

ORDINANCE 488

Supercedes Chapter 101
Introduced October 28th 2019

VEHICLES, ABANDONED

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SECTION 1 -DEFINITIONS.

As used in this chapter, the following terms shall have the meanings indicated:

ABANDONED MOTOR VEHICLE - Any motor vehicle which is found unattended without the current year's registration plates or inspection sticker as required by law, has been continuously parked on any public land or private property for a period of thirty (30) days and is so disabled as to be incapable of being operated under its own power.

JUNKED OR INOPERABLE MOTOR VEHICLE -

Any motor vehicle which is no longer in actual use as a motor vehicle or which is wholly unfit to be operated and as to which any of the following conditions exist:

- A. It has been so damaged by collision, accident or any other means that it is inoperable.
- B. It does not have all of its material parts, including but not limited to four (4) tires and wheels, required headlamps and tail lamps, windshield, radiator, trans- mission, engine, rear windows and doors.
- C. It is for any other reason inoperable.

MOTOR VEHICLE -Any vehicle which is self-propelled, as defined by The Vehicle Code of Pennsylvania.

SECTION 2 - ABANDONMENT PROHIBITED; UNLAWFUL STORAGE; EXCEPTIONS.

A. It shall be unlawful for any person to cause a motor vehicle to be abandoned upon any public or private lands in the Borough of Curwensville.

B. It shall be unlawful for any owner, tenant, lessee or anyone else in charge or control of any property in the Borough of Curwensville to allow a junked or inoperable motor vehicle to remain on his, their or its property or on the property of which he, they or it are the tenants or in charge or control of for a period of more than thirty (30) days.

C. Nothing herein contained shall be deemed to prohibit:

1. Any person from parking, storing or repairing a motor vehicle upon private or public property where authorized under the laws of the Commonwealth of Pennsylvania or the ordinances of the Borough of Curwensville.
2. The placing, keeping or storing of any motor vehicle wholly enclosed or screened in a garage or other building in accordance with the zoning regulations of the borough.
3. The storage of any motor vehicle on the premises of a garage or service station when such motor vehicle is being repaired or is scheduled on the records of said garage or service station for repair.

SECTION 3 - REMOVAL REQUIRED; NOTICE.

All abandoned, junked or inoperable motor vehicles shall be removed by the owner or operator thereof or by the owner or occupant of the property on which said motor vehicle is located. Upon the failure of the owner or operator of any abandoned, junked or inoperable motor vehicle or of the owner or occupant of the property on which said motor vehicle is located to remove the same within seven (7) days after receiving notice from the Police Department, Code Enforcement, or Borough Secretary to remove the same, the borough may remove the same or cause the same to be removed as hereinafter provided. Such notice shall be given either by personal service or by certified mail to the owner or operator of such abandoned, junked or inoperable motor vehicle or to the owner or occupant of the property on which said motor vehicle is found.

SECTION 4. TOWING AND IMPOUNDMENT OF VEHICLES; STORAGE GARAGES.

- A. The Police Department or Code Enforcement Officer of the borough shall have the right to have any offending motor vehicle towed from its location on private property to a designated storage garage.
- B. Any storage garage so designated shall, before any motor vehicles are stored in it, be bonded in the amount of five thousand dollars (\$5,000.), the form of the bond to be approved by the Borough Solicitor. Said bond shall call for the indemnification of the owner of an impounded vehicle against the loss thereof or injury or damage thereto while in the custody of such garage.

SECTION 5 - NOTICE OF IMPOUNDMENT; TOWING AND STORAGE CHARGES.

Within twelve (12) hours from the time of removal of such vehicle, notice of the fact that such vehicle has been impounded shall be sent by the Police Department or the Borough Secretary to the owner of record of such vehicle, designating the place from which the vehicle was removed, the reason for its removal and impounding and the storage garage in which it has been impounded. Such notice shall either be given by personal service or be sent by certified mail to the last known address of said owner and shall state that the vehicle may be recovered within thirty (30) days of notification upon the payment of fines of at least Fifty dollars (\$50) but not to exceed three hundred (\$300), towing charges, and storage fees to be determined by the storage garage for each day until the vehicle is recovered, and that if it is not so recovered within not less than thirty (30) days after receipt of notification (or the date of mailing or said notice if no receipt for said notice is received), the vehicle will be sold for salvage.

SECTION 6- RECOVERY.

The owner or operator of any impounded vehicle shall be entitled to recover possession of such vehicle upon the payment to the borough of any fines, fees, towing, and storage charges above set forth.

SECTION 7 - EFFECT OF PAYMENT OF CHARGES; HEARING.

The payment of such towing and storage charges, unless made under protest, shall be final and conclusive and shall constitute a waiver of any right to recover the money so paid. In the event that the towing and impounding charges are paid under protest, the offender shall be entitled to a hearing before a District Justice or a court of record having jurisdiction, as in the case of a prosecution as in other cases of summary offenses under The Vehicle Code of Pennsylvania, and said District Justice or court of record shall proceed in accordance with Section 1103 of The Vehicle Code of the Commonwealth of Pennsylvania.

SECTION 8. UNCLAIMED VEHICLES.

Where an abandoned motor vehicle is impounded under the provisions of this chapter and it remains unclaimed for a period of thirty (30) consecutive days without being recovered by its owner or any other person duly authorized to recover same, the Police Department , Code Enforcement Officer , or Borough Secretary shall authorize the storage garage to salvage the vehicle.

SECTION 9- VIOLATIONS AND PENALTIES.

In addition to any other penalty or remedy provided for in this chapter, any person who shall violate any provision of this chapter may be prosecuted and shall, upon conviction, be subject to a fine not exceeding three hundred dollars (\$300.) and costs, and upon default in payment of such fine and costs, to imprisonment for not more than thirty (30) days.

REPEALER: All ordinances or resolutions or parts of ordinances or resolutions insofar as they are inconsistent herewith are hereby repealed and rescinded.

INVALIDITY: In the event any provision, section, sentence, clause or part of this Ordinance 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 the Borough of Curwensville that the remainder of the Ordinance shall be and shall remain in full force and effect.

EFFECTIVE DATE: This Ordinance shall become effective as provided by the laws of the Commonwealth of Pennsylvania.

DULY ORDAINED AND ENACTED this ____ day of _____, 2019, by the Council of the Borough of Curwensville, Clearfield County, Commonwealth of Pennsylvania, in lawful session duly assembled.

ATTEST:

BOROUGH OF CURWENSVILLE:

Borough Secretary

Council President

Mayor

SEAL OF THE BOROUGH OF CURWENSVILLE