

ORDINANCE NO.: 2 of 2020

**AN ORDINANCE OF CASS TOWNSHIP, SCHUYLKILL COUNTY,
PENNSYLVANIA, AMENDING TITLE II, ROADS, STREETS, SIDEWALKS,
BRIGES AND HIGHWAYS, CHAPTER 8, NO PARKING REGULATIONS, BY
ADDING SECTION 801 ET. SEQ.**

BE IT ENACTED AND ORDAINED by the Cass Township Board of Supervisors as follows:

**TITLE II
ROADS, STREETS, SIDEWALKS, BRIDGES, AND HIGHWAYS**

**CHAPTER 8
TOWING AND IMPOUNDMENT OF MOTOR VEHICLES**

Section 801. Definitions. As used in this Chapter 8, the following terms shall have the meanings indicated, except in those instances where the context clearly indicates otherwise:

ALL FINES AND COSTS- includes fines, penalties and costs owed by the motor vehicle owner on any Township ordinance, or local and state citations.

MOTOR VEHICLE-means any type of mechanical device that is self-propelled in which persons or property may be transported including trucks, trailers, semi-trailers, cargo trailers, coaches, or wagons, whether motorized or not, and cars, automobiles, buses, recreational vehicles, all-terrain vehicles, motorcycles, bikes, passenger vehicle, electric personal assistive mobility devices or a vehicle which is propelled solely by human power.

PARKING- means the stopping or halting (or causing or permitting to be stopped or halted) of a motor vehicle, whether occupied or not, except for emergency vehicles temporarily parked for the purpose of— and while actually engaged in — an emergency to persons or property.

PERSON- means any natural person, individual, partnership, firm, association, corporation, or other entity.

ROAD- means a public right-of-way, avenue, street, square, court, alley, highway, or cartway.

TOWING- means the moving, removing or recovery of a motor vehicle.

TOWNSHIP- means Cass Township, Schuylkill County, Pennsylvania.

Section 802. Authorization to Tow and Impound. The Township does hereby authorize the Cass Township Police Department to remove and impound any motor vehicle parked on any road in the Township in violation of any ordinances of the Township or of any provisions of the Motor Vehicle Code of the Commonwealth of Pennsylvania.

- a. If any motor vehicle is parked in the Township, and whose owner is delinquent in payment of fines and costs imposed by a district magistrate, and for whom a warrant of arrest has been issued by a district magistrate or whose owner is delinquent in payment of fines and penalties as a result of a violation of the parking laws of the Township or the Commonwealth of Pennsylvania, then that owner's motor vehicle shall be seized, removed and impounded.
- b. A motor vehicle shall also be seized, removed and impounded upon conviction of, or entry of a plea of guilty or nolo contendere, for one or more of the following non-parking related offenses, and upon imposition of a fine or fines which, separately or together, with any other outstanding or unpaid fines imposed for the following offenses, total in excess of Two Hundred Fifty (\$250) Dollars:

Section 1301 (relating to registration and certificate of title requires);
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 1786 (relating to required financial responsibility); or
Section 7124 (relating to fraudulent use or removal of registration plate).

Section 803. Release of Towed or Impounded Motor Vehicle. The owner of any motor vehicle impounded under this Chapter may obtain possession of the motor vehicle by (both must be completed to obtain possession):

- a. Furnishing proof of valid registration and financial responsibility; and
- b. Paying all fines and costs associated with the impoundment or making arrangements with the appropriate authority to make payments of all fines and costs by installments or payment plan. This subsection 803(b) only applies to non-parking related violations set forth in Section 802(b) above and does not in any manner limit the police from

seizing, removing, or impounding a motor vehicle pursuant to subsection 802(a) for parking related violations.

- c. No immobilized or impounded motor vehicle shall be released until all costs and fines including towing and storage charges owed by the motor vehicle's owner has been paid in full.

Section 804. Enforcement of Chapter. The Cass Township Police Department shall have authority to enforce this Chapter.

Section 805. Severability. If any Section or provision of this Chapter is declared by any Court of competent jurisdiction to be invalid or unconstitutional for any reason, such decision shall not affect the validity or constitutionality of this Chapter as a whole, nor the validity or constitutionality of any other section or provision of this Chapter other than the ones so declared to be invalid.

Section 806. Repealer. All existing ordinances, or parts thereof, inconsistent with this Chapter, or any part hereof, are hereby repealed.

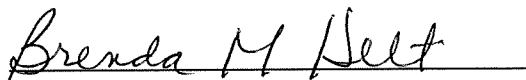
Section 807. Effective Date. This Chapter shall become effective immediately following its adoption.

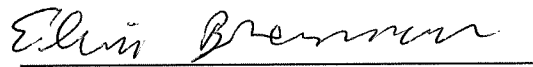
ENACTED AND ORDAINED this 30th day of September, 2020, by the Cass Township Board of Supervisors.

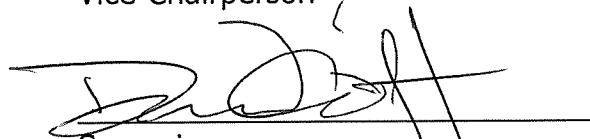
ATTEST:

CASS TOWNSHIP BOARD OF SUPERVISORS


Secretary

BY: 
Chairperson


Vice-Chairperson


Supervisor