

**TOWNSHIP OF TINICUM, DELAWARE COUNTY, PA**

**ORDINANCE NO. 2024 - 924**

**AN ORDINANCE OF THE TOWNSHIP OF TINICUM, DELAWARE COUNTY, PENNSYLVANIA, AMENDING AND SUPPLEMENTING CHAPTER 373 VEHICLES, REMOVAL AND IMPOUNDING; ESTABLISHING REGULATIONS, PROCEDURES AND COSTS FOR TOWING OF VEHICLES ON PUBLIC AND PRIVATE PROPERTY; VEHICLE STORAGE AND LICENSING OF TOWING SERVICES**

**BE IT ORDAINED AND ENACTED** by the Township of Tinicum, County of Delaware, Commonwealth of Pennsylvania, as follows:

**§373-1. Purpose and Intent.**

The purpose and intent of this chapter is to regulate towing rates and towing services as permitted by 75 Pa.C.S.A. §3353; to provide for proper licensing of towing services and notice to the Tinicum Township Police Department where vehicles are towed from public or private property without the consent of the owner or operator of the vehicle by a towing service operating on behalf of an owner or lessee of private property, or by a towing service operating on behalf of the lienholder or lessee of the vehicle; and to avoid erroneous reports of stolen vehicles being submitted to the Tinicum Township Police Department.

**§373-2. Towing Costs and Hooking Fees; Storage Costs.**

A. Passenger vehicles.

- (1) The cost of towing passenger vehicles which are hooked and removed from public or private property shall not be in excess of the fee as set forth from time to time by Resolution of the Tinicum Township Board of Commissioners for each crane, tow or wheel lift. In all instances when a passenger vehicle is hooked and the owner/operator of the vehicle returns prior to the vehicle being removed, the tow operator shall charge no more than the hooking fee as set forth from time to time by Resolution of the Tinicum Township Board of Commissioners and shall release the vehicle to the owner/operator immediately upon receipt of the fee.
- (2) The daily cost of storage of any impounded passenger vehicle, which cost is charged by any towing service operator with respect to any passenger car towed from Tinicum Township, shall not be in excess of a fee as set forth from time to time by Resolution of the Tinicum Township Board of Commissioners. Said storage fee shall be chargeable immediately upon the placement of the vehicle into storage.

B. Vehicles other than passenger vehicles.

- (1) The cost of towing vehicles other than passenger cars shall not be in excess of a fee as set forth from time to time by Resolution of the Tinicum

Township Board of Commissioners. In all instances when a vehicle is hooked and the owner/operator of the vehicle returns prior to the vehicle being removed, the tow operator shall charge no more than the hooking fee as set forth from time to time by Resolution of the Tincum Township Board of Commissioners and shall release the vehicle to the owner/operator immediately upon receipt of the fee.

- (2) The daily cost of storage of any impounded vehicle other than a passenger vehicle, which cost is charged by any towing service operator with respect to any such vehicle towed from Tincum Township, shall not be in excess of a fee as set forth from time to time by Resolution of the Tincum Township Board of Commissioners. Said storage fee shall be chargeable immediately upon the placement of the vehicle into storage.
- C. For purposes of this Chapter, the term "passenger vehicle" shall include all vehicles weighing less than nine thousand (9,000 lbs.) pounds.

**§373-3. Towing unattended vehicles from public or private property.**

The following regulations shall apply to the towing of any vehicle parked or left unattended on public or private property without the consent of the property owner or other person in control or possession of the property including, but not limited to, repossession of vehicles on behalf of a lien holder or lessor of a vehicle.

- A. **Private Property.** No towing service or operator shall remove any vehicle that is parked or left unattended on private property unless the private property owner or property lessee consents in writing to such removal, except the Township of Tincum, or anyone acting on its behalf or at its request; and repossession of vehicles on behalf of a lien holder or lessor of a vehicle shall be exempt from this provision.
- B. **Public Property.** No vehicle shall be hooked, towed or handled in any manner under this Chapter unless at the direction of the Tincum Township Police Department for emergency purposes or the vehicle is illegally parked on any public street, highway, lane or alley and ticketed by the Tincum Township Police Department at the location from which the vehicle is to be towed. Before issuing such a ticket, the Tincum Township Police Department shall determine whether or not the vehicle has been reported stolen. If the vehicle has been reported stolen, a Police Officer shall notify the Police Radio to dispatch a licensed towing service or company authorized to recover and safely store the vehicle where it may be claimed by its lawful owner.

**§373-4. License Requirements.**

Any towing service or operator shall first secure a license from the Township of Tincum prior to doing any towing from any public or private property located within the Township of Tincum. A license shall be obtained every calendar year, for a fee to be set from time to time by Resolution of Board of Commissioners, upon completion of a Tincum Township application containing, at a minimum, the following information:



- A. Name, address and telephone number of the towing service. this telephone number shall be answered on a twenty-four (24) hour basis, seven (7) days per week.
- B. The name, business address and telephone number of all persons or entities having an ownership interest in the towing service.
- C. The name, address and telephone number of all persons from whose property in the Township of Tincum the towing service is authorized to remove vehicles.
- D. The name, address and telephone number of the storage yard to which vehicles removed from private property in the Township of Tincum will be towed.
- E. The name, address and telephone number of the bonding company and the name, address and telephone number of the bonding company agent through whom the bond required by this chapter has been issued.
- F. Any changes in any of the information required in **§373-4. A. through E.** herein shall be reported in writing to the Tincum Township Police Department within twenty-four (24) hours of such change.

**§373.5. Revocation of License.**

The Superintendent of Police, upon determining that any provision of this chapter has been violated, in addition to any other penalties provided herein, may revoke a license issued hereunder together with the right to reapply for a subsequent license, for a period of up to two (2) years. Appeal from such revocation shall be to the Township of Tincum Board of Commissioners, and shall be handled under the Local Agency Act. (See 2 Pa.C.S.A. §551 et seq. and §751 et seq.)

**§373.6. Posted Signs on Private Lots.**

No person shall remove or cause to be removed a vehicle parked on a private lot or private property without authorization unless signs are posted by the owner of the lot as follows:

- A. A sign, at least three (3') feet by two (2') feet in size, will be posted in a clearly visible location within a private lot containing fewer than twenty (20) parking spaces approximately eight (8') feet above ground level, explicitly indicating that all unauthorized vehicles will be towed at the owner's expense. It will indicate the name and phone number of the towing agency, the hours of operation and the towing and storage fees.
- B. Within a lot containing more than twenty (20) parking spaces, the property owner shall prepare a site plan, subject to the approval of the Superintendent of Police, showing signage readily visible from all directions. Such signs, clearly indicating that all unauthorized vehicles will be towed at the owner's expense, shall thereafter be posed and maintained pursuant to the approved site plan.
- C. In the event that the Pennsylvania Motor Vehicle Code provides for a more demanding standard with regard to signs and posting of signs, said standards shall be followed.

- D. Signs must be reflective to increase visibility during hours of darkness.

**§373-7. Requirements of Towing Services.**

Authorized towing operators and towing services shall:

- A. Maintain a current surety bond with the Township in the sum of Ten Thousand (\$10,000.00) Dollars and in form satisfactory to the Township's Solicitor, conditioned upon the faithful performance by the towing service of its duties, under this chapter, and to indemnify the owners of vehicles against loss, injury or damage to vehicles while in his custody. The surety bond shall be issued by a bonding company that is approved by the United States Department of the Treasury and/or by the Commonwealth of Pennsylvania.
- B. Provide certificates of insurance as follows: in the minimum amount of Five Hundred Thousand (\$500,000.00) Dollars combined single limit for hired autos, non-owned autos; One Hundred Thousand (\$100,000.00) Dollars for each personal injury; and Fifty Thousand (\$50,000.00) Dollars per occurrence for garage keeper's liability.
- C. Comply with the provisions of the Pennsylvania Vehicle Code with respect to the removal and storage of vehicles from private property or the removal and impoundment of vehicles from public property.
- D. Notify the Tinicum Township Police Department by telephone, in person or by facsimile transmission of the removal of a vehicle from public or private property within one (1) hour of such removal and provide a description and license number of the vehicle thus removed and notify the Tinicum Township Police Department of the removal of the vehicle in writing (in person or by fax) by 12:00 noon of the day after removal of the vehicle from private property on a form provided by the Tinicum Township Police Department.
- E. Provide the Tinicum Township Police Department with a true and correct copy of each and every contract between the towing service and the owner and/or lessee of any private property with respect to the removal of vehicles from private property within the Township.
- F. Display the name of the towing service or the person operating it, together with a valid phone number therefor, by signs on both sides of the tow truck.
- G. Maintain, during off hours, either a telephone operator, answering service or telephone tape machine to provide owners or operators of towed vehicles with necessary information as to the cost, the required method of payment and the procedure for claiming the towed vehicle.
- H. Display the current towing license obtained from the Township of Tinicum on the driver's side window of the tow vehicle.

**§373-6. Registration plate used as evidence.**

In any proceeding for a violation of the provisions of this chapter, the registration plate, if any, displayed on such motor vehicle shall be prima facie evidence that the owner of said



motor vehicle was either operating said motor vehicle or was in operation and control of said motor vehicle at the time of said violation.

**§373.7.           Repossession and Emergency Activity.**

Notwithstanding the provisions hereinabove, towing companies will be generally exempt from compliance with this Towing Ordinance while they are engaged in repossession of vehicles on behalf of holders of liens on vehicles or providing emergency towing services at the request of the Superintendent of Police. However:

- A.     At least one (1) hour prior to beginning the repossession of a vehicle, the towing company must notify the Tinicum Township Police Department of its intention to repossess the vehicle; give the Tinicum Township Police Department the name of the vehicle owner and the address at which the vehicle repossession is going to take place. Furthermore, the towing company shall present to the Tinicum Township Police Department proof of its right to repossess the vehicle.
  
- B.     When not engaged in repossession activity or emergency police requested services, towing companies must comply with the Towing Ordinance. The mere fact that a towing company performs repossession or emergency police services from time to time in the Township does not provide the said towing company with a blanket exemption from this Towing Ordinance.

**§373-8.           Violations and penalties.**

- A.     Any person or entity who violates any provision of this Ordinance shall, upon conviction thereof before a Magisterial District Judge, be sentenced to pay a fine of not less than Three Hundred (\$300.00) Dollars nor more One Thousand (\$1,000.00) Dollars and the cost of prosecution. Each day that a person or entity shall be in violation of this Ordinance shall constitute a separate offense.
  
- B.     The penalties set forth in this chapter are in addition to, and do not replace or supplant, any other remedies which may be available to the Township or to any private person under this chapter or any other civil or criminal law. By way of example and not of limitation, this chapter shall not preclude any private person from bringing a civil action against any person or entity for the wrongful conversion of any vehicle that is towed in violation of this chapter.

**§373-9.           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 effect or impair any of the remaining provisions, sentences, clauses, sections or parts of this ordinance. It is hereby declared as the intent of the Board of Commissioners that this Ordinance would have been adopted have the unconstitutional, illegal or invalid sentence, clause, section, or part thereof, not been included therein.

**§373-10.          Repealer.**

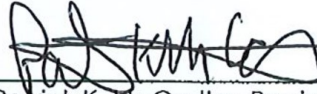
All Ordinances or part of Ordinances which are insistent herewith are hereby repealed and/or replaced.

**§373-11. Effective Date.**

This Ordinance shall become effective upon adoption.

**ORDAINED and ENACTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2024, by the Board of Commissioners of the Township of Tincum, Delaware County, Pennsylvania.

**Township of Tincum**



Patrick K. McCarthy, President  
Board of Commissioners

**ATTEST:**



David D. Schreiber, Township Secretary