

**TRUMBAUERSVILLE BOROUGH  
ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF TRUMBAUERSVILLE BOROUGH, BUCKS COUNTY, PENNSYLVANIA; AUTHORIZING THE REMOVAL AND IMPOUNDMENT 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 Ordinance:

**ABANDONED VEHICLE**

Any type of motor vehicle which:

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

**ASSOCIATION**

Any form of unincorporated enterprise owned by two (2) or more persons other than a partnership or limited partnership.

**LESSEE**

Any person that has a lease of a motor vehicle, 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**

A person who or which is the actual owner, agent, or custodian of the property on which motor vehicles are stored.

## **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 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. Motor Vehicle Nuisance. A motor vehicle is deemed a nuisance if the motor vehicle is unable to move under its own power and has any one 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(s) resulting in unsafe suspension of the motor vehicle.
- (6) Upholstery which is torn or open so as to 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, gas tank, or other receptacle which could cause fire, explosion, or pollution of the soil or groundwater.
- (12) Exposed battery containing acid.
- (13) Open or damaged floorboard, including trunk and fire wall.
- (14) Damaged bumper pulled away from the perimeter of the vehicle.
- (15) Broken grill with protruding edges.
- (16) Loose or damaged metal trim and clips.
- (17) Suspended or unstable supports.
- (18) 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 motor vehicle that constitutes a motor vehicle nuisance as defined in Section 3 above, shall only be stored in strict compliance with the regulations provided herein. Such a motor vehicle must be stored within a garage or other enclosed building or outside within an opaque fence at least six (6) 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. If the Borough determines noncompliance with the provisions of this Ordinance, it shall issue a written notice to be served by registered or certified mail upon the owner of the premises containing such nuisance or threat 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 noncompliance complained of and shall require the

owner to correct said noncompliance within thirty (30) days of mailing or posting of said notice.

**Section 6. Authority to Remedy Noncompliance.**

If the owner of grounds on which motor vehicles are stored and/or the owner of the motor vehicle 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, as an administrative fee. This administrative fee may be collected from the owner of the grounds and/or the owner of the motor vehicle.

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 (5) days from the date of service of a notice of violation as set forth above in Section 5.

(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. Violations and penalties.

Any person who violates or permits a violation of this Ordinance 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. Each day that such violation exists shall constitute a separate offense, and each section of this Ordinance 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 Ordinance in equity in the Court of Common Pleas of Bucks County.

C. Remedies not mutually exclusive.

The remedies provided herein for the enforcement of this Ordinance, 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**

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Borough Secretary

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Christopher Betz, President

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James Black, Mayor