

ORDINANCE # 2024-4

**VOTING RESULTS
BOROUGH OF TOWANDA COUNCIL
ORDINANCE**

Date: September 3, 2024

Subject: Ordinance 2024-4 – ABANDONED VEHICLES updated ordinance

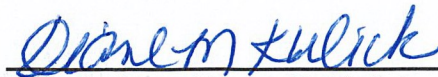
Motion made by: Mr. Saring

Motion 2nd by: Mr. Kovalcin

NAME	AYE / YEA	NAY / NO	ABSTAIN	ABSENT
MR. EBERLIN	X			
MRS. MILLER	X			
MR. ROOF	X			
MR. SARING	X			
MR. KOVALCIN	X			
MR. SCHULZE	X			
MR. CHRISTINI	X			
MRS. HATCH	X			
MR. PARKS	X			

ORDINANCE # 2024-4

Status: CARRIED


Attested by: Diane M. Kulick
Borough Secretary/Treasurer



Seal:

ORDINANCE NO. 2024 – 4
BOROUGH OF TOWANDA

AN ORDINANCE REPEALING CHAPTER 298 OF THE CODE OF THE BOROUGH OF TOWANDA PERTAINING TO ABANDONED VEHICLES AND REPLACING IT WITH A REVISED CHAPTER 298 PROVIDING DEFINITIONS; MAKING IT ILLEGAL TO ALLOW AN ABANDONED MOTOR VEHICLE OR MOTOR VEHICLE TRAILER TO REMAIN ON A PUBLIC STREET, OTHER PUBLIC PROPERTY, OR PRIVATE PROPERTY AND PROVIDING PENALTIES FOR VIOLATIONS; AUTHORIZING POLICE TO CAUSE REMOVAL AND IMPOUNDMENT OF ABANDONED MOTOR VEHICLES AND MOTOR VEHICLE TRAILERS BY CERTIFIED SALVORS AFTER NOTICE TO OWNERS; INCORPORATING CERTAIN PROVISIONS OF THE PENNSYLVANIA MOTOR VEHICLE CODE REGULATING SALVORS; PROVIDING FOR RECLAMATION OF IMPOUNDED ABANDONED MOTOR VEHICLES AND MOTOR VEHICLE TRAILERS BY OWNERS AFTER PAYMENT OF TOWING AND STORAGE COSTS; PROVIDING FOR SEVERANCE OF ANY ILLEGAL PROVISIONS; AND PROVIDING AN EFFECTIVE DATE.

NOW THEREFORE, be it enacted and ordained, and it is hereby enacted and ordained by the Council of the Borough of Towanda, Bradford County, Pennsylvania, as follows:

ARTICLE I: Definitions:

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

ABANDONED MOTOR VEHICLE/ABANDONED TRAILER

A motor vehicle or trailer which:

- A. Is physically inoperable and is left in a public street or other public property for more than 48 hours; or
- B. Has remained illegally on a public street or other public property for a period of more than 48 hours; or
- C. Is left unattended on a public street or other public property for more than 48 hours and does not bear a valid registration plate, a current certificate of inspection, and an ascertainable vehicle identification number; or
- D. Has remained on private property without the consent of the owner or person in control of the property for more than 24 hours; or
- E. Has remained on the private property of a salvor for more than 20 days.

The term does not include motor vehicles, motor vehicle trailers, or equipment used or to be used in the construction, operation, or maintenance of public streets, other public property, or public utility facilities which are left in a manner which does not interfere with the normal movement of traffic.

MOTOR VEHICLE

A vehicle which is self-propelled, except an electric personal assistive device or a vehicle propelled solely by human power.

MOTOR VEHICLE TRAILER

A vehicle designed to be towed by a motor vehicle.

PERSON

Any individual, corporation, company, firm, partnership or other legal entity formed under or recognized by law as the subject of legal rights and duties.

PHYSICALLY INOPERABLE

A motor vehicle or trailer that is so deteriorated, mechanically broken, dismantled, missing components, or otherwise in such condition that it cannot be moved on its own as intended by its functional design.

PUBLIC PROPERTY, OTHER

Any area, other than a public street, owned and maintained by Towanda Borough for public use, including parking lots, parks and squares, and any roadway open to public use for vehicular travel on the grounds of a public or private school, college or university, or public or historical park within but not owned or maintained by Towanda Borough.

PUBLIC STREET

Any highway, street, road, land, cul-de-sac, alley or other thoroughfare maintained by Towanda Borough for vehicular travel by the public.

REPAIR OR TOWING BUSINESS

A person regularly engaged in the business of mechanical or body repairs or towing for direct compensation of motor vehicles owned by other persons who holds a current certificate of authorization to operate as such from the Pennsylvania Department of Transportation.

SALVOR

A person engaged in the business of acquiring abandoned vehicles for the purpose of taking apart, recycling, selling, rebuilding or exchanging the vehicles or parts thereof who holds a current certificate of authorization to operate as such from the Pennsylvania Department of Transportation.

ARTICLE II. Illegally parked motor vehicles and trailers; Penalties

- A. It shall be illegal to park or allow to remain on any public street or other public property any abandoned motor vehicle or motor vehicle trailer.
- B. It shall be illegal to park or allow to remain on private property located within Towanda Borough any abandoned motor vehicle or abandoned motor vehicle

trailer for a period of more than 24 hours without the consent of the property owner or person in control of the property.

- C. Any person violating Section A. or B. of this Article:
 - 1. For a first offense, commits a summary offense and shall, upon conviction, be sentenced to pay a fine of \$500.00 and the costs of prosecution plus all costs of disposing of the motor vehicle or motor vehicle trailer under the provisions of Chapter 73 of the Pennsylvania Motor Vehicle Code (the "Vehicle Code").
 - 2. For a second offense, commits a summary offense and shall, upon conviction, be sentenced to pay a fine of \$1,000.00 and the costs of prosecution plus all costs of disposing of the motor vehicle or motor vehicle trailer under the provisions of Chapter 73 of the Vehicle Code.
 - 3. For a third or subsequent offense, commits a misdemeanor of the third degree and shall, upon conviction, be sentenced to a term of imprisonment not exceeding thirty days, and to pay all costs of prosecution plus all costs of disposing of the motor vehicle or motor vehicle trailer under the provisions of Chapter 73 of the Vehicle Code.
- D. Each period of 24 hours during which a person is in violation of the provisions of this Article shall be a separate offense.
- E. The police department may file a complaint with the appropriate issuing authority to enforce the provisions of this Article.

ARTICLE III. Removing and impounding; Notice

- A. The police department is hereby authorized to remove and impound or to order the removal and impounding of any abandoned or illegally parked motor vehicle or motor vehicle trailer found on any street or other public property or, at the request of the owner or person in control of any private property within the Borough, found on such private property, provided, however, that no motor vehicle or motor vehicle trailer shall be removed or impounded except in strict adherence to the provisions of this chapter.
- B. Prior to the removal of any abandoned or illegally parked motor vehicle or motor vehicle trailer, the police department shall give written notice of intention to remove and impound the motor vehicle or motor vehicle trailer. The notice shall state the following:
 - 1) The abandoned or illegally parked motor vehicle or motor vehicle trailer will be removed from the location where found and impounded unless the motor vehicle or motor vehicle trailer is removed from such location within 48 hours of receipt of the notice;
 - 2) The location of the abandoned or illegally parked motor vehicle or motor vehicle trailer and a description thereof;
 - 3) If the abandoned or illegally parked motor vehicle or motor vehicle trailer is removed and impounded at the direction of the police department, the cost incurred and the fee specified in Section 7306 of the Pennsylvania Motor Vehicle Code (the "Vehicle Code") will be imposed on the owner or owners thereof, and the owner or owners may be assessed any penalty specified

in Section 3712 (d) (1) of the Vehicle Code, and any restitution due under Section 3712.1 of the Vehicle Code; and

4) The abandoned or illegally parked motor vehicle or motor vehicle trailer will be sold or otherwise disposed of if not reclaimed within thirty days of the date the owner or owners thereof are notified of impoundment by the Pennsylvania Department of Transportation pursuant to Section 7305 of the Vehicle Code, or may be disposed of immediately in the case of a salvage or nonrepairable motor vehicle specified as such on the notice required under Article IV.B. below.

- C. The notice required under Section B. hereinabove shall be given to the owner or owners of the abandoned or illegally parked motor vehicle or motor vehicle trailer by handing a copy thereof to the owner or owners or by mailing a copy by certified mail, return receipt requested, to the owner or owners. In the event that the owner or owners of the abandoned or illegally parked motor vehicle or motor vehicle trailer cannot be found, the police department shall give such notice by publication in the Towanda Daily Review, two times in seven days, with the second publication appearing not less than three days after the first.
- D. In the event of a snow emergency, the police department may direct that an abandoned or illegally parked motor vehicle or motor vehicle trailer be removed from a public street by a salvor or repair or towing business operator immediately without first giving the pre-removal notice otherwise required by this Article. After such removal, the salvor or repair or towing business operator taking possession of the abandoned or illegally parked motor vehicle or motor vehicle trailer shall transmit to the Pennsylvania Department of Transportation the report required by Section 7304 of the Vehicle Code, and shall process the abandoned motor vehicle or motor vehicle trailer in accordance therewith.

ARTICLE IV. Failure to remove.

- A. If the owner or owners of an abandoned or illegally parked motor vehicle or motor vehicle trailer fail to remove such vehicle or trailer from a public street, other public property, or private property as directed in the notice required under Article III hereinabove, the police department shall cite such owner or owners for such violation and shall provide a written request to an approved salvor or repair or towing business operator to remove and impound the motor vehicle or motor vehicle trailer pursuant to and in compliance with the applicable provisions of the Vehicle Code, Part VI, Chapter 73, Subchapter A.
- B. The written request for removal and impoundment of an abandoned motor vehicle or motor vehicle trailer provided for in Section A above shall be made in compliance with Section 7303.1 of the Vehicle Code using Pennsylvania Department of Transportation Form MV-952, "Police Request For Removal Of Abandoned Vehicle," for such vehicles or trailers found on public streets or other public property, or Form MV-952PP, "Abandoned Vehicle On Private Property," for such vehicles or trailers found on private property when removal is requested by the property owner, or by using such other form or forms

designated by the Pennsylvania Department of Transportation for such purpose hereafter.

- C. The following facility is hereby designated as an approved salvor or repair or towing business for the removal and storage of impounded motor vehicles or motor vehicle trailers:

Sutton's Towing, 5195 Mile Lane Road, Sayre, PA 18840

The Towanda Borough Council by Resolution may designate other approved salvors or repair or towing business operators from time to time.

ARTICLE V. Duty of salvor.

- A. Upon receipt of a written request from the police department made pursuant to Article IV of this Chapter, the salvor or repair or towing business operator shall take possession of the identified abandoned motor vehicle or motor vehicle trailer and remove it to a storage facility located within 30 miles of the place of business of the salvor or repair or towing business operator.
- B. After removal and impoundment of the abandoned motor vehicle or motor vehicle trailer pursuant to Section A. above, the salvor or repair or towing business operator shall comply with all applicable provisions of the Vehicle Code, Part VI, Chapter 73.

ARTICLE VI. Payment of costs upon reclaiming motor vehicle or motor vehicle trailer.

In the event the owner or owners or any lienholder, of an abandoned or illegally parked motor vehicle or motor vehicle trailer reclaims the motor vehicle or motor vehicle trailer, the reclaiming person shall pay the costs of towing and storage plus any other applicable fine, penalty or assessment specified in Article III. B. hereinabove.

ARTICLE VII. Repealer:

- A. Chapter 298 (Sections 298-1 through 298-11) of the Code of the Borough is hereby repealed in its entirety.

ARTICLE VIII. Effective Date:

This Ordinance shall be effective immediately and shall remain in force until modified, amended or rescinded by the Borough of Towanda.

ENACTED AND ADOPTED by Council this 3rd day of September 2024.

ATTEST:

COUNCIL OF THE BOROUGH OF TOWANDA

By: *Dionessa Kulick*
Borough of Towanda Secretary

Ryan P. Siler
Council President

APPROVED, this 3rd day of September 2024, by the Mayor of the Borough of Towanda.

By: *Ganett Miller*
Borough of Towanda Mayor