

BOROUGH OF KULPMONT ORDINANCE 2017-06

Abandoned Vehicles

§ 1 Definitions.

- A.** **As** used in this chapter, the following terms shall have the meanings indicated, unless a different meaning clearly appears from the context:

ABANDONED VEHICLE

Any type of vehicle, including a trailer, which:

- (1) Does not have a currently valid state inspection sticker and/or currently valid license plate.
- (2) 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

Owner for the purpose of this chapter when the lessor holds the lessee responsible for maintenance and repairs.

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 Kulpmont.

OWNER

The actual owner, agent or custodian of the property on which motor vehicles are stored, whether individual or partnership, association or corporation.

PERSON

A natural person, firm, partnership, association, corporation or other legal entity.

- B.** In this chapter the singular shall include the plural; the plural shall include the singular; and the masculine shall include the feminine and neuter.

§ 2 Motor vehicle nuisances prohibited.

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 of Kulpmont or upon any public grounds owned by the Borough of Kulpmont, the State of Pennsylvania or the United States of America, located within the Borough of Kulpmont

A motor vehicle nuisance shall include any motor vehicle which is unable to move under its own power and has any of the following physical defects:

- A. Broken windshields, mirrors or other glass with sharp edges.
- B. One or more flat or open tires or tubes which could permit vermin harborage.
- C. Missing door, window, hood, trunk or other body part which could permit animal harborage.
- D. Any body part with sharp edges including holes resulting from rust.
- E. Missing tire resulting in unsafe suspension of the motor vehicle.
- F. Upholstery which is torn or open which could permit animal and/or vermin harborage.
- G. Broken head lamp or tail lamp with sharp edges.
- H. Disassembled chassis parts apart from the motor vehicle stored in a disorderly fashion or loose in or on the vehicle.
- I. Protruding sharp objects from the chassis.
- J. Broken vehicle frame suspended from the ground in an unstable manner.
- K. Leaking or damaged oil pan or gas tank which could cause fire or explosion.
- L. Exposed battery containing acid.
- M. Inoperable locking mechanisms for doors or trunk.
- N. Open or damaged floor board including trunk and fire wall.
- O. Damaged bumper pulled away from the perimeter of the vehicle.
- P. Broken grill with protruding edges.
- Q. Loose or damaged metal trim and clips.
- R. Broken communication equipment antenna.
- S. 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.
- T. Such other defects which could threaten the health, safety and welfare of the citizens of the Borough of Kulpmont.

§ 3 Storage of motor vehicle nuisances permitted.

Any person, owner or lessee who has one or more motor vehicle nuisances as defined in § 2, above, may store such vehicle in the Borough of Kulpmont 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 of Kulpmont such as provided from time to time by resolution of the 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 special 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.

§ 4 Inspection; notice to comply.

- A. The Mayor or his/her designee 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 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 commence to remove or otherwise rectify the condition or structure or improvement as set forth therein within 10 days of mailing or posting of said notice, and thereafter, to fully comply with the requirements of the notice within a reasonable time.

§ 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 of Kulpmont shall have the authority to take measures to correct the conditions and collect the cost of such corrections plus 10% of all costs. The Borough of Kulpmont, in such event and 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.

§ 6 Abandoned vehicles.

- A. 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 in the Borough of Kulpmont unless necessary for the operation of a business enterprise lawfully permitted on private property.
- B. The Mayor or his/her designee 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 in § 4 above. The Mayor shall have the vehicle impounded.
- C. If the property owner and/or vehicle owner can demonstrate to the Mayor or his/her designee that provisions to restore the vehicle in question are presently being made, then the Mayor or his/her designee may make such orders as are necessary to abate any hazards or dangerous conditions or nuisances.

§ 7 Hearing.

- A. Any person aggrieved by the decision of the Mayor or his/her designee may request and shall then be granted a hearing before the Kulpmont Borough Council, provided he files with the Borough Council, within 10 days after notice of the Mayor or his/her designee's 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.
- B. After such hearing, the Borough Council shall sustain, modify or overrule the action of the Mayor or his/her designee as the case may be.

§ 8 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 Northumberland County.

§ 9 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.

SECTION 10 SEVERABILITY

If ANY provision of this Ordinance, or ANY subsection thereof is found to be illegal or invalid, such a legality or invalidity shall not affect or impair ANY of the remaining provisions of this Ordinance, or ANY subsections there under. It is hereby declared as the intent of the Borough that this Ordinance 2017-06 would not have been enacted if ANY per se illegal or invalid provisions were included herein. If ANY provision would be found to exist, such invalid provisions would be stricken.

SECTION 11 EFFECTIVE DATE

This Ordinance No. 2017-06 is hereby declared to be urgent for the preservation for the peace, health, safety and comfort of the residents of the Borough of Kulpmont, and shall take effect and be in full force immediately after its passage.

SECTION 12 REPEALER

All Ordinances or parts of Ordinances in conflict or inconsistent herewith shall be and the same are hereby repealed absolutely.

DULY ORDAINED AND ENACTED THIS 12th DAY OF SEPTEMBER, 2017

ATTEST:

BOROUGH OF KULPMONT

Bruno R. Varano
President

Bernard P. Novakoski
Mayor

Rhonda Wilk
Secretary

