

BOROUGH OF MONROEVILLE

ORDINANCE NO. 137

AN ORDINANCE TO PROVIDE FOR THE IMPOUNDING AND TOWING OF WRECKED, ABANDONED, SEIZED OR ILLEGALLY PARKED VEHICLES ON THE STREETS, HIGHWAYS OR PUBLIC PROPERTY OF THE BOROUGH OF MONROEVILLE.

BE IT ORDAINED AND ENACTED by the Council of the Borough of Monroeville, Allegheny County, Pennsylvania, and it is hereby ordained and enacted by the Authority of the same:

SECTION 1. That for the preservation of the public peace, health and safety it shall hereafter be the duty of the Borough Police to impound and have towed away by a Borough designated garage any vehicle found wrecked, abandoned, seized or illegally parked within the limits of the Borough of Monroeville.

SECTION 2. The following words when used in this Ordinance shall have the following meanings unless otherwise clearly apparent from the context:

(a) For the purpose of this ordinance all autos, tractors, trucks, truck-tractors, trailers and other vehicles of any kind shall hereinafter be referred to as "vehicles".

(b) "In tow" - A vehicle shall be deemed to be in tow at such time as any chain, rope or any other means of linking the cars together shall be attached.

(c) "Impounded" - A vehicle shall be deemed to be impounded at such time as the parking violation tag is affixed and the towing service notified by the police officer.

(d) "Borough designated garage" - Shall include any garage or garages with whom the proper officials of the Borough of Monroeville have entered into contract for the purposes of towing illegally parked vehicles.

(e) "Illegally parked" - A vehicle shall be deemed to be illegally parked when said vehicle is placed on any street or highway in violation of any parking laws of the Commonwealth of Pennsylvania or any Ordinance of this Borough or is without registration plates,

storage battery or is incapable of being operated.

SECTION 3. The person removing or directing the removal of any vehicle shall immediately make a report thereof to the Borough Secretary, giving the registration number and the location of the pound to which said vehicle has been removed and the reason for its removal, and within 24 hours from the time of removal, providing the vehicle has not already been released from the pound, the Borough Secretary shall notify the owner of record of such vehicle by registered mail that same has been impounded designating the place from which the vehicle was removed, the reason for its removal and the place in which it has been impounded.

SECTION 4. The Borough Council is hereby authorized and directed to solicit bids and enter into annual contracts with one or more reputable garages as private towers to tow to Borough of Monroeville when such towing services are authorized by the Borough Police. The said contractors shall each give bond in the amount of Ten Thousand (\$10,000) Dollars to insure the faithful and careful performance of said contracts and to indemnify the Borough of Monroeville from loss or liability for any injuries to any person or persons or property which might be caused during any towing operation and for which the Borough of Monroeville might be liable.

SECTION 5. The towing charges shall be established in the contract or contracts between the Borough and the private towing contractors. A copy of the rates charged for towing of all types of vehicles shall be posted in a conspicuous place in all designated pounds, and in the offices of the Borough Secretary and Chief of Police.

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SECTION 6. The Chief of Police shall keep a record of all vehicles impounded and be able at all times to furnish the owners or agents thereof with information as to the place of impounding.

SECTION 7. Any vehicle impounded by virtue of this ordinance and before the same is placed in tow, may be released to its owner or his agent upon payment of the proper towing charge to the Borough designated garage.

SECTION 8. Any vehicle taken in tow and for the next 24 hours will be released to its owner or his agent upon the payment of the proper towing charge plus a storage charge of One Dollar and Fifty Cents (\$1.50) to the Borough designated garage.

SECTION 9. Any vehicle taken in tow and unclaimed by its owner for a period of time exceeding 24 hours will be released to its owner or his agent upon payment of the proper towing charge, the storage charge referred to in Section 8 and an additional storage charge of One Dollar and Fifty Cents (\$1.50) for each 24 hour period or fraction thereof beyond the first 24 hours.

SECTION 10. The payment of towing and storage charges shall not operate to relieve the owner from liability for any fine or penalty for violation of any law or ordinance on account of which the vehicle was impounded and further the payment of such charges shall constitute a waiver of any right to recover back the money so paid.

SECTION 11. The person removing or directing the removal of any vehicle under the provisions of this ordinance shall affix securely a towing notice form to bear the license number of the vehicle, the date,

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time, place and nature of the violation and the name or identifying badge number of the person removing or directing the removal of the vehicle.

SECTION 12. The successful bidder for a towing contract with the Borough shall agree as follows:

(a) To remove any or all illegally parked vehicles within the Borough at the call of any police officer of the said Borough.

(b) The rates that are to be charged for the removal of the said illegally parked, wrecked, abandoned or seized motor vehicle shall not be changed except upon thirty (30) days notice to the Borough Council and only upon their approval of the said change.

(c) The Contractor must maintain such towing equipment as will enable him to tow modern cars without damage to any part thereof.

(d) The contract entered into by and between the Borough and successful bidder or bidders shall not be of a duration greater than a period of one (1) year and shall be for a period of one (1) year and shall be renewable at the option of the Borough or the successful bidder or bidders on a year to year basis.

SECTION 13. If any section, clause or sentence or part of any section, clause or sentence 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 other or remaining provisions, sentences, clauses, sections or parts of this Ordinance.

SECTION 14. Any Ordinance or part of an Ordinance conflicting with this Ordinance is hereby repealed insofar as the same affects this Ordinance.

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ORDAINED AND ENACTED into law in Council this 10th day of June,
1958.

ATTEST:

BOROUGH OF MONROEVILLE

S/Audrey D. McCarthy
Borough Secretary

S/William Vastadore
President of Council

Examined and approved by me this day of June, 1958.

S/Anthony J. Martin
Burgess