

**ORDINANCE NO. 539**

**BOROUGH OF PARKESBURG  
CHESTER COUNTY, PENNSYLVANIA**

**AN ORDINANCE OF PARKESBURG BOROUGH, CHESTER COUNTY, PENNSYLVANIA, AMENDING ORDINANCE NO 508 BY: 1) MAKING MINOR CHANGES TO SECTION VIII THEREOF TO ESTABLISH THE BOROUGH MANAGER AS AN ALTERNATE PERSON TO DECLARE A SNOW EMERGENCY - AND REMOVING CERTAIN SNOW EMERGENCY ROUTES; 2) ADDING A NEW SUBSECTION IX PROVIDING FOR PROCEDURES TO ADDRESS THE REMOVAL AND IMPOUNDING OF CERTAIN VEHICLES; AND 3) RE-NUMBERING THE SECTIONS FOLLOWING THE NEW SECTION IX AS X-13**

WHEREAS, The Borough of Parkesburg is a Borough and Municipality in the Commonwealth of Pennsylvania organized and governed according to the Borough Code; and,

WHEREAS, the Borough Code authorizes Borough Council to regulate among other things, parking, [Section 1202(31)], the streets [Section 1202(12)], the towing of vehicles, [Section 1202(34)], the licensing of parking (Section 2903) and the general regulation of nuisances and protections for the health, safety and welfare of the public [Sections 1202(4) and 1202(5)] See 8 Pa. C.S.A. § 1202(31)(12)(34)(4)(5) and such other authority generally granted under the Borough Code 8 Pa C.S. A. § 101 et seq; and

WHEREAS the Borough Council has also been granted under the Vehicle Code at 75 Pa. C.S.A. 6109 the reasonable exercise of police power within the boundaries of the Borough to regulate, inter alia, towing and impounding of motor vehicles; and

WHEREAS, in order to amend Ordinance No 508 to add a Section addressing the removal and impounding of certain vehicles and to make other minor changes, the said Ordinance 508 is amended as follows:

Section 1. The Ordinance is amended and renumbered as Ordinance No. 539

Section 2. In Section VIII - Storm Emergency Routes the following amendments are made:

a. Subsection B. (4) is amended by the removal of reference to "The Chairman of the Streets Committee" and this language is replaced by amendment with "The Borough Manager"; and

b. Subsection C. (2) A. (1) is amended by the removal of subsections "c" "d" "e" "g" "h" and "i" (with respect to "W. Bridge Street, W. Fifth Avenue, S. Gay Street, N. Culvert Street, Washington Avenue and Chapel Avenue", respectively) and the remaining routes, are amended with reassigned alphabetical listings as follows; "c" Strasburg Avenue and "d" Green Street.

Section 3. A. new Section XI is added by amendment entitled "Removal and Impounding of Certain Vehicles" stating in its entirety as follows:

"Section IX- Removal and Impounding of Certain Vehicles."

(1) Applicability and scope:

This section is enacted under the authority of 75 Pa. C.S. A. § 6109 (a)(22) of the Vehicle Code and gives the authority to the Borough to remove and impound vehicles that are parked overtime on any street in the Borough or in violation of any provision of this Ordinance and the Borough regulations and resolutions enacted thereunder.

(2) Authority to remove and impound.

The Borough shall have the authority to remove and impound, or to order the removal and impounding, of any vehicle parked overtime or otherwise illegally, provided

that the circumstances of its parking where in violation of the conditions identified in this Ordinance, and provided that no such vehicle shall be removed or impounded except in strict adherence to the provisions of this Ordinance.

(3) 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 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(s) shall submit to the Borough Council its/their schedule for charges for towing and storage of vehicles under this section, and when the schedule is approved by the Borough Council, those charges shall be adhered to by the approved storage garage(s). 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 section by an 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 section.

(4) Notification of removal and impounding.

Within 12 hours (extended to 48 hours if circumstances so provide) from the time of removal of any vehicle under authority granted by this Ordinance, notice

of the fact 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(s) in which it was impounded. The Borough Police Department shall keep track of any towed vehicle and shall have this information available at its call desk as soon as is practicable after the vehicle has been towed.

(5) Effect of payment of towing and storage charges.

The payment of any towing and storage charges authorized by this Ordinance 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 section for which the vehicle was removed or impounded.

(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.

(7) Restrictions upon removal of vehicles.

No vehicle shall be removed under the authority of this Ordinance 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 (and has the ability to effectuate such a removal)."

Section 4. Section "IX- Penalties for Violations" is amended and renamed "Section X – Penalties for Violations" and similarly, Sections X, XI and X11 are amended with the titles restated but renumbered as Sections "XI" XII" and XIII", respectively:

Section 5. Effective date: This Ordinance shall be effective as required by the Borough Code thirty (30) days after adoption.

ORDAINED and ENACTED by the Parkesburg Borough Council this 20<sup>th</sup> day of May, 2019

PARKESBURG BOROUGH COUNCIL

  
CHARLES J. PERSCH, President

ATTEST:

  
WENDY A. KEEGAN, Secretary

Approved this 20<sup>th</sup> day of May, 2019

  
JOHN P. HAGAN, II, Mayor