



CHALFONT BOROUGH

40 North Main Street, Chalfont PA 18914

Phone: 215-822-7295 / Fax 215-822-5528

TOWING REGISTRATION

Date: _____ Fee: \$125.00 Check number: _____

Business name: _____

Address: _____

Contact Name: _____

Email: _____ Phone: _____

Business Classification (circle one): partnership corporation limited liability company

Other: _____

Owner information (needed for each owner or stockholder):

Owner Name: _____

Address: _____

Email: _____ Phone: _____

Owner Name: _____

Address: _____

Email: _____ Phone: _____

Owner Name: _____

Address: _____

Email: _____ Phone: _____

Vehicle List: describe each vehicle which will be used in Chalfont Borough (type, make, model, year, etc.)



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TOWER REGISTRATION

Names and addresses of all owners/lessees of vehicles and hours for which vehicles are used:

Address and description of premises where vehicles will be towed to and/or stored (include size of area available for storage, number of vehicles that can be stored, whether area is fenced, and description of security protocols that will be used:

Applicant will also provide the following:

1. Certificate of Insurance with \$1,000,000 liability and \$100,000 garage keeper's liability
2. Indemnification Agreement indemnifying Chalfont Borough for any and all losses or expenses incurred by virtue of any acts performed in the course of service.

BOROUGH OF CHALFONT
40 N. Main Street
Chalfont, PA 18914

INDEMNIFICATION AGREEMENT

In consideration of the Borough of Chalfont, County of Bucks, Commonwealth of Pennsylvania, hereinafter known as "Borough", issuing a license to _____, hereinafter known as "Licensee", to operate as a Licensed Tower within the Borough, and intending to be legally bound hereby, Licensee agrees to indemnify and hold the Borough harmless from any and all claims, suits or actions of any nature, including but not limited to, injuries, death and/or property damage incurred by virtue of any acts performed in the course of service.

Licensee agrees that it will abide by all other terms and conditions as outlined within the Borough of Chalfont's Code of Ordinances. Licensee further acknowledges that its License is conditional upon its performance of service within the Borough.

Licensee agrees to all of the above conditions and specifically the indemnification provisions with the Borough. A Certificate of Insurance naming Chalfont Borough as "Additional Insured" is required for the duration of the period wherein Licensee serves as a Licensed Tower in the Borough. Said Certificate of Insurance is attached as Exhibit "A" and made apart hereof as evidence to the Borough of the existence of public liability insurance for bodily injury and property damage in an amount equal to One Million (\$1,000,000.00) Dollars to cover any loss that might occur as a result of the aforementioned acts performed in the course of service.

WITNESS:

[INSERT TOWING COMPANY]

By: _____

Address

Title

Telephone

Date

Date

BOROUGH OF CHALFONT

Date

**BOROUGH OF CHALFONT
BUCKS COUNTY, PENNSYLVANIA**

ORDINANCE NO. 447

**AN ORDINANCE OF THE BOROUGH COUNCIL OF THE BOROUGH
OF CHALFONT, BUCKS COUNTY, PENNSYLVANIA, AMENDING CHAPTER 15
OF THE CHALFONT BOROUGH CODE OF ORDINANCES TO ESTABLISH
REGULATIONS RELATING TO TOWING IN THE BOROUGH; REPEALING ANY
PRIOR INCONSISTENT ORDINANCES OR PART OF ORDINANCES; PROVIDING
A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE**

WHEREAS, the Borough Council of Chalfont Borough believes it to be in the best interest of the Borough and its residents to establish regulations pertaining to towing in the Borough; and,

WHEREAS, the Chalfont Borough Code of Ordinances does not currently have a section which provides adequate regulation and guidelines for tow companies to operate within the Borough; and,

WHEREAS, the Chalfont Borough Council has determined that it is in the best interest of the Borough and its residents to amend the Chalfont Borough Ordinance at Chapter 15 to provide regulations thereto.

NOW, THEREFORE, the Council Members of the Borough of Chalfont do hereby **ENACT** and **ORDAIN** an amendment of Chapter 15 of the Chalfont Borough Code of Ordinances as follows:

Section 1. The Code of Ordinances of Chalfont Borough, Chapter 15, *Motor Vehicles and Traffic*, is hereby amended to create a new subsection at Part 7 entitled "TOWING REGULATIONS".

Section 2. The Code of Ordinances of Chalfont Borough, Chapter 15, *Motor Vehicles and Traffic*, Part 7, *TOWING REGULATIONS*, is hereby amended to add the following at § 15-701 entitled *Definitions*, which shall read as follows:

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

BOROUGH

The Borough of Chalfont.

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 said highway, road or street and therefore presents a safety hazard to the public by virtue of its location on or adjacent to a public highway, road or street in the Borough of Chalfont.

FLATBED WRECKER

A flatbed vehicle equipped with a roll body and which is designed for and capable of lifting and transporting passenger and commercial vehicles.

HEAVY DUTY WRECKER

A vehicle with a minimum twenty-five-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.

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 Central Bucks Regional Police Department

TOWER

A person engaged in the business or offering the services of a vehicle wrecker, tow truck, car carrier or other vehicle, whereby disabled or wrecked or 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.

Section 3. The Code of Ordinances of Chalfont Borough, Chapter 15, *Motor Vehicles and Traffic*, Part 7, *TOWING REGULATIONS*, is hereby amended to add the following at § 15-702 entitled *License Required*, which shall read as follows:

No person shall offer his services to or be called by the Borough or its 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.

Section 4. The Code of Ordinances of Chalfont Borough, Chapter 15, *Motor Vehicles and Traffic*, Part 7, *TOWING REGULATIONS*, is hereby amended to add the following at § 15-703 entitled *License Application*, which shall read as follows.

1. Applications for a towing license shall be made to the Manager of the Borough, upon a form available from the Borough. The form shall require the following information:
 - A. The name, address, and contact information of the business for which the towing license is sought.
 - B. The classification of the business; i.e., partnership, corporation, limited liability company, etc.
 - C. The name, home address, and business address of all owner(s) of the business, or, in the case of a corporation, the address and names of the stockholder(s).
 - D. A list of vehicles available to be utilized for service in the Borough, including description of each type of vehicle (type, make, model, year), the name and address of the owner/lessee of each type of vehicle, and the hours for which the vehicles are available for use.
 - E. The addresses and description of the premises upon which any disabled or wrecked vehicles will be towed to 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.
 - F. A certificate of insurance or other proof acceptable to the Borough that the applicant has obtained the general liability and garage keeper's liability insurance required for the issuance of a towing license.
2. Applications for a towing license shall be made and signed by the owner(s) of the business for which the license is sought or, in the case of a corporation, the president of the corporation.
3. Applicants must execute an agreement to indemnify the Borough for any and all losses or expenses incurred by virtue of any acts performed in the course of service.
4. The application for a towing license shall be accompanied by an application fee in an amount as established from time to time by resolution of the Borough Council.
5. The application shall be reviewed by the Borough Manager and the Regional Police Department within 20 days of the receipt of the application and application fee, and the applicant shall be advised shortly thereafter of whether the license has been approved or disapproved.
6. 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 fewer than three towers licensed, the Borough may issue a license which shall become effective during the calendar year.

Section 5. The Code of Ordinances of Chalfont Borough, Chapter 15, *Motor Vehicles and Traffic*, Part 7, *TOWING REGULATIONS*, is hereby amended to add the following at § 15-704 entitled *Towing License Standards*, which shall read as follows.

A towing license shall be issued to applicants who satisfy the following criteria:

1. The following vehicles shall be owned or leased by the applicant exclusively, garaged on the applicant's premises, and be ready and available for call:
 - A. One flatbed wrecker.
 - B. Two light duty wreckers, or one light duty wrecker and one wheel lift wrecker.
2. All of the aforesaid required vehicles shall be in a safe and usable operating condition and bear a sign indicating the name and telephone number of the applicant's towing business, and the applicant shall make said vehicles available for verification by the Borough.
3. A fenced-in storage yard or other secure facility, open or closed, containing not less than 10,000 square feet, 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 and occupancy, and other municipal permits. The applicant shall permit inspection of the storage yard or facility by the Borough or Regional Police Department. The applicant shall install screening and comply with all the provisions of state and federal highway beautification acts.
4. All applicants shall maintain the following insurance and provide proof thereof upon request by the Borough or Regional Police Department:
 - A. General public liability insurance in the minimum amount of \$1,000,000.
 - B. Garage keepers' legal liability insurance in the minimum amount of \$100,000.
5. In order to provide for immediate and effective service, applicants must maintain a place of business within five square miles of the Borough of Chalfont.
6. All of the vehicles in operation for towing in the Borough must maintain a two-way communication system such as two-way radios or cellphones.

Section 6. The Code of Ordinances of Chalfont Borough, Chapter 15, *Motor Vehicles and Traffic*, Part 7, *TOWING REGULATIONS*, is hereby amended to add the following at § 15-705 entitled *Independent Operator*, which shall read as follows:

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

Section 7. The Code of Ordinances of Chalfont Borough, Chapter 15, *Motor Vehicles and Traffic*, Part 7, *TOWING REGULATIONS*, is hereby amended to add the following at § 15-706 entitled *Duties of Licensees*, which shall read as follows:

1. All licensees shall keep and maintain all of the vehicles listed on their application in a safe and operable condition which shall pass the motor vehicle inspection standards of the Commonwealth of Pennsylvania and shall have said vehicles immediately available to answer calls for service by the Police Department during the duty tow shift assigned by the licensee. All licensees shall not use or employ a vehicle which does not have the required towing license vehicle sticker displayed as set forth hereinabove to answer calls by the Borough or its Police Department.
2. 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 or wrecked or abandoned vehicle, except in bad weather or adverse road conditions.
3. If any licensee cannot respond to the service call from the Police Department with the appropriate towing vehicle or in a minimum response time, the licensee shall make arrangements with another licensee to respond to the call and shall so advise the police dispatcher. If a licensee's vehicle is delayed while in transit to the requested location, the vehicle operator shall advise the police dispatcher of the delay and of his present location, whereupon a determination shall be made by the appropriate police official as to whether another licensee shall be called.
4. Fees charged by the licensee, when towing as an independent contractor to the Borough of Chalfont, shall not exceed the maximum rates established by resolution of the Borough Council. The Borough shall review, upon request of the then current duty towers, the fee schedule resolution adopted pursuant to this part at intervals of not less than six months, and is empowered to change, amend or revise said fee schedule by resolution.
5. All licensees shall be responsible for removing vehicular parts and debris from the highway. Liquid cleanup of oil and antifreeze is also the responsibility of the licensees. No additional liquid cleanup is required of the licensee. Fee for cleanup shall be as set forth and included in the Borough's fee schedule resolution.
6. All licensees shall comply with all rules and regulations established by the Police Department with regard to use of the duty tow.
7. Fees charged by the licensee for storage shall not exceed the maximum rates established by resolution of the Borough Council of the Borough of Chalfont.
8. Licensees shall permit the owners of vehicles towed to have access to their vehicles while in storage in order to inspect the vehicle or remove any personal property from the vehicle which is not physically attached to the vehicle.
9. All licensees shall make reasonable accommodations to accept payment. Facilities must have the ability to receive and accept payment tendered at the location where the vehicle is stored.

Section 8. The Code of Ordinances of Chalfont Borough, Chapter 15, *Motor Vehicles and Traffic*, Part 7, *TOWING REGULATIONS*, is hereby amended to add the following at § 15-706 entitled *Police Duty Tow*, which shall read as follows:

1. All disabled or wrecked vehicles shall be removed from the roadway immediately following an accident, in accordance with the Pennsylvania Vehicle Code, 75 Pa.C.S.A. § 101 et seq.
2. 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, a Central Bucks Regional Police Department Officer shall call the towing licensee assigned to the police duty tow to effect such a removal.
3. The Police Department shall establish rules and regulations for the establishment of a police duty tow, the rotation of assignment of towing licensees to the duty tow, and the use of the duty tow by the Central Bucks Regional Police Department.

Section 9. The Code of Ordinances of Chalfont Borough, Chapter 15, *Motor Vehicles and Traffic*, Part 7, *TOWING REGULATIONS*, is hereby amended to add the following at § 15-706 entitled *License Suspension and Revocation*, which shall read as follows:

1. A towing license shall be suspended upon a finding by the Borough Manager of any of the following grounds:
 - A. That any of the equipment which is required to be owned or leased by the licensee under this part is missing, inoperable or unsafe.
 - B. Any failure of the licensee or its operators to comply with § 15-706 Duties of licensees, Subsections 1, 2 or 3.
 - C. Any such suspension of an operator's license shall continue, without rebate of either the application fee or license fee, until such time as the Borough Manager or the Borough Manager's designee determines that the licensee is in full compliance with the terms and conditions of this part as it relates to the equipment required hereunder.
2. A towing license shall be revoked upon a finding by the Borough Manager of any of the following grounds:
 - A. The license was procured by fraudulent conduct or false statement or omission of a material fact.
 - B. The licensee's failure to perform or violation of any of the duties of the licensee as set forth hereinabove in § 15-706, Duties of licensees, Subsections 4 through 8, inclusive.
 - C. The licensee no longer meets all of the standards for issuance of a towing license.
 - D. The licensee's application is found to be defective in any way or contains misinformation or omissions of fact.
 - E. A second failure of the licensee to comply with § 15-706, Subsections 1, 2 or 3, where the licensee's license has been suspended on one prior occasion for a violation of the terms of these sections of this part.
 - F. Failure of the licensee to comply with any of the terms of this part when, in the sole discretion of the Borough Manager, 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 a police officer or any other individual.

Section 10. Severability.

In the event that any section, sentence, clause or word of this ordinance shall be declared illegal, invalid or unconstitutional by any Court of competent jurisdiction, such declaration shall not prevent, preclude or otherwise foreclose the validity of the remaining portions of this ordinance.

Section 11. Repealer.

All ordinances or parts of ordinances inconsistent herewith or in conflict with any of the specific terms enacted hereby, to the extent of said inconsistencies or conflicts, are hereby specifically repealed.

Section 12. Effective date.


This Ordinance shall be effective upon enactment.

ENACTED and ORDAINED this 8 day of May, 2018.

ATTEST:

CHALFONT BOROUGH COUNCIL


Sandra B. Zadell, Manager


John R. Engel, President


Brian Wallace, Mayor