

TOWNSHIP OF ABINGTON

(3) PUBLIC SAFETY COMMITTEE

**March 4, 2015
7:00 P.M.**

CALL TO ORDER

ROLL CALL: SCHREIBER – DiPLACIDO – KALINOSKI – BOWMAN – FARREN, SR.

**Township Manager LEFEVRE
Assistant Township Manager WEHMEYER
Township Solicitor CLARKE
Fire Marshal CLARK
Chief of Police KELLY
Traffic Safety Officer FREED**

MINUTES:

Motion to approve the minutes of the February 4, 2015 Public Safety Committee Meeting.

Police Department – Call on Chief Kelly

SARS Assistant Chief of Operations – Call on Richard Garrett

PS1. Ordinance No. 2088 – Repealing Article VI – “Removal and Impounding of Illegally Parked Vehicles” of Chapter 156 – “Vehicles and Traffic and Establishing and Enacting Chapter 160 – “Towing”

Motion to adopt Ordinance No. 2088 Repealing Article VI – “Removal and Impounding of Illegally Parked Vehicles” of Chapter 156 – “Vehicles and Traffic” and Establishing and Enacting Chapter 160 “Towing”.

PS2. Ordinance No. 2090 – Amending Chapter 156 “Vehicles and Traffic”, Article II – “Traffic Regulations” Section 7 – Speed Limits Established

Motion to adopt Ordinance No. 2090 amending Chapter 156 “Vehicles and Traffic”, Article II – “Traffic Regulations” Section 7 Speed Limits Established reducing the speed limits on Rockwell Road from Old Welsh Road to Edge Hill Road from 35 miles per hour to 30 miles per hour.

PS3. Ordinance No 2091 – Amending Chapter 156 –“Vehicles and Traffic,” Article III – “Parking Regulations”, Section 25 – “Parking Prohibited at All Times; No Parking Between Signs; No Parking Here to Corner; Parking Prohibited Except Certain Hours; No Stopping Or Standing”

Motion to advertise Ordinance No. 2091 amending Chapter 156 (Vehicles and Traffic), Article III (Parking Regulations), Section 25 – (Parking Prohibited At All Times; No Parking Between Signs; No Parking Here To Corner; Parking Prohibited Except Certain Hours; No Stopping or Standing) for adoption at the regularly scheduled meeting of the Board of Commissioners on April 9, 2015.

PS4. Ordinance No. 2092 – Amending Chapter 155 – “Traffic Control,” Article I – “Automated Red Light Enforcement Systems,” Section 155-7 – “Duties of the Township of Abington”

Motion to advertise Ordinance No. 2092 amending Chapter 155 (Traffic Control), Article I “Automated Red Light Enforcement Systems,” Section 155-7- “Duties of the Township of Abington allowing a \$35 cost of collection fee to be added to the \$100 Red Light Camera Fine when the fine is referred to a third party collection agency for adoption at the regularly scheduled meeting of the Board of Commissioners on April 9, 2015.

PS5. DARE Program Grant

Motion to authorize Township officials to accept a grant from CAPT in the amount of \$15,000.00 for the DARE Program.

PUBLIC SAFETY COMMITTEE

BOARD ACTION REQUEST

March 4, 2015

Date

PSI

Agenda Item Number

Department

Agenda Item

Township Manager

Police



Ordinance No. 2088
Repealing Article VI – “Removal and
Impounding of Illegally Parked
Vehicles” of Chapter 156 – “Vehicles
and Traffic”
And Establishing Chapter 160 –
“Towing”



Previous Action

On February 12, 2015 at a regularly scheduled meeting, the Board of Commissioners approved a motion to advertise Ordinance No. 2088 for adoption on March 12, 2015

Recommend Board Action

Motion to adopt Ordinance No. 2088 Repealing Article VI – “Removal and Impounding of Illegally Parked Vehicles” of Chapter 156 – “Vehicles and Traffic” and Establishing Chapter 160 – “Towing”

Comments

Ordinance No. 2088 is attached.

The purpose and intent of this ordinance is to regulate towing rates and towing services as permitted by 75 Pa.C.S. § 3353; to provide for proper licensing of towing services and notice to the Abington Township Police where vehicles are towed from public or private property without the consent of the owner or operator of the vehicle by a towing service operating on behalf of a private property owner or on behalf of the Township, and to avoid erroneous reports of stolen vehicles being submitted to the Abington Township Police Department.

**TOWNSHIP OF ABINGTON
MONTGOMERY COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2088

**AN ORDINANCE REPEALING ARTICLE VI – “REMOVAL AND IMPOUNDING OF
ILLEGALLY PARKED VEHICLES”
OF CHAPTER 156 – “VEHICLES AND TRAFFIC”
AND ESTABLISHING AND ENACTING CHAPTER 160 – “TOWING”**

WHEREAS, the Township of Abington is a Township of the First Class, duly organized and existing pursuant to the applicable laws of the Commonwealth of Pennsylvania; and

WHEREAS, pursuant to section 1502.44 of the First Class Township Code of the Commonwealth of Pennsylvania, 53 P.S. §56544, the Board of Commissioners has the authority to enact and amend provisions of the Abington Township Code (“Code”) at any time it deems necessary for the health, safety, morals, general welfare, cleanliness, beauty, convenience and comfort of the Township and the inhabitants thereof; and

WHEREAS, pursuant to section 1502.10 of the First Class Township Code of the Commonwealth of Pennsylvania, 53 P.S. §56510, the Board of Commissioners has the authority to take all needful means for securing the safety of persons or property within the Township; and

WHEREAS, pursuant to section 1502.49 of the First Class Township Code of the Commonwealth of Pennsylvania, 53 P.S. §56549, the Board of Commissioners has the authority to regulate parking; and

WHEREAS, pursuant to 75 Pa.C.S. §3353(c), the Board of Commissioners has the authority to provide for the rates to be charged for removal of vehicles and to regulate authorized towing services.

WHEREAS, the Board of Commissioners of the Township of Abington has determined that Chapter 156 – “Vehicles and Traffic,” Article VI – “Removal and Impounding of Illegally

Parked Vehicles” should be repealed and Chapter 160 – “Towing,” should be enacted for the health, safety, morals, general welfare, cleanliness, beauty, convenience and comfort of the Township and the inhabitants thereof.

NOW, THEREFORE, the Board of Commissioners of the Township of Abington does hereby **ENACT** and **ORDAIN** as follows:

1. Chapter 156 – “Vehicles and Traffic,” Article VI – “Removal and Impounding of Illegally Parked Vehicles” is hereby repealed.
2. Chapter 160 – “Towing,” is hereby established and enacted as reflected in Exhibit “A” attached hereto.
3. All other ordinances, portions of ordinances, or any section of the Code inconsistent with this Ordinance are hereby repealed.
4. This Ordinance shall become effective five (5) days after enactment.

ORDAINED AND ENACTED this _____ day of _____, 2015.

TOWNSHIP OF ABINGTON
BOARD OF COMMISSIONERS

Attest:

Michael LeFevre, Secretary

By: _____
Wayne Luker, President

Exhibit "A"

§160-1 Purpose and Intent

The purpose and intent of this ordinance is to regulate towing rates and towing services as permitted by 75 Pa.C.S. § 3353; to provide for proper licensing of towing services and notice to the Abington Township Police where vehicles are towed from public or private property without the consent of the owner or operator of the vehicle by a towing service operating on behalf of a private property owner or on behalf of the Township, and to avoid erroneous reports of stolen vehicles being submitted to the Abington Township Police Department.

§160-2 Word Usage; Definitions

For the purposes of this chapter, the following terms, phrases, words and their derivations shall have the meanings given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and the words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

COMMERCIAL VEHICLE

Any motor vehicle having a gross vehicle weight rating of 26,001 or more pounds or is otherwise defined as a "Commercial motor vehicle" pursuant to 75 Pa.C.S. §1603 or its successors.

HEAVY TOW TRUCK

Any motor vehicle capable of towing a vehicle having a gross vehicle weight rating, gross combination weight rating, registered combination weight or actual gross weight of 26,001 or more pounds.

LIGHT TOW TRUCK

Any motor vehicle capable of towing a vehicle having a gross vehicle weight rating, gross combination weight rating, registered combination weight or actual gross weight of no more than 10,000 pounds.

MEDIUM TOW TRUCK

Any motor vehicle capable of towing a vehicle having a gross vehicle weight rating, gross combination weight rating, registered combination weight or actual gross weight of no less than 10,001 pounds but no more than 26,000 pounds.

NON-COMMERCIAL VEHICLE

Any motor vehicle not defined as a "Commercial Vehicle" by this Section.

ON-CALL

Refers to those towers licensed under this chapter who alone will be called to accidents occurring in Abington Township by the Abington Township Police Department and shall

be available for any towing required by Abington Township itself, except as specifically provided in this chapter to the contrary.

PERSON

Any individual, firm, partnership, association, corporation, company or organization of any kind within Abington Township.

TOWER or TOWING SERVICE

A person or any other legal entity engaged in the business of offering the services of a vehicle tower or towing service, whereby disabled motor vehicles are towed or otherwise removed from the place where they are disabled or are abandoned due to the arrest of the operator by use of a tow truck so designed for that purpose or by a truck, automobile or other vehicle so adapted to that purpose.

TOWNSHIP

The Township of Abington, Montgomery County, Pennsylvania.

TOW TRUCK

Includes "Light Tow Truck," "Medium Tow Truck," and "Heavy Tow Truck" as defined herein.

§160-3 Repossession Activity

Notwithstanding the provisions of this Chapter, towing companies will be generally exempt from compliance with this Towing Ordinance while they are engaged in repossession of vehicles on behalf of holders of liens on vehicles, provided that:

- A. At least one hour prior to beginning the repossession of a vehicle, the towing company must notify the Abington Township Police Department of its intention to repossess the vehicle; give the Abington Township Police Department the name of the vehicle owner and the address at which the vehicle repossession is going to take place. Furthermore, the towing company shall present to the Police Department proof of its right to repossess the vehicle; and
- B. When not engaged in repossession activity, towing companies must comply with the Towing Ordinance. The mere fact that a towing company performs repossession services from time to time in the Township does not provide the said towing company with a blanket exemption from this Towing Ordinance.

§160-4 Towing Unattended Vehicles from Private Property

The following regulations shall apply to the towing of any vehicle parked or left unattended on private property without the consent of the property owner aside from Repossession Activities as set forth in §160-3, including but not limited to repossession of vehicles on behalf of lienholders or lessors of vehicles.

A. No towing service shall remove any vehicle that is parked or left unattended on private property unless the private property owner, lessee, or vehicle owner consents in writing to such removal. In addition, any towing service shall first secure a license from the Township of Abington prior to doing any towing from any public or private property located in Abington Township. A license shall be issued for a fee of \$100 per calendar year and shall be issued by the Abington Township Police Department upon completion of a department application containing, at a minimum, the following information:

1. The name, address and telephone number of the towing service.
2. The name, business address and telephone number of all persons or entities having an ownership interest in the towing service.
3. The name, address and telephone number of all persons from whose property in Abington Township the towing service is authorized to remove vehicles.
4. The name, address and telephone number of the storage yard where vehicles are removed from private property in Abington Township will be towed.
5. The name, address and telephone number of the bonding company and the name, address and telephone number of the bonding company agent through whom the bond required by this section has been issued.
6. Any changes in any of the information required in Subsection 1(a) through (f) herein shall be reported, in writing, to the Abington Township Police Department within 24 hours of such change.

B. Authorized towing services shall:

1. Maintain a current bond with the Township in the sum of \$10,000 in form and with surety satisfactory to the Township's Solicitor, conditioned upon the faithful performance discharged by the towing service of its duties as bailees of removed vehicles, and to indemnify the owners of vehicles against loss, injury or damage while in his custody.
2. Provide certificates of insurance as follows: in the minimum amount of \$500,000 combined single limit for scheduled autos, hired autos, nonowned autos; \$100,000 for each personal injury; and \$50,000 per occurrence for garage keeper's liability.
3. Comply with the provisions of the Pennsylvania Vehicle Code with respect to the removal and storage of vehicles from private property or the removal and impoundment of vehicles from public property.
4. Make payment of any final judgment for personal injuries or property damage rendered with respect to the performance of services regulated by this ordinance.
5. Notify the Abington Township Police Department by telephone, in person or by facsimile transmission of the removal of a vehicle from public or private property within 60 minutes of such removal and provide a description and license number of the vehicle thus removed.
6. Notify the record owner of the vehicle by telephone, in person, or by facsimile transmission of the removal of a vehicle from public or private property within 12 hours of such removal.

C. Signs on private lots. No person shall remove or cause to be removed a vehicle parked on a private lot without authorization unless signs are posted as follows:

1. That a sign, at least three feet by two feet in size, is placed at every entrance to a private lot clearly indicating that the parking lot is private, that unauthorized vehicles will be towed at the owner's expense, the name and phone number of the towing agency, the hours of tow operation and the towing and storage fees, which shall not exceed the fines listed in this chapter.
2. That within a lot containing less than 20 parking spaces, additional signs at least eighteen by twelve (18 x 12) inches in size are to be posted approximately eight feet above ground level, clearly indicating that all unauthorized vehicles will be towed at the owner's expense. One sign shall be posted for every four parking spaces and be readily visible from the parking spaces.
3. That within a lot containing more than 20 parking spaces, the property owner shall prepare a site plan, subject to the approval of the Chief of Police or his or her designee, showing signage readily visible from all directions. Such signs, clearly indicating that all unauthorized vehicles will be towed at the owner's expense, shall thereafter be posted and maintained pursuant to the approved site plan. In the event that the Pennsylvania Motor Vehicle Code, and its accompanying regulations, provides for a higher standard with regard to signs and posting of signs, said standards shall be followed.
4. There shall be no additional fees other than the fees posted on the signs.
5. Signs must be reflective to increase visibility during hours of darkness.

§160-5 Towing of Vehicles at the Request of the Abington Township Police Department

- A. The Chief of Police, or designee, is hereby authorized to remove and impound, or to order the removal and impounding, of any vehicle parked on any of the streets, highways or public property in Abington Township in violation of any provision of the law or of any ordinance of the Township; provided, that the removal and/or impoundment of such vehicles strictly adheres to the provisions of this ordinance.
- B. The Board of Commissioners shall appoint two towing companies each year to serve for a period of 12 months. The appointed towing companies will alternate after every call for service. No person shall be eligible to be named as a primary or alternate primary tower by the Board of Commissioners unless he/she first acquires a valid towing license from the Township of Abington.
- C. Towers requesting to be appointed as the primary or alternate primary tower shall submit an application to the Township.
- D. Primary and alternate primary towers shall be selected from applicants based upon a criteria consisting of, but not limited to, Applicant's quality of service, the location and security features of Applicant's facility, their compliance with codes, their standing with the Township, their number of vehicles available, their compliance with the provisions of this Code and their payment of a fee established by the Township.

E. Minimum Standards. Primary and alternate towers shall be solely responsible to ensure that:

1. No vehicle shall be licensed unless the vehicle to be licensed is properly registered and inspected as required by the Motor Vehicle Law of the Commonwealth of Pennsylvania. Each tow truck shall meet all of the requirements of the Motor Vehicle Law for such vehicles
2. On each side of every tow truck for which a license has been granted, there shall be, legibly inscribed in letters not less than three inches high, the name and address of the owner and licensee of such tow truck and the license number for each license posted on the cab.
3. Each tow truck shall be equipped with an amber rotating light mounted at the top of the cab of such vehicle and shall be of a type that contains at least two sealed beam bulbs and visible 360° for a distance of not less than 500 feet under normal atmospheric conditions, or equal lighting equipment.
4. Each tow truck shall be equipped with two flashing red lights (four-way flashers) so mounted as to show the width of the vehicle from the rear; said lights shall be visible for a distance of not less than 500 feet under normal atmospheric conditions.
5. Each tow truck shall be equipped with not less than 12 thirty-minute-burning-type flares and three reflecting-type flares.
6. Each tow truck shall be equipped with a fire extinguisher, the minimum rating of which shall be at least 10 pounds ABC.
7. Each tow truck shall be equipped with hoisting equipment of sufficient capacity to perform the service intended. The hoisting equipment of each tow truck shall be securely mounted to the frame of such vehicle. The winch of such hoisting equipment shall contain not less than 100 feet of steel strand cable; said cable shall be one continuous length and shall be free from breaks, splits or knots.
8. Each tow truck shall be equipped with a broom, shovel, crowbar and oil dry.
9. Each operator of any tow truck shall have a valid commercial driver's license related to tow truck operators issued by the Pennsylvania Department of Motor Vehicles.
10. Each licensed person under this chapter shall provide a certificate or other written document acceptable to the Township that the insurances required under this chapter remains in full force and effect.
11. The primary and alternate tower is capable of accommodating heavy duty and regular towing.
12. Both the primary and/or secondary tower are expected to respond within 15 minutes from their receipt of the Police Department's call requesting service to the location of the wrecked or abandoned vehicle, except during adverse roadway conditions.
13. If the primary or secondary tower cannot respond to the service call from the Police Department with the appropriate towing vehicle or within the required response time, the firm should so advise the police dispatcher. If the tower 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 an alternate tower shall be called.

14. Any primary or secondary tower performing police towing service, as an independent contractor to the Township of Abington, shall not exceed the maximum rates established in this chapter.
 15. All primary and secondary towers shall comply with the rules and regulations established by the Abington Police Department.
 16. Primary and/or alternate primary towers must immediately transport towed vehicles to a secured yard with the vehicle's windows closed and all doors locked. The vehicle's keys shall be deposited with a copy of the service invoice in the impound yard office.
 17. An invoice for each tow service shall be completed by the primary and/or secondary tower and shall include the following information:
 - a. Incident number.
 - b. Date and location.
 - c. Whether a police release is required.
 - d. The make, model, vehicle identification number and license plate number.
 - e. Indication of status (i.e., wrecked, stolen, abandoned, disabled or impounded)
 18. If the cause of the disability was due to an accident, primary and/or alternate primary towers must completely clean and sweep all debris from the accident scene prior to leaving same. There shall be no additional charge for clean-up of the accident scene.
- F. Application. Neither license shall be issued unless an affidavit of application therefor has been filed with the Township Manager by the applicant on or before November 30 prior to the license calendar year, duly sworn to by said applicant before a duly licensed notary public of the Commonwealth of Pennsylvania and thereafter approved. The application shall include the following information for each license:
1. The name and business address of the applicant and, if a natural person, his age and residential address.
 2. The registration number of each tow truck to be operated.
 3. The location, description and hourly availability of the tow trucks operated by the applicant and the rates for services thereof.
 4. Location of space for properly storing, accommodating and protecting all disabled motor vehicles to be towed or otherwise removed from the place where vehicles are disabled.
 5. A schedule of regular rates showing the charges to be made for all aspects of towing within the towing area indicated in § 160-6(F) hereof.
 6. A list of heavy duty and standard tow trucks, as defined in this Chapter, in the applicant's vehicle fleet.
 7. Such other information as the Township Board of Commissioners shall find reasonably necessary to effectuate the purpose of this chapter and to arrive at a fair determination of whether the terms of this chapter have been complied with.
 8. A certificate of insurance shall be provided by each tower requiring notice to the Township not less than 30 days prior to the event of cancellation or nonrenewal, which shall indicate the amount of liability insurance and garagekeeper's liability insurance for personal injury and property damage on said service or tow truck and to

cover fire, theft and property damage on vehicles impounded or stored, respectively; the name of the insurance company, which must be licensed to do business in the Commonwealth of Pennsylvania; and the policy number. The limits shall be not less than \$100,000 for each person and \$300,000 for each occurrence and not less than \$25,000 for property damage on each of the property coverages and garage keeper's legal liability policy to cover fire, theft and property damage that will cover any vehicle towed, impounded or stored and will keep such policy in effect through their license period, in insurance limits not less than as set forth above.

- G. No license shall be considered for issuance by the Township under this chapter unless the entire application, with all requirements set forth in §160-5(F) has been received by the Township on or before November 30 of the calendar year prior to the license calendar year.
- H. Expiration. Every license issued pursuant to this chapter shall expire on the 31st day of December following the issuance thereof, and no such license is transferable from one operator to another, nor from one truck to another, without the prior written consent of the Township.
- I. No person shall operate for hire a truck or other type of motor vehicle designed and able to provide road service and to tow other motor vehicles from public places, streets or highways within the Township, unless a license therefor shall first have been obtained from the Township as hereinafter provided. This provision shall not be deemed to require licensing of tow truck operators who tow vehicles from private garages, residences or other private places with the prior consent of the vehicle owner or tow truck operator towing vehicles.
- J. Such license shall not be transferable. Any change in ownership of a licensee shall operate as a termination of such license.
- K. Application for each such license related to standard tow truck towers and heavy tow truck towers shall be mailed on a form provided by the Township and shall be accompanied by a fee schedule to be charged by the licensee and an annual license fee of \$100, or such fee as shall be set from time to time by resolution of the Township Board of Commissioners.
- L. Each license issued by the Township under this chapter shall be for one calendar year.
- M. The licensing of towers pursuant to this chapter shall create no new or additional liability for the Township. The duties performed by the Township pursuant to this chapter are general duties owed to the public. No person is authorized to create a special duty to anyone either by representation, act or omission. Towers pursuant to this chapter shall indemnify the Township to the fullest extent allowable by law.

§160-6 Prohibited Acts

- A. The provisions of this Section shall apply to private towers and towers acting at the request of the Abington Police Department.

- B. Removal from scene of accident. It shall be unlawful for any person to service or tow away any motor vehicle which has been involved in an accident without the prior consent of the owner or operator and the Township police officer at the scene of the accident. No motor vehicle shall be serviced at or removed from the scene of an accident, where the Township police officer requires or requests that an examination be made of the damaged vehicle to determine whether the vehicle was defective or where the Township police officer requires or requests that photographs and/or diagrams of the scene be made.
- C. Failure to remove debris. When called to the scene of an accident, either by the Abington Township Police Department or at the request of the owner of the motor vehicle, the tower shall be responsible for removing debris from the roadway, such as glass, metal fragments, etc., leaving the roadway free from such debris. Failure to remove debris shall be unlawful.
- D. Solicitation. It shall be unlawful for any person to drive along any public street or highway within the Township for the sole purpose of soliciting towing and/or repair work. It shall be unlawful for any person to solicit towing or repair work at the scene of any motor vehicle accident on private property or on a public highway within the Township. The stopping of any tow truck within 500 feet of the scene of any accident or disabled vehicle on any public street or highway in the Township without the prior authorization of the operator of the vehicle, owner of the vehicle, a member of the Township Police Department or a member of the Pennsylvania State Police shall be presumptive evidence of the intent of the operator of a tow truck to solicit towing or repair work, except if the owner flags down a passing tow truck.
- E. Cruising. Cruising for the purpose of solicitation of towing or repair work shall be unlawful. "Cruising" shall be defined as the driving along the public highways or roadways solely for the purpose of soliciting towing or repair work, and without having been first called or otherwise requested to provide service.
- F. Destination of towed vehicle. The owner of the vehicle shall determine the destination of the vehicle to be transported by the tower, within a radius of not greater than 12 miles from the location of the subject vehicle. Tower shall inform the vehicle's owner of additional mileage fees.
- G. Fees. No person operating pursuant to this chapter shall charge fees for any towing or storage services in excess of the fees established in this Ordinance.
- H. Subcontracting. In an on-call event, in the event that tower called for towing or service assistance is unable to comply with the request for towing or service assistance, the tower shall not be permitted to subcontract the work to another tower or to permit any unlicensed tower or vehicle to complete the tow or service assistance. In such an instance, if the tower that was originally called is unable to complete the tow or the service assistance, the next tower on the duty tow list shall be contacted to complete the tow or service assistance.

- I. Owners or operators of hooked vehicles and towing operators shall not engage in disorderly conduct.

§160-7 Towing Costs and Hooking Fees for Non-Commercial Vehicles Weighing 10,000 Pounds or Less

- A. The cost of towing passenger cars, and other non-commercial vehicles weighing 10,000 pounds or less, hooked and removed from the premises shall not be in excess of \$125 for each crane tow, wheel lift, flatbed tow, or any other type of tow. In all instances when a passenger car, or other non-commercial vehicles, is hooked and the owner/operator returns prior to the vehicle being removed, tow operators shall charge no more than a hooking fee of \$50 and must release the vehicle to the owner/operator immediately upon receipt of fee. A separate fee for winching shall not be charged, except in extraordinary circumstances. Additional fees at reasonably prevailing rates, not to exceed \$125 per hour, may be applied for the recovery of additional labor costs associated with unusual circumstances including, but not limited to, the removal of oil and vehicle fluids and specialty tow services for overturned vehicles, seriously wrecked vehicles, vehicles in remote or inaccessible areas, clean-up of an exceptional amount of debris, destinations ten (10) miles or greater from the location of the subject vehicle, or like situations.
- B. If the owner/operator is unable or unwilling to pay the hooking fee, the tow operator has the option of towing the vehicle to an impound facility or releasing the vehicle to the owner/operator and issuing a written bill at the scene.
- C. Under no circumstances, and in no cases, shall an administrative or other like fee be charged.

§160-8 Towing Costs and Hooking Fees for Passenger Cars and Other Non-Commercial Vehicles Weighing More Than 10,000 but Less Than 26,000 Pounds

- A. The cost of towing passenger cars, and other non-commercial vehicles weighing more than 10,000 pounds but less than 26,000 pounds, hooked and removed from the premises shall not be in excess of \$175 for each crane tow, wheel lift, flatbed tow, or any other type of tow. In all instances when a passenger car, or other non-commercial vehicles, is hooked and the owner/operator returns prior to the vehicle being removed, tow operators shall charge no more than a hooking fee of \$50 and must release the vehicle to the owner/operator immediately upon receipt of fee. Additional fees at reasonably prevailing rates, not to exceed \$125 per hour, may be applied for the recovery of additional labor costs associated with unusual circumstances including, but not limited to, the removal of oil and vehicle fluids and specialty tow services for overturned vehicles, seriously wrecked vehicles, vehicles in remote or inaccessible areas, clean-up of an exceptional amount of debris, destinations ten (10) miles or greater from the location of the subject vehicle, or like situations.

- B. If the owner/operator is unable or unwilling to pay the hooking fee, the tow operator has the option of towing the vehicle to an impound facility or releasing the vehicle to the owner/operator and issuing a written bill at the scene.
- C. Under no circumstances, and in no cases, shall an administrative or other like fee be charged.

§160-9 Towing Costs for Commercial Vehicles

- A. The cost of towing Commercial Vehicles shall not be in excess of the sum of \$225 per hour plus \$5 per mile. In all instances when a vehicle Commercial Vehicles is hooked and the owner/operator returns prior to the vehicle being removed, tow operators shall release the vehicle to the owner/operator immediately upon receipt of fee. A separate fee for winching shall not be charged, except in extraordinary circumstances. Additional fees at reasonably prevailing rates, not to exceed \$125 per hour, may be applied for the recovery of additional labor costs associated with unusual circumstances including, but not limited to, the removal of oil and vehicle fluids and specialty tow services for overturned vehicles, seriously wrecked vehicles, vehicles in remote or inaccessible areas, clean-up of an exceptional amount of debris, destinations ten (10) miles or greater from the location of the subject vehicle, or like situations.
- B. If the owner/operator is unable or unwilling to pay the hooking fee, the tow operator has the option of towing the vehicle to an impound facility or releasing the vehicle to the owner/operator and issuing a written bill at the scene.
- C. Under no circumstances, and in no cases, shall an administrative or other like fee be charged.

§160-10 Storage Cost of Passenger Cars and All Other Vehicles

- A. The cost of storage of Passenger Cars and all other Vehicles, Commercial or Non-Commercial, shall not be in excess of \$50 per day.
- B. There shall be no storage costs if the towed vehicle is retrieved on the same business day between the hours of 8:00 a.m. and 5:00 p.m.
- C. Towing company must provide secure, well-lighted, and maintained facilities which at all times promote the safety and protection of towed and impounded vehicles and owners thereof who visit such facility.
- D. Between the hours of 8:00 a.m. and 11:00 p.m., seven days per week, the towing company must have personnel available, at least once every hour, to return the towed or impounded vehicle to its owner or to allow the owner an opportunity to remove personal belongings such as medicine, cell phones, laptop computers, purses, perishable goods, etc. from the towed/impounded vehicle.

- E. The provisions of paragraphs (C) and (D) of this section shall not apply with regard to any Passenger Cars or other Vehicles, Commercial or Non-Commercial, stored or impounded on a lot owned or maintained by the Township or the Township Police Department. The fee for Passenger Cars or other Vehicles, Commercial or Non-Commercial, stored or impounded on a lot maintained or owned by the Township or the Township Police Department shall be \$50 per day.
- F. No storage fees may be imposed during the first twenty-four (24) period a vehicle is stored at the facility if the facility is not open.

§160-11 Liability of Owner or Operators for Fine or Penalty

The payment of towing and storage charges authorized by this chapter shall not operate to relieve the owner or operator of any vehicle from liability for any fine or penalty

§160-12 Violations and Penalties

- A. Revocation. The Chief of Police, upon determining that any provisions of this section have been violated, in addition to any other penalties provided herein, may revoke a license issued hereunder, together with the right to reapply for a subsequent license, for a period of up to two years. Appeal from such revocation shall be to the Public Safety Committee of the Board of Commissioners.
- B. Fines. Any person, firm or corporation violating any of the provisions of this Ordinance shall, in addition to the other charges hereinbefore provided for, upon conviction before any Magisterial District Justice, be guilty of a summary offense and shall be required to pay a fine not exceeding \$600.00 and costs of prosecution. Each and every day on which any person, firm or corporation shall be in violation of this Ordinance shall constitute a separate offense.
- C. Equitable Relief. Further, the appropriate officers or agents of the Township of Abington are hereby authorized to file a complaint for such violation and seek any other available relief at law or equity, including injunction, to enforce compliance with this chapter.

§160-13 Severability

The provisions of this ordinance are severable, and if any section, clause, sentence or part or provision thereof shall be held illegal, invalid or unconstitutional, the decision of the Court shall not affect or impair the remaining parts and provisions of this ordinance.

PUBLIC SAFETY COMMITTEE

BOARD ACTION REQUEST

March 4, 2015

Date

PS2

Agenda Item Number

Department

Police

Agenda Item

Ordinance No. 2090
To Amend Chapter 156
"Vehicles and Traffic"
Article II – "Traffic Regulations"
Section 7 – "Speed Limits
Established"

Township Manager

mz

Previous Action

February 12, 2015 – Board of Commissioners motioned to advertise Ordinance No. 2090, amending Chapter 156 "Vehicles and Traffic", Article II – "Traffic Regulations", Section 7 – "Speed Limits Established.

Recommend Board Action

Motion to adopt Ordinance No. 2090 amending Chapter 156 (Vehicles and Traffic), Article II (Traffic Regulations), Section 7 – (Speed Limits Established) along Rockwell Road from Old Welsh Road to Edge Hill Road from 35 MPH to 30 MPH.

Comments

Ordinance No. 2090 (attached) will change the Speed Limit along Rockwell Road from Old Welsh Road to Edge Hill Road from 35 MPH to 30 MPH.

**TOWNSHIP OF ABINGTON
MONTGOMERY COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2090

**AN ORDINANCE AMENDING CHAPTER 156 – “VEHICLES AND TRAFFIC,”
ARTICLE II – “TRAFFIC REGULATIONS”
SECTION 7 – “SPEED LIMITS ESTABLISHED”**

WHEREAS, the Township of Abington is a Township of the First Class, duly organized and existing pursuant to the applicable laws of the Commonwealth of Pennsylvania; and

WHEREAS, pursuant to section 1502.44 of the First Class Township Code of the Commonwealth of Pennsylvania, 53 P.S. §56544, the Board of Commissioners has the authority to enact and amend provisions of the Abington Township Code (“Code”) at any time it deems necessary for the health, safety, morals, general welfare, cleanliness, beauty, convenience and comfort of the Township and the inhabitants thereof; and

WHEREAS, pursuant to section 1502.10 of the First Class Township Code of the Commonwealth of Pennsylvania, 53 P.S. §56510, the Board of Commissioners has the authority to take all needful means for securing the safety of persons or property within the Township; and

WHEREAS, pursuant to section 1502.49 of the First Class Township Code of the Commonwealth of Pennsylvania, 53 P.S. §56549, the Board of Commissioners has the authority to regulate parking; and

WHEREAS, the Board of Commissioners of the Township of Abington has determined that Chapter 156 – “Vehicles and Traffic,” Article II – “Traffic Regulations,” Section 7 – “Speed Limits Established,” should be amended for the health, safety, morals, general welfare, cleanliness, beauty, convenience and comfort of the Township and the inhabitants thereof.

NOW, THEREFORE, the Board of Commissioners of the Township of Abington does hereby ENACT and ORDAIN as follows:

1. Chapter 156 – “Vehicles and Traffic,” Article II – “Traffic Regulations,” Section 7 – “Speed Limits Established,” shall be amended to repeal the following restriction:

Name of Highway	Speed Limit (mph)	Location
Rockwell Road	35	From Old Welsh Road to Edgehill Road

2. Chapter 156 – “Vehicles and Traffic,” Article II – “Traffic Regulations,” Section 7 – “Speed Limits Established,” shall be amended to add the following restriction:

Name of Highway	Speed Limit (mph)	Location
Rockwell Road	30	From Old Welsh Road to Edgehill Road

3. All other ordinances, portions of ordinances, or any section of the Code inconsistent with this Ordinance are hereby repealed.
4. This Ordinance shall become effective five (5) days after enactment.

ORDAINED AND ENACTED this _____ day of _____, 2015.

TOWNSHIP OF ABINGTON
BOARD OF COMMISSIONERS

Attest:

Michael LeFevre, Secretary

By: _____
Wayne Luker, President

Old York Road	40	From Keith Road to Moreland Road
Old York Road	25	From Township Line Road to the Jenkintown Borough line
Osbourne Avenue [Added 3-13-1980 by Ord. No. 1502B]	25	From Moreland Road to Mt. Vernon Avenue
Osceola Avenue	15	From Jenkintown Road to Cypress Avenue
Paper Mill Road	25	From Meadowbrook Road to Old Welsh Road
Paper Mill Road	15	Curves at 1673 and 1766 Paper Mill Road
Parkdale Avenue	15	From Easton Road to Abington Avenue
Pembroke Road [Added 6-11-2009 by Ord. No. 1980]	25	800 Pembroke Road
Phipps Avenue	25	From Fitzwatertown Road to Coolidge Avenue
Pine Road	25	From Moreland Road to the Philadelphia line
Pine Tree Road	25	From Highland Avenue to Baeder Road
Prospect Avenue	25	From Hamilton Avenue to Old Welsh Road
Radcliffe Avenue [Added 6-13-1991 by Ord. No. 1696; amended 4-13-1995 by Ord. No. 1748]	25	Entire length
Rhoads Avenue [Added 6-11-2009 by Ord. No. 1980]	25	700 Rhoads Avenue
Roberts Avenue	25	From Mt. Carmel Avenue to Jenkintown Road
Robinhood Road [Added 8-12-1993 by Ord. No. 1734]	25	Between Washington Lane and Old Welsh Road
Rockledge Avenue	25	Entire length
Rockwell Road	35	From Old Welsh Road to Edge Hill Road
Roseland Avenue [Added 8-12-1993 by Ord. No. 1734]	25	From Fox Chase Road to Montgomery Avenue
Roslyn Avenue [Added 8-13-1987 by Ord. No. 1636]	25	Between Ardsley Avenue and Fernhill Road
Rossiter Avenue [Added 8-12-1993 by Ord. No. 1734]	25	From Fitzwatertown Road to Osbourne Road
Rothley Avenue [Added 4-9-1992 by Ord. No. 1702]	25	Between Patton Road and Woodland Road
Rubicam Avenue	25	From Easton Road to Washington Avenue
Rydal Road	25	From the Jenkintown Borough line to Susquehanna Street Road
School Lane	25	Entire length
Seminole Avenue	25	Entire length
Shady Lane [Amended 7-14-1977 by Ord. No. 1446]	25	From Huntingdon Pike to the Abington/Philadelphia line
Shelmire Street [Added 6-11-1981 by Ord. No. 1525; amended 7-	25	From Holme Avenue to Cedar Road

PUBLIC SAFETY COMMITTEE

BOARD ACTION REQUEST

March 4, 2015

Date

PS3

Agenda Item Number

Department

Agenda Item

Township Manager

Police



Ordinance No. 2091
To Amend Chapter 156
"Vehicles and Traffic"
Article III – "Parking Regulations"
Section 25 – "Parking Prohibited At
All Times; No Parking Between
Signs; No Parking Here To Corner;
Parking Prohibited Except Certain
Hours; No Stopping Or Standing"



Previous Action

None

Recommend Board Action

Motion to advertise Ordinance No. 2091 (attached) amending Chapter 156 (Vehicles and Traffic), Article III (Parking Regulations), Section 25 – (Parking Prohibited At All Times; No Parking Between Signs; No Parking Here To Corner; Parking Prohibited Except Certain Hours; No Stopping Or Standing) for adoption at the regularly scheduled meeting of the Board of Commissioners on April 9, 2015.

Comments

Ordinance No. 2091 (attached) will erect a No Parking sign on the west side of Edge Hill Road 30 feet north of the current No Parking Here to Corner sign north of Custer Avenue.

Recommended by PENNDOT and approved by Commissioner Zappone (Ward 9) and the Administration

**TOWNSHIP OF ABINGTON
MONTGOMERY COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2091

**AN ORDINANCE AMENDING CHAPTER 156 – “VEHICLES AND TRAFFIC,”
ARTICLE III – PARKING REGULATIONS”
SECTION 25 – “PARKING PROHIBITED AT ALL TIMES; NO PARKING BETWEEN
SIGNS; NO PARKING HERE TO CORNER; PARKING PROHIBITED EXCEPT
CERTAIN HOURS; NO STOPPING OR STANDING”**

WHEREAS, the Township of Abington is a Township of the First Class, duly organized and existing pursuant to the applicable laws of the Commonwealth of Pennsylvania; and

WHEREAS, pursuant to section 1502.44 of the First Class Township Code of the Commonwealth of Pennsylvania, 53 P.S. §56544, the Board of Commissioners has the authority to enact and amend provisions of the Abington Township Code (“Code”) at any time it deems necessary for the health, safety, morals, general welfare, cleanliness, beauty, convenience and comfort of the Township and the inhabitants thereof; and

WHEREAS, pursuant to section 1502.10 of the First Class Township Code of the Commonwealth of Pennsylvania, 53 P.S. §56510, the Board of Commissioners has the authority to take all needful means for securing the safety of persons or property within the Township; and

WHEREAS, pursuant to section 1502.49 of the First Class Township Code of the Commonwealth of Pennsylvania, 53 P.S. §56549, the Board of Commissioners has the authority to regulate parking; and

WHEREAS, the Board of Commissioners of the Township of Abington has determined that Chapter 156 – “Vehicles and Traffic,” Article II – “Traffic Regulations,” Section 25 – “Parking prohibited at all times; no parking between signs; no parking here to corner; parking prohibited except certain hours; no stopping or standing”

should be amended for the health, safety, morals, general welfare, cleanliness, beauty, convenience and comfort of the Township and the inhabitants thereof.

NOW, THEREFORE, the Board of Commissioners of the Township of Abington does hereby **ENACT** and **ORDAIN** as follows:

- 1. Chapter 156 – “Vehicles and Traffic,” Article II – “Traffic Regulations,” Section 25 – “Parking prohibited at all times; no parking between signs; no parking here to corner; parking prohibited except certain hours; no stopping or standing,” shall be amended to add the following restriction:

Name of Highway	Side	Location
Edge Hill Road	West	30 feet north of the No Parking Here to Corner sign north of Custer Avenue

- 2. All other ordinances, portions of ordinances, or any section of the Code inconsistent with this Ordinance are hereby repealed.
- 3. This Ordinance shall become effective five (5) days after enactment.

ORDAINED AND ENACTED this _____ day of _____, 2015.

TOWNSHIP OF ABINGTON
BOARD OF COMMISSIONERS

Attest:

Michael LeFevre, Secretary

By: _____
Wayne Luker, President

PUBLIC SAFETY COMMITTEE

BOARD ACTION REQUEST

March 4, 2015
DATE

PS 4
AGENDA ITEM NUMBER

DEPARTMENT

AGENDA ITEM

TOWNSHIP MANAGER

Police

Ordinance No. 2092
Amending Chapter 155 - "Traffic
Control," Article I - "Automated Red Light
Enforcement Systems," Section 155-7 -
"Duties of the Township of Abington"

REL

PREVIOUS ACTIONS

April 11, 2013 - Board of Commissioners adopted Ordinance No. 2049 authorizing the Enforcement of Section 3112(A)(3)(Relating to Traffic Control Signals) by Recording Violations Using an Automated Red Light Enforcement System approved by the PA Department of Transportation.

RECOMMENDED BOARD ACTION

Motion to advertise Ordinance No. 2092 amending Chapter 155 (Traffic Control), Article I "Automated Red Light Enforcement Systems," Section 155-7- "Duties of the Township of Abington allowing a \$35 cost of collection fee to be added to the \$100 Red Light Camera Fine when the fine is referred to a third party collection agency for adoption at the regularly scheduled meeting of the Board of Commissioners on April 9, 2015.

COMMENTS

Background-The contract with the 3rd party collection agency, Municipal Collections of America, allows them to add a \$35 fee to the Red Light Camera Fine of \$100 if the fine goes to collections after 79 days. Our past solicitor did not believe that we needed an ordinance to allow MCOA to collect this \$35 fee. Our present solicitor along with the President of MCOA, Jeff Wood, believes we need a local ordinance. PA does not have a statute requiring authorization of the fee at an ordinance level. If a fine goes to collections after 79 days, it would now be \$135.00. Once paid, MCOA would get \$35 and the other \$100 would go back to the Red Light Camera Program.

Draft Ordinance No. 2092 is attached and Ordinance No. 2049 (Adopted 4-1-13) attached.

**TOWNSHIP OF ABINGTON
MONTGOMERY COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2092

**AN ORDINANCE AMENDING CHAPTER 155 – “TRAFFIC CONTROL,”
ARTICLE I – “AUTOMATED RED LIGHT ENFORCMENT SYSTEMS,”
SECTION 155-4 – “VIOLATIONS AND PENALITIES,”
SECTION 155-7-“DUTIES OF THE TOWNSHIP OF ABINGTON”**

WHEREAS, the Township of Abington is a Township of the First Class, duly organized and existing pursuant to the applicable laws of the Commonwealth of Pennsylvania; and

WHEREAS, pursuant to section 1502.44 of the First Class Township Code of the Commonwealth of Pennsylvania, 53 P.S. §56544, the Board of Commissioners has the authority to enact and amend provisions of the Abington Township Code (“Code”) at any time it deems necessary for the health, safety, morals, general welfare, cleanliness, beauty, convenience and comfort of the Township and the inhabitants thereof; and

WHEREAS, pursuant to section 1502.5 of the First Class Township Code of the Commonwealth of Pennsylvania, 53 P.S. §56505, the Board of Commissioners has the authority to define the duties of the police force; and

WHEREAS, pursuant to section 1502.10 of the First Class Township Code of the Commonwealth of Pennsylvania, 53 P.S. §56510, the Board of Commissioners has the authority to take all needful means for securing the safety of persons or property within the Township; and

WHEREAS, the Board of Commissioners of the Township of Abington has determined that Chapter 155 – “Traffic Control,” Article I – “Automated Red Light Enforcement Systems,” Sections 155-4 – “Violations and Penalties,” should be amended for the health, safety, morals, general welfare, cleanliness, beauty, convenience and comfort of the Township and the inhabitants thereof; and

WHEREAS, the Board of Commissioners of the Township of Abington has determined that Chapter 155 – “Traffic Control,” Article I – “Automated Red Light Enforcement Systems,” Sections 155-7 – “Duties of the Township of Abington,” should be amended for the health, safety, morals, general welfare, cleanliness, beauty, convenience and comfort of the Township and the inhabitants thereof.

NOW, THEREFORE, the Board of Commissioners of the Township of Abington does hereby **ENACT** and **ORDAIN** as follows:

1. Chapter 155 – “Vehicles and Traffic,” Article I – “Automated Red Light Enforcement,” Section 155-4 – “Violations and Penalties,” shall be amended to **add** the following:
(7) Upon receipt of the “Final Determination of Violation Liability” letter pursuant to Sections 155-7, and failure to pay the applicable fine pursuant to Sections 155-4 and 155-11, a \$35 cost of collection fee will be added to the outstanding balance and the matter will be referred to a third party collection agency.
2. Chapter 155 – “Vehicles and Traffic,” Article I – “Automated Red Light Enforcement,” Section 155-7 – “Duties of the Township of Abington,” shall be amended to **add** the following:
(6) If the registered owner fails to pay the applicable fine pursuant to Sections 155-4 and 155-11 or fails to request a hearing pursuant to Section 155-12 within thirty (30) days of the receipt of the notice of violation, the system administrator shall send a “Notice of Determination” letter. If the owner subsequently fails to pay the applicable fine pursuant to Section 155-4 and 155-11, the system administrator shall send a “Final Determination of Violation Liability” letter.
3. All other ordinances, portions of ordinances, or any section of the Code inconsistent with

this Ordinance are hereby repealed.

4. This Ordinance shall become effective five (5) days after enactment.

ORDAINED AND ENACTED this _____ day of _____, 2015.

TOWNSHIP OF ABINGTON
BOARD OF COMMISSIONERS

Attest:

Michael LeFevre, Secretary

By: _____
Wayne C. Luker, President

DRAFT

**TOWNSHIP OF ABINGTON
MONTGOMERY COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2049

**AN ORDINANCE OF THE TOWNSHIP OF ABINGTON AUTHORIZING THE
ENFORCEMENT OF SECTION 3112(a)(3) OF THE PENNSYLVANIA MOTOR
VEHICLE CODE (RELATING TO TRAFFIC CONTROL SIGNALS) BY RECORDING
VIOLATIONS USING AN AUTOMATED RED LIGHT ENFORCEMENT SYSTEM
APPROVED BY THE PENNSYLVANIA DEPARTMENT OF TRANSPORTATION**

The Board of Commissioners of the Township of Abington does hereby **ENACT** and **ORDAIN** as follows:

Section 1. Definitions.

(1) *Automated red light enforcement system.* Shall mean a vehicle sensor installed to work in conjunction with a traffic-control signal which automatically produces one or more photographs of a vehicle at the time the vehicle is used or operated in a manner which is a violation of the Motor Vehicle Code, or as otherwise defined under the Motor Vehicle Code.

(2) *Designee.* Shall include a person, business entity or governmental entity, including the Pennsylvania Department of Transportation.

(3) *Motor Vehicle Code.* Shall mean Title 75 of the Pennsylvania Consolidated Statutes.

(4) *Photograph.* Shall mean any visual image produced by an automated red light enforcement system.

Section 2. Automated Red Light Enforcement.

An individual whose vehicle is recorded by an automated red light enforcement system in violation of the prohibition of section 3112(a)(3) of the Motor Vehicle Code (relating to obedience to the steady red light indication of traffic control signals) at such intersections of the Township of Abington designated and identified pursuant to this Ordinance shall be liable for civil penalties as set forth in this Ordinance.

Section 3. Intersections At Which This Ordinance Applies.

(1) Automated red light enforcement systems approved by the Pennsylvania Department of Transportation may be used to enforce this Ordinance only at the following intersections, and as this list may be amended from time to time by ordinance, subject to the designation of such intersections by agreement of the system administrator and the Pennsylvania Secretary of Transportation:

- (a) Old York Road and Susquehanna Road
- (b) Old York Road and Old Welsh Road
- (c) Moreland Road and Fitzwatertown Road

Section 4. Penalty.

- (1) The penalty for a violation of section 2 of this Ordinance shall be a fine of \$100.00.
- (2) A fine is not authorized for a violation of this Ordinance if any of the following apply:
 - (i) The intersection is being manually controlled; or
 - (ii) The signal is in the mode described in section 3114 of the Motor Vehicle Code (relating to flashing signals).
- (3) A fine is not authorized during any of the following:
 - (i) The first 60 days of operation of the automated system at the initial intersection.
 - (ii) The first 30 days for each additional intersection selected for the automated system.
- (4) A warning may be sent to the violator under paragraph (3).
- (5) A penalty imposed under this section shall not be deemed a criminal conviction and shall not be made part of the operating record under section 1535 (relating to schedule of convictions and points) of the individual upon whom the penalty is imposed, nor may the imposition of the penalty be subject to merit rating for insurance purposes.
- (6) No surcharge points may be imposed in the provision of motor vehicle insurance coverage. Fines collected under this Ordinance shall not be subject to 42 Pa.C.S. § 3571 (relating to Commonwealth portion of fines, etc.) or 3573 (relating to municipal corporation portion of fines, etc.).

Section 5. Limitations.

- (1) No automated red light enforcement system shall be utilized in such manner as to take a frontal view recorded image of the vehicle as evidence of having committed a violation.
- (2) Notwithstanding any other provision of law, camera equipment deployed as part of the automated red light enforcement system as provided for by this Ordinance must be incapable

of automated or user-controlled remote intersection surveillance by means of recorded video images. Recorded images collected as part of the automated red light enforcement system may only record traffic violations and may not be used for any other surveillance purposes. The restrictions set forth under this paragraph shall not be deemed to preclude a court of competent jurisdiction from issuing an order directing that the information be provided to law enforcement officials if the information is reasonably described and is requested solely in connection with a criminal law enforcement action.

(3) Notwithstanding any other provision of law, information prepared under this section and information relating to violations under this section which is kept by the Township, its authorized agents or employees, including recorded images, written records, reports or facsimiles, names and addresses, shall be for the exclusive use of the Township, its authorized agents, its employees and law enforcement officials for the purpose of discharging their duties under this Ordinance. The information shall not be deemed a public record under the act of February 14, 2008 (P.L. 6 No. 3), known as the Right-to-Know Law. The information shall not be discoverable by court order or otherwise, nor shall it be offered in evidence in any action or proceeding which is not directly related to a violation of this section or any ordinance or resolution of the Township. The restrictions set forth under this paragraph shall not be deemed to preclude a court of competent jurisdiction from issuing an order directing that the information be provided to law enforcement officials if the information is reasonable described and is requested solely in connection with a criminal law enforcement action.

(4) Recorded images obtained through the use of automated red light enforcement systems deployed as a means of promoting traffic safety in the Township shall be destroyed within 30 days following the final disposition of any recorded event. The system administrator shall file notice with the Department of State that the records have been destroyed in accordance with this paragraph.

(5) Notwithstanding any other provision of law, registered vehicle owner information obtained as a result of the operation of an automated red light enforcement system under this Ordinance shall not be the property of the manufacturer or vendor of the automated red light enforcement system and may not be used for any purpose other than prescribed in this Ordinance.

Section 6. Defenses To Liability.

(1) It shall be a defense to a violation under this Ordinance that the person receiving the notice of violation was not operating the vehicle at the time of the offense. The owner may be required to submit evidence that the owner was not the driver at the time of the alleged violation. The Township may not require the owner of the vehicle to disclose the identity of the operator of the vehicle at the time of the violation.

(2) If an owner receives a notice of violation under this Ordinance of a time period during which the vehicle was reported to a police department of any state or municipality as having been stolen, it shall be a defense to a violation under this section that the vehicle has been

reported to a police department as stolen prior to the time the violation occurred and not been recovered prior to that time.

(3) It shall be a defense to a violation under this Ordinance that the person receiving the notice of violation was not the owner or lessor of the vehicle at the time of the offense.

(4) No owner shall be found liable pursuant to this Ordinance if he or she is convicted of a violation pursuant to the Motor Vehicle Code for the same violation.

Section 7. Duties of the Township of Abington.

(1) The Township may not use an automated red light enforcement system unless an appropriate sign is posted in a conspicuous place before the area in which the automated red light enforcement device is to be used notifying the public that an automated red light enforcement device is immediately ahead.

(2) The Township of Abington Police Department or its designee shall serve as the system administrator to supervise and coordinate the administration of notices of violations issued under this Ordinance.

(3) The following requirements apply to notices issued by the system administrator:

(i) The system administrator shall prepare a notice of violation to the registered owner of a vehicle identified in a recorded image produced by an automated red light enforcement system as evidence of a violation of section 3112(a)(3) of the Motor Vehicle Code. The issuance of the notice of violation must be performed by a police officer employed by the Township of Abington Police Department. The notice of violation must have attached to it all of the following:

- (A) A copy of the recorded image showing the vehicle.
- (B) The registration number and state of issuance of the vehicle registration.
- (C) The date, time and place of the alleged violation.
- (D) Notice that the violation charged is under section 3112(a)(3) of the Motor Vehicle Code.
- (E) Instructions for the return of the notice of violation.

(ii) The notice shall contain the following statement:

This notice shall be returned personally, by mail or by an agent duly authorized in writing. A hearing may be obtained upon the written request of the registered owner.

(4) The notice of violation must be signed by a Township police officer verifying that he or she has inspected the recorded images evidencing the violation and that he or she has reason to believe the information contained in the notice of violation is true and correct.

(5) Notices of violation must be sent by first class mail. A manual or automatic record of mailing prepared by the system administrator in the ordinary course of business shall be prima facie evidence of mailing and shall be admissible in any judicial or administrative proceeding as to the facts contained therein.

Section 8. System Administrator.

(1) The system administrator may hire and designate personnel as necessary or contract for services to implement this Ordinance.

(2) The system administrator shall process fines issued under this section.

(3) The system administrator shall submit an annual report to the chairman and minority chairman of the Transportation Committee of the House of Representatives. The report shall be considered a public record under the Right-to-Know Law and include for the prior year:

(i) The number of violations and fines issued.

(ii) A compilation of fines paid and outstanding.

(iii) The amount of money paid to a vendor or manufacturer under this Ordinance.

Section 9. Notice to Owner.

In the case of a violation involving a motor vehicle registered under the laws of this Commonwealth, the notice of violation must be mailed within 30 days of the commission of the violation or within 30 days after the discovery of the identity of the registered owner, whichever is later, to the address of the registered owner as listed in the records of the Department of Transportation. In the case of motor vehicles registered in jurisdictions other than this Commonwealth, the notice of violation must be mailed within 30 days after the discover of the identity of the registered owner to the address of the registered owner as listed in the records of the official in the jurisdiction having charge of the registration of the vehicle. A notice of violation under this section must be proved to an owner within 90 days of the commission of the offense.

Section 10. Mailing of Notice and Records.

Notice of violation must be sent by first class mail. A manual or automatic record of mailing prepared by the system administrator in the ordinary course of business shall be *prima facie* evidence of mailing and shall be admissible in any judicial or administrative proceeding as to the facts contained in it.

Section 11. Payment of Fine.

(1) An owner to whom a notice of violation has been issued may admit responsibility for the violation and pay the fine provided in the notice.

(2) Payment must be made personally, through an authorized agent, electronically or by mailing both payment and the notice of violation to the system Administrator. Payment by mail must be made only by money order, credit card or check made payable to the system administrator. The system administrator shall remit the fine, less the system administrator's operation and maintenance costs necessitated under this section, to the Department of Transportation for deposit into a restricted receipts account in the Motor License Fund. Fines deposited in the fund under this paragraph shall be used by the Department of Transportation for a Transportation Enhancements Grant Program.

Section 12. Request For A Hearing.

(1) An owner to whom a notice of violation has been issued may, within 30 days of the mailing of the notice, request a hearing to contest the liability alleged in the notice. A hearing request must be made by appearing before the system administrator during regular office hours either personally or by an authorized agent or by mailing a request in writing.

(2) Upon receipt of a hearing request, the System Administrator shall in a timely manner schedule the matter before a Hearing Officer. Written notice of the date, time and place of the hearing must be sent by first class mail to the owner.

Section 13. Hearings.

(1) The hearing shall be informal, the rules of evidence shall not apply and the decision of the Hearing Officer shall be final, subject to the right of the owner to appeal to the magisterial district judge.

(2) If the owner requests in writing that the decision of the Hearing Officer be appealed to the magisterial district judge, the System Administrator shall file the notice of violation and supporting documents with the magisterial district judge, who shall hear and decide the matter *de novo*.

Section 14. Compensation to Manufacturer or Vendor.

The compensation paid to the manufacturer or vendor of the automated red light enforcement system may not be based upon the number of traffic citations issued or a portion or percentage of the fines generated by the citations. The compensation paid to the manufacturer or

vendor of the equipment shall be based upon the value of the equipment and the services provided or rendered in support of the automated red light enforcement system.

Section 15. Duration of Yellow Light Change Interval.

The duration of the yellow light change interval at intersections where automated red light enforcement systems are in use shall conform to the yellow light change interval duration specified on the traffic signal permit issued by the Department of Transportation or the Township.

Section 16. Revenue Limit.

The Township may not collect an amount equal to or greater than 5% of its annual budget from the collection of revenue from the issuance and payment of violations under this Ordinance.

Section 17. 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 18. 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 19. Effective Date.

This Ordinance shall become effective as of the date of enactment.

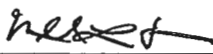
Section 20. Expiration.

This Ordinance shall expire one calendar year from the date the automated red light camera system becomes operational, unless the Board of Commissioners, following a public hearing, votes to further extend the effectiveness of this Ordinance.

ENACTED and ORDAINED this 11th day of APRIL, 2013.

TOWNSHIP OF ABINGTON

Attest:



Michael LeFevre, Secretary

By: 

Peggy Myers, President
Board of Commissioners

PUBLIC SAFETY COMMITTEE

BOARD ACTION REQUEST

March 4, 2015

Date

PS5

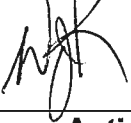
Agenda Item Number

Department

Agenda Item

Township Manager

Police



DARE Program Grant



Previous Action

In the past, the DARE program was funded by State grants.

Recommended Board Action

Motion to authorize Township officials to accept a grant from CAPT in the amount of \$15,000.00 for the DARE Program.

Comments

These funds will be designated to offset the costs of Officers' overtime as the DARE program is expanded to include visitations and safety lessons for younger students. They will also support similar programs and lessons at Abington Junior High School.