

ORDINANCE 2007-4

**BOROUGH OF KULPMONT
NORTHUMBERLAND COUNTY, PENNSYLVANIA**

**AN ORDINANCE OF THE BOROUGH OF KULPMONT REGARDING DISABLED
AND/OR INOPERABLE VEHICLES, PRESCRIBING PENALTIES FOR
VIOLATION AND MAKING CERTAIN EXCEPTIONS.**

BE AND IT HEREBY ORDAINED AND ENACTED by the Borough Council of the Borough of Kulpmont, Northumberland County, Pennsylvania, as follows:

SECTION I.

No owner or responsible person shall leave parked upon a Borough Street, highways, or alley, or on public property a disabled or inoperable vehicle.

For purpose of this Ordinance, a disabled or inoperable vehicle shall be a vehicle that is not capable of being moved under its own power, or a vehicle with a deflated tire or tires; or is partially disabled, wrecked or junked; or is not displaying current Registration plate(s) and Inspection stickers.

The vehicle(s) described in this Ordinance is one that is designed for the purpose of transporting people or property and it may be motorized or designed to be drawn by a motorized vehicle. This Ordinance does not exclude that type of vehicle used in construction or farming.

**SECTION II. NOTICE TO REMOVE A DISABLED AND/OR
INOPERABLE VEHICLE.**

A Borough Police Department Parking ticket shall be issued and placed on the vehicle in violation or handed to the owner or responsible person. The Parking Ticket will be noted with the violation of this Ordinance. The parking ticket will allow the owner or responsible person forty-eight (48) hours to respond by removing the vehicle and

paying the ticket penalty. The Officer will indicate on this Parking Ticket "VEHICLE MUST BE MOVED." The Police Department may allow additional time for the removal of a vehicle in violation of this Ordinance if the owner or responsible person can show just cause for doing so.

SECTION III. REMOVAL OF VEHICLE IN VIOLATION OF THIS ORDINANCE.

When the owner or responsible person fails to remove any vehicle that is in violation of this Ordinance and after receiving notice by the issuance of a Police Department Ticket, the Borough Police Department shall then cause the said vehicle to be removed and stored.

The said vehicle may be removed immediately when it constitutes a hazard to pedestrian or vehicular traffic or is a health, safety or fire hazard.

SECTION IV. COST OR REMOVAL AND STORAGE.

The owner or responsible person of the vehicle in violation that has been removed or directed to be removed by the Police Department pursuant to Section III of this Ordinance shall be responsible for all costs of removal and storage of the said vehicle.

SECTION V. EXCEPTIONS.

The provisions of this Ordinance shall not apply to such a vehicle that is enclosed or stored in a building, or to a vehicle on the premises of a business enterprise when it is necessary to the operation of the business or to a vehicle in an appropriate storage place or depository unless such storage constitutes or contributes to a safety, health or fire hazard, or has become a public nuisance.

SECTION VI. MECHANICAL REPAIRS PROHIBITED.

No owner or responsible person shall perform or permit another person to perform mechanical repairs upon any

vehicle while it is parked or left standing on any Borough Streets, Highways, or Alleys.

- (a) Major repairs are those that require the changing of a motor transmission, drive shaft, exhaust systems, the changing of vehicle fluids, or the changing of body parts.
- (b) EXCEPTIONS: This section does not apply to emergency repairs such as the changing of a flat tire, or to the duties of tow truck drivers and operators in order to prepare a vehicle to be moved or towed to a place for repair.
- (c) No vehicle shall leak fluids upon Borough Streets, Highways, or Alleys or public or private properties;
 - (1) The owner or responsible person shall clean the roadway in the event of vehicular leakage in order to deter health and safety hazards or public nuisances. Fluids shall include gasoline, diesel fuels, transmission oils, motor oils, anti-freeze and differential fluids.
 - (2) Owner shall notify Kulpmont Borough and appropriate action shall be determined by the Borough of Kulpmont. Cleaning under all circumstances shall mean the environmentally correct removal of said material by proper authorities. The owner of the vehicle shall be responsible for all clean up and costs associated with same.

SECTION VII. PERMITTING VIOLATION PROHIBITED.

No person or responsible person shall allow any violation of this Ordinance to occur on his/her property.

Whoever violates any of the provisions of this Ordinance, shall upon conviction pay all fines and costs set forth within this Ordinance.

SECTION VIII. PENALTIES.

The owner or responsible person that has received a parking ticket for any of the aforementioned violations in this Ordinance shall pay a Fifteen (\$15.00) Dollar fine if paid within forty-eight (48) hours. Failure to pay the Parking Ticket in the required time shall result in the filing of Traffic/Non-Traffic Citation and then upon conviction, the owner or responsible person shall pay a fine of not less than Twenty-Five (\$25.00) Dollars, but not more than Three Hundred (\$300.00) Dollars plus the costs of prosecution and/or up to ninety(90) days imprisonment.

SECTION IX. SEVERABILITY.

If any provision, paragraph, word, section or Article is invalidated by any Court of competent jurisdiction, the remaining provisions, paragraphs, words, sections and chapters shall not be affected and shall continue in full force and effect.

SECTION X. CONFLICT.

All other Ordinances and parts of other Ordinances inconsistent or conflicting with any part of this Ordinance are hereby repealed to the extent of such inconsistency or conflict.

SECTION XI. EFFECTIVE DATE.

This Ordinance shall be in full force and effect Five (5) days after its passage and approval as provided by law.

DULY ORDAINED and ENACTED this the 13th day of November, 2007, by the Council of the Borough of Kulpmont and the Mayor, Northumberland County, in a lawful session duly assembled.

Approved this 13th day of November, 2007.

ATTEST:

**ROBERT M. SLABY
MAYOR**

**JOSEPH A. WINHOFER
PRESIDENT OF COUNCIL**

**ROBERT M. SLABY, JR.
BOROUGH SECRETARY**