

ORDINANCE NO. 2024-01

AN ORDINANCE OF THE WARWICK TOWNSHIP BOARD OF SUPERVISORS AMENDING AND RESTATING CHAPTER 174 OF THE WARWICK TOWNSHIP CODE OF ORDINANCES TO ESTABLISH PROCEDURES FOR THE SAFE AND ORDERLY TOWING AND STORAGE OF DISABLED OR ABANDONED VEHICLES AND ESTABLISHING PROCEDURES FOR APPLICATION FOR AND MAINTENANCE OF A TOWING LICENSE IN WARWICK TOWNSHIP.

SECTION I

Chapter 174, is hereby amended to read as follows:

§174-1. Applicability and Scope.

This Part is enacted to establish procedures to protect the public by regulating the safe and orderly towing of disabled, wrecked, abandoned or impounded motor vehicles by the Warwick Township Police Department and for applying for and maintaining a towing license in Warwick Township.

§174-2. Word Usage; Definitions.

- A. When not inconsistent with the context, words used in the present tense shall include the future, and words used in the plural shall include the singular. The words "shall" or "must" are mandatory and the word "may" is discretionary.
- B. For the purpose of this chapter, the following words and phrases shall have the meanings indicated below:

DISABLED, WRECKED, ABANDONED OR IMPOUNDED VEHICLE — An automobile, truck, tractor, trailer, motorcycle, motor home, or other vehicle or device in, upon or by which any person or property is or may be transported or drawn upon a highway, road or street, which is no longer capable of safe operation on a highway, road or street and presents a safety hazard to the public by virtue of its location on or adjacent to a public highway, road or street in the Township, or which is subject to towing pursuant to the Pennsylvania Vehicle Code.

FLATBED WRECKER — A flatbed vehicle equipped with a roll body and winch designed for and capable of lifting and transporting passenger and commercial vehicles.

HEAVY-DUTY WRECKER — A vehicle with a minimum twenty-five-ton capacity designed for and capable of lifting and transporting larger passenger and commercial vehicles.

LICENSEE — A person or tow operator who has been issued a license by the Township pursuant to the terms of this chapter.

LIGHT-DUTY WRECKER, WHEEL-LIFT WRECKER — A vehicle equipped with a hydraulic boom/ winch that is designed for and capable of removing passenger and/or commercial vehicles.

PERSON — An individual person, firm, partnership, association, corporation, company or organization of any kind.

POLICE or POLICE DEPARTMENT — The Warwick Township Police Department, Bucks County or other municipal police department assisting the Warwick Township Police Department at the request of the Warwick Township Police Department pursuant to a cooperation agreement.

TOW OPERATOR — A person engaged in the business of operating for hire the service of a vehicle, wrecker, tow truck, car carrier, or other vehicle, whereby disabled, wrecked, abandoned or impounded vehicles are towed or otherwise removed from the place where they are disabled, wrecked, abandoned or impounded by use of a vehicle so adapted for that purpose.

TOWNSHIP — Warwick Township, Bucks County. The Township may delegate the duties of this ordinance to the Warwick Township Police Department.

VEHICLE CODE — The Vehicle Code of the Commonwealth of Pennsylvania, 75 Pa.C.S.A. § 101 et seq.

WRECKER — Any light-duty, heavy duty, wheel-lift, or flatbed wrecker.

§174-3. Towing License Required.

- A. No tow operator or other person shall operate for hire within the Township a wrecker or similar type of motor vehicle designed and/or able to provide road service, towing or removal of disabled, wrecked, abandoned, or impounded vehicles on behalf of and/or at the direction of the Township and/or the Police Department unless that tow operator is a licensee of the Township as hereinafter provided.
- B. Towing licenses, when issued, shall be issued for a period of one calendar year, commencing on January 1 and terminating on December 31 of the license year.
- C. Licensing is not required for a heavy-duty wrecker.

§174-4. Application for License and Renewal.

- A. An application for a new towing license may be made to the Township at any time. An application for a license renewal must be received by the Township on or before November 1 of the year preceding the license period for which the license is sought.

- B. The application form for either a new license or a license renewal shall be prepared by the Township. The following information and/or documentation shall be submitted to the Township with the application:
- (1) A list of tow trucks, wreckers, car carriers, or other vehicles available for service to the Township, including a description of each vehicle or piece of equipment (type, make, model year, capacity, etc.), the name and address of the owner/lessee of each vehicle or piece of equipment and their location and hourly availability.
 - (a) Tow trucks may be leased as long as the terms of the lease are for a fixed period greater than one year and for a fixed flat rate from a lessor whose business, company, entity or corporation whose usual and customary business is that of leasing motor vehicles.
 - (2) A description of the location of the secured storage areas where disabled, wrecked, abandoned, or impounded vehicles will be stored, including the addresses, dimensions, and security facilities of all such storage areas as set forth in this chapter.
 - (3) A certificate of insurance or other proof of insurance acceptable to the Township demonstrating that the applicant has and maintains general liability and garage keeper's liability insurance in amounts as set and required by the Township.
 - (4) An agreement to indemnify and hold harmless the Township for any and all losses or expenses incurred by virtue of any acts performed by the applicant and its employees, agents, etc., in the course of service.
 - (5) A mailing address and an email address at which licensee agrees to accept notices issued pursuant to this chapter.
 - (6) The application for a towing license shall be accompanied by an application fee in the amount designated in the Fee Schedule. The application fee may be amended from time to time by resolution of the Township Board of Supervisors.
- C. An application shall not be deemed complete, nor shall it be accepted by the Township, unless and until it contains all the information and documents required by this section.
- D. The application for either a new license or a license renewal shall be submitted to the Township and will be subject to review and approval by the Township. Within twenty (20) days of receipt of the application and application fee, the Township shall promptly advise the applicant of whether the license has been approved or disapproved. Failure of the Township to approve or disapprove an application within twenty (20) days shall not result in a deemed approval of the application.

§174-5. Standards and Conditions for Issuance of Towing License.

- A. An applicant for a towing license shall own or lease a minimum of three wreckers, all in

proper working order. At least one (1) wrecker must be a flatbed wrecker, and all of which must be available for the applicant's exclusive use and available on call for service to the Township when the applicant is serving as the duty tow operator.

B. Storage.

- (1) The applicant shall have storage for disabled, wrecked, abandoned or impounded vehicles. The applicant shall have a secured storage area capable of holding a minimum of three (3) vehicles and unsecured storage capable of storing a minimum of five (5) vehicles. The secured storage area may include an area inside a secured structure, outside, or any combination thereof. If part of the secured storage area is outside storage, it must be secured either by a six (6) foot high fence or some other means of security acceptable to the Township.
- (2) The applicant shall permit inspection of the secured storage area, whether on site or off site, upon request of the Township.

C. The location of the applicant's place of towing business and required storage area shall be within the borders of the Township and/or within five air miles of the intersection of York/Almshouse Roads, in order to provide immediate response time to a call for service from the Township and/or the Police Department.

D. All applicants shall maintain the following insurance issued by companies licensed to do business in the Commonwealth of Pennsylvania, and present proof thereof to the Township or Police Department at the time of application, on an annual basis, and upon request:

- (1) General public liability insurance in the minimum amount of \$1,000,000; and
- (2) Garage keeper's legal liability insurance in the minimum amount of \$100,000.
- (3) Each insurance policy required herein shall contain an endorsement providing 10 days' notice to Warwick Township in the event of any change or cancellation for any cause. Written notice to the Township shall be the responsibility of the issuing company.

§174-6. Licensees.

A. In addition to all of the standards and conditions applicable to an applicant for a towing license, a towing license, if issued by the Township may be issued to a licensee upon the following conditions of and with the express agreement of the licensee to the following:

- (1) The licensee shall, at all times, act as an independent contractor to, and not as an employee of the Township or the Police Department. All payment for service pursuant to said license shall be by the owner, operator, or custodian of the disabled, wrecked, abandoned or impounded vehicle to the licensee.
- (2) No licensee shall use or employ a vehicle that is not listed on the licensee's license

application or renewal application.

- (3) The licensee shall ensure any operator of any wrecker and/or other vehicle and/or equipment possesses a current and valid Pennsylvania driver's license for the class of vehicle they are operating. The licensee is further responsible to ensure that the operator obeys all laws of the Vehicle Code of the Commonwealth of Pennsylvania.
- (4) Licensee shall hold the Township and the Police Department, its officers, employees, agents, designees and/or assigns, harmless for any and all claims, actions or cause of action arising from suspension or revocation of the license for any reason set forth in this chapter, or from any and all claims arising from the duties performed by licensee pursuant to this chapter.
- (5) No individual wrecker may be licensed by more than one tow operator and/or licensee.
- (6) No license issued pursuant to this chapter may be transferred from one tow operator and/or licensee to another tow operator and/or licensee.

§174-7. Vehicle and Equipment Requirements.

- A. No wrecker or other vehicle shall be licensed by the Township unless the vehicle is properly registered and inspected as required by the Vehicle Code of the Commonwealth of Pennsylvania and meets all the requirements of said Vehicle Code.
- B. Licensees shall keep and maintain all wreckers and/or other vehicles and/or equipment listed on its application in a safe and operable condition. Said wreckers, other vehicles and equipment shall be made available for an inspection by the Police Department at any time to confirm compliance with the requirements and standards established herein, as well as compliance with all motor vehicle requirements of the Commonwealth of Pennsylvania.
- C. On each side of every wrecker or other vehicle for which a license has been granted, there shall be legibly inscribed the name, address and telephone number of the licensee's towing business.
- D. All wreckers must be equipped with the following:
 - (1) Broom, shovel, crowbar, buckets, debris containers and oil dry.
 - (2) A fire extinguisher, the minimum rating of which shall be at least ten (10) pounds ABC.
 - (3) An amber rotating light mounted at the top of the cab of the type that contains at least two sealed beam bulbs and is visible for a distance not less than five hundred (500) feet under normal atmospheric conditions, or equivalent lighting equipment, i.e. amber LED warning lights.
 - (4) Two (2) flashing red lights (four-way flashers) so mounted as to show the width of the

vehicle from the rear. Said lights shall be visible for a distance of not less than five hundred (500) feet under normal atmospheric conditions.

- (5) Not less than twelve (12), thirty (30) minute-burning type flares and three reflecting type flares.
- (6) Hoisting equipment of sufficient capacity to perform the service intended. The hoisting equipment of each tow truck shall be securely mounted to the frame of the vehicle.
- (7) A two-way communication system, such as two-way radios or mobile/cellular telephones.
- (8) Portable rear lighting for towed vehicles.

§174-8. Police Duty Tow Schedule.

- A. The Township shall establish reasonable rules and regulations to implement this chapter, including but not limited to the establishment of a duty tow schedule based on a weekly rotation of assignments, and the use of the duty tow by the Township police officers. The rotation will occur at 0700 (7:00 AM) on Mondays, unless and until the Township determines a different rotation better serves the Township interest.
- B. If called by the Police Department as the assigned duty tow licensee on call at any given time, a licensee shall arrive at the location of the disabled, wrecked, abandoned or impounded vehicle within twenty-five (25) minutes from the time the Police Department placed a call to the licensee requesting service. If a licensee's vehicle is delayed while in transit to the requested location, the vehicle operator shall advise the police dispatcher of the delay and his present location, whereupon a determination shall be made by the appropriate police official as to whether the secondary assigned duty tow licensee on call at that time will be called to respond to the call for service.
- C. In any event, should a licensee be unable to respond to the service call from the Police Department with the appropriate wrecker or other vehicle in the required response time, the Police Department will call the secondary assigned duty tow licensee on call at that time to respond to the call for service.

§174-9. Duties at Scene of Disabled, Wrecked or Abandoned Vehicle.

- A. If the owner or operator of a disabled, wrecked or abandoned vehicle cannot, or refuses or fails to, have the said vehicle removed from its location on or adjacent to a public highway, road or street in the Township, within a reasonable time, the Police Department shall call the licensee then assigned as the duty tow operator to affect such a removal. Requests by the owner or operator of said vehicle to utilize a non-licensed wrecker to remove the said vehicle will be honored if the Police Department determines that the safe movement of traffic will not be impeded, public safety will not otherwise be compromised, and that the

said vehicle will be removed within a reasonable time.

- B. All disabled or wrecked vehicles shall be removed from the roadway as soon as possible following an accident, in accordance with the Vehicle Code of Pennsylvania except, however, when a police investigation requires that the vehicle(s) remain at the scene until an investigation is completed.
- C. Licensees shall be responsible for removing all vehicular parts and debris from the highway and the licensee shall leave the accident scene in a safe and broom-clean condition.
- D. No person, other legal entity, licensee, or any other tow operator shall seek, persuade, entice, request, or offer towing service at an accident scene, or appear or remain at an accident scene, unless summoned by a party to the accident or by the Police Department.

§174-10. Towing Fees.

- A. The fees charged by a licensee and/or tow operator shall not exceed the amounts set in the duly adopted Township Fee Schedule as set by the Township from time to time.
- B. Towing fees shall be posted conspicuously at the tow operator's place of business and any storage area or any other secure facility.

§174-11. License Revocation, Complaints and Penalties.

- A. The Township may revoke a licensee's towing license if any of the following conditions apply:
 - (1) The license was procured by fraudulent conduct, false statement, and/or omission of a material fact.
 - (2) The licensee no longer meets all the standards for issuance of a towing license.
 - (3) A wrecker or vehicle or equipment governed by this chapter is inoperable, missing, or unsafe.
 - (4) The licensee has violated the rate schedule.
 - (5) The licensee has not responded to Township and/or Police Department requests for towing and/ or other service in a timely fashion more than three times in a twelve-month period.
 - (6) The licensee has otherwise failed to comply with any of the provisions of this chapter, especially when such failure is willful and intentional or when such failure or reckless conduct by the licensee or its operator jeopardizes the personal safety of a police officer or any other individual.

- (7) When it can be established with reasonable certainty that the licensee or his/her designee has engaged in criminal or unethical behavior in the performance of his/her responsibilities under this Chapter or in business generally.
- B. Notice of license revocation shall be sent in writing to the licensee and is effective upon mailing, at which time licensee shall be removed from the police tow duty schedule.
- C. The owner, operator or person in charge of any disabled, wrecked, abandoned or impounded vehicle that is towed and/or stored by a licensee may file a written complaint against the licensee with the Township for any alleged violation of this chapter by the licensee involving said disabled, wrecked, abandoned or impounded vehicle. The Police Department shall make a determination of the merit of such complaint, and if the complaint is validated, the Township may revoke the licensee's towing license and/or take any other action deemed appropriate under the circumstances.

SECTION II

Repealer. All ordinance or parts of ordinances which are inconsistent herewith are hereby repealed.

SECTION III

Severability. If any section, subsection, clause or provision of this chapter shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provision so adjudged and the remainder of this chapter shall be valid and enforceable.

SECTION IV

Effective Date. This ordinance shall be effective five days after enactment.