

ORDINANCE NO. 1992-07-01

AN ORDINANCE OF THE BOROUGH OF LANGHORNE MANOR, BUCKS COUNTY, PENNSYLVANIA, REGULATING THE HAULING AND SERVICING OF DISABLED MOTOR VEHICLES; THE LICENSING OF WRECKERS FOR REMOVAL OF DISABLED MOTOR VEHICLES; EMPOWERING OF THE POLICE DEPARTMENT TO REQUIRE REMOVAL OF DISABLED MOTOR VEHICLES FROM THE STREETS WITHIN THE BOROUGH; AUTHORIZING THE POLICE DEPARTMENT TO REQUIRE THE REMOVAL OF DISABLED MOTOR VEHICLES ON A ROTATING CALL BASIS; SETTING FORTH RELATED MATTERS; AND PRESCRIBING PENALTIES FOR VIOLATION OF SAID ORDINANCE.

BE IT ORDAINED AND ENACTED, and it is hereby ORDAINED and ENACTED, by the Council of the Borough of Langhorne Manor, Bucks County, Pennsylvania, as follows:

ARTICLE I

TITLE

Section 1.01. This Ordinance shall be known and may be called the "Borough of Langhorne Manor Wrecker Ordinance."

ARTICLE II

DEFINITIONS

Section 2.01. The meaning of the terms used in this Ordinance shall unless the context specifically and clearly indicates otherwise be as follows:

A. "The Borough" shall mean the Borough of Langhorne Manor, Bucks County, Pennsylvania, a political sub-division acting by and through its Borough Council, or in appropriate cases, by and through its Police Department or other duly authorized representatives.

B. "Company" shall mean any individual, sole proprietorship, firm, partnership, association, corporation or other organization owning a Wrecker as herein defined and licensed under this Ordinance.

C. "Crusing" shall mean the driving of a wrecker upon and along any Borough street for the purpose of soliciting business in the Borough.

D. "Owned" shall mean owned, rented or leased.

E. "Person" shall mean any individual, sole proprietorship, firm, partnership, association, corporation or other organization in the singular or plural, masculine, feminine or neuter thereof, unless a contrary intent is clearly expressed.

F. "Wrecker" shall mean a vehicle used for the purpose of towing, transporting or otherwise removing any and all kinds of vehicles which are disabled or substantially damaged.

ARTICLE III

LICENSES

Section 3.01. All licenses issued under this Ordinance shall be issued to expire and shall expire on the 31st day of December next succeeding the date of issuance, unless sooner suspended or revoked by the Borough as hereinafter provided in this Ordinance.

Section 3.02. The fee for each Company to which a license or licenses for wrecker(s) are issued under this Ordinance shall be One Hundred (\$100.00) Dollars per year, and the fee for any such Company to which its first license issued on or after July 1 of any year shall be Fifty (\$50.00) Dollars. All fees shall be paid to Borough and upon payment of the required fee, the Company shall be entitled to the issuance of licenses for such number, not to exceed five (5) of wreckers owned by the Company.

Section 3.03. Applications for licenses hereunder shall be made upon blank forms prepared and made available by the Chief of Police of the Borough and the applicant shall state under oath as follows:

A. The name, home address and proposed or actual business address of the applicant and whether he is the owner, lessee or bailee of the wrecker(s).

B. Description of wrecker for which the license is desired, including the year, make, model, type, serial number of the body and motor capacity.

C. The length of time for which the wrecker has been in use as a wrecker.

D. That the applicant has available space and property for accommodating and protecting all disabled motor vehicles to be towed or otherwise removed from the place where they are disabled and that the disabled vehicles will not be stored or allowed to remain on public property or Borough streets or on property which is not zoned for such storage.

E. Such other information which the Chief of Police of the Borough shall deem necessary or proper to effectuate the purpose of this Ordinance and to determine whether there has been compliance with the terms of this Ordinance.

Section 3.04. The Chief of Police of the Borough shall within fifteen (15) days after receipt of an application for a license cause an investigation to be made of the applicant and of the proposed business operation to be licensed. The Chief of Police may delegate the inspection of the wrecker to an independent person, who may or who may not be engaged in business in the Borough, who shall be qualified by experience and training to make such inspection and who shall report to the Chief of Police whether the wrecker is in a thoroughly safe and sanitary condition. The Chief of Police shall within fifteen (15) days after completion of the inspection and investigation to either approve or deny the application.

Section 3.05. The Chief of Police of the Borough shall approve the issuance of a license to a Company upon making the following findings:

A. That the public convenience and necessity will be served by the use of the wrecker for which application has been made.

B. That the wrecker(s) of the Company to be licensed are in a thoroughly safe and sanitary condition.

C. That the requirement of this Ordinance and all other governing laws, statutes and ordinances have been met.

D. That the wrecker(s) of the Company have been properly licensed and inspected by the Commonwealth of Pennsylvania and have the necessary stickers affixed.

E. That the insurance policies or certificates required under this Ordinance have been procured and supplied to the Borough.

F. That the Company to which the license will be issued owns at least one (1) twenty-five ton wrecker, one (1) flat bed car carrier and one (1) one ton light duty wrecker, all of which however must be licensed under this Ordinance for the Company to be issued a license.

Section 3.06. The Secretary of the Borough shall upon approval of the Chief of Police, upon receipt of payment from the applicant of the proper license fee for each wrecker license and upon receipt of the required insurance policies approved by the Borough Solicitor issue a license dated in accordance with the expiration date stated herein.

Section 3.07. The Chief of Police shall issue to the person owning a licensed wrecker a card not less than four (4) inches in width and not more than six (6) inches in length in such form as may be set by the Chief of Police, which shall be at all times maintained in the glove box of each wrecker, and which shall bear the name and business address of the owner, official license number of the wrecker, and a notice that, in case of any complaint, the Chief of Police be notified. Such card shall have attached thereto the signature of the Chief of Police and the date of inspection of the wrecker, together with blank spaces upon which entry shall be made of the date of every inspection of the wrecker by the Borough.

ARTICLE IV

INSURANCE

Section 4.01. No wrecker shall be licensed hereunder, nor shall any licensed wrecker be operated within the Borough unless there shall be deposited with the Borough Secretary the following insurance policies or certificates of insurance:

1. Auto garage keepers legal liability policy covering fire, theft and explosion in the minimum amount of Fifty Thousand (\$50,000.00) Dollars and

collision coverage in the minimum amount of One Hundred Thousand (\$100,000.00) Dollars subject to a deductible of not more than Five Hundred (\$500.00) Dollars, with each accident deemed a separate claim.

2. Auto garage keepers legal liability policy and general liability insurance policy covering the operation of all of the licensee's equipment and wrecker(s) for bodily injury or property damage in a minimum amount of One Million (\$1,000,000.00) Dollars per person and One Million (\$1,000,000.00) Dollars per accident.

Section 4.02. Each policy of insurance of wrecker must contain an endorsement designating the Borough as an additional insured and providing thirty (30) days notice to the Borough in the event of any material change therein or intention to cancel said policy for any cause.

Section 4.03. The Chief of Police shall in the event that any policy is changed so as to fail to conform to any of the above requirements or if any policy of insurance is to be cancelled for any reason to notify the person responsible for the policy, and it shall be corrected or reinstated or replaced with a conforming policy within ten (10) days after the notice is received by the Borough, but before the date of cancellation. If the policy or certificate is not corrected, reinstated or replaced within ten (10) days prior to the date of cancellation, the Chief of Police shall immediately suspend the wrecker license and shall pick up from the owner all indications of licensing, including any stickers, cards or other means of identification.

ARTICLE V

CHARGES AND FEES OF WRECKER

Section 5.01. The charges for the transportation, hauling or servicing of disabled vehicles by any licensed Company or operator of any licensed wrecker shall be reasonable and shall not exceed those charges as from time to time customarily prevailing in the area of Lower Bucks County, Pennsylvania for comparable services.

Section 5.02. Licensed Company or operator of any licensed wrecker shall in the event that a motor vehicle is in a ditch or otherwise so disposed as to require services to be performed which are in addition to and apart from the simple act of towing be authorized to impose a reasonable charge for said services in addition to the aforesaid reasonable charge for towing services.

ARTICLE VI

QUALIFICATIONS FOR DRIVERS

Section 6.01. No person shall drive a wrecker who is under the age of eighteen (18) years and who has not in his possession a license duly issued to him to operate a motor vehicle in the Commonwealth of Pennsylvania with a CDL Class License.

ARTICLE VII

CONDITIONS TO LICENSE

Section 7.01. A wrecker license hereunder shall be issued subject to the following conditions:

A. The licensee shall at all times maintain the license issued by the Chief of Police in the glove box of the wrecker to which the license has been issued.

B. No licensee or his agents or servants shall solicit, demand or receive from any persons any pay, commission or emolument whatever, except the proper fee authorized for transporting the disabled vehicle in accordance with the schedule of service rates listed in §5.01.

C. Licensees, their agents and servants shall keep and maintain towing equipment which is adequate to perform such towing in a reasonably workmanlike manner.

D. Each and every licensee hereunder shall record in a book kept solely for such purpose the details of each disabled vehicle towed, serviced or transported by him or his agents or servants or employees, together with full information concerning the details surrounding the hire, including the fees charged by the licensee and the name of the owner of the towed vehicle and of the patron engaging the licensee; which book shall be kept open for inspection at all times to a duly authorized representative of the Police Department of the Borough or a duly authorized representative of the Borough Council.

ARTICLE VIII

ROTATING CALL LIST

Section 8.01. A Company performing towing services for the Borough shall be called by a police officer to perform towing services on a rotating basis. When the owner or driver of a disabled vehicle indicates a choice of a specific licensee, however, that Company shall be called, and no wrecker shall be assigned from the rotating list. No Company shall respond to the scene of an accident except upon notification by the police officer in charge in police headquarters or upon request of the driver or owner of a disabled vehicle.

Section 8.02. Such additional rules and regulations regarding the rotation of Company as may be hereafter promulgated by the Borough Council shall take effect immediately after service of a copy thereof on holders of all licenses for wreckers in the Borough. Service upon a Company may be made by sending by ordinary mail a copy of the additional rules and regulations to business address of said Company.

ARTICLE IX

RIGHTS OF OWNER

Section 9.01. Nothing in this Ordinance shall prevent the owner, licensee, agent or driver of a vehicle which is disabled from calling a wrecker of his choice to remove his disabled vehicle provided that such removal is made within a reasonable time determined by the Police Department of the Borough under the then existent conditions.

ARTICLE X

MANDATORY REMOVAL OF VEHICLES

Section 10.01. The Police Department shall have the power to require wreckers to remove vehicles without the consent of the owner of the vehicle where:

- A. There is obstruction of a public right-of-way or private property.
- B. A vehicle has been vandalized or presents a fire, safety or health hazard or constitutes an attractive nuisance.
- C. An abandoned vehicle bears no discernible registration or identification data.
- D. An abandoned vehicle is not licensed or operable.
- E. A vehicle is violating any emergency no-parking provisions as set forth in the Borough Code.
- F. Any other condition where permitted or required by law.

ARTICLE XI

LIMITATION OF WRECKERS

Section 11.01. The Borough herewith determines under the lawful exercise of the police power of the Borough that public convenience and necessity require that the number of Companies to be licensed within the Borough shall be limited to five (5) because of the limited area of the Borough.

ARTICLE XII

SEVERABILITY

Section 12.01. In the event any provision, section, sentence, clause or part of this Ordinance or the application of any of the provisions hereof, shall be held to be invalid, such invalidity shall not affect or impair any of the remaining provisions, sections, sentences, clauses or parts of this Ordinance, it being the intent of this Borough that such remainder shall be and shall remain in full force and effect.

ARTICLE XIII

ENFORCEMENT

Section 13.01. Any person who shall violate any of the provisions of this Ordinance shall upon conviction be punished by a fine not to exceed Three Hundred (\$300.00) Dollars, together with cost of prosecution in each case.

Section 13.02. Each violation of any of the provisions of this Ordinance and each day that a violation shall continue shall be taken to be a separate offense and shall be punishable and subject to the fines herein set forth as a separate offense.

Section 13.03. Fines and costs imposed upon the provisions of this Ordinance shall be enforceable and recoverable by the Borough in the manner at the time then provided for by applicable law.

Section 13.04. Council of the Borough after hearing may revoke or suspend any license issued hereunder or may refuse to renew any license previously issued hereunder for violation by a wrecker of any of the provisions of this Ordinance.

ARTICLE XIV

DECLARATION OF PURPOSE

Section 14.01. It is declared that the enactment of this Ordinance is necessary for the protection, benefit and preservation of the health, safety and welfare of the inhabitants of this Borough.

ARTICLE XV

REPEALER

Section 15.01. All ordinances or parts of ordinances inconsistent with this Ordinance shall be and the same are expressly repealed.

ARTICLE XVI

EFFECTIVE DATE

Section 16.01. This Ordinance shall be effective immediately upon adoption.

ORDAINED AND ENACTED this 7th day of July, 1992..

COUNCIL OF THE BOROUGH OF
LANGHORNE MANOR

ATTEST:

Dorothy E. Davidson
Dorothy E. Davidson, Secretary

Paul T. Cichy
Paul T. Cichy, President

APPROVED this 7th day of

Gerald Seador 1992.
Gerald Seador, Mayor