

## COUNCIL BILL NO. 1697

INTRODUCED BY JOHN D. MICKSORDINANCE NO. 1608

AN ORDINANCE OF THE CITY OF DUBOIS AMENDING CHAPTER 15, PART 7, OF THE CODE OF ORDINANCES TO ESTABLISH REGULATIONS FOR THE REMOVAL AND IMPOUNDMENT OF ILLEGALLY PARKED VEHICLES.

BE IT ORDAINED by the Council of the City of DuBois in Council assembled that Chapter 15, Part 7, is hereby amended to read as follows:

**Section 701. Applicability and Scope.** This Part is enacted under authority of Section 6109 (a) (22) of the Vehicle Code, and gives authority to the City to remove and impound those vehicles which are parked in a tow away zone and in violation of parking regulations of this Chapter. Vehicles which have been abandoned (as defined by the Vehicle Code) or which are parked in such a manner as to interfere with traffic or pose a hazard to others, may be towed under the provisions of the Pennsylvania Vehicle Code.

**Section 702. Authority to Remove and Impound.** The City shall have 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 were within the conditions stated in Section 701 of this Part. Provided, no such vehicle shall be removed or impounded except in strict adherence to the provisions of this Part, or the provisions of the Pennsylvania Vehicle Code.

**Section 703. Tow Away Zones Designated.** All public streets, alleys, and thoroughfares and/or public parking lots located within the City of DuBois are hereby established as tow-away zones for failure to observe City parking regulations imposed thereon. Signs shall be posted to place the public on notice that their vehicles may be towed for violation of the City parking regulations established for such streets, alleys, and thoroughfares and/or public parking lots.

**Section 704. Designation of Approved Storage Garages; Towing and Storage.**

Removal and impounding of vehicles under this Part shall be done only by "approved storage garages" that shall be designated from time to time by City Council. Every such garage shall submit evidence to City Council that it is bonded or has acquired liability insurance in an amount satisfactory to the City Council as sufficient to indemnify owners of impounded vehicles against loss or damage to those vehicles which in the custody of the garage keeper for the purpose of towing or storage. The approved storage garage shall submit to City Council its schedule of charges for towing or storage. The approved storage garage shall submit to City Council its schedule of charges for towing and storage of vehicles under this Part, and, when the schedule is approved by City Council, those charges shall be adhered to by the approved storage garage; no different schedule of charges shall be demanded of or collected from any person whose vehicle is removed or impounded under this Part by any approved storage garage. City 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 Part.

**Section 705. Payment of Towing and Storage Charges.** The 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 Part for which the vehicle was removed or impounded.

**Section 706. Reclamation Costs.** In order to reclaim his vehicle, the owner shall pay towing and storage costs, plus a twenty-five (\$25.00) dollar fee of which ten (\$10.00) dollars shall be transferred to the Pennsylvania Department of Transportation by the garage to which the vehicle was taken.

**Section 708. Restrictions upon Removal of Vehicles.** No vehicle shall be removed under the authority of this Part or the Vehicle Code if, at any 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.

**Section 709. Penalty for Violation.** Any person who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of fifty (\$50.00) dollars together with all costs of disposing of the vehicle under provisions of the Vehicle Code, 75 P.S. Section 7301 et seq. (1977), as hereafter amended, supplemented, modified or reenacted by the General Assembly of Pennsylvania.

**Section 710. Reports and Disposition of Unclaimed Vehicles.** If after a period of fifteen (15) days the vehicle in storage remains unclaimed, a report shall be filed with PennDOT in accordance with Section 7311 of The Vehicle Code, by the person having legal custody of the vehicle. If the vehicle has not been claimed after thirty (30) days, the vehicle may be transferred to a licensed Salvor who will then be responsible for filing the proper reports and disposing of the vehicle in accordance with the provisions of Chapter 73 of the Pennsylvania Motor Vehicle Code (75 PA C.S.A. Section 110 et. seq., as amended).

Ordained and enacted by the City Council of the City of DuBois in lawful session assembled this 10<sup>th</sup> day of January, 2000.

CITY OF DUBOIS

By John L. Splizio  
Mayor and President of Council

ATTEST:

Patricia A. Nuzzo  
City Manager

APPROVED:

Patricia A. Nuzzo  
City Solicitor