

ORDINANCE NO. 2015 - 1

AN ORDINANCE OF THE BOROUGH OF ROCKWOOD DEFINING WHAT IS A JUNKED VEHICLE, WHAT IS AN ABANDONED VEHICLE, AND WHAT IS AN ILLEGALLY PARKED VEHICLE; DEFINING CERTAIN UNLAWFUL ACTS AND IMPOSING PENALTIES IN REGARD THERETO; FURTHER PROVIDING FOR THE TOWING AND IMPOUNDING OF SUCH VEHICLES.

WHEREAS, it has been deemed by Rockwood Borough that the maintenance of junked, abandoned, and illegally parked vehicles constitutes a public hazard and nuisance, and regulations are necessary for the preservation of public health, welfare, and safety.

Therefore, be it ORDAINED and ENACTED by the Council of the Borough of Rockwood, and it is hereby ORDAINED and ENACTED by the authority of said Council as follows:

SECTION 1. SHORT TITLE:

This Ordinance may be referred to as the “Rockwood Borough Junked, Abandoned, and Illegally Parked Vehicle Ordinance.”

SECTION 2. PURPOSE:

Rockwood Borough Council recognizes and finds that the accumulation of junked vehicles, abandoned vehicles, or illegally parked vehicles constitutes and creates a hazard or threat or potential threat to the health, safety, and welfare of the borough citizens because such accumulations may provide a breeding area for rodents and vermin, and because such accumulation provides an attractive nuisance for children who may be unaware of dangers involved nearby, and further because illegally parked vehicles create a danger to all citizens.

SECTION 3. DEFINITIONS:

1. **Mobile Home:** A trailer, including manufactured homes or parts of manufactured homes, which was designed and/or is used exclusively for living quarters, for storage purposes, or for any other such residential or commercial purposes, which exceeds the maximum size limitations for operation on a highway as prescribed by the law of the Commonwealth, and is only incidentally operated on a highway, and which may be towed on its own running gear and temporarily or permanently affixed to real estate, by placement on blocks, foundation or similar construction; provided that for the purposes of this ordinance, "mobile home" shall not apply to a mobile home which is affixed to real property and has had its certificate of title canceled pursuant to 75 Pa.C.S.A. §1140(a).

2. **Person:** includes any natural person, firm, partnership, association, corporation, or other legal entity of whatever kind.

3. **Private Property:** means any real property not owned by the federal government, state, county, school district, or other political subdivisions.

4. **Public Nuisance:** the unsheltered storage of a junked vehicle as otherwise defined in this Ordinance which constitutes a hazard or threat or potential threat to the health, safety, or welfare of the Borough's citizens.

5. **Removal:** the physical location or relocation of a vehicle to an authorized location.

6. **Trailer:** any wheeled device used as a means of carrying, hauling, or conveying any vehicle, person, animal, boat, watercraft, or any other object.

7. Unsheltered Storage: any storage except storage inside a building.

8. Vehicles: Any conveyance which may be used for towing or for transporting passengers or materials, including but not limited to, automobiles, trucks, buses, motor homes, motorized campers, motorcycles, motor scooters, tractors, snowmobiles, dune buggies, all-terrain vehicles, boats, watercraft, and all other vehicles whether intended for use on the public roadways or otherwise, and further including but not limited to mobile homes as further defined above, except that "vehicle" shall not include a conveyance which is solely designed and intended to be moved by human power.

A. Abandoned Vehicle:

(1) Any vehicle which is physically inoperable and which is left unattended upon a highway, or street or alley of the borough, or any other public property, for more than 48 hours.

(2) Any vehicle which has remained illegally on any highway, or street or alley of the borough, or any other public property, for more than 48 hours.

(3) Any vehicle which has remained on private property without the consent of the owner or person in control of the property for more than 24 hours.

(4) Any vehicle of unknown ownership left upon a street or alley of the borough, or on private property, for five (5) consecutive days without being removed by its owner or any other

person duly authorized to do so.

(5) Any wrecked vehicle;

(6) Any vehicle not capable of being moved under its own power, provided such vehicle was originally designed and intended to be moved under its own power;

(7) Any vehicle which in its original or intended state had tires, with a deflated tire or tires or without a tire or tires, or upon blocks or jacks;

(8) Any vehicle which is required to have a current registration plate or inspection sticker which does not have the required registration plate or inspection sticker.

(9) Any vehicle with broken glass, or which in any other way, in the discretion of the enforcement officer constitutes a safety hazard, including but not limited to safety hazards resulting from rust, peeling paint, and other such potentially harmful forms of deterioration, and/or a condition fostering the habitation of rodents, vermin, or insects.

B. Illegally Parked Vehicle: Any vehicle which has been left unattended in situations as listed in Section 9.

C. Junked Vehicle: a vehicle which has been partially dismantled, or is not used, not usable, or wrecked and which cannot safely or legally be operated on the streets or highways of this Borough or the Commonwealth,

or which otherwise cannot be safely or legally operated. For purposes of this ordinance, the application of the terms "used" or "usable," shall not include a use which is solely for the storage of other items, including household, commercial, or business items.

9. Vehicle Accessories: Any part or parts of a vehicle.

SECTION 4. PROHIBITED ACTS IN REGARD TO ABANDONED OR JUNKED VEHICLES:

1. No person shall maintain or permit to be maintained a junked or abandoned vehicle or vehicle accessories which create a hazard or threat or potential threat to the health, safety, and welfare of the borough citizens or to store or permit any such vehicle accessories to remain in unsheltered storage on any private property or public street or highway within the borough for a period of more than ten (10) days after notice has been given, pursuant to the provisions of this Ordinance; and it shall be further unlawful for any person owning any private property in the borough or leasing such property to store or permit to remain upon said property any such vehicles or accessories for more than the like period of time.

2. It shall be further unlawful for any person, after notification to remove any junked or abandoned vehicle or vehicle accessories causing a public nuisance hereunder from any private property after notice has been given, to move the same to any other private property upon which such storage is not permitted or onto any public highway or

other public property for the purposes of continued storage.

SECTION 5. INVESTIGATION OF PREMISES:

The enforcement officer, upon routine inspection or upon receipt of a complaint, may enter upon private property to investigate a suspected abandoned or junked vehicle or vehicle accessories stored and maintained in violation of this Ordinance, and may record the make, model, style, and identification numbers and the situation and condition of said vehicles, for the purpose of enforcement of this Ordinance.

SECTION 6. NOTICE TO REMOVE:

When an enforcement officer finds or is notified that any abandoned or junked vehicle or vehicle accessories have been stored or permitted in violation of this Ordinance, the enforcement officer shall provide notice to the owner of record or the person having custody of such vehicle accessories. Notice shall be in writing and be delivered by personal delivery or by certified mail to the owner or person having control of the premises upon which the vehicle has been parked. Such notice shall provide at least as follows:

1. The nature of the complaint.
2. A description of the location of the vehicle or vehicle accessories in question.
3. A statement that the same shall be removed from the premises no later than five (5) days from the date of notification.
4. A statement that the removal from the location specified in the notification to another location upon which storage is also prohibited and shall subject the person to additional penalties.

5. A statement that if removal is made within the time limit specified, notification shall be given to the enforcement officer.

6. A statement of the penalties allowed for in this Ordinance for noncompliance.

SECTION 7. ENFORCEMENT ALLOWED WITHOUT NOTICE:

In the event that the whereabouts of any owner or person in charge of the premises cannot be determined by an enforcement officer, or where the owner or property owner fails to heed the notice and when the continued existence of the vehicle upon public or private property constitutes a safety hazard in the discretion of the enforcement officer, the enforcement officer may have said vehicle removed consistent with the provisions of this Ordinance.

SECTION 8. TOWING OF ILLEGALLY PARKED VEHICLES:

The enforcement officer is hereby authorized to remove and tow away, or have removed and towed away by a commercial towing services, any vehicle illegally parked in any place where such parked vehicle creates or constitutes a traffic hazard, blocks the use of a fire hydrant, or obstructs or may obstruct the movement of any emergency vehicle. Borough Council may also, by appropriate motion, declare certain parking areas or streets to be "tow away zones." Such vehicles found in a tow away zone that has been marked by appropriate signs notifying the public of the existence of a "tow away zone" may be removed. Additionally, the enforcement officer is authorized to remove and tow away, or have removed and towed away by commercial towing services, any vehicle which

constitutes a safety hazard or which obstructs or interferes with traffic flow or which has the ordinary effect of impeding or interfering with the adequate cleaning of streets or removal and plowing of snow by the Borough.

SECTION 9. TOWING OF JUNKED OR ABANDONED VEHICLES:

No person shall leave on any public street or alley or other public property any junked or abandoned vehicle as herein defined. The enforcement officers are hereby authorized to remove or tow away, or have removed and towed away by commercial towing services, any such vehicles which have not been properly removed after notice to the owner or person in charge.

SECTION 10. PENALTIES FOR TOWED VEHICLES:

Vehicles towed for any reason shall be stored in an impoundment area property designated by Borough Council or in an area designated by the commercial tower, and shall be restored to the owner or operator upon payment of all costs of towing and storing, plus an additional charge to the borough, as may be from time-to-time established by resolution of Council as an administrative fee for the costs of towing. Any such charges shall be in addition to any fines for the violations of this Ordinance or any Vehicle Code violations; and any additional costs of removal, towing, and storage shall be a matter to be resolved between the commercial towing service and the owner.

SECTION 11. ENFORCEMENT OFFICER:

This Ordinance shall be enforced by officers of the Rockwood Borough Police

Department, and/or by an enforcement officer appointed by proper resolution of Borough Council. It is the specific intention of Borough Council that enforcement may be conducted both by the Rockwood Borough Police Department and by a duly appointed enforcement officer, in the discretion of Council.

SECTION 12. PENALTIES:

Enforcement against any person, firm, partnership, corporation, or other entity, who or which fails to comply with the notice given, or otherwise fails to comply with the Ordinance, as aforesaid, shall be by action brought before a magisterial district judge in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. The fine shall be in an amount not less than Three Hundred and 00/100 (\$300.00) Dollars and not more than One Thousand and 00/100 (\$1,000.00) Dollars for each violation. Additionally, imprisonment may be imposed to the extent allowed by law for the punishment of summary offenses. Any person or entity found guilty of violating this Ordinance may be assessed court costs and reasonable attorney fees incurred by the Borough in any enforcement proceedings. Any penalty imposed in a summary prosecution shall be in addition to any costs or payment made for towing or storage charges or administrative charges.

Each day the violation continues after notice has been given shall be considered a separate offense allowing the filing of a separate citation, for the purpose of assessing fines and penalties. Once notice has been properly given for a violation, the notice continues to support each separate offense and citation until the violation is corrected; it is intended that

a fresh notice need not be given before each citation in cases of a continuing violation.

SECTION 13. PROSECUTION NOT EXCLUSIVE REMEDY:

The choice by the Borough of Rockwood to initiate summary proceedings against any person, firm, partnership, corporation, or other entity, who or which fails to comply with the terms of this Ordinance shall not serve as the exclusive remedy, and the Borough retains all rights provided by law to pursue other remedies including actions in equity or otherwise in the Court of Common Pleas, which actions would include the collection of all costs of Rockwood Borough for actually enforcing this Ordinance, to include all court costs and reasonable attorney's fees incurred by the Borough in the enforcement proceedings.

SECTION 14. SEVERABILITY AND REPEALER:

If any parts or sections of this Ordinance are adjudicated to be unconstitutional, illegal, or invalid by a court of appropriate jurisdiction, then each and every other part and element shall remain in full force and effect, it being the intention of Rockwood Borough Council to have enacted this Ordinance even without the inclusion of any such parts or provisions held to be unconstitutional, illegal or invalid. Any Ordinances or any parts thereof which are inconsistent with the terms of this "Rockwood Borough Junked, Abandoned and Illegally Parked Ordinance" are hereby repealed, to specifically include Ordinance No. 2008-8, as had been adopted April 15, 2008, and Ordinance No. 2014-3, as had been adopted August 19, 2014.


SECTION 15. EFFECTIVE DATE:

This Ordinance shall be effective upon enactment.

Attest:

ROCKWOOD BOROUGH COUNCIL


Borough Secretary

By 
President of Council

APPROVED this 17th day of March, 2015.


Mayor