

Marion Heights Borough  
P.O. Box 218  
224 North Street  
Marion Heights, PA 17832

ORDINANCE # 66

BE IT ORDAINED AND ENACTED by the Council of the Borough of Marion Heights  
and is hereby enacted and ordained by the authority of the same as follows:

SECTION I-AMENDMENTS

1. Chapter 66 entitled Vehicles Abandoned sections 66-4A, 66-4B, 66-5, 66-6, 66-8,  
and 66-9 are hereby amended as follows:.

2. 66-4 TOWING AND IMPOUNDMENT OF VEHICLES; STORAGE GARAGES

A. The police department of the borough shall have the right to have any offending motor  
vehicle towed from its location on private property to any approved facility as defined in the  
Pennsylvania Motor Vehicle Code.

B. Repealed

3. 66-5 NOTICE OF IMPOUNDMENT; TOWING AND STORAGE CHARGES.

Within twelve (12) hours from the time of removal of such vehicle, notice of the fact that such  
vehicle has been impounded shall be sent by the police department or the borough secretary to  
the owner of record of such vehicle, designating the place from which the vehicle was removed,  
the reason for its removal and impounding and the storage garage in which it has been  
impounded. Such notice shall be given either by personal service or by certified mail to the last  
known address of said owner and shall state that the towing charges and any storage charges shall  
be the responsibility of the owner of the vehicle to be paid prior to the release of the vehicle from  
the facility.

4. 66-6 RECOVERY

The owner or operator of any impounded vehicle shall be entitled to recover possession

of such vehicle upon the payment of the towing and storage charges.

5. 66-9 VIOLATIONS AND PENALTIES

Any person, corporation or entity in which title to a motor vehicle may be held or owned who shall violate any provision of this chapter shall upon conviction be sentenced to pay a fine of not less than One hundred (\$100.00) dollars nor more than One thousand (\$1,000.00) dollars and or be sentenced to a term not to exceed ninety days. Each day the said violation occurs shall be deemed a new and separate violation.

SECTION II-WHEN EFFECTIVE

This Amendment to said Ordinance shall become effective upon adoption.

Ordained and enacted this 10th day of July, A.D. 2007.

Attest:

Debra Smith

BOROUGH OF MARION HEIGHTS

By: Anthony Valera  
President

Paul Abate  
Vice President

Mark Dwyer  
MAYOR

## Chapter 66

## VEHICLES, ABANDONED

- § 66-1. Definitions.
- § 66-2. Abandonment prohibited; unlawful storage; exceptions.
- § 66-3. Removal required; notice.
- § 66-4. Towing and impoundment of vehicles; storage garages.
- § 66-5. Notice of impoundment; towing and storage charges.
- § 66-6. Recovery.
- § 66-7. Effect of payment of charges; hearing.
- § 66-8. Unclaimed vehicles.
- § 66-9. Violations and penalties.

[HISTORY: Adopted by the Council of the Borough of Marion Heights at time of adoption of Code; see Ch.1, General Provisions, Article I. Amendments noted where applicable.]

## GENERAL REFERENCES

Junkyards — See Ch. 32.  
Impounding of illegally parked vehicles — See Ch. 68, Article V.

## § 66-1. Definitions.

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

**ABANDONED MOTOR VEHICLE** — Any motor vehicle which is found unattended without the current year's registration plates or inspection sticker as required by law, has been continuously parked on any public land or private property for a period of thirty (30) days and is so disabled as to be incapable of being operated under its own power.

**JUNKED OR INOPERABLE MOTOR VEHICLE —**

Any motor vehicle which is no longer in actual use as a motor vehicle or which is wholly unfit to be operated and as to which any of the following conditions exist:

- A. It has been so damaged by collision, accident or any other means that it is inoperable.
- B. It does not have all of its material parts, including but not limited to four (4) tires and wheels, required headlamps and tail lamps, windshield, radiator, transmission, engine, rear windows and doors.
- C. It is for any other reason inoperable.

**MOTOR VEHICLE —** Any vehicle which is self-propelled, as defined by The Vehicle Code of Pennsylvania.

**§ 66-2. Abandonment prohibited; unlawful storage; exceptions.**

- A. It shall be unlawful for any person to cause a motor vehicle to be abandoned upon any public or private lands in the Borough of Marion Heights.
- B. It shall be unlawful for any owner, tenant, lessee or anyone else in charge or control of any property in the Borough of Marion Heights to allow a junked or inoperable motor vehicle to remain on his, their or its property or on the property of which he, they or it are the tenants or in charge or control of for a period of more than thirty (30) days.
- C. Nothing herein contained shall be deemed to prohibit:
  - (1) Any person from parking, storing or repairing a motor vehicle upon private or public property where authorized under the laws of the Commonwealth of Pennsylvania or the ordinances of the Borough of Marion Heights.
  - (2) The placing, keeping or storing of any motor vehicle in an enclosed garage or other building.
  - (3) The storage of any motor vehicle on the premises of a garage or service station when such motor vehicle is

being repaired or is scheduled on the records of said garage or service station for repair.

**§ 66-3. Removal required; notice.**

All abandoned, junked or inoperable motor vehicles shall be removed by the owner or operator thereof or by the owner or occupant of the property on which said motor vehicle is located. Upon the failure of the owner or operator of any abandoned, junked or inoperable motor vehicle or of the owner or occupant of the property on which said motor vehicle is located to remove the same within twenty-four (24) hours after receiving notice from the Police Department or Borough Secretary to remove the same, the borough may remove the same or cause the same to be removed as hereinafter provided. Such notice shall be given either by personal service or by certified mail to the owner or operator of such abandoned, junked or inoperable motor vehicle or to the owner or occupant of the property on which said motor vehicle is found.

**§ 66-4. Towing and impoundment of vehicles; storage garages.**

- A. The Police Department of the borough shall have the right to have any offending motor vehicle towed from its location on private property to any of the storage garages designated as provided herein.
- B. The Borough Council may, from time to time, designate by resolution approved storage garages for the impounding of vehicles. Any storage garage so designated shall, before any motor vehicles are stored in it, be bonded in the amount of five thousand dollars (\$5,000.), the form of the bond to be approved by the Borough Solicitor. Said bond shall call for the indemnification of the owner of an impounded vehicle against the loss thereof or injury or damage thereto while in the custody of such garage.

**§ 66-5. Notice of impoundment; towing and storage charges.**

Within twelve (12) hours from the time of removal of such vehicle, notice of the fact that such vehicle has been impounded

shall be sent by the Police Department or the Borough Secretary to the owner of record of such vehicle, designating the place from which the vehicle was removed, the reason for its removal and impounding and the storage garage in which it has been impounded. Such notice shall be given either by personal service or by certified mail to the last known address of said owner and shall state that the vehicle may be recovered upon the payment of towing charges of fifteen dollars (\$15.) and storage charges of five dollars (\$5.) for the first day of storage plus one dollar (\$1.) for each additional day until the vehicle is recovered, and that if it is not so recovered within not less than fifteen (15) days after receipt of notification (or the date of mailing of said notice if no receipt for said notice is received), the vehicle will be sold at auction on a date, time and place specified.

**§ 66-6. Recovery.**

The owner or operator of any impounded vehicle shall be entitled to recover possession of such vehicle upon the payment to the borough of the towing and storage charges above set forth.

**§ 66-7. Effect of payment of charges; hearing.**

The payment of such towing and storage charges, unless made under protest, shall be final and conclusive and shall constitute a waiver of any right to recover the money so paid. In the event that the towing and impounding charges are paid under protest, the offender shall be entitled to a hearing before a District Magistrate or a court of record having jurisdiction, as in the case of a prosecution as in other cases of summary offenses under The Vehicle Code of Pennsylvania, and said District Magistrate or court of record shall proceed in accordance with Section 1103 of The Vehicle Code of the Commonwealth of Pennsylvania.

**§ 66-8. Unclaimed vehicles.**

Where an abandoned motor vehicle is removed under the provisions of this chapter and it remains unclaimed for a period of fifteen (15) consecutive days without being removed by its owner

or any other person duly authorized to remove same, the Police Department or Borough Secretary shall be authorized to report or cause to be reported such abandonment to the Department of Revenue of the Commonwealth of Pennsylvania, as provided in The Vehicle Code.

**§ 66-9. . Violations and penalties.**

In addition to any other penalty or remedy provided for in this chapter, any person who shall violate any provision of this chapter may be prosecuted and shall, upon conviction, be subject to a fine not exceeding three hundred dollars (\$300.) and costs, and upon default of payment of such fine and costs, to imprisonment for not more than thirty (30) days.