

BOROUGH OF ORWIGSBURG

Schuylkill County, Pennsylvania

ORDINANCE NO. 181

AN ORDINANCE OF THE COUNCIL OF THE BOROUGH OF ORWIGSBURG, SCHUYLKILL COUNTY, PENNSYLVANIA, PROVIDING FOR THE REMOVAL AND IMPOUNDING OF ILLEGALLY PARKED MOTOR VEHICLES; PROHIBITING UNLICENSED, ABANDONED OR DISABLED MOTOR VEHICLES TO OCCUPY ANY OF THE PUBLIC STREETS OR ALLEYS; AND PROVIDING FOR PENALTIES IN VIOLATION THEREOF.

BE IT ENACTED and ORDAINED by the Borough Council of the Borough of Orwigsburg, in council duly assembled, and it is hereby enacted and ordained by authority of the same as follows:

Section 1. The Chief of Police of the Borough of Orwigsburg is hereby authorized to remove and impound or to order the removal or impounding of any motor vehicle illegally parked on any of the streets, highways or public property of the borough, in violation of the ordinances heretofore and hereafter enacted by the Borough of Orwigsburg, upon twenty-four (24) hours prior notice to the owner thereof.

Section 2. All motor vehicles when removed under this ordinance, or any other ordinance of the Borough of Orwigsburg, shall be stored in any of the garages within the borough by order of the Chief of Police.

Section 3. Within twenty-four (24) hours from the time of the removal of any motor vehicle under the authority granted by this ordinance, notice of that fact shall be sent by the Chief of Police of the Borough of Orwigsburg to the owner of

record of such motor vehicle. Such notice shall designate the place from which said motor vehicle was removed, the reason for its removal and impounding, and the garage wherein it may be impounded. Said notice shall also contain a statement of the towing and impounding charges and also, that said vehicle will be returned to the owner of record upon payment of the towing and impounding charges.

Section 4. The payment of any towing and impounding charges shall, unless such payment shall have been made under protest, be final and conclusive and shall constitute a waiver of any right to recover the money so paid.

Section 5. In the event that towing and impounding charges shall be paid under protest, the offender shall be entitled to a hearing before a Justice of the Peace having jurisdiction thereof, and in such event the defendant shall be proceeded against and shall receive such notice as is provided by the Vehicle Code of the Commonwealth of Pennsylvania, as in other cases of summary offenses and shall have the same rights as to appeal and waiver of hearing.

Section 6. The Chief of Police shall keep a record of all motor vehicles so impounded and shall upon request and at all reasonable times furnish the owners or agents of the owners thereof with information as to the place of storage of such motor vehicle.

Section 7. The payment of towing and impounding charges shall not operate to relieve the owner or operator of any motor vehicle from any liability for any fine or penalty for the violation of any law or ordinance on account of which said motor vehicle was removed or impounded and the owner of such motor vehicle may be proceeded against in a separate proceeding for the same offense for which said motor vehicle was removed and impounded.

Section 8. No vehicle shall be removed under the authority of this ordinance if at the time of the intended removal thereof the owner or person in charge of said motor vehicle is present and expresses a willingness and intention to remove such motor vehicle immediately.

Section 9. Any unlicensed, abandoned or disabled motor vehicle shall not be permitted to remain standing or unattended on any of the public streets or alleys of the Borough of Orwigsburg for a period in excess of forty-eight (48) hours. The owner or operator of a motor vehicle which shall be abandoned, disabled or unlicensed shall be subject to arrest in a summary proceeding before a Justice of the Peace, and upon conviction thereof shall be subject to a fine not exceeding Twenty-five (\$25.00) Dollars for the first offense and the costs of prosecution, and in default of the payment of such fine and costs, to undergo imprisonment in the Schuylkill County Prison for a period not exceeding five (5) days. For each subsequent offense the owner or operator of such motor vehicle shall, upon summary conviction thereof before a Justice of the Peace, be sentenced to pay a fine not exceeding One Hundred (\$100.00) Dollars and to undergo imprisonment in the Schuylkill County prison for a period not exceeding ten (10) days. Each successive day after the first forty-eight (48) hour period of abandonment shall be considered a separate offense and shall be subject to the penalties herein prescribed. Provided, however, that no prosecution shall be commenced unless the registered owner of said disabled or unlicensed motor vehicle shall have been personally notified, or notified by mail at the last known address of the registered owner, that said motor vehicle shall be removed within twenty-four (24) hours of the receipt of notice, in accordance with this section. Provided, further, that if the name of the owner is unknown and cannot be ascertained, the Chief of Police shall leave a notice in a conspicuous place on said motor vehicle notifying the owner to remove the same within twenty-four (24) hours or the owner will be subject to prosecution, fine and/or imprisonment.

Section 10. If the owner of any unlicensed, abandoned or disabled vehicle shall fail to remove the same after receiving notice thereof, as hereinabove prescribed, then the Chief of Police is hereby authorized to remove and impound said motor vehicle in accordance with this ordinance.

Section 11. All motor vehicles within the Borough of Orwigsburg, whether parked or standing, on any of the public streets or alleys within the borough or upon either public or private ground, except when housed in a suitable building, which motor vehicles are unsafe and constitute a hazard by virtue of their condition or the manner in which they may be parked, are hereby declared to be a nuisance and the Chief of Police may order the removal of said vehicle upon notice to the owner thereof, as hereinabove set forth, and upon failure so to do within forty-eight (48) hours of the receipt of said notice, shall be subject to arrest and a summary proceeding before a Justice of the Peace, and upon conviction thereof shall be subject to a fine of Fifty (\$50.00) Dollars and the costs of prosecution, and in default of the payment of such fine and costs to undergo imprisonment in the Schuylkill County Prison for a period not exceeding ten (10) days. For each subsequent offense the owner or operator of such motor vehicle shall, upon summary conviction thereof before a Justice of the Peace, be sentenced to pay a fine not exceeding Two Hundred (\$200.00) Dollars and in default of the payment of such fine and costs to undergo imprisonment for a period not exceeding thirty (30) days.

Section 12. Any ordinance or part of an ordinance conflicting with this ordinance is hereby repealed insofar as the same affects this ordinance.

Section 13. If any sentence, clause, section or part of this ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions,

sentences, clauses, sections or parts of this ordinance. It is hereby declared as the intent of the Borough Council and Mayor of the Borough of Orwigsburg, that this ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included therein.

ENACTED and ORDAINED into an ordinance this 14th day of February, A. D., 1968, by the Council of the Borough of Orwigsburg, Schuylkill County, Pennsylvania, in lawful session duly assembled.

BOROUGH OF ORWIGSBURG

By:

Harold A. Boyer
President of Council

ATTEST:

Jeanette M. Tolty
Secretary

EXAMINED and APPROVED this 14th day of February, 1968.

Charles M. Jones
Mayor of the Borough of Orwigsburg,
Schuylkill County, Pennsylvania