

BOROUGH OF CALIFORNIA
COUNTY OF WASHINGTON
COMMONWEALTH OF PENNSYLVANIA

ORDINANCE NO. 545

AN ORDINANCE OF THE BOROUGH OF CALIFORNIA, WASHINGTON COUNTY, COMMONWEALTH OF PENNSYLVANIA, AMENDING ORDINANCE NUMBER 459 TO REVISE SECTION IX "GARAGES" AND ITS RESIDENCY REQUIREMENT TO ALLOW FOR QUALIFIED INDIVIDUALS, GARAGES AND/OR TOWING BUSINESSES FROM MUNICIPALITIES THAT ADJACENT TO THE BOROUGH TO BE ELIGIBLE TO PROVIDE TOWING FOR ANY WRECKED AND/OR IMPOUNDED VEHICLES AS IDENTIFIED BY THE BOROUGH POLICE DEPARTMENT; INCREASING THE MINIMUM LIABILITY INSURANCE AMOUNTS UNDER SECTION IX "GARAGES;" REPEALING ANY SECTION OF ORDINANCE NUMBER 459 AND ANY AND ALL OTHER, PRIOR ORDINANCES OR PORTIONS OF PRIOR ORDINANCES IN CONFLICT WITH THE TERMS AND CONDITIONS OF THIS ORDINANCE; CONTAINING A SAVINGS CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Borough Council of the Borough of California has the power and duty to adopt any and all Ordinances deemed necessary pursuant to 8 Pa. C.S.A. § 1202; and,

WHEREAS, the Borough Council adopted Ordinance No. 459 on July 15, 1999, which repealed prior Ordinances No. 406 and 418 that related to the immobilization, towing and storing of wrecked or abandoned vehicles to the extent of any conflict with said Ordinance No. 459; and,

WHEREAS, Ordinance No. 459 provides for the use of a mechanical padlocking device to immobilize vehicles which have been parked in violation of said Ordinance, and, also, establishes the requirements for immobilization, towing and storing of vehicles within the Borough; and,

WHEREAS, Borough Council desires to amend Ordinance No. 459, specifically Section IX "Garages," to allow qualified individuals, garages, and/or towing businesses from municipalities that abut the Borough to be used by the Borough's Police Department for towing services and to increase the minimum liability insurance requirements.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Council of the Borough of California, Washington County, Commonwealth of Pennsylvania, and it is hereby ordained and enacted as follows:

SECTION 1. AMENDMENT OF SECTION IX “GARAGES” IN ORDINANCE NO. 459.

Upon the adoption of this instant Ordinance, Section IX “Garages” in Ordinance No. 549 shall read as follows:

Any resident of the Borough of California or of an abutting municipality holding a valid salvor’s license from the Commonwealth of Pennsylvania, any resident of the Borough of California or of an abutting municipality who owns and operates a tow truck business, or any other person who owns a garage and towing business located within the Borough of California or in any abutting municipality shall be eligible to provide towing for any wrecked and/or impounded vehicles as identified by the California Borough Police Department so long as they meet the following criteria:

- (1) Maintain liability insurance in the minimum amount of Six Hundred Thousand and No/100 (\$600,000.00) Dollars and property damage insurance in the minimum amount of Three Hundred Thousand (\$300,000.00) Dollars. The Borough of California is to be named as an additional insured and in the event of cancellation, non-renewal, limit or coverage reduction of the liability insurance, the Borough must be notified, in writing, within thirty (30) days by certified mail;
- (2) Own or have available to them a secured facility, having either a physical structure or a fenced-in area, for the storage of impounded vehicles;
- (3) Submit annually to the Chief of Police and to Borough Council verification of insurance coverage;
- (4) Submit annually to the Chief of Police and to Borough Council a report setting forth towing and storage charges for impounded vehicles and the location of the storage facility to be used. Said facility shall be inspected by the municipality and upon approval by Council, each towing business shall be placed on an approved list;
- (5) In the event they desire to tow abandoned or junked vehicles, submit annual verification of their valid salvor’s license, and
- (6) In addition to a valid salvor’s license, they must possess any and all required State licenses, permits, and/or certifications and submit annual verification of the validity of the same.

SECTION 2. REPEAL OF PRIOR ORDINANCES.

Any section of California Borough Ordinance Number 459, specifically Section IX “Garages,” and any and all other, prior ordinances or portions of prior ordinances in conflict with the terms and conditions of this Ordinance are hereby repealed to the extent of such irreconcilable conflict.

SECTION 3. SAVINGS CLAUSE.

Should any section of this Ordinance be, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance.

The Borough Council hereby declares that it would have passed this Ordinance, and each section thereof, irrespective of the fact that any one or more sections are subsequently declared unconstitutional.

SECTION 4. EFFECTIVE DATE.

This Ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect immediately upon adoption of this Ordinance by the Borough Council of the Borough of California.

DULY presented and adopted at a meeting of the Borough Council of the Borough of California, Washington County, Commonwealth of Pennsylvania, this _____ day of _____, 2014.

ATTEST:

BOROUGH OF CALIFORNIA

Borough Secretary

By: _____
President of Council

EXAMINED AND APPROVED by me this _____ day of _____,
2014.

BOROUGH OF CALIFORNIA

By: _____
Mayor