

## Chapter 223

### VEHICLES, ABANDONED

**[HISTORY: Adopted by the Borough Council of the Borough of Port Carbon 12-9-1997 by Ord. No. 8-97. Amendments noted where applicable.]**

#### GENERAL REFERENCES

Junkyards — See Ch. 144.

Property maintenance — See Ch. 182.

Nuisances — See Ch. 159.

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#### § 223-1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

ABANDONED VEHICLE — Hereby designated to be any one of the following:

- A. A vehicle for which a certificate of junk has been issued by the Secretary of Revenue, Commonwealth of Pennsylvania, or the office designated by any other state to issue such a certificate;
- B. A vehicle which has had its engine or engine parts removed for more than 15 days;
- C. A vehicle which has had its tires deflated or wheels removed for more than seven days;
- D. A vehicle bearing no official inspection sticker or a sticker not currently valid or not bearing a current license; or
- E. A vehicle left unattended for more than three days upon any public highway or street, where:
  - (1) The owner or operator does not reside nor is he/she engaged in a lawful business or is engaged in visiting the owner or occupant of any property abutting the highway or street; or
  - (2) The vehicle is not capable of being moved under its own power.

JUNK — Any discarded material or article and shall include, but not be limited to, scrap metal, scrapped, abandoned or junk motor vehicles, machinery, equipment, paper, rags, glass, containers, wood, lumber and structures.

NOTICE — "Notice" shall be given either orally by a duly authorized police officer of the Borough of Port Carbon or by certified mail, return receipt requested, from a representative of the Police Department of the Borough of Port Carbon.

OPEN — Any mode of storage, parking or collection in which the vehicle/junk is not completely within an enclosed and locked permanent building.

RESPONSIBLE PARTY — Includes the owner of a vehicle, operator of a vehicle, real property owner, lessee of real property or any other individual who has control over a

vehicle or the property upon which it is situated.

**VEHICLE** — Includes all automobiles or other motor vehicles as well as the major parts thereof, including engine, block, head, transmission, rear end, axles, body panels and similar parts.

**§ 223-2. Storage or parking prohibited.**

- A. Any person, firm or corporation who leaves, parks or stores any vehicle of any kind in a wrecked, junked, stripped or abandoned condition, where, as a result thereof, said vehicle/junk presents a danger to health, welfare or safety of the community or any citizen, shall be considered to maintain a nuisance in fact where the requisite proof thereof is presented before the Magisterial District Judge unless the same is pursuant to other Borough authorization.
- B. No person, persons, company or corporation shall, in the residential zone of the Borough of Port Carbon, Pennsylvania, repair, reconstruct, rebuild or alter, either wholly or partially, any motor vehicle which is not registered and owned by a person or persons having a legal residence or habitation at that address.

**§ 223-3. Notice to remove.**

Upon notice given, the responsible party shall, within 48 hours of receipt of said notice, cause the removal of said vehicle from the Borough of Port Carbon or to a completely enclosed and locked permanent building.

**§ 223-4. Violations and penalties; charges. [Amended 4-8-2008 by Ord. No. 1-2008]**

- A. Upon failure to comply with the terms of the notice given within 48 hours, the responsible party shall, upon conviction, be punishable as set forth in Chapter 1, General Provisions, Article I, General Penalty, of this Code.
- B. The charge of towing abandoned vehicles and the charge for storage of said vehicle per day per vehicle shall be as set from time to time by resolution of the Borough Council.

**§ 223-5. Emergency powers.**

Nothing in this chapter shall prevent duly authorized police officials from removing from public or private property without notice any attended or unattended automobile or vehicle, the presence of which constitutes a hazard or threat to the life, health, safety, welfare, and morals of the citizens of the Borough of Port Carbon, and which is imminently dangerous and, in the opinion of the authorized police officials, constitutes a nuisance which gives rise to the existence of emergency situations.