

**FILE OF THE COUNCIL OF THE
CITY OF POTTSVILLE, PA**

Ordinance Number	887	1 st Reading 11/24/2020 Bill Number 9/2020
Introduced by	Councilman Atkinson	
Enacted by Council	December 14, 2020	

**AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF THE
CITY OF POTTSVILLE – ADDING A NEW CHAPTER, CHAPTER 305 VEHICLES
AND TRAFFIC, ARTICLE VII. REMOVAL AND IMPOUNDING AND
IMMOBILIZATION OF CERTAIN VEHICLES.**

§ 305-52. Applicability and scope.

This article is enacted under authority of Section 6109(a)(22) of the Vehicle Code and gives authority to the City of Pottsville and/or the Pottsville Parking Authority to remove and impound vehicles that are parked overtime on any street in the City of Pottsville, or in metered and unmetered parking lots in the City of Pottsville, in violation of any provision of this chapter.

§ 305-53. Authority to remove and impound.

- A. Enforcement officers shall have the authority to remove and impound or to order the removal and impounding of any vehicle parked illegally in accordance with the Pennsylvania Motor Vehicle Code.
- B. Officers are authorized by law to tow and impound vehicles under certain circumstances and in compliance with the Pennsylvania Motor Vehicle Code. Towing and impoundment of vehicles when authorized is intended to ensure compliance with the law, to facilitate criminal or traffic crash investigations, to provide for public safety, and to allow for the proper movement of traffic on streets and highways. Officers shall avoid the unnecessary towing of motor vehicles.
- C. Guidelines governing Pottsville Parking Authority Officers towing operations shall be set and changed by resolution of the Council of the City of Pottsville. These guidelines may be changed from time to time in accordance with changes in the Pennsylvania Motor Vehicle Code or policy initiatives of the Council of the City of Pottsville.

§ 305-53A. Definitions.

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

ABANDONED VEHICLES

A vehicle (other than a pedal cycle) shall be presumed to be abandoned under any of the following circumstances, but the presumption is rebuttable by a preponderance of the evidence:

- A. The vehicle is physically inoperable and is left unattended on a highway or other public property for more than 48 hours.
- B. The vehicle has remained illegally on a highway or other public property for a period of more than 48 hours.
- C. The vehicle is left unattended on or along a highway or other public property for more than 48 hours and does not bear all of the following:
 - a. A valid registration plate.
 - b. A certificate of inspection.
 - c. An ascertainable vehicle identification number.
- D. The vehicle has remained on private property without the consent of the owner or other person in control of the property for more than 48 hours.
- E. Vehicles and equipment used or to be used in construction or in the operation or maintenance of highways or public utility facilities, which are left in a manner which does not interfere with the normal movement of traffic, shall not be considered to be abandoned.

§ 305-54. Designation of approved storage garages; bonding; towing and storage.

Removal and impounding of vehicles under this article shall be done only by approved storage garages that shall be designated from time to time by the Council of the City of Pottsville. Every such garage shall submit evidence to the Council of the City of Pottsville that it is bonded or has acquired liability insurance in an amount satisfactory to the Council of the City of Pottsville as sufficient to indemnify owners of impounded vehicles against loss or damage to those vehicles while in the custody of the garage keeper for the purpose of towing or storage. The approved storage garage shall submit to the Council of the City of Pottsville its schedule of charges for towing and storage of vehicles under this article, and when the schedule is approved by the Council of the City of Pottsville, those charges shall be adhered to by the approved storage garage. No different schedule of charges shall be adopted without approval of the Council of the City of Pottsville, and no different charges shall be demanded of or collected from any person whose vehicle is removed or impounded under this article by any approved storage garage. The Council of the City of Pottsville shall delete from its list of approved storage garages any garage that makes any unapproved charge in connection with any vehicle removed or impounded under this article.

§ 305-55. Notification of removal and impounding.

Within 10 days from the time of removal of any vehicle under authority granted by this article, notice of the fact that the vehicle was removed shall be sent by the City of Pottsville and/or the Pottsville Parking Authority to the owner of record of the vehicle. The notice shall designate the place from which the vehicle was removed, the reason for its removal and impounding and the garage in which it was impounded.

§ 305-56. Effect of payment of towing and storage charges.

The payment of any towing and storage charges authorized by this article shall, unless payment is made under protest, be final and conclusive and shall constitute a waiver of any right to recover the money so paid. If payment of any towing or storage charges is made under protest, the offender shall be entitled to a hearing before a Magisterial District Judge. 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 chapter for which the vehicle was removed or impounded.

§ 305-57. Records of vehicles removed and impounded.

The City of Pottsville and/or the Pottsville Parking Authority shall cause a record to be kept of all vehicles impounded under this article 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.

§ 305-58. Restrictions upon removal of vehicles.

No vehicle shall be removed under the authority of this article 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.

§ 305-58A. Immobilization of certain vehicles; notice.

- A. Definitions. As used in this section, the following terms shall have the meanings indicated:

DELINQUENCY NOTICE

A notice sent to the registered owner of the vehicle for which a parking ticket against the license plate has not been paid within the prescribed period of time.

TOW-AWAY ZONE

Areas identified by the Commonwealth of Pennsylvania or the City of Pottsville as illegal parking or stopping areas.

VEHICLE

A piece of mechanical equipment.

- B. Immobilization or removal.
- a. Any vehicle may be removed by towing to the nearest official towing station if not reclaimed, by or under the direction of the City of Pottsville and/or the Pottsville Parking Authority or his designee if it is:
 - i. Abandoned on the highway;
 - ii. Parked in a tow-away zone; or
 - iii. Parked on a public street and has five or more delinquent parking tickets that have been issued in a 60-day period for which appropriate notice has been sent

to the registered owner after a delinquency notice on the fifth parking ticket has been issued.

C. Recovery of vehicle.

a. Any vehicle may be recovered by one of the following means:

- i. The owner or any person on behalf of the owner may obtain immediate release of the vehicle by payment in full of all outstanding parking tickets and towing and storage charges. Such payment shall constitute a waiver of the right to contest the parking tickets and towing and storage charges.
- ii. If a court order is provided to the City of Pottsville and/or the Pottsville Parking Authority by a Magisterial District Judge or the Court of Common Pleas of Schuylkill County.

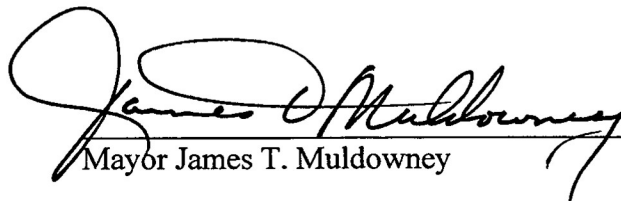
b. All notices provided for in this section shall be given in both Spanish and English.

D. Fees and charges.

- a. A towing fee that shall be established by the City of Pottsville Municipal Council and set forth in the City of Pottsville Municipal Fee Schedule shall be assessed to cover the costs of towing and storage of any vehicle pursuant to the provision of this sections.
- b. Changes in towing and storage fees and additional fines will be determined and adjusted by resolution of the Council of the City of Pottsville.

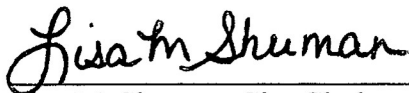
ORDAINED AND ENACTED THIS 14th day of December, 2020.

CITY OF POTTSVILLE



Mayor James T. Muldowney

ATTEST:



Lisa M. Shuman, City Clerk