

MIDDLESEX TOWNSHIP
CUMBERLAND COUNTY, PENNSYLVANIA

ORDINANCE NO. 7-97 1997

AN ORDINANCE BY THE BOARD OF TOWNSHIP SUPERVISORS IN AND FOR MIDDLESEX TOWNSHIP, CUMBERLAND COUNTY, PENNSYLVANIA PROVIDING FOR THE IMPOUNDMENT OF VEHICLES OR COMBINATIONS WITH A GROSS VEHICLE WEIGHT RATING OF 17,000 POUNDS OR LESS FOR NONPAYMENT OF FINES, PROVIDING FOR THE IMMOBILIZATION, TOWING AND STORAGE OF VEHICLES OR COMBINATIONS FOR DRIVING WITHOUT OPERATING PRIVILEGES OR REGISTRATION AND DESIGNATING TOWING AND STORAGE AGENTS.

WHEREAS, pursuant to Act No. 93 of 1996 of the General Assembly of the Commonwealth of Pennsylvania, certain provisions of the Pennsylvania Vehicle Code (75 Pa.C.S.A. 101, et seq.) were amended; and

WHEREAS, the Pennsylvania Vehicle Code now provides under 75 Pa.C.S.A. §§ 6309.1 and 6309.2 for the impoundment of vehicles or combinations with a gross vehicle weight rating of 17,000 pounds or less due to nonpayment of certain fines arising out of violations of the Pennsylvania Vehicle Code and the immobilization, towing and storage of vehicles or combinations for driving without operating privileges or registration, respectively; and

WHEREAS, in accordance with 75 Pa.C.S.A. § 6309.1(a)(2) and Section 6 of Act No. 93 of 1996, the provisions of 75 Pa.C.S.A. §§ 6309.1 and 6309.2 shall be applicable in municipalities within which the governing body by ordinance has elected to be subject to the provisions of §§ 6309.1 and 6309.2; and

WHEREAS, the Board of Township Supervisors in and for Middlesex Township deems it in the best interest of its residents in the promotion of safety, the enforcement of the laws of the Commonwealth of Pennsylvania and the collection of fines for violations of such laws that the Middlesex Township elect to be subject to the provisions of 75 Pa.C.S.A. §§ 6309.1 and 6309.2;

NOW THEREFORE, IT IS HEREBY ENACTED AND ORDAINED by the Board of Township Supervisors for Middlesex Township, Cumberland County, Pennsylvania as follows:

SECTION 1: PREAMBLE AND POLICY.

The foregoing paragraphs or preamble is incorporated herein as the background and policy of this Ordinance.

SECTION 2: DEFINITIONS AND INTERPRETATIONS.

The following words and phrases when used in this Ordinance shall have the meanings given to them below:

"Combination": two or more vehicles physically interconnected in tandem.

"Impound agent": the towing and storage agent designated by Middlesex Township.

"Issuing authority": a public official having the power and authority of a district justice.

"Police officer": any police officer of Middlesex Township, Cumberland County, Pennsylvania.

All other words and phrases used in this Ordinance and not specifically defined herein shall have the meaning ascribed to them in the Pennsylvania Vehicle Code (Act of June 17, 1976, P.L. 162, No. 81 (75 Pa.C.S.A. § 101, et seq.))

SECTION 3: AUTHORIZATION TO RENDER VEHICLES OR COMBINATIONS
TEMPORARILY INOPERABLE; IMPOUNDMENT OF VEHICLES OR COMBINATIONS.

Upon conviction of, or entry of a plea of guilty or nolo contendere, for one or more of the following offenses, and upon imposition of a fine or fines which, separately or together total in excess of \$250, the defendant shall be allowed 24 hours either to obtain the funds and pay the fine or fines and costs of prosecution or to make arrangements with the issuing authority to pay in installments as provided by the Pennsylvania Rules of Criminal Procedure, during which time the defendant's vehicle or combination may be rendered temporarily inoperable by a police officer, when designated by the issuing authority:

Section 1301 (relating to registration and certificate of title required).

Section 1332 (relating to display of registration plate).

Section 1371 (relating to operation following suspension of registration).

Section 1501 (relating to drivers required to be licensed).

Section 1543 (relating to driving while operating privilege is suspended or revoked).

Section 1786 (relating to required financial responsibility).

Section 7124 (relating to fraudulent use or removal of registration plate).

If the defendant neither makes payment nor makes arrangements for payment within the 24-hour period, or defaults upon such payment, the issuing authority may issue an impoundment order for the defendant's vehicle and direct enforcement of the order by a

police officer, as authorized by the issuing authority.

SECTION 4: STORAGE.

Upon impoundment, the police officer shall store the impounded vehicle or combination after receiving notification of the impound order from the issuing authority.

SECTION 5: NOTICE OF IMPOUNDMENT.

The police officer shall give immediate notice by the most expeditious means and by certified mail, return receipt requested, of the impoundment and location of the vehicle or combination to the owner of the vehicle or combination and any lienholder and, if applicable, the owner of the load, if the names and addresses of the owner and any lienholder are known or can be ascertained by investigation.

SECTION 6: COSTS.

The police officer's costs, reasonable storage costs and all other reasonable costs incident to the seizure and impoundment under Sections 3 and 4 above shall be recoverable in addition to the costs of prosecution.

SECTION 7: IMMOBILIZING, TOWING AND STORING VEHICLES FOR DRIVING WITHOUT OPERATING PRIVILEGES OR REGISTRATION.

A. Authorization. Subject to Subsection D, below,:

1. If a person operates a motor vehicle or combination on a highway or trafficway of this Commonwealth while the person's operating privilege

is suspended, revoked, canceled, recalled or disqualified, or where the person is unlicensed, as verified by a police officer in cooperation with the department, the police officer shall immobilize the vehicle and the appropriate judicial authority shall be so notified.

2. If a motor vehicle or combination for which there is no valid registration or for which the registration is suspended for failing to maintain financial responsibility, or where no financial responsibility has been secured, as verified by a police officer, is operated on a highway or trafficway of this Commonwealth, the motor vehicle or combination shall be immobilized by the police officer and the appropriate judicial authority shall be so notified.

B. Procedure Upon Immobilization.

The procedure to be followed by an operator of a vehicle or combination immobilized pursuant to A.1 and A.2, above, to obtain the release of same shall be those procedures as set forth in 75 Pa.C.S.A. §§ 6309.2(b)(1) and 6309.2(b)(2), respectively.

In the event a certificate of release is not obtained within 24 hours from the time the vehicle is immobilized, the vehicle shall be towed and stored by

the appropriate impound agent under Subsection C.,
below.

C. Procedure Upon Towing and Storage.

Upon receiving notification from the judicial authority, the police officer shall notify the impounding agent to tow and store the vehicle or combination and provide notice by the most expeditious means and by first class mail, proof of service, of the towing, storage and location of the vehicle or combination to any owner whose name and address is known or can be ascertained by investigation, or any lienholder whose name and address is known or can be ascertained by investigation and to the owner of a load being carried.

D. Recovery of Towed and Stored Vehicle.

1. The owner of any vehicle or combination which has been towed and stored under this section may obtain possession of the vehicle or combination by doing all of the following:

(a) Furnish proof of valid registration and financial responsibility.

(b) Pay all fines, together with all costs associated with the towing and storage of the vehicle, or make arrangements with the appropriate

judicial authority to make payments of all fines and costs by installments as provided by the Pennsylvania Rules of Criminal Procedure.

2. Any vehicle not recovered under this subsection may be sold as unclaimed vehicle or load under 75 Pa.C.S.A. § 6310 (relating to disposition of impounded vehicles and loads) or any applicable local ordinance of Middlesex Township. The proceeds of the sale shall be applied to the payment of the fines and costs associated with the towing and storage of the vehicle.

SECTION 8: DESIGNATION OF IMPOUNDING AGENT.

The following persons, businesses or entities are hereby designated as impound agents for purposes of towing and storage pursuant to the terms of this Ordinance and 75 Pa.C.S.A. §§ 6309.1 and 6309.2:

Miller's & Sam's Service Center, 6489 Carlisle Pike, Mechanicsburg

Gettles, 1143 Harrisburg Pike, Carlisle

John's Mobile Repair Service, Inc., 1513 Commerce Avenue, Carlisle

SECTION 9: SEVERABILITY AND EFFECTIVE DATE.

The provisions of the Ordinance shall be severable. The invalidity of any of its provisions shall not affect the validity of any of the other or remaining provisions hereof.

The provisions of this Ordinance shall become effective on the fifth calendar day after its enactment.

ENACTED AND ORDAINED THIS 4TH DAY OF June, 1997.

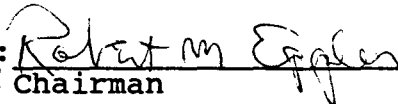
ATTEST:

BOARD OF TOWNSHIP SUPERVISORS
OF MIDDLESEX TOWNSHIP:



Gail Jensik
Township Secretary

(Seal)

By: 
Chairman