

BOROUGH OF TOPTON
BERKS COUNTY, PENNSYLVANIA

Ordinance No. 2-2020

AN ORDINANCE OF THE BOROUGH OF TOPTON, BERKS COUNTY, PENNSYLVANIA SETTING FORTH ADDITIONAL TRAFFIC AND PARKING REGULATIONS OF THE BOROUGH BY PROHIBITING PARKING OR STORAGE OF ABANDONED VEHICLES OR VEHICLES PARKED IN VIOLATION OF APPLICABLE LAW OR ORDINANCE ON BOROUGH STREETS; BY AUTHORIZING THE POLICE DEPARTMENT TO ORDER THE REMOVAL OR IMPOUNDMENT OF ABANDONED VEHICLES ON PUBLIC STREETS, PROVIDING FOR NOTICE OF IMPOUNDMENT AND PAYMENT OF TOWING OR IMPOUNDING CHARGES; BY PROVIDING FOR OWNER OR OPERATOR LIABILITY FOR CHARGES AND PENALTIES FOR VIOLATION; AND BY REMOVING THE CURRENT PARKING RESTRICTIONS LIMITING PARKING TO TWO (2) HOURS ALONG THE SOUTH SIDE OF EAST FRANKLIN STREET BETWEEN HOME AVENUE AND THE TOAD CREEK BRIDGE; AND BY ADDING A "NO PARKING" ZONE IN THE 300-400 BLOCK OF WEST BARKLEY STREET AND PROVIDING PENALTIES FOR VIOLATION

WHEREAS, the Borough Council of the Borough of Tipton, Berks County, Pennsylvania is charged with the protection of the health, safety, and welfare of Borough residents and persons traveling in the Borough;

WHEREAS, Borough Council has determined that vehicles parked, stored, or left on Borough streets which have been abandoned by their owners or users constitute a nuisance and safety hazard;

WHEREAS, Borough Council wishes to authorize the Chief of Police to arrange for the removal of abandoned vehicles from Borough Streets in the manner permitted by the Pennsylvania Vehicle Code and to provide for owner responsibility for the payment of charges of removal and storage; and,

WHEREAS, the Borough Council, in the interest of addressing both parking needs and traffic safety, has determined that parking regulations need to be amended

IT IS THEREFORE enacted and ordained by the Borough Council of the Borough of Tipton, Berks County, Pennsylvania as follows:

Section 1. Abandoned Vehicles Prohibited. It shall be unlawful for any person to use any portion of any of the streets, alleys, or other public property of the Borough for the parking or storage of any abandoned vehicle. For purposes of this

Ordinance, an "abandoned vehicle" shall be defined as any vehicle (other than a pedacycle) which:

- a) Is inoperable and left unattended for a period of forty-eight (48) hours or more;
- b) Has remained on a Borough street, alley, or other public property for a period of forty-eight hours or more; or,
- c) Is without a valid registration, license plate, or inspection sticker.

Section 2. Removal and Impoundment. The Chief of the Police Department having jurisdiction in the Borough is hereby authorized to remove and impound, or order the removal and impoundment, of:

- a) Any abandoned vehicle parked on the streets, roads, alleys, or other public property of the Borough; or,
- b) Any vehicle parked on the streets, roads, alleys, or other public property of the Borough in violation of applicable law or Borough ordinance.

Vehicles shall be removed or impounded in accordance with Section 3352 of the Pennsylvania Vehicle Code, 75 Pa.C.S.A. Section 3352.

Section 3. Notification of Impoundment. Within twelve (12) hours from the time of removal of any vehicle under authority of this Ordinance, notice of the fact that the vehicle has been impounded shall be sent by the Chief of Police to the owner of record of the vehicle. This notice shall designate the place from which the vehicle was removed, the reason(s) for the removal and impoundment, and the place of impoundment.

Section 4. Payment of Charges by Owner. The owner of the vehicle shall be responsible for the payment of all towing, impoundment, and storage charges as follows:

- a) **Payment Without Protest.** The payment of any towing, impoundment, 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.
- b) **Payment Under Protest.** In the event that any towing, storage, or impoundment charges are paid "Under Protest," by the owner, the owner shall be entitled to a hearing before a Magisterial District Judge, in which case the owner shall be proceeded against and shall receive the notice as it is provided by the Vehicle Code in

other cases of summary criminal offenses, and shall have the same rights to appear and waiver of hearing.

The payment of towing, storage, and impoundment charges shall not operate to relieve the owner or operator of any vehicle from liability for any fine or penalty for the violation of any law or ordinance under which the vehicle was removed or impounded.

Section 5. Records Kept. The Chief of Police having jurisdiction in the Borough shall keep a record of all vehicles impounded and shall be able at all reasonable times to furnish the owners or agents of the owners thereof with information on the place of storage of all vehicles.

Section 6. Parking on East Franklin Street. The restriction on parking, limiting parking to two (2) hours, along the south side of East Franklin Street, between Home Avenue and the Toad Creek Bridge, is removed.

Section 7. Parking on West Barkley Street. There shall be added a "No Parking" zone on the east side of West Barkley Street in the 300-400 block. The placement of signs indicating the parking restriction shall be erected in accordance with applicable law, and all such signs in place are hereby ratified and confirmed.

Section 8. Penalties. Any person who shall park a vehicle in violation of the restrictions established by this Ordinance shall, upon conviction thereof by a Magisterial District Judge in an action brought in the same manner as for summary offenses as set forth in the Pennsylvania Rules of Criminal Procedure, be sentenced to pay a fine which shall not be less than Thirty-Five Dollars (\$35.00) nor more than Three Hundred Dollars (\$300.00), and the costs of prosecution, and in default of payment thereof, shall be imprisoned for not more than five (5) days.

Section 9. Severability. If any sentence, clause, section or part 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 remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the Borough Council of the Borough of Tipton that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

Section 10. Repealer. All ordinances or parts of ordinances conflicting with the provisions of this Ordinance are hereby repealed insofar as they are inconsistent with this Ordinance.

Section 11. Effective Date. This Ordinance shall become effective on the earliest date permitted by applicable law.

DULY ENACTED AND ORDAINED this 10th day of August, 2020.

BOROUGH OF TOPTON
BERKS COUNTY, PENNSYLVANIA

By: [Signature]
(Vice) President of Council

Attest: [Signature]
~~Secretary~~ Administrative Assistant

Approved as an Ordinance this 10th day of August, 2020:

By: [Signature]
Mayor

I certify that this is a true and correct copy of an Ordinance adopted by the
Borough of Tipton, Berks County, Pennsylvania on August 10th, 2020.