

**BOROUGH OF JENKINTOWN
MONTGOMERY COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2023 - 5

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF JENKINTOWN, TO ADD A NEW CHAPTER 171 TITLED “VEHICLES AND TOWING;” AND DELETING SECTIONS 172-38 THROUGH 172-46 OF CHAPTER 172, ARTICLE V TITLED REMOVAL AND IMPOUNDING OF ILLEGALLY PARKED VEHICLES”; PROVIDING A SEVERABILITY CLAUSE AND A REPEALER CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Borough of Jenkintown (“Borough”), pursuant to the Borough Code, 8 P.A. C.S.A. §§101 et seq, and the Pennsylvania Vehicle Code, 75 Pa.C.S.A. § 3353, is authorized to make and adopt Ordinances that provide for rates to be charged for removal of vehicles and for municipal regulation of authorized towing services within the Borough; and

WHEREAS, Borough Council, after public discussion and consultation with Borough staff, including the Borough Police Chief, determined that the health, safety, and general welfare of the residents of Jenkintown Borough will be served by amending the Jenkintown Borough Code to regulate the rates and requirements for authorized towing services within the Borough as set forth in this Ordinance.

NOW THEREFORE, be it, and it is hereby **ORDAINED** by the Jenkintown Borough Council, and it is hereby **ENACTED** and **ORDAINED** by authority of same as follows:

SECTION I. Adoption of new Chapter 171 titled “Vehicles and Towing”. Borough Council hereby amends the Jenkintown Borough Code to include a new Chapter 171 titled “Towing” that shall state as follows:

Chapter 171. Vehicles and Towing

§ 171-1. Purpose and intent.

The purpose and intent of this Chapter is to regulate towing rates and towing services as permitted by 75 Pa.C.S.A. § 3353; to provide for proper licensing of towing services and notice to the Jenkintown Borough 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 Borough, and to avoid erroneous reports of stolen vehicles being submitted to the Jenkintown Borough Police Department.

§ 171-2. 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.A. § 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.

NONCOMMERCIAL VEHICLE

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

ON-CALL

Those towers licensed under this Chapter who alone will be called to accidents occurring in Jenkintown Borough by the Jenkintown Borough Police Department and shall be available for any towing required by Jenkintown Borough 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 Jenkintown Borough.

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.

BOROUGH

The Borough of Jenkintown, Montgomery County, Pennsylvania.

TOW TRUCK

Includes "light tow truck," "medium tow truck," and "heavy tow truck" as defined herein.

§ 171-3. Repossession activity.

Notwithstanding the provisions of this Chapter, towing companies will be generally exempt from compliance with this Chapter 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 Jenkintown Borough Police Department of its intention to repossess the vehicle; and give the Jenkintown Borough 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 this Chapter. 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 chapter.*

§ 171-4. 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 §171-3 above, 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 Borough of Jenkintown prior to doing any towing from any public or private property located in Jenkintown Borough. A license shall be issued for a fee of \$100 per calendar year and shall be issued by the Jenkintown Borough 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 Jenkintown Borough 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 Jenkintown Borough 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 shall be reported, in writing, to the Jenkintown Borough Police Department within 24 hours of such change.*

B. Authorized towing services shall:

- (1) Maintain a current bond with the Borough in the sum of \$10,000 in form and with surety satisfactory to the Borough'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, non-owned 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 chapter.*
- (5) Notify the Jenkintown Borough 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) *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) *Within a lot containing less than 20 parking spaces, additional signs at least 18 inches by 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) *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.*

§ 171-5. Towing of vehicles at request of 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 Jenkintown Borough in violation of any provision of the law or of any ordinance of the Borough, provided that the removal and/or impoundment of such vehicles strictly adheres to the provisions of this Chapter.*

B. *The Borough Council 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 Borough Council unless he/she first acquires a valid towing license from the Borough of Jenkintown.

- C. *Towers requesting to be appointed as the primary or alternate primary tower shall submit an application to the Borough of Jenkintown.*
- 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 Borough, their number of vehicles available, their compliance with the provisions of this Code and their payment of a fee established by the Borough.*
- E. *Minimum standards. Primary and alternate primary 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 Borough that the insurances required under this Chapter remains in full force and effect.*
- (11) *The primary and alternate primary tower is capable of accommodating heavy duty and regular towing.*
- (12) *Both the primary and/or alternate primary 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 alternate primary tower cannot respond to the service call from the Police Department with the appropriate towing vehicle or within the required response time, the tower 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 alternate primary tower performing police towing service, as an independent contractor to the Borough of Jenkintown, shall not exceed the maximum rates established in this Chapter.*
- (15) *All primary and alternate primary towers shall comply with the rules and regulations established by the Jenkintown Police Department.*
- (16) *Primary and 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 alternate primary 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 vehicle disability was due to an accident, the 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 for primary or alternate primary tower.* *For consideration as the designated primary or alternate primary tower, a tower must submit an application to the Borough Manager on or before November 30th prior to the next calendar year. The application shall include the following information for each license:*

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- (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 areas indicated in § 171-7, 171-8, 171-9 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 Borough Manager or Borough Police Chief 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 Borough not less than 30 days prior to the event of cancellation or nonrenewal, which shall indicate the amount of liability insurance and garage keeper'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 as primary or alternate primary tower shall be considered for issuance by the Borough unless the entire application, with all requirements set forth in § 171-5F has been received by the Borough on or before November 30th of the calendar year prior to the license calendar year.*
- H. Expiration. Every license to be primary or alternate primary issued pursuant 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 Borough.*
- 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 Borough, unless a license therefor shall first have been obtained from the Borough 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 Borough 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 Borough Council.*
- L. Each license issued by the Borough 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 Borough. The duties performed by the Borough*

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 Borough to the fullest extent allowable by law and shall, prior to commencing any towing activities, name the Borough as an "additional insured" on the tower's insurance policy as required hereunder and such coverages shall be primary, not secondary.

§ 171-6. Prohibited acts.

- A. *The provisions of this Section shall apply to private towers and towers acting at the request of the Jenkintown 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 Borough 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 Borough police officer requires or requests that an examination be made of the damaged vehicle to determine whether the vehicle was defective or where the Borough 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 Jenkintown Borough 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 Borough 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 Borough. 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 Borough without the prior authorization of the operator of the vehicle, owner of the vehicle, a member of the Borough 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 Chapter.
- 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.

§ 171-7. Towing costs and hooking fees for certain noncommercial vehicles.

- A. The cost of towing passenger cars, and other noncommercial vehicles weighing 10,000 pounds or less, 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 noncommercial vehicle, 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 \$150 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 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.*

§ 171-8. Towing costs and hooking fees for passenger cars and other certain noncommercial vehicles.

- A. *The cost of towing passenger cars, and other noncommercial 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 noncommercial vehicle, 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 \$150 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 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.*

§ 171-9. 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 commercial vehicle 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 \$150 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 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.*

§ 171-10. Storage cost of passenger cars and all other vehicles.

- A. *The cost of storage of passenger cars and all other vehicles, commercial or noncommercial, 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 Subsections C and D of this section shall not apply with regard to any passenger cars or other vehicles, commercial or noncommercial, stored or impounded on a lot owned or maintained by the Borough or the Borough Police Department. The fee for passenger cars or other vehicles, commercial or noncommercial, 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-hour period a vehicle is stored at the facility if the facility is not open.*

§ 171-11. 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.

§ 171-12. Violations and penalties.

- A. *Revocation. The Chief of Police, upon determining that any provisions of this section have been violated, may, in addition to any other penalties provided herein, revoke a license issued hereunder, together with the right to reapply for a subsequent license, for a period of up to two (2) years. Appeal from such revocation shall be to the Public Safety Committee of the Borough Council*
- B. *Fines. Any person, firm or corporation violating any of the provisions of this Chapter 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 and costs of prosecution. Each and every day on which any person, firm or corporation shall be in violation of this chapter shall constitute a separate offense.*
- C. *Equitable relief. Further, the appropriate officers or agents of the Borough 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.*

SECTION 2. Deletion of Sections 172-38 through 172-46. Borough Council hereby repeals and reserves the following Sections within Chapter 172, Article V titled "Removal and Impounding of Illegally Parked Vehicles": §172-38, §172-39, §172-40, §172-41, §172-41, §172-42, §172-43, §172-44, §172-45, and §172-46.

SECTION 3. 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 4. REPEALER. All ordinances or resolutions or parts thereof 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 5. EFFECTIVE DATE. This Ordinance shall take effect and be in force from and after its approval as required by law.

ORDAINED AND ENACTED by the Borough Council of the Borough of Jenkintown, Montgomery County, Pennsylvania this 24 day of May, 2023.

ATTEST:


GEORGE LOCKE, MANGER

JENKINTOWN BOROUGH COUNCIL


JAY CONNERS
BOROUGH COUNCIL PRESIDENT

APPROVED:


GABRIEL LERMAN, MAYOR