



Legislation Details (With Text)

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**Type:** Ordinance      **Status:** Passed Finally

**File created:** 2/19/2002      **In control:** Committee on Public Safety Services

**On agenda:**      **Final action:** 3/22/2002

**Enactment date:** 3/12/2002      **Enactment #:** 7

**Effective date:** 3/22/2002

**Title:** An Ordinance supplementing the Pittsburgh Code, Title Seven: Business Licensing, Article VII: Services Businesses, Chapter 763: Parking Lots, Section 763.12. Nonconsensual towing of vehicles from nonresidential parking places.

**Sponsors:** Alan Hertzberg

**Indexes:** PGH. CODE ORDINANCES TITLE 07 - BUSINESS LICENSING

**Code sections:**

**Attachments:**

Date	Ver.	Action By	Action	Result
3/22/2002	3	Mayor	Signed by the Mayor	
3/12/2002	3	City Council		Pass
3/12/2002	3	City Council	Passed Finally, As Amended	Pass
3/6/2002	1	Committee on Public Safety Services	AMENDED BY SUBSTITUTE	Pass
3/6/2002	2	Committee on Public Safety Services	Affirmatively Recommended as Amended	Pass
3/5/2002	1	City Council	RECOMMITTED	Pass
2/27/2002	1	Committee on Public Safety Services	AFFIRMATIVELY RECOMMENDED	Pass
2/19/2002	1	City Council	Read and referred	

Presented by Mr. O'Connor

An Ordinance supplementing the Pittsburgh Code, Title Seven: Business Licensing, Article VII: Services Businesses, Chapter 763: Parking Lots, Section 763.12. Nonconsensual towing of vehicles from nonresidential parking places.

**Be it resolved that the Council of the City of Pittsburgh hereby enacts as follows:**

**Section 1.** The Pittsburgh Code, Title Seven: Business Licensing, Article VII Services Businesses, Chapter 763: Parking Lots, Section 763.12. Nonconsensual towing of vehicles from nonresidential parking places is supplemented with the following:

(b) In order for the Operator of a Nonresidential Parking Place to remove or have removed a motor vehicle without the prior consent or authorization of the owner or operator of the vehicle under the authority of 75

Pennsylvania Consolidated Statutes Annotated Section 3353(c), at the time the motor vehicle entered the Nonresidential Parking Place the Operator must have a valid Nonresidential Parking Place Insignia for the Nonresidential Parking Place issued by the License Officer. The License Officer shall not issue a Nonresidential Parking Place Insignia for any Nonresidential Parking Place until the Bureau of Building Inspection has inspected the Nonresidential Parking Place and determined that it is in full compliance with the Pennsylvania Code's regulations on public notice signs, sign placement, sign size, nighttime visibility or other regulations promulgated hereafter. Additionally, the License Officer shall ensure that the Nonresidential Parking Place is in full compliance with subsection (d) of this Section before issuing a Nonresidential Parking Place Insignia.

The failure to use barricades as required in subsection (d) shall be grounds for the revocation of the Nonresidential Parking Place Insignia. The restoration of the Parking Insignia after revocation for noncompliance with any part of this Section shall be \$250.00 for the first offense within the licensing year and \$500.00 for each subsequent offense within the licensing year. The License Officer shall provide the necessary rules, regulations and procedures for obtaining Nonresidential Parking Place Insignia. The annual fee for this License is one hundred dollars (\$100.00).

~~(c) This Section shall not apply to motor vehicles that are classified as "abandoned vehicles" pursuant to the definition set forth in 75 Pa. C. S. § 102. are abandoned motor vehicles. This Section shall not apply to parking areas with physical barriers or when an attendant is present to prevent unauthorized enter or to accept consideration.~~

(d) In order for the owner/operator of a Nonresidential Parking Place to obtain an annual license (pursuant to subsection b) to allow the towing of vehicles from the Nonresidential Parking Place, the owner/operator of the Nonresidential Parking Place shall be required to place a physical barrier (such as a chain or fence) across all entrances/exits to the Nonresidential Parking Place, so as to prevent unauthorized vehicles from parking on the lot of the Nonresidential Parking Place when the lot is not in operation for use by customers. If the owner/operator of Nonresidential Parking Place does not supply an adequate barrier to prevent unauthorized vehicles from accessing the lot or if the owner/operator of the lot fails to utilize such barriers, then no towing from the lot will be authorized. The owner/operator of the lot shall be fined \$1,000.00 for each occurrence of an unauthorized vehicle being towed, when the owner/operator of the Nonresidential Parking Place failed to adequately barricade the lot, so as to prevent the unauthorized parking.

(e) Nonconsensual towing of vehicles from nonresidential parking places under this Section 763.12 shall only be permitted on Mondays through Fridays that are not holidays observed by the City of Pittsburgh and only between the hours of 6 a.m. and 6:00 p.m.

(f) Tow truck operators are required to immediately notify the Police Bureau's Index Department regarding the make, model and license plate of each towed vehicle, as well as the location of the stored vehicle and fees for recovery.

(g) All owners/operators of Nonresidential Parking Places shall have sixty (60) days from the enactment of any revisions to this Ordinance to fully comply with the new provisions of this Ordinance. Owners/operators of Nonresidential Parking Places shall face suspension of their valid Nonresidential Parking Place Insignia for any failure to fully comply with amendments to this Ordinance.

(h) Enforcement of this Section 763.12 shall be by the Police Department.

(i) The Bureau of Building Inspection shall immediately notify all current holders of nonresidential parking place insignia of the requirement to comply with subsection (d) (placement of a physical barrier) within 60 days.

## SECTION 2.

### 763.02 Definitions

(k) NONRESIDENTIAL PARKING PLACE. Any Place within the City, whether wholly or partially enclosed or open, at which motor vehicles are parked or stored, for any period of time, whether or not consideration is paid or received, but not including:

- (1) Public Streets;
- (2) Any parking area or garage to the extent that is provided or leased to occupants or a resident on the same or other premises for use only in connection with and as accessory to, the occupancy of such a residence: and
- (3) Any loading dock or loading area and any area necessary for the utilization of any loading dock or loading area.