

**TRUMBAUERSVILLE BOROUGH
ORDINANCE NO. _____**

AN ORDINANCE OF TRUMBAUERSVILLE BOROUGH, BUCKS COUNTY, PENNSYLVANIA; AUTHORIZING THE REMOVAL AND IMPOUNMENT OF ILLEGALLY PARKED AND ABANDONED VEHICLES AS WELL AS VEHICLES THAT INTERFERE WITH TRAFFIC OR POSE A HAZARD TO OTHERS; REGULATIONS FOR ABANDONED VEHICLES AND MOTOR VEHICLE NUISANCES; ADDING DEFINITIONS, INSPECTIONS, NOTICES, FEES, REMEDIES AND PENALTIES

WHEREAS, the Trumbauersville Borough Council desires to establish regulations for towing within Trumbauersville Borough (hereinafter “**Borough**”) so as to protect township residents and the community; and

NOW, THEREFORE, BE IT ORDAINED AND ENACTED, by the Borough Council of Trumbauersville Borough, Bucks County, Pennsylvania, that.

ARTICLE I

Section 1. Definitions.

As used in this Ordinance, the following terms shall have the meanings described herein, unless a different meaning is clearly established elsewhere in this chapter:

ABANDONED VEHICLE

Any type of vehicle, including a trailer, which:

- A. Does not have a currently valid state inspection sticker and/or currently valid license plate.
- B. Has not been moved for a continuous period of more than 30 days.

ASSOCIATION

Any form of unincorporated enterprise owned by two or more persons other than a partnership or limited partnership.

LESSEE

Any person responsible for the maintenance, repair, and control of a motor vehicle, including a trailer, which the lessee has a lease, either in writing or oral, from the owner of record of the motor vehicle.

MOTOR VEHICLE

Any type of mechanical device propelled by a motor, in which persons or property may be transported upon public streets or highways, and including trailers or semitrailers pulled thereby.

NUISANCE

Any condition, structure or improvement which shall constitute a threat or potential threat to the health, safety or welfare of the citizens of the Borough of Trumbauersville.

OWNER

The actual owner, agent or custodian of the property on which motor vehicles are stored, whether individual or partnership, association or corporation or limited-liability company, including the lessor of a motor vehicle.

PERSON

A natural person, firm, partnership, association, corporation, limited-liability company, or other legal entity.

Section 2. Removal and Impoundment of Illegally Parked Vehicles

A. The Borough may remove, impound or have towed those vehicles which are parked in a tow-away zone, illegally parked, abandoned, interfere with traffic, pose a hazard to others or parked in violation of any parking regulations of Trumbauersville Borough or in accordance with this Ordinance.

B. The Borough, State Police or designated Police Department by the Borough shall have the authority to remove and impound any vehicle parked illegally; provided that the circumstances of its parking were within the conditions as set forth in this Ordinance.

Section 3. Motor Vehicle Nuisances Prohibited.

A. It shall be unlawful for any person, owner or lessee to maintain a motor vehicle nuisance upon the open private grounds of such person, owner or lessee within the Borough or upon any public grounds owned by the Borough, the Commonwealth of Pennsylvania or the United States of America, located within the Borough of Trumbauersville, Bucks County, Pennsylvania, including on the streets, highways, and alleys of the Borough, the Commonwealth of Pennsylvania, and the United States of America.

B. A motor vehicle is deemed a nuisance if the motor vehicle is unable to move under its own power and has any of the following physical defects:

- (1) Broken windshields, mirrors or other glass with sharp edges.
- (2) One or more flat or open tires or tubes which could permit vermin harborage.
- (3) Missing door, window, hood, trunk or other body part which could permit animal harborage.
- (4) Any body part with sharp edges, including holes resulting from rust.

- (5) Missing tire resulting in unsafe suspension of the motor vehicle.
- (6) Upholstery which is torn or open which could permit animal and/or vermin harborage.
- (7) Broken headlamp or taillamp with sharp edges.
- (8) Disassembled chassis parts apart from the motor vehicle stored in a disorderly fashion or loose in or on the vehicle.
- (9) Protruding sharp objects from the chassis.
- (10) Broken vehicle frame suspended from the ground in an unstable manner.
- (11) Leaking or damaged oil pan or gas tank which could cause fire or explosion.
- (12) Exposed battery containing acid.
- (13) Inoperable locking mechanisms for doors or trunk.
- (14) Open or damaged floor board, including trunk and fire wall.
- (15) Damaged bumper pulled away from the perimeter of the vehicle.
- (16) Broken grill with protruding edges.
- (17) Loose or damaged metal trim and clips.
- (18) Broken communication equipment antenna.
- (19) Suspended or unstable supports. Any non-motor vehicle, such as a trailer, that could cause a hazardous situation or could threaten the health, safety and welfare of the citizens of the Borough of Trumbauersville.
- (20) Such other defects which could threaten the health, safety and welfare of the citizens of the Borough of Trumbauersville.

Section 4. Storage of Motor Vehicle Nuisances Permitted.

Any person, owner or lessee who has one or more motor vehicle nuisances, as defined in Section 3 above, may store such vehicle in the Borough only in strict compliance with the regulations provided herein. Such person, owner or lessee must first apply for a permit for either temporary or permanent storage and pay a fee to the Borough as set forth in the Fee Schedule determined by Borough Council. The motor vehicle nuisance(s) must be stored within a garage or other enclosed building or outside within an opaque fence at least six feet high which is locked at all times when unattended. With the specific approval of the Borough Council, motor vehicle nuisances may also be stored outside in an area enclosed by a chain-link fence, at least six feet

high, screened by shrubbery around the perimeter to the height of the fence, with an unobstructed gate capable of admitting fire or emergency equipment. Such gate shall remain locked at all times when unattended. In addition, all gas and oil or other flammable liquid shall be removed from the motor vehicle, and it shall be kept free of vermin infestation while being stored.

Section 5. Inspection; Notice to Comply.

A. The Code Officer and/or Borough Manager of Trumbauersville Borough is hereby empowered to inspect grounds on which motor vehicles are stored to determine if there is compliance with the provisions of this chapter. If noncompliance with the provisions of this chapter constitutes a nuisance, or if any condition, structure or improvement poses a threat to the health, safety or welfare of the public, he/she shall issue a written notice to be served by registered or certified mail upon the owner of said premises or, if the owner's whereabouts or identity be unknown, by posting the notice conspicuously upon the offending premises.

B. Said notice shall specify the condition or structure or improvement complained of, and shall require the owner to remove or otherwise rectify the condition or structure or improvement as set forth therein within ten (10) days of mailing or posting of said notice, and thereafter to fully comply with the requirements of the notice.

Section 5. Authority to remedy noncompliance.

If the owner of grounds on which motor vehicles are stored does not comply with the notice to abate the condition, within the time limit prescribed, the Borough shall have the authority to take measures to correct the conditions and collect the cost of such corrections plus 10% of all costs, including the removal of the motor vehicle. In such an event, the Borough, pursuant to its statutory or otherwise authorized police powers, shall have the right and power to enter upon the offending premises to accomplish the foregoing.

A Abandoned Vehicles.

(1) An abandoned vehicle may not be parked, stored or left to remain on any lot, tract, parcel of land or portion thereof occupied or unoccupied, improved or unimproved, including any public street or alley, in the Borough unless necessary for the operation of a business enterprise lawfully permitted on private property.

(2) The Borough Manager, State Police or designated Police Department shall be empowered to order the removal of such an abandoned vehicle within five days from the date of service of a notice of violation as set forth above in Section 5. The Borough, State Police or designated Police Department the vehicle impounded.

(3) If the property owner and/or vehicle owner can demonstrate to the Borough Manager, State Police or designated Police Department that provisions to restore the vehicle in

question are presently being made, then the Borough Manager, State Police or designated Police Department may make such orders as are necessary to abate any hazards or dangerous conditions or nuisances.

B. Hearing.

(1) Any person aggrieved by the decision of the Borough Manager, State Police or designated Police Department may request and shall then be granted a hearing before the Trumbauersville Borough Council, provided they file with the Borough Council, within 10 days after notice of the Borough Manager, State Police or designated Police Department decision, a written petition requesting such hearing and setting forth a brief statement of the grounds therefor. The hearing shall commence not later than 30 days after the date on which the petition was filed unless postponed for sufficient cause.

(2) After such hearing, the Borough Council shall sustain, modify or overrule the action of the Borough Manager, State Police or designated Police Department, as the case may be.

C. Violations and penalties.

Any person who violates or permits a violation of this chapter shall, upon conviction in a summary proceeding under the Pennsylvania Rules of Criminal Procedure, be guilty of a summary offense and shall be punishable by a fine of not more than \$1,000, plus court costs and reasonable attorneys' fees incurred by the Borough in the enforcement proceedings. Upon judgment against any person by summary conviction, or by proceedings by summons on default of the payment of the fine or penalty imposed and the costs, the defendant may be sentenced and committed to the county correctional facility for a period not exceeding 30 days. Each day that such violation exists shall constitute a separate offense, and each section of this chapter that is violated shall also constitute a separate offense. In addition to or in lieu of enforcement under this section, the Borough may enforce this chapter in equity in the Court of Common Pleas of Bucks County.

D. Remedies not mutually exclusive.

The remedies provided herein for the enforcement of this chapter, or any remedy provided by law, shall not be deemed mutually exclusive; rather they may be employed simultaneously or consecutively at the option of the Borough Council.

ARTICLE II REPEALER

All Ordinances or parts of Ordinances which are inconsistent herewith are hereby repealed.

ARTICLE III 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 Trumbauersville Borough Council, that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause or section or part thereof not been included therein.

ARTICLE IV EFFECTIVE DATE

This Ordinance shall become effective five (5) days after enactment.

ATTEST:

TRUMBAUERSVILLE BOROUGH COUNCIL

Borough Secretary

Christopher Betz, President

James Black, Mayor