

**BOROUGH OF NEW FLORENCE, WESTMORELAND COUNTY,  
PENNSYLVANIA**

**ORDINANCE NO. 207**

**AN ORDINANCE PROVIDING AUTHORITY TO THE BOROUGH OF NEW  
FLORENCE TO REMOVE AND IMPOUND ABANDONED VEHICLES AS  
DEFINED IN THIS ORDINANCE AND OTHER VEHICLES IN ACCORDANCE  
WITH THE VEHICLE CODE OF THE COMMONWEALTH OF  
PENNSYLVANIA (75 PA. C.S.A §101 ET. SEQ.)**

**BE IT ORDAINED AND ENACTED** by the Council of the Borough of New Florence, County of Westmoreland and Commonwealth of Pennsylvania, and it is hereby Ordained and Enacted as follows:

**Section 1. Authority to Remove and Impound**

The Borough of New Florence, under authority of Section 6109(a)(22) of the Vehicle Code of the Commonwealth of Pennsylvania (75 Pa. C.S.A. §6109(a)(22)), shall have authority to remove and impound or to order the removal and impounding of any “abandoned vehicle,” as defined in this Ordinance, and any other vehicle in accordance with the Vehicle Code of the Commonwealth of Pennsylvania (75 Pa. C.S.A. §101 et seq.) provided that the vehicle shall be removed or impounded only in strict adherence to the provisions of this ordinance.

**Section 2. Definitions**

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

1. “Abandoned Motor Vehicle” – includes, without exception, any motor vehicle as to which one or more of the following conditions exist:
  - a. A motor vehicle for which a certificate of junk has been issued by the Bureau of Motor Vehicles of the Department of Revenue of the Commonwealth of Pennsylvania.
  - b. A motor vehicle whose engine or any essential or material part thereof has been removed for more than seven (7) days, except if stored at an automobile repair agency or garage.
  - c. A motor vehicle, one or more of whose tires has been flat or one or more of whose wheels has been removed for more than seven (7) days.

- d. A motor vehicle bearing no current Pennsylvania inspection sticker or which does not meet the inspection requirements of the Commonwealth of Pennsylvania.
- e. A motor vehicle bearing no current registration or license tag, except if stored on the premises of a licensed automobile dealer.
- f. A motor vehicle, any of whose doors and windows are not intact or cannot be securely closed.
- g. A motor vehicle damaged by collision to such an extent that it is inoperable, except if stored at an automobile repair agency or garage.
- h. A motor vehicle in such condition or situated in such circumstances as to cause such vehicle reasonably to appear to have been abandoned.
- i. Leaving vehicles unattended.

1. A vehicle (other than a pedalcycle) 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 forty-eight (48) hours;
- (b) The vehicle is left unattended on or along the highway or other public property for more than forty-eight (48) hours and does not bear all of the following:
  - i. A valid registration plate;
  - ii. A certificate of inspection;
  - iii. An ascertainable vehicle identification number
- (c) The vehicle has remained on private property without the consent of the owner or person in control of the property for more than forty-eight (48) hours.

2. Vehicles and equipment used or to be used in construction or in the operation of 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.

2. "Motor Vehicle." Any motor vehicle, trailer, or semitrailer as defined by the Vehicle Code of the Commonwealth of Pennsylvania.

### **Section 3. Designation of Approved Storage Garages; Bonding; Towing and Storage**

Removal and impounding of vehicles under this Ordinance shall be done only by approved storage garages that shall be designated from time to time by the New Florence 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 the Borough Council 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 Borough Council its schedule of charges for towing and storage of vehicles under this Ordinance, and when the schedule is approved by the Borough Council, those charges shall be adhered to by the approved storage garage. No different schedule of charges shall be adopted without approval of the Borough Council, and no different charges shall be demanded of or collected from any person whose vehicle is removed or impounded under this Ordinance by any approved storage garage. The Borough Council 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.

### **Section 4. Notification of Removal and Impounding**

Within twelve (12) hours from the time of removal of any vehicle under authority granted by this Ordinance, notice of the fact that the vehicle was removed shall be sent by the Borough 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.

### **Section 5. 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 District Justice. Payment of towing and storage charges shall not relieve the owner or driver of any vehicle from liability for any fine or penalty for any violation for which the vehicle was removed or impounded.

**Section 6. Records of Vehicles Removed and Impounded**

The Borough shall cause a record to be kept of all vehicles impounded under this Ordinance 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.

**Section 7. Repealer.**

All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

**Section 8. Severability.**

If any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality, or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Ordinance. It is hereby declared as the intent of the New Florence Borough Council that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section, or part thereof not have been included herein.

**Section 9. Effective Date.**

This Ordinance shall become effective on the \_\_\_\_\_ day of \_\_\_\_\_, 2009.

ENACTED AND ORDAINED this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

**NEW FLORENCE BOROUGH COUNCIL**

\_\_\_\_\_  
President

**ATTEST:**

\_\_\_\_\_  
Secretary

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2009.