

PART 4

REMOVAL AND IMPOUNDMENT OF ILLEGALLY PARKED VEHICLES

§15-401. Applicability and Scope.

This Part is enacted under authority of §61009(a-22) of the Vehicle Code, 75 Pa.C.S.A. §§101 et seq., as hereafter amended, supplemented, modified or reenacted by the General Assembly of Pennsylvania and give authority to the Borough of Philipsburg to remove and impound those vehicles which are parked in a tow away zone and in violation of parking regulations of this Chapter. Vehicles which have been abandoned (as defined by the Vehicle Code) or which are parked in such a manner as to interfere with traffic or pose a hazard to others may be towed under the provisions of the Pennsylvania Motor Vehicle Code.

(Ord. 988, 5/8/2000, §1)

§15-402. Authority to Remove and Impound.

The Borough of Philipsburg shall have authority to remove and impound or to order the removal and impounding of any vehicle parked overtime or otherwise illegally; provided, no such vehicle shall be removed or impounded except in strict adherence to the provisions of this Part or the provisions of the Pennsylvania Vehicle Code. This includes permit parking in municipal lots.

(Ord. 988, 5/8/2000, §2)

§15-403. Tow Away Zones Designated and Parking Lots.

The Borough of Philipsburg shall have authority to remove and impound any vehicle on Borough right-of-way where emergency weather conditions mandate snow removal or other action by the Borough to ensure the safety and welfare of citizens. The Borough may designate other areas as "tow away zones" as necessary.

(Ord. 988, 5/8/2000, §3)

§15-404. Designation of Approved Storage Garages; Bonding; Towing and Storage.

Removal and impounding of vehicles under this Part shall be done only by "approved storage garages" that shall be designated, from time to time, by Borough Council. Every such garage shall submit evidence to the Borough Council that it is bonded or has acquired liability insurance in an amount satisfactory to Borough Council as sufficient to indemnify owners of impounded vehicles against loss or damage to those vehicles while

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in the custody of the garage keeper for the purpose of towing or storage. The approved storage garage shall submit to Borough Council its schedule of charges for towing and storage of vehicles under this Part and, when the schedule is approved by Borough Council, those charges shall be adhered to by the approved storage garage, no different schedule of charges shall be demanded of or collected from any person whose vehicle is removed or impounded under this Part by any approved storage garage. Borough Council shall delete from its list of approved storage garages under any garage that makes any unapproved charge in connection with any vehicle removed or impounded under this Part. The Borough shall not be liable for any damages sustained to the vehicle as a result of towing or impoundment.

(Ord. 988, 5/8/2000, §4)

§15-405. Payment of Towing and Storage Charges.

The payment of towing and storage charges shall not relieve the owner or driver of any vehicle from liability for any fine or penalty for the violation of the provision of this Part for which the vehicle was removed or impounded.

(Ord. 988, 5/8/2000, §5)

§15-406. Reclamation Costs.

In order to reclaim his vehicle, the owner shall pay towing and storage costs, plus a \$25 fee, of which \$10 shall be transferred to the Pennsylvania Department of Transportation by the garage to which the vehicle was taken.

(Ord. 988, 5/8/2000, §6)

§15-407. Records of Vehicles Removed and Impounded.

The Borough of Philipsburg shall cause a record to be kept of all vehicles impounded under this Part and shall be able at all reasonable times to furnish the owners or the agents of the owners of those vehicles with information as to the place of storage of the vehicle.

(Ord. 988, 5/8/2000, §7)

§15-408. Restrictions Upon Removal of Vehicles.

No vehicle shall be removed under the authority of this Part or the Vehicle Code if at the time of the intended removal, the owner or the person for the time being in charge of the vehicle is present and expresses a willingness and intention to remove the vehicle immediately.

(Ord. 988, 5/8/2000, §8)

§15-409. Penalty.

Any person who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of \$50 together with all costs of disposing of the vehicle under provisions of the Vehicle Code, 75 P.S. §§7301 et seq., (1977), as hereafter amended, supplemented, modified or reenacted by the General Assembly of Pennsylvania.

(Ord. 988, 5/8/2000, §9)

§15-410. Reports and Disposition of Unclaimed Vehicles.

If, after a period of 15 days the vehicle in storage remains unclaimed, a report shall be filed with PennDOT, in accordance with §7311 of the Vehicle Code, by the person having legal custody of the vehicle. If the vehicle has not been claimed after 30 days, the vehicle may be transferred to a licensed salvor who will than be responsible for filing the proper reports and disposing of the vehicle in accordance with the provisions of Chapter 73 of the Pennsylvania Motor Vehicle Code (75 Pa.C.S.A. §1101 et seq., as amended).

(Ord. 988, 5/8/2000, §10)

