

**COUNCIL OF THE CITY OF TITUSVILLE,
PENNSYLVANIA**

ORDINANCE NO. 3269 - 2020

ABANDONED VEHICLE ORDINANCE

AN ORDINANCE OF THE CITY OF TITUSVILLE, PENNSYLVANIA PROHIBITING ABANDONED VEHICLES ON PUBLIC AND PRIVATE PROPERTY, HIGHWAYS, AND STREETS WITHIN THE CITY AND ESTABLISHING PENALTIES THEREFOR; PROVIDING POLICIES AND PROCEDURES FOR NOTICE TO OWNERS AND THE REMOVAL OF ABANDONED VEHICLES; PROVIDING FOR PAYMENT BY THE VEHICLE OWNER OF COSTS AND FEES OF VEHICLE REMOVAL; PROVIDING FOR THE APPEAL FROM A NOTICE RECEIVED FROM THE PENNSYLVANIA DEPARTMENT OF TRANSPORTATION RELATED TO ABANDONED VEHICLES; AND AMENDING ARTICLE 505 OF THE CODIFIED ORDINANCES OF THE CITY OF TITUSVILLE.

WHEREAS, the City Council of the City of Titusville has enacted various prior ordinances comprising Article 505 of the Codified Ordinances of the City of Titusville; and

WHEREAS, City Council has determined that Article 505 contains provisions that conflict with the Pennsylvania Motor Vehicle Code; and

WHEREAS, City Council desires to make Article 505 consistent with the Pennsylvania Motor Vehicle Code while also providing additional protections to the residents of the City;

NOW, THEREFORE, IT IS HEREBY ORDAINED AND ENACTED, by the authority of the Council of the City of Titusville, Pennsylvania assembled at a publicly advertised meeting, as follows:

SECTION 1 – Article 505 of the Codified Ordinances of the City of Titusville is hereby amended to state in full as follows:

505.01 DEFINITIONS

For the purpose of this article, except where the words in the context used clearly indicates a contrary intention, the following words and phrases shall be defined as follows:

- (a) “Abandoned vehicle” shall have the same meaning as that term is defined in the Pennsylvania Motor Vehicle Code.
- (b) “Code Enforcement Officer” means the Building Inspector and Code Enforcement Officer of the City.
- (c) “Person” means every natural person, association or corporation. Whenever used in any clause prescribing and/or imposing a penalty, the term person, when applied to associations or corporations, includes the owners or officers thereof.
- (d) “Police Department” means the Police Department of the City of Titusville.

- (e) "Vehicle" shall have the same meaning as that term is defined in the Pennsylvania Motor Vehicle Code.

505.02 STATEMENT OF INTENT

City Council recognizes that vehicle ownership represents a significant financial investment of the vehicle owner, but also carries with it significant responsibilities. It is the intent of City Council to provide additional pre-removal notice to the residents of the City whose vehicles are presumed to be abandoned pursuant to the Pennsylvania Motor Vehicle Code, while also preserving the ability of the Police Department and the Code Enforcement Officer to promptly remove vehicles which pose an imminent threat to public health, safety, or welfare.

It is not the intent of City Council to require notice prior to issuance of a citation for violation of the provisions of section 505.03 of this Article. Issuance of citations should be left to the sound discretion of the Police Department and/or the Code Enforcement Officer based on the facts of each situation.

It is not the intent of City Council to modify any of the requirements of the Pennsylvania Motor Vehicle Code or the Local Agency Law. To the extent any provisions of this Article conflict with the provisions of the Pennsylvania Motor Vehicle Code or the Local Agency Law, the provisions of those statutes shall control.

505.03 ABANDONED VEHICLES PROHIBITED

- (a) No person shall park, store or leave any motor vehicle of any kind in such a way that it becomes an abandoned vehicle within the City.
- (b) No person shall fail to remove any motor vehicle of any kind from its location after receiving a Notice to Remove the Vehicle from the Police Department or the Code Enforcement Officer.

505.04 NOTICE TO REMOVE ABANDONED VEHICLES.

If any member of the Police Department and/or the Code Enforcement Officer finds that a violation of the article exists:

- (a) For vehicle on public property, streets or highways: Unless the vehicle poses an imminent threat to public health, safety, or welfare, a Notice to Remove the Vehicle shall be served by the Police Department giving the owner seventy-two hours from the date and time of such notice to remove the vehicle.
- (b) For vehicles on private property: Unless the vehicle poses an imminent threat to public health, safety, or welfare, a Notice to Remove the Vehicle shall be served by the Police Department or the Code Enforcement Officer giving the owner seventy-two hours from the date and time of such notice to remove the vehicle.
- (c) The Notice to Remove the Vehicle shall take the form of the document attached as Appendix A.

Nothing in this section 505.03 shall be construed to affect the notice provided by the Pennsylvania Department of Transportation pursuant to the provisions of the Pennsylvania Motor Vehicle Code.

505.05 SERVICE OF NOTICE

A Notice to Remove the Vehicle shall be served by (a) posting a copy of the notice on the vehicle deemed to be abandoned and (b) first-class U.S. mail to, hand delivery to, or posting at the address to which the vehicle is registered. Service is complete upon the later of (a) posting the Notice to Remove the Vehicle on the vehicle in question and (b) depositing notice in the mail, hand delivering the notice, or posting the notice at the address of the owner. Notice shall not be required where the vehicle poses an imminent threat to public health, safety, or welfare.

505.06 VEHICLE REMOVAL

- (a) Upon failure of the owner to remove the vehicle within seventy-two hours of service of the Notice to Remove the Vehicle, the Police Department and/or the Code Enforcement Officer shall complete Pennsylvania Department of Transportation form MV-952 and provide such form to a salvor for removal of the vehicle.
- (b) In the event a vehicle poses an imminent threat to public health, safety, or welfare, the Police Department and/or the Code Enforcement Officer shall immediately complete Pennsylvania Department of Transportation form MV-952 and provide such form to a salvor for removal of the vehicle. In the absence of a salvor, the Police Department and/or Code Enforcement Officer shall take any actions reasonably necessary to remove the vehicle or remedy the threat to public health, safety, or welfare.
- (c) A vehicle removed pursuant to this Article shall be held as an abandoned vehicle under the provisions of the Pennsylvania Motor Vehicle Code.

505.07 EMERGENCY REMOVAL OF VEHICLES WITHOUT NOTICE

Nothing in this article shall prevent the Chief of Police, his duly authorized officers or Code Enforcement Officer from removing from private property, public property or public street without notice any attended or unattended motor vehicle, the presence of which constitutes an imminent hazard or threat to life, health, safety, or welfare of the residents of the City.

505.08 CHARGES FOR REMOVING VEHICLES; LIEN AGAINST OWNER

The vehicle owner shall be charged with the costs of removal and storage of any vehicle removed pursuant to the provisions of this Article. The costs shall, after a proper demand and the refusal or failure of the owner to pay for thirty days, constitute a judgment lien against the individual involved and in the case of private property, a lien against the realty, which shall be filed by the City Solicitor.

505.09 REMOVAL PROHIBITED WHEN OWNER PLANS IMMEDIATE REMOVAL.

No vehicle shall be removed under the authority of this article if, at the time of intended removal thereof, the owner or person for the time being in charge of such vehicle expresses a willingness and intention to remove such vehicle immediately and actually removes such vehicle immediately.

505.10 APPEAL

- (a) Upon receipt of the notice from the Pennsylvania Department of Transportation that a vehicle is being held as abandoned, the owner and lienholders have thirty (30) days from the date of mailing of the Department's notice to appeal the determination of abandonment.
- (b) Any appeal shall be made by the owner and/or lienholder filing the following with the City Manager:
 - 1. The completed form attached as Appendix B and
 - 2. A copy of the notice from the Pennsylvania Department of Transportation.
- (c) The appeal hearing shall be scheduled by the City Manager and conducted no less than three (3) nor more than ten (10) business days of receipt of the appeal form.
- (d) The appeal hearing shall be conducted in a manner consistent with the requirements of Due Process and the provisions of the Local Agency Law. At a minimum, the appeal hearing shall provide an opportunity to the owner, lienholder, Police Department, and Code Enforcement Officer to present evidence and argument regarding the status of the vehicle as an abandoned vehicle. The appeal hearing shall also allow examination and cross-examination of witnesses.
- (e) The City Manager shall act as the hearing officer, preside over the appeal hearing, and have the authority to regulate the conduct of the appeal hearing, including, but not limited to, ruling on objections, determining the admissibility of evidence, and exercising any other powers necessary to the efficient and orderly conduct of the appeal hearing.
- (f) The hearing officer shall issue a written decision with his findings and reasons for the adjudication within five (5) business days after the appeal hearing, which decision shall be served on the parties or their counsel by hand-delivery or first-class U.S. mail.

505.11 VEHICLE DISPOSITION; USE OF MONEYS

A vehicle which is abandoned and remains unclaimed may be sold, and the proceeds distributed, consistent with the provisions of Chapter 73 of the Pennsylvania Motor Vehicle Code.

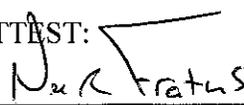
505.12 PENALTY

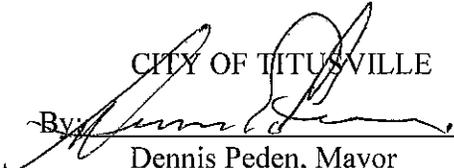
Whoever violates section 505.02 of this article shall, upon conviction, be fined not less than twenty-five dollars (\$25.00) nor more than three hundred dollars (\$300.00), and in default of payment thereof, shall be imprisoned for not more than thirty days. Each day's failure to comply with the order of the Chief of Police and/or Code Enforcement Officer to remove the vehicle shall constitute a separate offense for each vehicle in violation thereof.

Section 2 -- This Ordinance shall be effective on the first day of the month following enactment of this Ordinance.

Section 3 – The Solicitor is directed to amend the Codified Ordinances of the City of Titusville to incorporate the amendments contained herein.

Enacted this 21st day of July, 2020.

ATTEST: 
Neil Fratus
Neil Fratus, City Clerk

CITY OF TITUSVILLE
By: 
Dennis Peden, Mayor

ARTICLE 505

APPENDIX A



CITY OF TITUSVILLE

"Birthplace of the Oil Industry"

107 North Franklin Street • Titusville, PA 16354
City Manager's Office • (814) 827-5300 ext.303
www.cityoftitusvillepa.gov

NOTICE TO REMOVE ABANDONED VEHICLE

VEHICLE MUST BE MOVED WITHIN 72 HOURS

Your vehicle is in violation of the City of Titusville's Ordinance Code Article 505. You must remove your vehicle from this location within 72 hours. If you do not remove your vehicle within 72 hours, your vehicle will be towed, you will be charged with the violation of Article 505, and you will be required to pay the costs of towing and storage. Upon conviction of a violation of Article 505, you will be fined not less than twenty-five dollars (\$25.00) nor more than three hundred dollars (\$300.00), plus courts costs.

Your vehicle was found in violation because:

Vehicle is physically inoperative and left unattended on a highway or public property for more than 48 hours.

Vehicle is illegally on a highway or other public property for more than 48 hours.

Vehicle is left unattended on or along a highway or public property for more than 48 hours and does not bear a valid:

Registration Plate

Certificate of Inspection

Ascertainable vehicle identification number

Officer #

Officer Signature

Date

Time

Vehicle Make/Model

Registration Number or VIN

ARTICLE 505

APPENDIX B



CITY OF TITUSVILLE

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ABANDONED VEHICLE APPEAL FORM

1. Appellant Information

Name of Appellant: _____ Owner Lienholder (check one)

Address: _____

Phone Number: _____ E-mail address: _____

2. Vehicle Information

Make: _____ Model: _____

Registration Number: _____

VIN: _____

(VIN is not necessary if Registration Number is completed.)

3. Notice Information (A copy of the Notice received from the Pennsylvania Department of Transportation must be included with this Appeal Form.)

Date of PennDOT Notice: _____

Name of Officer Involved: _____

4. Reasons for Appeal (Please state concisely the facts in support of your appeal.)

The statements contained in this Appeal Form are true and correct to the best of my knowledge, information, and belief. I understand that false statements made herein are subject to the penalties of 18 Pa. C.S. § 4904 relating to unsworn falsification to authorities.

Appellant's Signature

Date