

Ordinance # 32

VEHICLES, ABANDONED OR JUNKED

1. SHORT TITLE

This ordinance shall be known and may be cited as the "Borough of Little Meadows Abandoned or Junked Motor Vehicle Ordinance".

2. DEFINITIONS:

For the purpose of the ordinance and unless otherwise expressly stated, the following words and phrases shall have the following meanings:

ABANDONED OR JUNKED MOTOR VEHICLE - Any motor vehicle which:

- A. Is inoperable and is left unattended on a public street, road, highway or public property for more than forty-eight (48) hours;
- B. Has remained illegally on a public street, road, highway or other public property for period of more than forty-eight (48) hours;
- C. Has remained on private property without the consent of the owner or person in control of that property for more than forty-eight (48) hours;
- D. Is inoperable and has been stored or kept outside and not enclosed within a building on any private property for more than thirty (30) days; provided, however, that:
 - 1) an inoperable motor vehicle held or stored upon the property of a person engaged in the business of servicing, repairing, storing or disposing of inoperable vehicles conforming with the Little Meadows Borough Junkyard Ordinance, or;

- 2) an inoperable vehicle held or stored upon the property of a person engaged in rebuilding, remodeling, or refurbishing providing the owner of the vehicle has obtained a permit as defined in this ordinance;

shall not be considered an "abandoned or junked vehicle for the purpose of this ordinance as long as it is screened from view from the abutting properties;

- E. Is stored or kept in such a manner as to cause loud noises or offensive odors or attract vermin or is otherwise a detriment to the environment or danger to those who may be in close proximity or a nuisance in any other manner,

INOPERABLE---As applied to a motor vehicle under this ordinance:

- A. A motor vehicle that does not have a current registration plate and a current inspection sticker, or;
- B. A motor vehicle that does not have the required number of wheels or tires, does not have one (1) or more of its doors or windows, does not have an engine, or does not have a battery or lacks any other part which is necessary to self propel it.

MOTOR VEHICLE -- Any device in, upon or by which any person or property is or may be transported or drawn upon private land, public highways, streets or roads, which is self-propelled, except by human power alone, or drawn by a self-propelled vehicle.

PERSON---Any person, partnership, firm, association, corporation, company or organization of any kind. When used in any provision prescribing a fine or penalty, the word "person" as applied to partnerships, shall mean the partners thereof, and as applied to a firm, association, corporation, company or organization of any kind, shall mean the officers thereof.

3. STORING OR KEEPING TO BE A NUISANCE

The storing or keeping of an abandoned or junked motor vehicle as defined herein, by any person within the Borough of Little Meadows is hereby declared a nuisance and is prohibited.

EXCEPTION---An abandoned or junked vehicle that is used or designed solely for agricultural purposes where the practice of agriculture has been active within the last two (2) years.

4. PERMITS

An inoperable vehicle may be stored or kept outside and not enclosed within a building on any private property for more than thirty (30) days, provided, the owner obtains a permit from the Borough of Little Meadows or assigned police officer stating the intent, purpose and a description or method of storage of the abandoned or junked vehicle. The permit shall be twenty five dollars (\$25) for one (1) year for each vehicle stored or kept. The issued permit shall be posted in, on, or near the vehicle to readily show compliance of this ordinance.

5. VIOLATIONS AND PENALTIES;

Any person who places an abandoned or junked motor vehicle on public or private property or who permits an abandoned or junked motor vehicle to be stored or kept outside and not enclosed within a building on his property, and who fails to remove the same within ten (10) days after receiving written notice to do so from the Little Meadows Borough Council or assigned police officer shall be guilty of violating this ordinance and, upon summary conviction thereof, shall be subject to a fine not to exceed a maximum of three hundred dollars (\$300) plus costs of prosecution for each offense. Each calendar day in which abandoned or junked motor vehicle is stored or kept in violation of this ordinance shall constitute a separate and violation

6. BOROUGH TO INSTITUTE LEGAL PROCEEDINGS.

In addition to all other remedies of penalties, the Borough of Little Meadows may institute legal proceedings in a court of law or in equity to obtain damages and equitable relief from the offense herein defined as a nuisance.

7. SEVERABILITY

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of jurisdiction such portion shall be deemed a separate, distinct and independent provision and such holdings shall not affect the validity of the remaining portions hereof.

Charl W Barnum UP 6/10/91
Alan J. Juremi
MAYOR
6/10/91

Jenny Fahringer, Secretary 6/10/91