

ORDINANCE NO.

FILE OF CITY COUNCIL

BILL NO. 28 - 2025

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INTRODUCED BY

MARCH 19, 2025

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AN ORDINANCE

Amending the Administrative Code by adding procedures to protect citizens from onerous towing practices by creating a uniform framework to establish and enforce towing procedures and standards for owners of private property and tow truck owners and operators towing from private property.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ALLENTOWN:

SECTION ONE: That the following be added to the City Code as Chapter 580, Towing from Private Property.

**Chapter 580, Towing from Private Property.**

**Purpose.**

The need of property owners to prevent unauthorized parking on private property must be balanced with appropriate protection to citizens from unjust or onerous towing practices. Therefore, it is in the public interest to create a uniform framework to establish and enforce towing procedures and standards for owners of private property as well as by tow truck owners and operators.

**Definitions.**

This article incorporates the definitions used within 73 P.S. § 1971.2, as may be amended, as well as the following words and phrases. When used within this article, these shall have the meaning set forth in this section unless context clearly indicates otherwise.

**DECOUPLING FEE** — A charge levied by a towing company for releasing a vehicle to its owner or operator when the vehicle has been, or is about to be, hooked or lifted by a tower, but prior to the vehicle actually having been moved or removed from the property.

**NONCONSENSUAL TOWING** — The removal of a vehicle from a parked location by any tow truck operator without the prior consent of the vehicle owner.

**PRIVATE PROPERTY OWNER** — The owner or lessee of private property or the authorized agent thereof. This definition shall not include a towing company acting as an agent of such owner or lessee.

**TOWING** — In addition to the definition within 73 P.S. § 1971.2, shall also include the moving, removing, or recovery of a vehicle from private or public property without the vehicle owner or operator's prior consent.

**VEHICLE** — Any vehicle in, upon, or by which a person or property is or may be transported upon a motorway regulated under the laws of this commonwealth.

From Mark Handzo: Is this term specifically defined in City or PA code or case law? A dictionary definition of "motorway" could suggest this term only applies to roads with highway geometry.

**VEHICLE OWNER** — The person owning or in physical control of a vehicle that has been towed under the provisions of this article.

#### **Responsibilities of private property owner.**

A. Any private property owner who employs, contracts with, or otherwise engages a tow truck operator for the removal of vehicles parked without authorization shall ensure that said operator complies with all requirements of this article and the laws of the Commonwealth of Pennsylvania. In the event that a tow truck operator is found to not be in compliance with this article, the private property owner shall be subject to the penalty's provisions set forth below.

B. Any property with restricted parking must be posted by the private property owner in compliance with 67 Pa. Code § 212.115, as may be amended (dealing with the posting of private lots). Additionally, the property shall be posted with the name and phone number of the tow truck operator utilized to remove unauthorized vehicles in a manner readily visible to an ordinarily observant driver. The name and telephone number of the owner or other person in control of the property shall be included. Such signage shall be prominently displayed and posted on the restricted private parking area and maintained in good repair in a condition where it remains legible in all weather and lighting conditions. The name of any towing company that could tow vehicles from the premise, their address and telephone number shall also be included. All signage posted shall meet all applicable requirements of Chapter 660, Zoning.

The sign shall be at least 24x24 inches and contain the following:

- Clearly state: "Privately Owned Parking Lot" at the top.
- Specify: Parking Only For [Property or Business Name] to avoid ambiguity.
- Include language that states Unauthorized Vehicles Will Be Towed at the Owner's Expense.
- Required contact information: The sign should list the Towing Company Name, Address, and Phone Number to ensure transparency and compliance. (We

recognize this could be challenging if the property owner occasionally uses different towing companies based on availability or pricing.)

- Optional but helpful: Hours of enforcement (e.g., "Monday - Friday, 8:00 AM - 5:00 PM") if applicable.

### **Responsibilities of tow truck operators.**

In addition to any regulation or obligation imposed by state law, for payment, or other relevant governmental entity, all tow truck operators wishing to conduct business must comply with the following:

- A. Operators must be registered to do business within the City, be current on all registration fees and/or taxes, and not have any outstanding fines for violations of any City ordinance.
- B. Operators must maintain liability insurance coverage for personal injury and property damage in the amount of at least \$1,000,000 for each accident or occurrence. Nothing in this section shall preclude a state agency, political subdivision, or any other entity from requiring higher coverage amounts. Operators must provide proof of appropriate levels of insurance to the City Police Traffic Division every six months and at other times when requested.
- C. Prior to towing any vehicle from private property, the operator must:
- (1) Be initially notified of the unlawfully parked vehicle by the private property owner; and
  - (2) Report the tow to the City of Allentown Police Department within 30 minutes of towing the vehicle, as per the laws of the Commonwealth of Pennsylvania. This report will be made to the Department via the nonemergency phone number or by any other reasonable means established by the Allentown Police Department.
- D. Operators must release the vehicle to the owner promptly when either:
- (1) Requested by the vehicle owner if, prior to the actual removal of the vehicle from the private property, the owner of the vehicle requests the release of the vehicle. In such instances, the vehicle must be released immediately. Furthermore, in such instances, tow truck operators may charge the owner a decoupling fee of no more than one-half the towing fee.
  - (2) After a vehicle has been removed from private property, release shall be conditioned on the payment for towing, storage and related services. All charges shall be itemized and in writing, with a paper copy provided to the vehicle owner or authorized person.
- E. Operators must charge a reasonable fee for towing services and storage of any nonconsensual towed vehicles consistent with 75 Pa.C.S.A. § 3353(c).
- F. Operators licensed under these provisions with intent to tow vehicles from private property without permission of the vehicle owner must have the name of the towing company and telephone number indicated on the towing vehicle and be visible to the public.

G. No towing operator shall tow or attempt to tow any vehicle on private property that has been lawfully immobilized by the Allentown Police Department or Allentown Parking Authority pursuant to 615-58 (N) as follows:

Tampering with boots and other devices prohibited Any person who shall tamper with, remove or attempt to remove any device used to immobilize a motor vehicle pursuant to this article, or who shall move or attempt to move the vehicle immobilized before official release of the vehicle has been secured, shall be, upon conviction thereof, sentenced to pay a fine of not less than \$500 nor more than \$1,000, plus costs of repairing or replacing said device, together with the cost of prosecution, and, in default of payment of said fine and costs, to a term as determined by the court.

### **Exemptions.**

This article shall not apply to:

A. A vehicle parked in such a way as to block access to a driveway or garage entrance on a lot or parcel with a single-family unit or an owner-occupied multi-unit of not more than six units.

B. A residential community in which parking spaces are specifically assigned to community residents, provided that:

(1) The assigned spaces are clearly marked as such.

(2) There is specific documented approval by the property owner authorizing the removal of the particular vehicle.

(3) The spaces or area is posted with signage complying with the standards set forth in § 545-3 of this article.

C. This section shall not apply to any private parking lot or parcel owned or assigned to a commercial or other nonresidential entity located in such residential communities.

D. This section does not relieve the owner of any private property from completing all state requirements for removal of vehicles from private property. This shall include, but is not limited to, the completion of Pennsylvania Department of Transportation form MV-952PP, identified as the "Abandoned Vehicle on Private Property Report by Property Owner."

### **Penalties.**

A. Any violations of this article shall be punishable by the following civil penalties:

(1) Any tow truck operator found in violation of the provisions of this article shall be subject to a fine, for each vehicle improperly towed, of \$500 or the total fee charged to the vehicle owner, whichever is greater. Additionally, any tow truck operator found in violation of this article on three or more occasions will be prohibited from conducting further towing operations within the City.

(2) Any private property owner found in violation of the provisions of this article shall be subject to a fine, for each vehicle removed, of \$500 or the total fee charged to the vehicle owner by the tow truck operator, whichever is greater.

B. The provisions within this section are in no way intended to replace or supersede a vehicle owner's right to recovery from either a tow truck operator or property owner under common law or the laws of this commonwealth. This shall include but not be limited to a vehicle owner's right to recover under the Unfair Trade Practices and Consumer Protection Law. See 73 P.S. § 201-1 et seq., as set forth within 73 P.S. § 1971.4, and as both of these statutes may be amended.

SECTION TWO: That this Ordinance will take effect ten (10) days after final passage.

SECTION THREE: That all Ordinances inconsistent with the above provisions are repealed to the extent of their inconsistency.

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**General Synopsis/Notes:** This is in response to 'experiences' with 'predatory' towing – high towing and decoupling fees charged, lack of signage indicating 'who' might be towing your car if it is illegally parked on PRIVATE PROPERTY, towing trucks with no signage or not licensed in the city. The legislation was based on the City of Easton's code with some modifications. Councilperson Santo had a meeting with Police Administration and reviewed the legislation from Easton, Pittsburgh and Philadelphia. The APA and Solicitor's Office also provided an initial review and analysis. The Public Safety Committee discussed the bill at a committee meeting on February 26 and made some adjustments. A towing operator was at the meeting and made some recommendations that were taken into consideration – it was noted his average tow is \$250 – requires two folks with special equipment with liability exposure, and he charges \$75 storage per day. A woman was at the meeting and noted while her car was being towed, she asked for a release – decoupling – and was told it would cost her \$425 cash to release the car. State law indicates fees must be 'reasonable.'