

Chapter 11

Section E: *Abandoned Vehicles*
(OR2-2009)

100.00 TITLE:

100.10 This Ordinance shall be known as the “Borough of Saegertown Abandoned Vehicles Ordinance.”

200.00 ABANDONED VEHICLES:

200.10 It shall be unlawful to deposit, store, maintain, park or accumulate any abandoned vehicle on private property, unless in a building;

200.20 It shall be unlawful for the owner of such vehicle or the owner or occupant of any property to allow, permit, or suffer the same to be left upon any privately owned property, unless the same be authorized in conjunction with a business properly operated pursuant to other laws of the Borough.

300.00 NOTICE OF VIOLATION; COMPLIANCE REQUIRED:

300.10 If the Police, or any other official designated by the Council of the Borough of Saegertown, find that a violation of this Ordinance exists, such officer or official shall notify the owner, manager or lessee of the real property on which the violation exists

300.20 The owner of the abandoned vehicle, if the owner of the abandoned vehicle can be ascertained through reasonable investigation, describing the reason that the abandoned vehicle is in violation of this Ordinance and requiring corrective action within 10 days from the date of mailing or posting of the notice.

300.30 Failure to take corrective actions sufficient to bring the abandoned vehicle into compliance with the requirements of this Ordinance within the ten-day notice period shall constitute a violation hereof.

400.00 VIOLATIONS AND PENALTIES:

400.10 Any person who violates or permits the violation of any provision of this Ordinance shall, upon conviction thereof in a summary proceeding brought before a District Magistrate Judge, be guilty of a summary offense and shall be subject to the payment of a Class B fine to be set by duly adopted Resolution of Borough Council.

- 400.20 Each section or provision of this Ordinance that is violated shall constitute a separate offense.
- 400.30 Each day or portion thereof in which a violation occurs shall be punishable by a separate Class B fine imposed by the District Justice to be set by duly adopted Resolution of Borough Council.
- 500.00 FAILURE TO COMPLY; ACTION BY BOROUGH TO CORRECT; IMPOSITION OF COSTS:**
- 500.10 The Borough may, in addition to or in lieu of imposing the penalties set forth in Section 400, and after providing an opportunity for a hearing as set forth in Section 400, remove the abandoned vehicle and charge the costs incurred, including any disposal, storage and actual attorney's fees, plus a penalty of 10% of such costs, against the property owner on whose property the abandoned vehicle is located.
- 500.20 Such costs shall, after a proper demand upon the property owner and his/her/its refusal or failure to pay after 30 days have elapsed since the demand for payment, constitute a lien on said real property, pursuant to the Municipal Lien Law as amended, at such time as it shall thereafter be filed by the Borough Solicitor.
- 600.00 NOTICE OF INTENT TO REMOVE:**
- 600.10 If the Borough intends to remove the abandoned vehicle, it shall give notice of its intent to remove the abandoned vehicle in the manner set forth in Section 300.20.
- 600.20 Borough shall advise the affected parties that they have the right to request a hearing before Borough Council.
- 700.00 REQUEST FOR HEARING:**
- 700.10 Within five days after service of the notice of intent to remove the abandoned vehicle, the person or persons affected may request a hearing with the Borough Council by filing a written request with the Borough Secretary.
- 700.20 Where more than one person is involved, it shall be the duty of the person requesting said hearing to notify the Borough Secretary of the names and addresses of all other parties affected or interested.

800.00 FAILURE TO REQUEST HEARING:

800.10 If a hearing is not requested, then the Borough shall proceed to remove or have removed the abandoned vehicle(s) from the concerned real property in accordance with Section 105 above.

900.00 NOTICE OF HEARING:

900.10 Upon proper request from a party who received a notice to remove an abandoned vehicle, a hearing on the matter shall be held within 60 days of the date of the request.

900.20 The Borough Council, after said hearing, shall affirm, withdraw, modify or take other appropriate action regarding the notice of removal.

1000.00 REPEALER:

1000.10 All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed as of the effective date of this Ordinance.

1110.00 EFFECTIVE DATE:

1110.10 The provisions of this Ordinance shall become effective on the 14th day of September, 2009.

1200.00 DEFINITIONS:

1201.00 ABANDONED VEHICLE:

1201.10 Any vehicle that requires a registration to be lawfully operated on the street, including, but not limited to, a car, truck, motorcycle, trailer, recreational vehicle or camper, but which vehicle is not displaying a current and valid state inspection and registration; or

1201.20 Any vehicle that does not necessarily require a current and valid registration or inspection to be lawfully operated, such as a boat, snowmobile, golf cart, farm equipment, riding lawn mower and/or all-terrain vehicle, but which vehicle is disabled, discarded, wrecked, junked or inoperative.

1201.30 This definition includes cars, trucks or motorcycles that are displaying a “classic” or “antique” tag but are inoperative, discarded or that have not been operated and/or moved for a period of six months or longer.

1202.00 BOROUGH:

1202.10 Saegertown Borough

1203.00 PERSON:

1203.10 Any natural person, firm.