



Legislation Details (With Text)

**File #:** 2015-2353      **Version:** 2

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

**File created:** 12/11/2015      **In control:** Committee on Public Safety Services

**On agenda:** 12/15/2015      **Final action:** 12/21/2015

**Enactment date:** 12/21/2015      **Enactment #:** 72

**Effective date:** 12/28/2015

**Title:** Ordinance amending and supplementing the City of Pittsburgh Code, Title Five (“Traffic”), Article III (“Towing”) by amending Chapters 521, 523 525 as well as Title VII, Article VII (“Service Businesses”), Chapter 764, with respect to tow businesses operating within the City and the towing fee schedule applicable thereto.

**Sponsors:**

**Indexes:** PGH. CODE ORDINANCES TITLE 05 - TRAFFIC

**Code sections:**

**Attachments:**

Date	Ver.	Action By	Action	Result
12/28/2015	2	Mayor	Signed by the Mayor	
12/21/2015	2	City Council	Passed Finally	Pass
12/16/2015	1	Standing Committee	Affirmatively Recommended as Amended	
12/16/2015	2	Standing Committees	Affirmatively Recommended as Amended	Pass
12/16/2015	2	Standing Committees	AMENDED	Pass
12/15/2015	1	City Council	Read and referred	
12/15/2015	1	City Council	Waived under Rule 8	Pass

Ordinance amending and supplementing the City of Pittsburgh Code, Title Five (“Traffic”), Article III (“Towing”) by amending Chapters 521, 523 525 as well as Title VII, Article VII (“Service Businesses”), Chapter 764, with respect to tow businesses operating within the City and the towing fee schedule applicable thereto.

WHEREAS, the City of Pittsburgh does not currently operate its own tow pound and instead relies upon a private contractor for this purpose; and

WHEREAS, the City of Pittsburgh’s current towing fee schedule has not been revised in many years and it does not reflect current market rates for such services; and

WHEREAS, the City’s Department of Public Safety seeks to amend and supplement the City of Pittsburgh Code in order to establish a revised towing fee schedule, provide for the possibility of City-operated tow pounds in addition to contracted services with private towers and to make other miscellaneous revisions to the City’s practices and procedures with regard to towing.

**Be it resolved by the Council of the City of Pittsburgh as follows:**

**Section 1.** City of Pittsburgh Code, Title Five (“Traffic”), Article III (“Towing”), Chapters 521, 523 and 525, as well as Title VII, Article VII (“Service Businesses”), Chapter 764, are hereby amended and supplemented as follows:

**TITLE FIVE: - TRAFFIC**

**ARTICLE III: - TOWING**

**CHAPTER 521: - SCOFFLAWS**

**§ 521.01 - VEHICLE IMMOBILIZATION, REMOVAL AND IMPOUNDMENT.**

Any vehicle having five (5) or more unpaid past due tickets, summonses or other process, issued against it, charging that the vehicle was parked, stopped or standing in violation of the Commonwealth Vehicle Code, this Traffic Title or any other traffic ordinance of the City is deemed to be a public nuisance and the ~~Police Department,~~ **Pittsburgh Bureau of Police (“PBP”), Pittsburgh Parking Authority (“PPA”) and/or any other authorized** City agent assigned to traffic duty is hereby authorized to:

- (a) Remove the vehicle or cause to be removed at the sole cost and expense of the habitual violator;
- (b) Immobilize the vehicle by means of applying a boot. If the vehicle has remained immobilized for a period of seventy-two (72) hours, and release has not been obtained, ~~the Police or other City authority~~ **PBP, PPA and/or any other authorized** City agent shall have the authority to remove the vehicle or cause to be removed at the sole cost and expense of the habitual violator. **This period of seventy-two (72) hours shall not apply in situations of emergency where public safety concerns as determined by PBP require immediate removal of the immobilized vehicle.** In any case involving the immobilization of a vehicle ~~other than emergencies~~ pursuant to this section, a notice shall be placed on the vehicle, in a conspicuous manner, sufficient to warn any individual that the vehicle has been immobilized and that any attempt to move the vehicle may result in damage thereto.
  - (1) Any tampering with or removal of the device shall be separate offenses and may be prosecuted as violations of the criminal mischief and theft sections of the Pennsylvania Crimes Code (Title 18, Section 3304 and 3921).
  - (2) The City assumes no liability for loss or damage to the vehicle while immobilized.

The ~~Police~~ **PBP or other City authority other authorized City agent assigned to traffic duty** shall have the power and is hereby authorized to remove the vehicle by either private or governmental equipment to ~~the a~~ City pound or ~~that of an authorized towing contractor’s facility.~~ elsewhere as deemed advisable.

(Ord. 8-1984, eff. 4-17-84; Ord. No. 17-2010, § 1, eff. 6-8-10)

**§ 521.02 - NOTICE TO OWNER; REDEMPTION OR SALE BY CITY.**

Whenever the ~~PBP, PPA Police Department~~ **or an authorized City agent** has impounded a vehicle pursuant to

§521.01, notice of the removal and storage place of the vehicle shall be mailed to the last registered owner **and any lienholder of record** if the name and address of the owner **and/or lienholder of record** can be ascertained with reasonable diligence. The notice shall state that if the owner **and/or any lienholder of record** fails to reclaim the vehicle within fifteen (15) days from the date of the mailing, a lien shall be placed on the vehicle and the vehicle shall be sold at public auction to be held not sooner than thirty (30) days from the **posted** date of receipt of certified mailing.

(Ord. 4-1983, eff. 2-7-83)

### § 521.03 - OWNER RESPONSIBILITY.

The registered owner of a vehicle having five (5) or more outstanding summonses against it shall be responsible for any violations of Chapter 541, 543 or 545, and shall be responsible **liable** for the **costs of** impoundment, except where proof is presented that the vehicle had been stolen and had not been returned to the registered owner by the dates of the violations.

(Ord. 9-1988, eff. 6-24-88)

### § 521.04 - RELEASE OF VEHICLE.

Vehicles immobilized or impounded pursuant to this chapter shall be released to their lawful owner or person entitled to possession upon a showing of adequate evidence of a right to its possession and upon paying all accrued fines and costs for each outstanding unpaid summons.

(Ord. 8-1984, eff. 4-17-84; Ord. No. 10-2005, § 1, eff. 3-22-05)

### § 521.05 - SALE AUTHORITY.

Whenever any vehicle impounded pursuant to this Chapter remains unclaimed by the owner or other person legally entitled to possession for thirty (30) days, the vehicle may be sold in accordance with the Commonwealth Vehicle Code, **75 Pa. C.S. §§101 et seq.**

## CHAPTER 523: - TOW POUNDS

### § 523.01 - AUTHORITY TO ESTABLISH.

The **Director of the Department of Public Safety or his/her designee** City Treasurer shall **be authorized to** operate official vehicle pounds, to which impounded vehicles may be removed, and may designate additional garages or lots as official vehicle pounds in the event of an emergency.

### § 523.02 - TOWING AUTHORITY.

(a) Whenever any vehicle is found wrecked or abandoned or parked in violation of the

Commonwealth Vehicle Code, or this Traffic Title, the vehicle shall be removed upon authorization of the Superintendent **Chief** of Police ~~or his/her designee~~, either by city-operated towing equipment, or by a contract tower, to any authorized City pound. ~~or other facility of its towing contractor or other authorized tower.~~

(b) The Superintendent **Chief** of Police ~~or his/her designee~~ may direct the towing of vehicles to any City pound, City private storage area or garage ~~facility of its authorized tower.~~ **towing contractor or** for the purpose of police investigation.

(Ord. 11-1980, eff. 7-25-80)

### § 523.03 - RECORDS.

It shall be the duty of the City Treasurer ~~and/or the City's authorized towing contractor~~ to safely keep any impounded vehicle until the vehicle has been redeemed by the ~~registered~~ owner or person legally entitled to possession thereof, or otherwise disposed of as provided in this Chapter. The ~~PBP Department of Police~~ shall cause an accurate record to be kept of the description of the vehicle, including the name of the officer from whom a vehicle was received, the officer employed to tow or have the vehicle delivered to the pound or authorized garage, ~~the CCR number and the reason the vehicle was impounded,~~ the date and time ~~when towed and~~ when received, the place where found, seized or taken possession of, the make and color of car, style ~~or body~~, **VIN (Vehicle Identification Number)** kind of power, motor number, serial number, number of cylinders, year built, state ~~registration plate~~ license number, if any, ~~articles~~ or equipment and general description of condition, the name and address of the ~~registered owner or the person legally entitled to redeem~~ redeeming the vehicle, the date of redemption and date of disposal in case the vehicle is not redeemed, together with any costs of outstanding summonses and the towing ~~and/or~~ storage charges ~~and the reason for impoundment.~~ This record shall be in the form prescribed by the Superintendent **Chief** of Police ~~or his/her designee~~.

### § 523.04 - PRIVATE TOWERS.

(a) The Mayor and the Director of the Department of Finance ~~Public Safety~~ are authorized to solicit bids and to enter into annual contracts with one (1) or more reputable private towers to tow to designated pounds, vehicles illegally parked, wrecked, abandoned or seized within the City, when such towing services are authorized by the Chief of Police ~~or his/her designee~~.

(b) ~~Other private tow businesses who are not under contract with the City or otherwise authorized by the City to perform towing services may conduct towing operations within the City only if such is in accordance with the provisions of the United States Motor Carrier Act, 49 U.S.C. §14501, the City of Pittsburgh Code (including but not limited to Chapters 521, 523, 525 and 764 thereof) the Commonwealth Vehicle Code, 75 Pa. C.S. §§101 et seq., the Towing and Towing Storage Facility~~

~~Standards Act., 73 P.S. §§1971.1 et seq. and/or any other applicable law.~~

~~(e) No private tow business may remove any vehicle from any private property without the consent of the owner or operator of the vehicle unless prior written authorization from the property owner or lessee (or an employee or agent thereof), unless otherwise provided by law including but not limited to the Commonwealth Vehicle Code, 75 Pa. C.S. §§101 et seq. and the Commonwealth Towing and Towing Storage Facility Standards Act, 73 P.S. §§1971.1 et seq.~~

~~(d) The towing fee schedule set forth in Chapter 525.02 of the City Code shall not be applicable to other private tow operators operating not under contract except to the extent that a vehicle is towed without the prior consent or authorization of the owner or operator of the vehicle.~~

(Ord. 21-2004, § 26, eff. 12-2-04; Ord. No. 24-2006, § 1(13), eff. 12-4-06)

**§ 523.05 - RELEASE OF VEHICLE; STORAGE FEE; HEARINGS.**

Before the owner or his agent is permitted to remove an impounded vehicle from any City pound, an authorized facility of a third party towing contractor or any other third party facility, he/she shall pay all costs or fees as provided in the fee schedule set forth in City of Pittsburgh Code §525.02.

- ~~(a) Pay the immobilization and/or towing charge applicable to this type of vehicle.~~
- ~~(b) Pay the storage charge applicable to this type of vehicle. The rate charged is for each day or fraction thereof.~~
- ~~(c) First three (3) days or fraction thereof the fees are the same as schedule below. From fourth day on the fee is eighteen dollars (\$18.00) each day or fraction thereof.~~

Type of Vehicle		Storage Fee
Passenger cars, motorcycles and		
-scooters		\$9.00
Trucks and Truck Tractors:		
<i>Class</i>	<i>(Registered Gross Pounds)</i>	
1	5,000 or less	\$6.00
2	5,001-7,000	6.00
3	7,001-9,000	6.00
4	9,001-11,000	6.00
5	11,001-14,000	6.00
6	14,001-17,000	6.00
7	17,001-21,000	6.00
8	21,001-26,000	6.00
9	26,001-30,000	6.00
10	30,001-33,000	6.00

11	33,001-36,000	6.00
12	36,001-40,000	6.00
13	40,001-44,000	6.00
14	44,001-48,000	6.00
15	48,001-52,000	6.00
16	52,001-56,000	6.00
17	56,001-60,000	6.00
18	60,001-64,000	6.00
19	64,001-68,000	6.00
20	68,001-73,280	6.00
21	73,281-76,000	6.00
22	76,001-78,000	6.00
23	78,001-78,500	6.00
24	78,501-79,000	6.00
25	79,001-80,000	6.00
Trailers:		
<i>(Registered Gross Weight in Pounds)</i>		
-3,000 or less		\$ 6.00
-3,001-10,000		6.00
-10,001 or more		6.00
All buses, including bus type mobile homes, bus type mobile houses and converted mobile bus stores—\$6.00		
All construction vehicles and other specially constructed or large vehicles not specifically provided for above—6.00		

(Ord. 34-1990, eff. 12-18-90; Am. Ord. 33-1992, eff. 10-9-92; Ord. 8-1984, eff. 4-17-84; Ord. No. 11-2005, § 1, eff. 3-22-05)

**§ 523.06 - Reserved.**

**Editor's note-** Ord. No. 11-2005, § 1, adopted March 22, 2005, repealed § 523.06, which pertained to payment under protest. See also the Code Comparative Table.

**§ 523.07 - Reserved.**

**Editor's note-** Ord. No. 11-2005, § 1, adopted March 22, 2005, repealed § 523.07, which pertained to protest hearing. See also the Code Comparative Table.

**CHAPTER 525: - TOWING CHARGES**

**§ 525.01 - AUTHORITY TO IMPOSE IMMOBILIZATION AND TOWING CHARGES.**

- (a) The City Treasurer is hereby authorized to impose and collect a charge of three hundred dollars (\$300.00) to cover the costs of immobilization of vehicles. A notice of this charge shall be given on the warning notice placed in each immobilized vehicle as provided for in Section 521.01.
  - (b) The City Treasurer is hereby authorized to impose and collect charges for towing **and storing** vehicles by City tow trucks or by private towers under contract with, **or otherwise authorized by**, the City according to the schedules set forth by this Chapter.
  - (c) The City Treasurer **and/or its private towing contractor** is hereby authorized to impose and collect twenty-five dollars (\$25.00) administrative fee when a vehicle is released in the Parking Area (as defined in Section 525.05) by a tower under contract with, **or otherwise authorized by**, the City to the owner or operator of the vehicle.
- (Ord. 8-1984, eff. 4-17-84; Ord. 33-1992, eff. 10-9-92; Am. Ord. 19-2000, eff. 7-13-00; Ord. 30-2003, § 1, eff. 9-30-03)

**§ 525.02 - SCHEDULE OF TOWING AND STORAGE FEES.**

The charges for towing each designated type of vehicle to the City towing pound, **a designated pound of an authorized City towing contractor or that of a towing business that is not under contract with the City** shall be as follows:

Passenger cars, light trucks, motorcycles and scooters	\$ <del>110</del> <b>135</b>
Trucks and Truck Tractors:	
<b>Type of Vehicle</b>	<b>Towing Fee</b>

1	5,000 or less	\$ <del>110</del> <b>135</b>
2	5,001-7,000	<del>110</del> <b>135</b>
3	7,001-9,000	<del>110</del> <b>135</b>
4	9,001-11,000	<del>120</del> <b>160</b>
5	11,001-14,000	<del>120</del> <b>160</b>
6	14,001-17,000	<del>120</del> <b>160</b>
7	17,001-20,000	<del>120</del> <b>160</b>
8	21,001-26,000	<del>190</del> <b>200</b>
9	26,001-30,000	<del>190</del> <b>200</b>

10	30,001-33,000	<del>190</del> 200
11	33,001-36,000	<del>190</del> 200
12	36,001-40,000	<del>190</del> 200
13	40,001-44,000	<del>195</del> 210
14	44,001-48,000	<del>195</del> 210
15	48,001-52,000	<del>195</del> 210
16	52,001-56,000	<del>195</del> 210
17	56,001-60,000	<del>125</del> 210
18	60,001-64,000	<del>220</del> 230
19	64,001-68,000	<del>220</del> 230
20	68,001-73,280	<del>220</del> 230
21	73,281-76,000	<del>220</del> 230
22	76,001-78,000	<del>220</del> 230
23	78,001-78,500	<del>220</del> 230
24	78,501-79,000	<del>220</del> 230
25	79,001-80,000	<del>220</del> 230
<b>Class</b>	<b>(Registered Gross or Combination Weight in Pounds)</b>	<b>Towing Fee</b>

Trailers:

3,000 or less	\$150
3,001-10,000	150
10,001 or more	150
20,001-40,000	190
40,001-56,000	195
56,001-80,000	220
<b>(Registered Gross Weight in Pounds)</b>	

All buses, including bus type mobile homes, bus type mobile houses, and converted mobile bus stores	220
All construction vehicles and other specially constructed or large vehicles not specifically provided for above	320
<b>Type of Vehicle</b>	<b>Towing Fee</b>

(Ord. 33-1992, eff. 10-9-92; Am. Ord. 27-1997, eff. 8-11-97)

(a) Fifty dollars (\$50.00) towing fee for stolen cars removed from the pound within

twenty-four (24) hours, plus additional fees and payments for special work as charged under the existing tow contract. No storage fees for stolen cars removed within the first twenty-four (24) hours.

- (b) One hundred dollars (\$100.00) towing fee for stolen cars removed from the pound after the first twenty-four (24) hours, plus additional fees and payments for special work as charged under the existing tow contract and storage fees. Storage fees are charged from time of impoundment.
- (c) Notification for stolen cars. The measurement for the twenty-four (24) hour period shall start from the time the Emergency Operation Center (EOC) makes the call to the phone number or numbers listed on the stolen car report.
- (d) Subsections (a), (b) and (c) hereof shall only apply to the towing of stolen cars.
- (e) ~~No tow business, whether or not under contract with the City, is permitted to charge daily storage fees in excess of twenty-five dollars unless otherwise provided by law including but not limited to the Commonwealth Vehicle Code, 75 Pa. C.S. §§ 101 et seq.~~

(Ord. 24-1993, eff. 8-20-93; Am. Ord. 27-1997, eff. 8-11-97)

**§ 525.03 - FEES AND PAYMENT FOR SPECIAL WORK.**

- (a) Where vehicles are so badly wrecked, deteriorated or located in positions off the street and the circumstances require special work must be done to accomplish the removal, an hourly rate shall be charged in addition to the vehicle towing charge. The hourly rate shall be computed from the time the tow truck reaches the scene of the tow until the time the special work is completed. The hourly rate shall be charged in addition to the area charge and shall be as follows:

\$80	1/2 to 9
80	10 to 19
80	20 to 39
89	40 to 60
35	Extra man
50	Extra truck
<b>Rate Per Hour</b>	<b>Use of Wrecker (Tons)</b>

- (b) All special work shall be noted on the tow sheet and charged to the person claiming the vehicle at the pound over and above the towing rate for the class of vehicle involved.

(Ord. 25-1979, eff. 8-20-79; Am. Ord. 27-1997, eff. 8-11-97)

**§ 525.04 - POSTING TOWING RATES.**

A copy of the rates charged for towing all types of vehicles shall be posted in a conspicuous place in each City towing pound.

**§ 525.05 - NON-CONSENSUAL TOWING OF VEHICLES FROM PARKING AREAS.**

(a) In this Section 525.05 the term "Parking Area" means 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. **“Uploading” is defined in this Section 525.05 as connected to a motor vehicle by cable or other device and such device is under active load of the weight of the motor vehicle.**

(b) No fees for **non-consensual** towing in excess of those set forth in Section 525.02 shall be charged **by the City’s towing contractor or any other tow business** for towing a motor vehicle from a parking area without the prior consent or authorization of the **owner or** operator or driver of the vehicle.

(c) No fees for storage in excess of those set forth in Section 525.02 shall be charged **by the City’s towing contractor** after the first twelve (12) hours of storage following the towing of a motor vehicle from a parking area without the prior consent or authorization of the operator or driver of the vehicle. No fee or charge shall be made for the first twelve (12) hours of storage after towing of a motor vehicle from a parking area without the prior consent or authorization of the **owner or** operator or driver of the vehicle to the storage facility.

(d) An operator or driver of a vehicle towed **by the City’s towing contractor or any other tow business** from a parking area without her/his prior consent or authorization shall not be charged or billed for any fees, services, costs, expenses or other things than the towing and storage fees permitted by paragraphs (b) and (c) in this section.

(e) Anyone paying towing and/or storage fees for a motor vehicle towed **by the City’s towing contractor or any other tow business** from a parking area without the prior consent or authorization of the operator or driver of the vehicle shall be permitted to use a VISA Chargecard, Mastercharge Card or an American Express Chargecard.

(f) If, after a tow truck contacts **is uploading** a motor vehicle in a parking area **onto a tow truck or other towing vehicle** with the intention of towing it without the prior consent or authorization of the owner or operator of the vehicle, and the owner or operator arrives in the parking area before the vehicle has been towed from its parking space, the tow truck operator shall advise the vehicle's owner or operator that she/he will immediately release the vehicle to such operator or driver upon payment within five (5) minutes in cash, U.S. Currency, VISA charge card, MasterCard or American Express charge card of the towing fee not in excess of the fee permitted by paragraph (b) in this section. This section shall only be applicable to **all** towing services not **within the City of Pittsburgh including those services that are neither authorized by nor** under contract with the City of Pittsburgh.

(g) The towing service under contract with the City of Pittsburgh shall charge vehicle owners/operators a fifty-five dollar (\$55.00) fee when a vehicle is released prior to towing. The towing service will retain thirty dollars (\$30.00) for the fee and collect twenty-five dollars (\$25.00) in trust for the City of Pittsburgh as an administrative fee.

(h) The above fees in sections (f) and (g) may be charged only if:

- 1) The vehicle is either on a flatbed **or other loading area of the towing vehicle or the tower is** in the process of **uploading a vehicle** being pulled onto a flatbed **or other loading area of the towing vehicle;**

2) The vehicle is connected in any way to a tow truck

(i) Whoever violates this section shall be fined a fee not to exceed fifteen dollars (\$15.00) per violation.

~~(j) Nothing in this chapter is intended to regulate fees applicable to consensual towing that is properly authorized by the owner and/or operator of a motor vehicle.~~

(Ord. 14-2000, eff. 6-16-00; Am. Ord. 19-2000, eff. 7-13-00)

## TITLE SEVEN: - BUSINESS LICENSING

### § 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 ~~authorized~~ 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 ~~authorized~~ 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 ~~upon~~ on private property at the request of the property owner, ~~occupant, lessee~~ 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.

(Ord. No. 8-2010, § 1, eff. 4-30-10)

## § 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 (1) 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 (2) or more substantiated complaints within any twelve-month period from citizens about the Tow Business/Tow Truck Operator's non-consensual 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-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-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-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 ~~for non-consensual towing~~ 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 for a period of, at least, four (4) 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 forty-eight (48) hours from the time of request;
- (p) failed to electronically report a non-consensually towed vehicle as described in 764.21(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; **and/or**
- (q) otherwise, in the course of towing operations, imperiled the safety of the public and documentation/information of such imperiling of the public safety has been presented to the License Officer.