

ARTICLE 538

Impounding Illegally Parked Vehicles

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CROSS REFERENCES

Removal by or at discretion of police - See Vehicle Code §3352  
Power to establish removal and impounding procedures - See  
Vehicle Code §6109 (a)(22)  
Impounding in snow emergency - See TRAF. Art. 523  
Parking generally - See TRAF. Art. 531

538.01 AUTHORITY TO REMOVE AND IMPOUND.

(a) The Police Commissioner and/or the Executive Director of the Parking Authority is authorized to remove and impound or to order the removal and impounding of any vehicle parked on any of the streets of the City in violation of any provisions of law, including but not limited to the Pennsylvania Motor Vehicle Code, 75 Pa. C.S.A. 3351, 3352 and 3353, or any ordinance of the City. (Ord. 2010-11 - Passed 5/19/10.)

(b) Any vehicle (as defined in the Pennsylvania Motor Vehicle Code) whose owner is delinquent in payment of fines for five (5) or more parking tickets as a result of his or her violation of parking laws of the City or the Commonwealth of Pennsylvania shall be prohibited from parking on City streets and may be seized, removed and impounded or immobilized by the Police Commissioner or the Parking Authority. (Ord. 2010-11 - Passed 5/19/10.)

(c) The Police Commissioner is authorized to enter into contracts with all qualified Tow Operators, who meet the

objective standards set out in the Tow Operator contract. The Tow Operators shall provide vehicle removal and impounding services pursuant to terms of such contract. The Parking Authority is authorized to enter into contracts with not more than six (6) qualified Tow Operators, who shall meet the objective standards set out in the Parking Authority contracts. The Tow Operators shall provide vehicle removal and impounding services pursuant to the terms of such contracts.

(d) The Police Department towing contracts will run for a one year period commencing January 1 and ending December 31. Applications for Police Department towing contracts must be received by the City no later than sixty (60) days prior to the commencement of the contract term. For the purpose of the 1996 contract term only, applications from any tow operator not currently under contract with the City will be accepted up until January 15, 1996. The contracts for tow operators currently towing for the City will commence on January 1, 1996. New tow operator contracts will commence the date the contract is fully executed. All contracts for the 1996 term will expire on December 31, 1996.

(Ord. 3500 - Passed 11/17/92; Ord. 3717 - Passed 12/05/95.)

#### 538.02 APPROVED STORAGE GARAGES.

Every Tow Operator which contracts with the City of Bethlehem as provided above, shall provide and maintain a single facility for the storage of at least ten (10) full sized

automobiles and a building capable of housing and securing at least one (1) other vehicle. Such facilities shall be within the limits of the City of Bethlehem. All vehicles towed under the provisions of this Agreement shall be stored within City limits, upon or within the facility maintained by each Tow Operator.

(Ord. 3116 §2. Passed 3/3/87.)

#### 538.03 GARAGE OWNER INSURANCE REQUIREMENT.

Every Tow Operator which contracts with the City of Bethlehem as provided above, shall maintain at its own expense during the full term of the contract, public liability insurance in the minimum amounts of Current Requirements for personal injury damage, and Current Requirements for each accident, and Fifty Thousand Dollars (\$50,000.00) aggregate for property damage. In addition, such policies of insurance shall name the City of Bethlehem as an additional insured.

(Ord. 3116 §3. Passed 3/3/87.)

## 538.04 USER FEE

The City and the Parking Authority are authorized to charge a reasonable fee to cover administrative duty costs incurred by the City in connection with each vehicle tow.

(Ord. 3116 - Passed 3/3/87; Ord. 3204 - Passed 8/2/88;  
Ord. 3444 - Passed 12/3/91; Ord. 3717 - Passed 12/5/95.)

## 538.05 NOTIFICATION TO OWNERS.

Within twelve hours from the time of the removal of any vehicle under authority granted by this Article, notice of the fact that the vehicle has been impounded shall be sent by the Police Department to the owner of record of that vehicle. Such notice shall set forth the location from which the vehicle was removed, the reason for its removal and impounding, the storage garage in which it has been impounded and where it can be claimed. The notice shall also inform the owner of record that a written notice of protest and demand for hearing may be filed if the owner feels that the vehicle was removed contrary to authority. If any vehicle has not been claimed nor notice of protest filed within fifteen days of the mailing date of such notice to the owner, the Police Department may, upon request from the storage garage where the vehicle is impounded, declare the vehicle abandoned, as provided by the laws of the Commonwealth of Pennsylvania.

(Ord. 2428 \$4. Passed 7/2/74; Ord. 3177 \$2. Passed 4/19/88.)

## 538.06 PAYMENT OF CHARGES WITHOUT PROTEST.

The payment of any towing and impounding charges authorized by this Article shall, unless a written notice of protest is filed and that protest is upheld at hearing, be final and conclusive, and shall constitute a waiver of any right to recover the money so paid. (Ord. 1769 \$12. Passed 11/13/62;  
Ord. 3177 \$3. Passed 4/19/88.)

## 538.07 NOTICE OF PROTEST; HEARING.

If the owner of record of any vehicle removed and impounded under authority granted by this Article shall file a written notice of protest and demand for hearing with the Police Department, the owner shall be entitled to a hearing within twenty-four (24) hours of the filing of the notice of protest and demand for hearing, before a Hearing Officer designated by the City of Bethlehem. If the Hearing Officer shall uphold the protest, the owner shall be entitled to recover possession of the vehicle immediately, without payment of any towing and storage charges. If the Hearing Officer shall deny the protest, the

owner shall be entitled to recover possession of the vehicle only upon payment of all applicable towing and storage charges. The rights of notice, appeal, and waiver of hearing shall be afforded to any protestant under this Article, such as is provided by the Pennsylvania Motor Vehicle Code in other cases of summary offenses. (Ord. 3177 §4. Passed 4/19/88.)

538.08 RECORDS OF VEHICLES IMPOUNDED

The Police Department shall keep a record of all vehicles impounded and shall be able at all reasonable times to furnish the owners or agents of the owners thereof with information as to the place of storage of such vehicles. (Ord. 2428 §5. Passed 7/2/74.)

538.09 LIABILITY FOR FINE OR PENALTY.

The payment of towing and storage charges shall not operate to relieve the owner or operator of any vehicle from liability for any fine or penalty for the violation of any law or ordinance on account of which the vehicle was removed and impounded. (Ord. 1769 §12. Passed 11/13/62.)

538.10 RESTRICTIONS UPON REMOVAL.

Deleted by Ordinance 2670, passed 9/14/79.

538.11 HOURS FOR CLAIMING IMPOUNDED VEHICLES.

Every Tow Operator which contracts with the City of Bethlehem and as provided above, shall release any vehicle towed, at any hour, within the first twelve (12) hours of the tow. Thereafter, vehicles will be released between 8:00 A.M. and 5:00 P.M., Monday through Friday, and between 8:00 A.M. and Noon Saturday, except holidays. Between 8:00 A.M. and 5:00 P.M., Monday through Friday, and between 8:00 A.M. and Noon Saturday, except holidays, there will be no charge for the release of any vehicle. An additional charge of \$10.00 will be added to the towing fee for a release at any other hour. (Ord. 3116 §5. Passed 3/3/87.)

538.12 UNLAWFUL REDEMPTION.

No person shall move a vehicle after it has been towed to an approved storage garage without payment of all applicable towing and storage charges, except as otherwise provided in this Article. (Ord. 2048 §2. Passed 11/14/67; Ord. 3177 §5. Passed 4/19/88.)

(Ord. 3354. Passed 10/2/90 changed Article No. only)

## 538.98 ENFORCEMENT REMEDIES.

Where any Tow Operator breaches terms of the contract, in addition to pursuing legal recourse to collect monies owed the City, the City may terminate the contract. (Ord. 3717. Passed 12/5/95.)

## 538.99 PENALTY.

Whoever moves a vehicle after it has been towed to an approved storage garage without payment of the towing and storage charges shall be subject to a fine of fifty dollars (\$50.00) for the first offense and one hundred dollars (\$100.00) for each subsequent offense. (Ord. 3371. Passed 11/20/90.)