

City of Philadelphia



(Bill No. 090691-AAA)

AN ORDINANCE

Amending Section 9-605 of The Philadelphia Code, entitled "Towing," and Section 12-2405, entitled "Removal or Immobilization of Parked Vehicles; Notice," to prohibit the towing of vehicles identified as reported stolen unless an attempt has been made by the Police to give the vehicle owner an opportunity to recover the vehicle before the vehicle is towed; and adding Section 10-839 to require the reporting of stolen vehicles to the Police; all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Section 9-605 of The Philadelphia Code is amended to read as follows:

§9-605. Towing.

* * *

(11) Towing From Private Lots, Private Property and Driveways. Only towing companies licensed under paragraph (3) of this Section shall be permitted to tow any illegally parked vehicle from any licensed or unlicensed parking lot, from private property, from any common driveway and from in front of any driveway where the vehicle is blocking access to that driveway.

* * *

(d) No vehicle shall be towed under this subsection until the towing company has notified the Police Department that the vehicle is illegally parked and is to be towed. Upon such notice, the Police Department shall determine whether or not the vehicle has been reported stolen. If the vehicle has been reported stolen [then], *and except in the case of an immediate threat to public safety as determined by the Police, or a case where a vehicle is blocking access to a public or private driveway, no such vehicle shall be towed unless the Police have either notified, or attempted to notify, the owner of the vehicle of its recovery by calling the contact number provided to the Police at the time it was reported stolen and, unless the Police are unable to contact the owner or leave a message for the owner, or the owner elects to have the Police tow the vehicle, the owner has been given 24 hours from the time of such notification or attempted notification to recover the vehicle in lieu of the tow. If the vehicle is towed, the towing company must comply with all of the requirements of §9-605(15).* Within

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24 hours following the towing of the vehicle the towing company must, in writing, notify the Police Department of the vehicle's removal.

* * *

SECTION 2. Section 12-2405 of The Philadelphia Code is amended to read as follows:

§ 12-2405. Removal or Immobilization of Parked Vehicles; Notice.

* * *

(5) No vehicle shall be towed under this Section until the Police have determined whether or not the vehicle has been reported stolen. If the vehicle has been reported stolen, except in the case of an immediate threat to public safety or a case where the vehicle is parked in violation of §12-2405(b) (relating to parking in towing zones), §12-2405(e) (relating to parking in public or private driveway), 12-2405(h) (relating to disabled parking), 12-2405(i) (relating to parking on sidewalks), 12-2405(j) (relating to parking by curb cuts or handicap ramps), or 12-2405(k) (relating to parking in spaces reserved for the handicapped), no such vehicle shall be towed unless the Police have notified, or attempted to notify, the owner of the vehicle of its recovery by calling the contact number provided to the Police at the time it was reported stolen and, unless the Police are unable to contact the owner or leave a message for the owner, or the owner elects to have the Police tow the vehicle, the owner has been given 24 hours from the time of such notification or attempted notification to recover the vehicle in lieu of the tow.

SECTION 3. Chapter 10-800 of The Philadelphia Code is amended to read as follows:

CHAPTER 10-800. SAFETY

* * *

§ 10-839. *Reporting Requirements for Lost or Stolen Vehicles.*

(1) The owner of any vehicle that has been stolen shall report the theft to the Police Department within 24 hours after the theft is discovered.

(2) The Police Department shall maintain a database of all reported stolen vehicles. The database shall record the following information in a form designed by

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the Police Department: The make and model of stolen vehicle; the vehicle's license plate number and, if known, the vehicle identification number; the name, address, and contact telephone number of the stolen vehicle's owner; and any additional contact information the person providing the report chooses to provide.

SECTION 4. This Ordinance shall take effect thirty days after it becomes law.

Explanation:

[Brackets] indicate matter deleted.

Italics indicate new matter added.

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CERTIFICATION: This is a true and correct copy of the original Bill, Passed by the City Council on February 4, 2010. The Bill was Signed by the Mayor on February 17, 2010.

A handwritten signature in cursive script, reading "Michael A. Decker".

Michael A. Decker
Chief Clerk of the City Council