nature of the offense:
 - (a) Non-solicitation offenses:
 - i. First violation: \$200
 - ii. Second violation: \$400
 - iii. Further violations: \$600
 - (b) Solicitation offenses:
 - i. First violation: \$400
 - ii. Second violation: \$600
 - iii. Further violations: \$1,000

D. Licensing sanctions.

- (1) Suspension. The immediate loss of the public towing license(s) to the end of the licensing period, or, if unlicensed, ineligibility to get a public towing license for that same amount of time. The City shall issue a suspension in two situations:
 - (a) Upon the violation of any provision contained in this chapter on three occasions; or
 - (b) Upon the violation for the second time of a solicitation offense.

(2) **Nonrenewal.** The denial of the privilege to receive a renewed public towing license after expiration of the current public towing license. The nonrenewal period shall last for three (3) years. The City shall issue a nonrenewal sanction in two situations:

- (a) Upon the violation of any provision contained in this chapter on two occasions, where at least one such violation was directly related to an unsafely-performed tow; or
- (b) Upon the violation for the second time of a solicitation offense.

(3) **Revocation.** The immediate and permanent loss of the towing company's public towing license. Towing companies issued a revocation sanction are considered ineligible for reinstatement to the public towing license program, or, if unlicensed permanently ineligible for a public towing license. The City shall issue a revocation sanction in four situations:

- (a) Upon a third solicitation offense;
- (b) Upon a criminal conviction relating to towing and/or conduct in providing towing services;
- (c) Upon discovery that a public towing licensee falsified any information in their application; or
- (d) Upon the occurrence of an additional violation of any provision of this chapter by a towing company who had previously received a nonrenewal sanction.

E. Notice of sanctions. For any fine, suspension, nonrenewal, or revocation in accordance with any other provisions of this ordinance, the towing company shall be notified in writing no less than five calendar days prior. The notice of sanctions shall state the reason(s) for sanctions and the effective date of suspension or revocation, if applicable.

F. Appeal of sanctions. The towing company shall have 14 calendar days to appeal the determination of sanctions in writing to the City. The City or their designee shall hold the hearing within 10 calendar days of written receipt of the towing company's request for an appeal and shall render written decision within five days of the decision of the hearing. The towing company may appeal the City's decision in writing to the Lackawanna County Court of Common Pleas within ten calendar days of the receipt of the City's decision.

439-38 Effect of payment and storage charges without protest; Owner/operator liability.

A. Payment under protest. The payments of any towing and storage charges, authorized by this article shall, unless made "under protest," be final and conclusive and shall constitute a waiver of any right to recover the fees paid.

B. Owner/operator liable for fine/penalty. The payment of towing and storage charges authorized by this article 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."

SECTION 1. If any section, clause, provision, or portion of this Ordinance shall be held invalid or unconstitutional by any Court of competent jurisdiction, such decisions shall not affect any other section, clause, provision, or portion of this Ordinance so long as it remains legally enforceable minus the invalid portion. The City reserves the right to amend this Ordinance of any portion thereof from time to time as it shall deem advisable in the best interest of the promotion of the purposes and intent of this Ordinance, and the effective administration thereof.

SECTION 2. This Ordinance shall become effective as described herein.

SECTION 3. This Ordinance is enacted by the Council of the City of Scranton under the authority of the Act of the Legislature, April 13, 1971, Act No. 62, known as the "Home Rule Charter and Optional Plans Law", the "Towing and Towing Storage Facility Standards Act", and any other applicable law arising under the laws of the State and Pennsylvania.

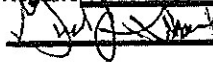
Passed by the Council

March 19, 2024

Receiving the Affirmative votes of Council Persons

King, Schuster, McAndrew, Smurl

Negative NONE Absent-Rothchild



President

Approved

3/26/2024

 Mayor

 City Clerk

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