

NEW BRITAIN TOWNSHIP

ORDINANCE #2022-09-04

WHEREAS, pursuant to the Pennsylvania Vehicle Code, 75 Pa.C.S §6109(a)(22), New Britain Township possesses the authority to establish procedures governing the removal and impounding of vehicles parked on highways or public property of the Township in violation of the New Britain Township Code of Ordinances; and

WHEREAS, the New Britain Township desires to establish minimum regulations for the operation and oversight of providers of public towing and vehicle storage and impound services who operate in the township.

NOW, THEREFORE, it is hereby AMENDS, ENACTS, and ORDAINS that Chapter 15, Part 5 of the New Britain Township Code of Ordinances shall be amended as follows:

ARTICLE I. § 15-501 Definitions; word usage.

For the purpose of this chapter, the following words and phrases shall have the meanings indicated hereinbelow. When not inconsistent with the context, words used in the present tense shall include the future; words used in the plural shall include the singular. The word "shall" is always mandatory and not merely directory.

DISABLED OR WRECKED OR ABANDONED OR IMPOUNDED VEHICLE

—
An automobile, truck, 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 of New Britain.

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 (25) ton capacity designed for, and capable of lifting and transporting passenger and commercial vehicles.

LEASED — Vehicles must be leased for a fixed period of greater than three years and for a fixed flat rate. Lessor must be a business, company, entity or corporation whose usual and customary business is that of leasing motor vehicles.

LICENSEE — A tower who has been issued a license by the Township of New

Britain pursuant to the terms of this chapter.

LIGHT-DUTY WRECKER; WHEEL-LIFT WRECKER — A vehicle designed for and capable of lifting and transporting passenger vehicles.

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

POLICE DEPARTMENT — The Police Department of the Township of New Britain, County of Bucks.

TOWER — A person engaged in the business of offering the services of vehicle towing, removal, and storage of towed vehicles by utilization of a wrecker, tow truck, car carrier, or other vehicle, whereby disabled, wrecked, abandoned vehicles are towed or otherwise removed from the place where they are disabled or wrecked or abandoned by use of a vehicle so adapted to that purpose.

TOWNSHIP — The Township of New Britain, County of Bucks.

ARTICLE II. **§ 15-502 License required.**

No person shall offer his/her services to or be called by the Township or the Police Department as a tower for the purpose of removal of disabled or wrecked or abandoned vehicles unless that person is the holder of a current towing license as hereinafter provided.

ARTICLE III. **§ 15-503 Application for license.**

- A. An application for a towing license shall be made to the Police Department on a form provided by the Police Department, which application shall require the following minimum information and documents:
- (1) The name, address and telephone number of the business for which the towing license is sought;
 - (2) The type of business organization under which the business is operated (i.e., sole proprietorship, partnership, corporation, etc.);
 - (3) The name, home and business address and telephone numbers of all the owner(s) or, in the case of a corporation, stockholder(s) of the business for which the towing license is sought;
 - (4) The signature of the owner(s) or chief executive officer of the business for which the towing license is sought;
 - (5) A list of tow trucks, vehicle 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, etc.), the name and address of the owner/ lessee of each vehicle or piece of equipment and their location and hourly availability;
 - (6) The address and description of the premises upon which any disabled, wrecked, or impounded vehicles will be towed and/or stored, including the size of the area on the premises available for storage of vehicles,

the approximate number of vehicles which may be stored in the area, whether said area is fenced, and a description of any security precautions or protection methods for vehicles stored in said area;

- (7) A certificate of insurance or other proof acceptable to the Township that the applicant has obtained the general liability and garage keeper's liability insurance required for the issuance of a towing license.
 - (8) The tower's schedule of fees and costs to be charged for the towing and storage of vehicles, which schedule shall remain in effect for the duration of the prospective licensing period.
- B. The application for a towing license shall be accompanied by an application fee in the amount of \$100. The application fee may be amended from time to time by resolution of the Township Board of Supervisors.
 - C. The application for a towing license shall be reviewed by the Police Department within 31 days of receipt of the application and the application fee. The Police Department shall thereafter advise the applicant whether or not the license has been approved.
 - D. Towing licenses shall be issued for a period of one year, commencing on January 1 and terminating on December 31 of each year. Any applicant whose application for a license has been approved shall be issued a license effective the following January 1. In the event that there are less than two licensed towers approved by the Police Department, the Police Department may issue licenses during the calendar year in order to increase the number of licensed towers to two.
 - E. An application shall not be deemed received by the Police Department unless it contains all the information and documents set forth in this section and the application fee.
 - F. All successful applicants shall be required to indemnify and hold harmless the Township of New Britain for any and all losses or expenses incurred by virtue of any acts performed in the course of service by the tower.

ARTICLE IV. § 15-504 Standards for issuance of towing license.

A towing license shall be issued to all applicants who meet all of the following requirements:

- A. The following vehicles shall be owned or leased exclusively by the applicant, garaged on the premises from which the applicant's towing business is conducted, and available on call for the service at the request of the Township or the Police Department:
 - (1) One light-duty wrecker, wheel-lift wrecker; and
 - (2) One flatbed wrecker; and
 - (3) One light-duty wrecker, wheel lift wrecker, or One flatbed wrecker.

- B. All of the aforesaid required vehicles shall bear a sign indicating the name and telephone number of the applicant's towing business. The applicant shall make said vehicles available for inspection by the Township or Police Department.
- C. A six-foot-high fenced-in storage yard or other secure facility, open or closed, shall be located on the premises from which the applicant's towing business is conducted, and such yard or storage area shall be authorized by the appropriate zoning, use, occupancy and other municipal permits. A storage area shall be a minimum of 10,000 square feet must be provided and shall have a building that is capable of storing at least two vehicles inside. The applicant shall install screening and comply with all the provisions of the state and federal highway beautification acts.
 - (1) The applicant shall permit inspection of the storage yard or facility by the Township or Police Department; and
 - (2) The Police Department shall inspect all required vehicles for compliance with the requirements and standards established herein.
- D. The applicant's place of towing business shall be located within five (5) miles of the Township boundaries in order that the response time to a call for service is immediate.
- E. All applicants shall maintain the following insurance and present proof thereof to the Township or Police Department, at the time of application or upon request:
 - (1) General public liability insurance in the minimum amount of \$1,000,000; and
 - (2) Garage keepers' legal liability insurance in the minimum amount of \$100,000.
- F. Each insurance policy required herein shall contain an endorsement providing 10 days' notice to the Township of New Britain in the event of any material change or cancellation for any cause. Written notice to the Township shall be the responsibility of the issuing company.
- G. All of the aforesaid vehicles shall be equipped with a two-way communication system such as two-way radios or mobile telephones.

ARTICLE V. § 15-505 Issuance of license.

A towing license shall be issued to each applicant whose application has been approved by the Police Department.

ARTICLE VI. § 15-506 License status.

A towing license is issued by the Police Department on condition of, and with the express agreement of the licensee, that the licensee shall, at all times, act as independent contractor to, and not as an employee of the Township or the Police Department, and that payment for services pursuant to said license shall be by the owner, operator or custodian of the disabled, wrecked, impounded or

abandoned vehicle.

ARTICLE VII. **§ 15-507 Duties of licensees.**

- A. All licensees shall keep and maintain all of the vehicles listed on their applications in a safe and operable condition, and in a condition that shall pass the motor vehicle inspection standards of the Commonwealth of Pennsylvania. Said vehicles shall be immediately available to answer calls for service by the Police Department. All licensees shall not use or employ a vehicle that is not listed on the towing license application (or filed an amendment to the application listing any new equipment).
- B. All licensees shall insure any operator of their equipment possesses a current and valid Pennsylvania driver's license for the class vehicle they are operating. The licensee is further responsible to ensure that his/her operator obeys all laws of the Vehicle Code of the Commonwealth of Pennsylvania.¹
- C. All licensees shall respond within 15 minutes from their receipt of the Police Department's call requesting service to the arrival of the licensee's appropriate towing vehicle at the location of the disabled, wrecked, impounded, or abandoned vehicle, except in bad weather or adverse road conditions.
- D. Fees charged by the licensee, when towing or storing towed vehicles as an independent contractor at the request of the Police Department shall be as detailed in the schedule of fees and costs which were included as part of licensee's application for license. Failure to comply with the terms and with this Subsection D may result in the immediate revocation of the towing license in accordance with § 15-509 below.
- E. All licensees shall be responsible for removing vehicular parts and debris from the highway.
- F. All wreckers must be equipped with the following:
 - (1) Broom.
 - (2) Fire extinguisher (ABC type, not less than 10 pounds.)
 - (3) Light bar, amber in color.
 - (4) Sand or oil dry (for minor oil or fuel leaks).
 - (5) Shovel.
 - (6) Portable rear lighting for towed vehicles.

ARTICLE VIII. **§ 15-508 Township Police duty tow.**

- A. All disabled or wrecked vehicles shall be removed from the roadway immediately following an accident, in accordance with the Vehicle Code of Pennsylvania.²

- B. If the owner or operator cannot remove the disabled or wrecked or abandoned vehicle or refuses or fails to have the vehicle removed within a reasonable time, the Police Department shall call the towing licensee assigned to the police duty tow to effect such a removal. Requests by the owner or operator will be honored for outside wreckers if, within the officer's opinion, traffic will not be impeded and the vehicle is to be towed away within a reasonable time.
- C. The Police Department shall establish reasonable rules and regulations to implement this chapter, including but not limited to the establishment of a duty tow schedule, rotation of assignments, and the use of the duty tow by the Township police officers.

ARTICLE IX. § 15-509 Suspension and revocation of license.

- A. The Township reserves the right to suspend the license of a licensee at any time if:
 - (1) An inspection by a Township police officer or a Township official determines that the required equipment is missing or inoperable or unsafe.
 - (2) The tower fails to respond to a service call within 15 minutes.
 - (3) The tower attempts to charge or charges fees that are not normal and customary and/or in excess of the fees and costs detailed in the schedule of fees and costs submitted with tower's application for license.
 - (4) The tower's facilities are found to be in violation of the minimum conditions imposed by this ordinance or other ordinance of New Britain Township.
- B. Any such suspension of any licensee's license shall continue, without rebate of either the application fee or license fee until such time as the Township determines the licensee is in full compliance with the terms and conditions of the regulation.
 - (1) Any suspension of license pursuant to §509 A(2) above shall continue until such time that the Township (or insert "Chief of Police") shall be satisfied that steps have been taken to ensure prompt and timely response to future calls.
- C. Towers shall be deemed ineligible to perform towing work in and for the Township of New Britain unless and until the tower receives written notice that said suspension has been lifted from the Township or the Police Department.
- D. The licensee shall agree to execute a hold-harmless agreement for any and all claims, actions or causes of action arising from suspension of license for the reasons set forth above at the time of initial application for towing license.
- E. The Township shall give the operator warnings or notice that the licensee is in violation of the provisions and terms of this regulation prior to any formal action to suspend the license. The Township shall permit the licensee to correct deficiencies within the time frames as follows:
 - (1) In the case of a non-safety violation, the licensee shall have 10 days

in which to correct deficiencies.

- (2) In the case of safety-related violations, the licensee shall have until the next call for a tow to correct deficiencies.
- F. A towing license shall be revoked upon a finding by the Township any of the following grounds:
- (1) The license was procured by fraudulent conduct or false statement or omission of a material fact, and, in this event, the license shall be null and void and as if an application had never been filed.
 - (2) The licensee failed to perform or violated any of the duties of a licensee set forth in this chapter.
 - (3) The licensee no longer meets all the standards for issuance of a towing license.
 - (4) The licensee's application is found to be defective in any way or contains misinformation or omissions of fact, and, in this event, the license shall be null and void and as if an application had never been filed.
 - (5) The licensee failed to correct safety related or non-safety-related deficiencies within the allotted time as provided above.
 - (6) The licensee's license had been suspended three times.
 - (7) Failure of the licensee to comply with any of the terms of this chapter when, in the sole discretion of the Chief of Police, such failure is willful and intentional or when such failure or the reckless conduct of the licensee or its operator jeopardizes the personal safety of any individual or police officer.
- G. Complaints.
- (1) The owner or person in charge of any vehicle that this Department has caused to be towed and who has a complaint against the towing service may file a written complaint with the Chief of Police.
 - (2) The Chief of Police shall make a determination of the merit of such complaint and take such action as necessary to correct the matter, if the complaint is validated.

ARTICLE X. § 15-510 Exemption for Specialized Towing

- A. The Township or Police Department is authorized to contact an owner or operator of a heavy-duty wrecker not licensed pursuant to this chapter in order to remove disabled, wrecked, abandoned or impounded vehicles if, in the judgment of the Township or Police Department, such service is necessary and cannot be provided by a licensed tower.
- (1) The ownership or lease of a heavy-duty wrecker shall not in and of itself relieve a tower from compliance with this chapter.

SEVERABILITY. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional, by any court of competent jurisdiction, such provision shall be separate, distinct and independent, and such holding shall not affect the validity of the remaining portions of this Ordinance.

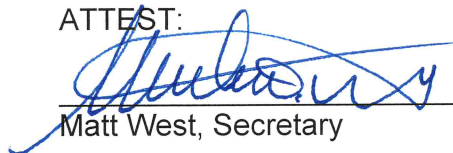
EFFECTIVE DATE. This Ordinance shall become effective five (5) days after enactment.

The New Britain Township Code of Ordinances are reaffirmed and ratified subject only to modification of same as set forth herein.

Duly enacted and ordained by the Board of Supervisors of New Britain Township on this 26th day of September, 2022.

**NEW BRITAIN TOWNSHIP
BOARD OF SUPERVISORS**

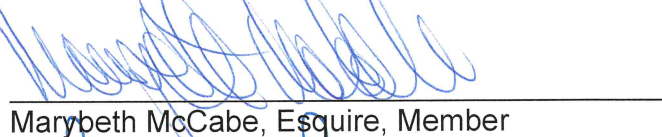
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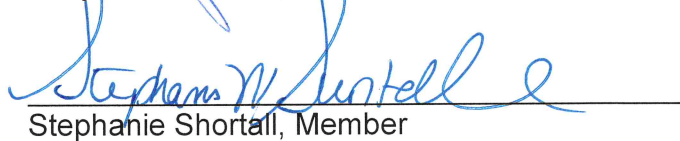

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