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**Title:** Ordinance amending Ordinance No. 8 of 2010, as amended, entitled "An Ordinance amending the City Code at Title Seven: Chapter 780, Towing Business Licensing" by correcting a numbering sequence to change the placement in the Pittsburgh Code to Article VII, Service Businesses, Chapter 764; changing the effective date for implementation; changing the required size of posted licenses; and specifying the Director of Public Safety as the person in charge of the electronic notification system.

**Sponsors:** Douglas Shields

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

**Code sections:**

**Attachments:** 1. 2010-1224.doc

Date	Ver.	Action By	Action	Result
1/6/2011	1	Mayor	Signed by the Mayor	
12/28/2010	1	City Council	Passed Finally	Pass
12/21/2010	1	Standing Committees		
12/14/2010	1	City Council	Read and referred	

Ordinance amending Ordinance No. 8 of 2010, as amended, entitled "An Ordinance amending the City Code at Title Seven: Chapter 780, Towing Business Licensing" by correcting a numbering sequence to change the placement in the Pittsburgh Code to Article VII, Service Businesses, Chapter 764; changing the effective date for implementation; changing the required size of posted licenses; and specifying the Director of Public Safety as the person in charge of the electronic notification system.

**The Council of the City of Pittsburgh hereby enacts as follows:**

**Section 1.** The Pittsburgh Code is hereby supplemented at Title Seven: Business Licensing; Article V: Trade Occupations Service Businesses, By Adding a New Chapter at [780] 764, as follows:

**SEE ATTACHMENT FOR COMPLETE TEXT**

**CHAPTER [780] 764: TOWING BUSINESS LICENSING; TOW TRUCK OPERATOR LICENSING; LICENSING TO ENGAGE IN NONCONSENSUAL TOWING;**

**[780.01] 764.01 DEFINITIONS**

- (a) Automobile Club means a legal entity that, in consideration of dues, assessments, or periodic payments of money, provides assistance to members or subscribers in matters relating to motor travel or the operation, use or maintenance of a motor vehicle by supplying or arranging for emergency road service including disabled vehicle roadside assistance and towing services, approved auto repair services, and auto travel planning services including map and tour information services, accommodations reservations and motor vehicle insurance products and services.) The term does not include a tow of a vehicle initiated by a police officer investigating a traffic accident incident or a crime that involves the vehicle.
- (b) City of Pittsburgh Tow Business License means a license issued by the Director of Public Safety, pursuant to this Chapter, to a Tow Business that engages in Non-consensual Tow operations within the City of Pittsburgh. Licenses may be issued for the following:
- (1) License to Perform Non-consensual Tows
  - (2) Licenses may be issued to other Tow Businesses, such as Tow Businesses engaging solely in consensual tows if the Tow Business elects to pay the fees and obtain a license for such purposes as demonstrating to customers that they are in compliance with the City of Pittsburgh's requirements pertaining to insurance, licensure and criminal record checks of employees.
  - (3) Salvors exempted - Salvors who do not otherwise perform Non-consensual Tows are exempt from the requirements of licensure under this Chapter.
- (c) City of Pittsburgh Tow Truck Operator License means a license, in the form of a photo identification badge, issued by the Director of Public Safety to an individual Tow Truck Operator who works for or owns a Tow Business that has obtained a City of Pittsburgh Towing License.
- (d) Consensual Tow means any tow of a vehicle initiated by the owner or operator of the vehicle or by a person who has lawful possession, custody or control of the vehicle. The term includes any tow of a vehicle initiated by or through an Automobile Club serving or assisting the owner, the operator or a passenger in, the vehicle.
- (e) License Officer means the Director of Public Safety for the City of Pittsburgh or the Director of Public Safety for the City of Pittsburgh's designee.
- (f) Non-consensual Tow (also known as a trespass tow) is the towing of a vehicle improperly parked or trespassing on private property, at the request of the property owner or the property owner's authorized agent, without prior consent or authorization by the owner or operator of the vehicle.
- (g) Other Tow Truck Business Employee means any owner, agent or employee who in any way assists in the operation of a tow business operation and who may come in contact with members of the public whose vehicles have been non consensually towed. Such persons include, but are not limited to, any clerks who take payment from the public, any lot attendants or non-driver helpers who assist the Tow Truck Operator.
- (h) Owner means a person, other than a lienholder, having the property right in or title to a vehicle. The term includes a person entitled to the use and possession of a vehicle subject to a security interest in another person, but excludes a lessee under a lease not intended as security.
- (i) Salvor A person or business who has been duly licensed by the Commonwealth of Pennsylvania to engage in the business of acquiring abandoned vehicles for the purpose of taking apart, recycling, selling, rebuilding or exchanging the vehicles or parts thereof

(j) Tow Business means a legally established business engaged in, or offering the services of wrecker or towing services, whereby motor vehicles are or may be towed or otherwise removed from one place to another by the use of a motor vehicle specifically adapted to and designed for that purpose

(k) Tow Truck Operator means the driver or operator of any tow truck.

(l) Tow Truck otherwise known as a "wrecker" means any motor vehicle used for the purpose of towing or removing disabled, abandoned or wrecked vehicles.

#### **[780.02] 764.02 LICENSING OF TOW BUSINESSES AND TOW TRUCK OPERATORS ENGAGED IN TOWING WITHIN THE CITY OF PITTSBURGH**

(a) No Tow Business or Tow Truck Operator may engage in a Non-consensual Tow within the City of Pittsburgh without having first obtained a City of Pittsburgh Towing License or a City of Pittsburgh Tow Operator License from the License Officer.

(b) Any Tow Business or Tow Truck Operator that performs only Consensual Tows in the City of Pittsburgh may elect, as a means of demonstrating to their customers that they are in compliance with the City's insurance and background check requirements, but will not be required, to obtain a City of Pittsburgh Tow Business License or a City of Pittsburgh Tow Truck Operator License.

#### **[780.03] 764.03 QUALIFICATIONS OF APPLICANT BUSINESS**

The Applicant Business must be a Tow Business that performs regular or occasional towing service within the political boundaries of the City of Pittsburgh. A license may be issued without regard to whether or not the Towing Business is physically headquartered within the boundaries of the City of Pittsburgh. The applicant business must meet the license application requirements as more fully set forth elsewhere in this chapter.

#### **[780.04] 764.04 LICENSE APPLICATION REQUIREMENTS**

The Tow Business owner(s) shall provide the following information to the License Officer upon application for the Tow Business License:

- (a) Pennsylvania tax identification number;
- (b) Name of the business entity, street address, telephone number and e-mail address of the primary place of business;
- (c) Name, address, telephone number and email of the principal owner(s) of the business;
- (d) A telephone number where the principal owner(s) can be reached in the event of an emergency;
- (e) Vehicle Identification Number (VIN), make, model year, and towing weight capacity of all tow vehicles owned, operated or otherwise controlled by the businesses;
- (f) a certificate of insurance, naming the City of Pittsburgh as the "Certificate Holder." The certificate of insurance shall evidence the following coverages, which shall be in amounts currently required by the City of Pittsburgh's Towing Contractor;
  - (i) General liability insurance ("occurrence" based policy);
  - (ii) Automotive Liability;
  - (iii) Garage Keeper's Insurance;
  - (iv) Motor Truck Cargo (including "on-hook" coverage);
  - (v) Workers' Compensation Insurance that meets Pennsylvania statutory requirements;
  - (vi) The License Officer must be provided notice in the event of cancellation or non-renewal of any of the above policies of insurance. The License Officer must also be provided notice

regarding any changes, amendments or endorsements in the above policies. A copy of all new or amended policies must be provided to the license officer within fifteen (15) days of the issuance of any new policies or amendments to any existing policies.

- (g) The name, address and a photocopy of a valid driver's license for each person employed or contracted by the Tow Business as an Tow Truck Operator;
- (h) The name, address and photocopy of a valid driver's license or non-driver's identification for each "Other Tow Truck Business Employee" who may come into contact with the public;
- (i) The license applicant must be able to demonstrate to the satisfaction of the Director of Public Safety that the Tow Business has a secure impound facility in which to store any vehicles that are non-consensually towed. The minimum requirements are that an impound lot must be fenced with a minimum of six (6) feet fencing, lighted and equipped with a lock or alternatively that the vehicles be stored in an enclosed building.
- (j) Copies of forms to be used in order to secure the written consent of the property owner or agent for each vehicle to be towed (The written consent form the private property owner or owner's agent must include a written signature that is manually affixed to a hardcopy document that provides a description of each vehicle to be tow. The description shall include, at minimum: the make, the color and plate number of each vehicle to be towed.
- (k) Proof that the Tow Operator engaging in Non-consensual Towing has the capability to provide electronic notification to the City of Pittsburgh Police Bureau, information relative to all vehicles that have been non-consensually towed from locations within the City of Pittsburgh. The electronic notification shall include: the fact that the vehicle was removed and its present storage place, together with a description of the vehicle, the vehicle identification number and the tag number. The report shall be made by the Tow Business through electronic notification via an Internet-based centralized and multi-jurisdictional electronic repository as specified by the Director of Public Safety. The electronic report must be made within one hour of the deposit of the vehicle at its storage point. Transmission by facsimile or telecopier does not constitute electronic notification to the City of Pittsburgh Bureau of Police.

#### **[780.05] 764.05 LICENSE AMENDMENTS**

In the event that the information provided by the Tow Business or the Tow Truck Operator applicant changes during the term of the license, the Tow Business or the Tow Truck Operator applicant shall file all necessary amendments to the license application with the License Officer within fifteen (15) calendar days of the occurrence of the change of information provided on the application. Such information that must be updated shall include but not be limited to: address, phone number, termination of insurance or changes in insurance policies, information pertaining to towing equipment, information relative to the addition of new employees or information relative to a employee's termination of employment, information relative to criminal conviction of Tow Truck Operators or Tow Business owners/operators or other Tow Truck Business Employees and any license suspension or revocations relative to Tow Truck Operators.

#### **[780.06] 764.06 DISPLAY OF BUSINESS LICENSE NUMBER**

- (a) The Tow Business licensee shall post the address of its primary place of business in a conspicuous location, such as on a sign placed on the exterior of the Tow Truck.
- (b) All vehicles utilized by the Tow Business for the towing of vehicles shall display in a conspicuous place on both sides of the Tow Truck the Tow Business license number. The license number shall be not less than three inches (3") in height and boldface lettering (e.g., PGH TOW LIC. TB12345).
- (c) Each Tow Truck utilized by the duly licensed Tow Business shall affix to the Tow Truck's front

windshield, next to the vehicle state inspection stickers, a sticker indicating the year the license was issued. The reverse side shall indicate the name of the Tow Business and the VIN number. The License Officer shall write in this information and initial it prior to issuance to the applicant.

- (d) The License Officer shall issue a windshield sticker for each vehicle the applicant lists on the license application. The sticker shall be renewed annually and color coded for that given year.

**[780.07] 764.07 LICENSE FEES FOR TOW BUSINESS APPLICANTS**

- (a) The fee for a new City of Pittsburgh Tow Business license shall be \$100.00.
- (b) The fee for renewal of the City of Pittsburgh Tow Business license shall be \$50.00.
- (c) The fee for a replacement of a City of Pittsburgh Tow Business License shall be \$75.00 (A sworn statement must be provided to the license officer with a satisfactory explanation regarding the loss of the original Tow Business License.)
- (d) The fee for an annual sticker to be affixed to a Tow Truck shall be \$10.00 per vehicle.
- (e) The fee for a replacement sticker shall be (\$10.00). (A sworn statement must be provided to the license officer with a satisfactory explanation regarding the loss of the original annual sticker.)
- (f) There shall be no fee to amend the City of Pittsburgh Tow Business license provided that no additional Tow Truck Operators or new wreckers are added.
- (g) If a license is revoked by the License Officer, the Tow Business shall pay the same fee as a new Tow Business License applicant, once the Tow Business is eligible for reinstatement.

**[780.08] 764.08 TERM OF TOW BUSINESS LICENSE**

The term for a City of Pittsburgh Tow Business Licenses is the later of November 1<sup>st</sup> of the prior year of licensure or the actual date of license issuance by the License Officer. All licenses shall expire on December 31<sup>st</sup> of the applicable license year.

**[780.09] 764.09 RENEWAL OF LICENSE**

The City of Pittsburgh Tow Business License shall be renewed annually. The applicable renewal period is November first (1<sup>st</sup>) through December thirty-first (31<sup>st</sup>) during normal business hours. The sticker for the new year may be applied upon receipt.

**[780.10] 764.10 EXCEPTIONS**

Tow Trucks transporting vehicles through the City of Pittsburgh on interstate highways traversing the City are exempted from this ordinance. In no case can this exemption apply if the non-consensual tow originates from within the City of Pittsburgh.

**[780.11] 764.11 EMERGENCY WAIVER**

In the event of an emergency, the Director of Public Safety or the Director's designee can waive all tow license requirements for a period of time in which an emergency exists and that would require additional tow vehicles to be utilized during said emergency.

- (a) Notice of such a waiver must be submitted to the City Clerk in writing. The City Clerk shall immediately present the waiver request to the City Council.

(b) Approval of the Director's waiver requires approval by the majority of Council. Approval can be effectuated by the Council with a signed interim approval or by vote at the legislative or standing committee meetings of Council.

(c) Said waiver would be in effect for a period of not more than seven (7) days.

(d) If the waiver extension is required beyond seven (7) days, the Director of Public Safety or Director's designee shall request an extension, in writing from the Council of the City of Pittsburgh. The continuation of the waiver can be renewed for a period of not more than five (5) days. Additional continuing waivers can be requested by the Director of Public Safety or designee for additional periods of not more than five (5) days.

**[780.12] 764.12 TOW TRUCK OPERATOR LICENSE REQUIRED**

Any person operating a Tow Truck owned or controlled by duly licensed Tow Business that is engaged in Non-consensual Towing or Salvor towing within the City of Pittsburgh shall obtain a tow vehicle operator's license from the License Officer.

**[780.13] 764.13 LICENSE APPLICATION REQUIREMENTS**

To obtain a City of Pittsburgh Tow Truck Operator license the applicant shall provide the following information to the license officer:

- (a) A valid driver's license. The License Officer shall make facsimile (digitally or photocopy) to be maintained on file with the License Officer;
- (b) Name of the Tow Business the applicant is employed or contracted by;
- (c) A notarized verification by the Tow Business licensee that the Tow Truck Operator applicant is an employee or contractor of a duly licensed Tow Business and is authorized to be a Tow Vehicle operator for said Tow Business and is covered by the Tow Business' insurance;
- (d) In the event that the Tow Truck Operator and Tow Business owner is one in the same, proof that the Tow Truck Operator has also obtained a City of Pittsburgh Tow Business License from the License Officer is required.

**[780.14] 764.14 TERM OF TOW OPERATOR LICENSE**

The term for a City of Pittsburgh Tow Operator License is later of November 1<sup>st</sup> of the prior year of licensure or the actual date of license issuance by the License Officer. All licenses shall expire on December 31<sup>st</sup> of the applicable license year. In the event that the Tow Truck Operator's state issued driver's license is revoked or restricted, the City of Pittsburgh licensed Tow Truck Operator License shall immediately surrender the City of Pittsburgh Tow Truck operator license to License Officer.

**[780.15] 764.15 LICENSE RENEWAL**

The license shall be renewed annually. The license renewal period is November first (1<sup>st</sup>) through December thirty-first (31<sup>st</sup>) during normal business hours.

**[780.16] 764.16 TOW TRUCK OPERATOR LICENSE**

The License Officer shall issue to a qualified applicant a license that:

- (a) ~~is five inches by five inches (5"x5")~~ is six and one-fourth inches by four and one half inches (6 ¼" x 4 ½").
- (b) contains a photograph of the face of the applicant not less than three inches by three inches (3"x3");
- (c) bears the license number of the applicant

- (d) lists the name of the applicant as it appears on the applicant's driver's license
- (e) lists the name of the tow business for whom the applicant is an employee or contractor
- (f) gives the year in which the applicant's Tow Truck Operator License is valid.

**[780.17] 764.17 DISPLAY OF TOW TRUCK OPERATOR LICENSE**

The City of Pittsburgh Tow Truck Operator license, photo identification badge, must be in the possession of the Tow Truck Operator at all times while operating a Tow Vehicle.

**[780.18] 764.18 LICENSE FEES FOR INDIVIDUAL TOW TRUCK OPERATORS AND OTHER TOW BUSINESS EMPLOYEES**

(a) The fee for a new Tow Truck Operator license identification badge/an identification badge for any Other Tow Business Employee shall be \$25.00.

(b) The fee for renewal of a City of Pittsburgh Tow Truck Operator License shall be \$10.00

(c) The fee for a replacement of a City of Pittsburgh Tow Truck Operator License shall be \$10.00 (A sworn statement must be provided to the license officer with a satisfactory explanation regarding the loss of the original Tow Truck Operator License.)

(d) If a license is revoked by the License Officer, the Tow Truck Operator shall pay the same fee as a new Tow Truck Operator License applicant, once the Tow Truck Operator is eligible for reinstatement.

(e) If a Tow Truck Operator license expires prior to renewal, the operator shall submit an initial application and shall be assessed an initial application fee.

**[780.19] 764.19 ELECTRONIC REPORTING FEES**

An administrative fee of \$10.00 per vehicle towed may be collected by the Tow Business, of which \$5.00 shall be remitted to the electronic repository, as described and required by Section 780.21(d), to recover the cost for electronic notification service as it may be changed from time to time.

**[780.20] 764.20 PENALTY AND FINES**

(a) Anyone who is found to be operating a Tow Business that engages in non-consensual towing within the City of Pittsburgh without the required Tow Business license shall pay a fine of Five Hundred Dollars (\$500.00) per each violation and is ineligible to obtain a City of Pittsburgh Towing License for a period of one (1) year from the conviction of this offense.

(b) Anyone who is found to be operating a Tow Business that engages in non-consensual towing within the City of Pittsburgh, within the same period of time in which a license would be in effect if it had been obtained, without the required Tow Business license shall pay a fine of \$1,000.00 for each subsequent offense after the first documented offense.

(c) Anyone who is found to be operating a Tow Truck that engages in non-consensual towing within the City of Pittsburgh without displaying a valid operator license shall be fined Fifty Dollars (\$50.00)

(d) Anyone who is found to be operating a Tow Truck that engages in a second or later offense of non-consensual towing without displaying a valid City of Pittsburgh Tow Truck Operator License within the City of Pittsburgh, within the same period of time in which a license would be in effect if it had been obtained, shall be fined One-Hundred Dollars \$100.00 for each subsequent offense after a first documented offense.

(e) Anyone who is found to be operating a Tow Truck that engages in non-consensual towing within the City of Pittsburgh, without a City of Pittsburgh Tow Truck Operator's license shall be fined Two-Hundred Fifty Dollars \$250.00 and shall be ineligible from obtaining a City of Pittsburgh Tow Truck Operator license from the License Officer for a period of one (1) year from the offense.

(f) Anyone who is found to be operating a tow vehicle, that engages in non-consensual towing within the City of Pittsburgh for a second or later offense, without a City of Pittsburgh Tow Truck Operator's License within the same period of time in which a license would be in effect if it had been obtained, shall be fined Two-Hundred Fifty Dollars \$250.00 and shall be ineligible from obtaining a City of Pittsburgh Tow Truck Operator License from the License Officer for a period of one (1) year from conviction of the offense.

**[780.21] 764.21 REQUIREMENT FOR A VALID NON-CONSENSUAL TOW**

In order to have a valid non-consensual towing of a motor vehicle from private property the following requirements must be met:

- (a) The Tow Truck Operator must first obtain the written consent of the private property owner or the owner's agent for each vehicle to be towed. The written consent should have the date and time of the request for the tow. The written consent from the private property owner or owner's agent must include a written signature that is manually affixed to a hardcopy document that provides a description of each vehicle to be tow. The description, at minimum, shall include: the make, the color and plate number of each vehicle to be towed.
- (b) The lot from which any vehicles are non-consensually towed must be in compliance with all applicable signage requirements as set forth in the Pennsylvania Motor Vehicle Code, 75 Pa. C.S. § 101, et seq. and with all applicable City of Pittsburgh Code provisions.
- (c) If the owner/operator of the vehicle to be towed is present or arrives at the scene prior to the vehicle being connected to or loaded onto a tow truck and the owner/operator offers to immediately remove the vehicle in question from the private property, the Tow Truck Operator may not proceed to remove such vehicle. If the Tow truck Operator proceeds to remove the vehicle, the Non-consensual Tow will be deemed to have been a non-valid, Non-consensual Tow.
- (d) The Tow Operator removing a motor vehicle at the request of a private lot owner or a private lot owner's agent shall report by electronic notification to the City of Pittsburgh Police Bureau, the fact that the vehicle was removed and its present storage place, together with a description of the vehicle, the vehicle identification number and the tag number. The report shall be made by the Tow Business through electronic notification via an Internet-based centralized and multi-jurisdictional electronic repository as specified by the Director of Public Safety. The electronic report must be made within one hour of the deposit of the vehicle at its storage point. Transmission by facsimile or telecopier does not constitute electronic notification to the City of Pittsburgh Bureau of Police.

**[780.22] 764.22 LOSS OF LICENSE TO PERFORM NON-CONSENSUAL TOWING**

The License Officer may revoke the license of any Towing Business if the Towing Business or where applicable, one of its officers, principals, directors, employees, or stockholders owning more than ten (10%) percent of the outstanding stock of the corporation has during the term of license, unless another applicable time period is stated:

- (a) violated any City of Pittsburgh Ordinance that pertains to towing;

- (b) made a false or misleading statement of fact or omission of a material fact to the City of Pittsburgh in connection with the application, inspection, or renewal of a license to perform non-consensual towing;
- (c) subcontracted any towing work to any persons or entities who are not licensed to perform non-consensual towing in the City of Pittsburgh;
- (d) been found bankrupt, insolvent, or in receivership (This subsection shall not apply to any finding of bankruptcy, insolvency or receivership that is applicable only to an employee who is not also an officer, principal, director or stockholder owning more than ten (10%) percent of the outstanding stock of the corporation.);
- (e) been the subject of two or more substantiated complaints within any (12) twelve-month period from citizens about the Tow Business/Tow Truck Operator's nonconsensual towing services, including but not limited to complaints about charging illegal rates for towing or storage, or for the refusal to release a vehicle in a timely manner after the presentation of sufficient proof of ownership and the payment of authorized charges;
- (f) had any insurance that is required by the Commonwealth of Pennsylvania or by the City of Pittsburgh cancelled or non-renewed.
- (g) been convicted of driving under the influence of alcohol, narcotics, or dangerous drugs during the term of license or during the five (5) year period proceeding the term of license;
- (h) been convicted of any sexual offense involving another human being, at any time;
- (i) had his or her driver's license suspended or revoked;
- (j) been convicted of any crime involving theft, fraud or dishonesty, (including any violations of the Act of Nov. 24, 1998 (P.L. 874, No. 110), Known as the Motor Vehicle Chop Shop and Illegally Obtained and Altered Property Act) at any time during the term of license or during the during the five (5) year period proceeding the term of license;
- (k) failed to store any vehicles that have been non-consensually towed in a secure impound lot.
- (l) been convicted of any felony involving the operation of a tow vehicle, or been adjudged to have operated a tow vehicle in a grossly negligent manner or in a manner showing a reckless disregard for life or property at any time during the term of license or during the five (5) year period proceeding the term of license;
- (m) engaged in the non-consensual towing of a motor vehicle from private property without having obtained the written consent of the private property owner or the owner's agent for each vehicle to be towed. (The written consent from the private property owner or owner's agent must include the date and time of each request for the removal of a vehicle. It must also include a written signature that is manually affixed to a hardcopy document that provides a description of each vehicle to be tow. The description shall, at minimum, include: the make, the color and plate number of each vehicle to be towed.)
- (n) charged a towing fee in excess of what is authorized by Pittsburgh City Code or charging a daily impound/storage fee in excess of what is authorized by Pittsburgh City Code, charging a fee for storage for any day in which the Tow Business's lot was not open fora period of, at least, (4) four hours to allow the vehicle owners or authorized representatives to retrieve their vehicles from the

impound lot.

- (o) failed to provide copies of towing paperwork evidencing the lot owner or the lot owner's agent's signature along with any other required paperwork to the License Officer or the License Officer's designee within 48 hours from the time of request.
- (p) failed to electronically report a non-consensually towed vehicle as described in 780.21(d) or failed to remit, in a timely manner, any fees due the City of Pittsburgh or to a electronic repository that stores and electronically posts information about towed vehicles.
- (q) otherwise, in the course of towing prations, imperiled the safety of the public and documentation/information of such imperiling of the public safety has been presented to the License Officer.

~~780.23~~ **764.23 PROCEDURE FOR LOSS OF TOWING LICENSE**

- (a) If the Tow Business or Tow Truck Operator is in violation of any of the provisions of this ordinance the License Officer or the License Officer's designee will provide (10) days written notice of intent to terminate the City of Pittsburgh Tow Business License/Tow Truck Operator License.. The written notice shall provide the reasons for termination and set forth information pertaining to appeal of the termination. The Tow Business/Tow Truck Operator shall have (30) thirty days from the date of mailing in which to request a hearing in writing. If the Tow Business /Operator requests a hearing in writing, then the License Officer shall schedule a hearing within (30) thirty days of the request for a hearing.
- (b) In the event of imminent threat to public safety, the License Officer may immediately revoke a City of Pittsburgh Tow Business License or Tow Truck Operator license. Notice of revocation in the event of imminent threat to public safety will take effect from date of the Public Safety Director's signing-off on a Notice of Revocation of the applicable license.. The written notice shall provide the reasons for termination and set forth information pertaining to appeal of the termination. The Tow Busines or the Tow Truck Operator shall have (30) thirty days from the date of mailing in which to request a hearing in writing. If hearing is requested in writing, then the License Officer shall schedule a hearing within (30) thirty days of the date of request.

~~780. 24~~ **764.24 HEARING BOARD PERTAINING TO THE REVOCATION OF NON-CONSENSUAL TOWING LICENSES**

A hearing board shall be formed to adjudicate appeals pertaining to the revocation of City of Pittsburgh Tow Licenses

- (a) Composition of Hearing Board: The hearing board shall consist of (3) three persons:
  - (1) The Chief of Police or the Chief of Police's designee
  - (2) The City Solicitor or the City Solicitor's designee
  - (3) A citizen appointed by the Mayor and approved by Council or alternatively, the President of Council or the President of Council's designee.
- (b) Term of Third Member of Hearing Board. A citizen of the City of Pittsburgh Appointed by the Mayor and approved by Council or alternatively the President of City Council or the President of City Council's designee. If a citizen is appointed for the third position on the board, the term of the citizen member of the hearing board shall be for (3) three years. If the mayor fails to make a new appointment for the citizen representative on the board, the term of the incumbent member shall continue until: (1) the mayor appoints a different person for the position (2) citizen member resigns;

- (3) citizen ceases to be a resident of the City of Pittsburgh; (4) the citizen fails to appear for a scheduled hearing.
- (c) City Council President or Council President Designee as Third Member of Hearing Board. If the citizen member of the hearing board resigns, ceases to be a resident of the City of Pittsburgh or fails to appear for a scheduled hearing, the President of City Council or the President of Council's designee will fill the third position on the board until the Mayor makes a new appointment that is approved by Council.
- (d) All decisions of the hearing board shall be in writing and shall be final.

**[780.25] 764.25 FAILURE TO RETURN TOW BUSINESS OR TOW TRUCK OPERATOR LICENSES**

City of Pittsburgh Tow Business and Tow Truck Operator licenses remain the property of the City of Pittsburgh.

- (a) Failure to return a revoked, expired or improperly issued City of Pittsburgh Tow Business License, within 48 hours of a request by of the License Officer or the License Officer's designee shall result in a \$500.00 fine. Any business or individual who fails to return a City of Pittsburgh Tow Business License may be barred from further issuance of a license, under this Chapter, for a period of three (3) years.
- (b) Failure to return a revoked, expired or improperly issued City of Pittsburgh Tow Truck Operator's License, within 48 hours of a request by of the Director of Public Safety or the Director of Public Safety's designee shall result in a \$100.00 fine. Any Tow Truck Operator who fails to return a City of Pittsburgh Tow Truck Operator's License may be barred from further issuance of a City of Pittsburgh Tow Truck Operator's license for a period of one (1) year.
- (c) Any Tow Business or Tow Truck Operator who wishes to appeal the denial of an application for a new City of Pittsburgh Tow Business License or Tow Truck Operator License may appeal the denial to the Hearing Board that adjudicates matters pertaining to the revocation of the applicable licenses.

**Section 2.** Ordinance No. 8 shall become effective [~~60 days after enactment~~] March 30, 2011.