

Chapter 156

VEHICLES, ABANDONED AND JUNKED

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[HISTORY: Adopted by the Borough of South Greensburg: Art. I, 10-8-1979 as §§ 6.61 through 6.67 of Chapter 6 of the Code of Ordinances; Art. II, 6-10-1996 as Ord. No. 96-5. Sections 156-1 and 156-3 amended at time of adoption of Code; see Ch. 1, General Provisions, Art I. Other amendments noted where applicable.]

GENERAL REFERENCES

Vehicles and traffic — See Ch. 159.

ARTICLE I

Abandoned Vehicles

[Adopted 10-8-1979 as 6.61 through 6.67 of
Chapter 6 of the Code of Ordinances]

§ 156-1. Abandonment constitutes nuisance. [Amended 10-10-1987 by Ord. No. 83-8; 8-10-1992 by Ord. No. 92-6, amended 9-16-2013 by Ord. No. 2013-05.]

The unsheltered storage of unregistered, unused, stripped, junked, wrecked or otherwise unusable automobiles, or automobiles without a current inspection sticker, including emissions, or other vehicles, machinery, implements and/or equipment and personal property of any kind which is no longer safely usable for the purpose for which it was manufactured (hereinafter referred to as "personality") for a period of ten (10) days or more (except in places where a junkyard business is regularly conducted) within the corporate limits of the Borough of South Greensburg, or which creates unsafe storage or unhealthful or unsafe conditions, including air or water pollution, presents danger to children or causes obstruction of vision, shall be deemed a nuisance, dangerous to the public health and safety. The term unsheltered storage as used in this section shall mean any storage occurring in an unenclosed structure.

§ 156-2. Abatement of nuisance by owners.

The owner, owners, tenants, lessees and/or occupants of any parcel of real estate within the borough limits of the Borough of South Greensburg upon which there is storage of personality as defined in § 156-1 hereof shall jointly and severally be responsible for the abatement of the nuisance created by said personality and shall, upon notification by the Borough of South Greensburg, promptly remove such personality into completely enclosed buildings authorized for the use or storage purposes within the Borough of South Greensburg or otherwise remove said personality to a location outside of the corporate limits of the Borough of South Greensburg.

§ 156-3. Violations and penalties. [Amended 7-13-1981 by Ord. No. 81-13; 8-10-1992 by Ord. No. 92-6]

Upon failure of the owner or owners, tenants, lessees, occupants or persons otherwise responsible for the nuisance described in § 156-1 hereof to remove the same within the time specified in the notification by the borough, the borough may either:

- A. Remove the same, charging the costs of removal, together with a penalty of ten percent (10%) of such cost, in the manner provided by law for the collection of municipal claims or by action of assumpsit, or may seek relief by bill in equity; or
- B. Impose a fine of not more than six hundred dollars (\$600.) and costs of prosecution for each offense, and, upon default in payment of the fine and costs, a term of imprisonment for not more than thirty (30) days. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

§ 156-4. Abatement by borough.

In addition to the penalties herein provided, the Borough of South Greensburg shall have the right and privilege to remove said personality to a location of its selection for storage. The borough shall notify the last known owner or owners of the personality removed that the same has been placed in storage and shall be sold after the expiration of thirty (30) days if removal and storage charges are not paid by the responsible owner or owners. In the event that such personality has been placed in storage by the borough, said personality may be sold by the borough for payment of removal and storage charges. If the proceeds of such sale are insufficient to pay the costs of removal and storage, the owners of such personality shall be liable to the Borough of South Greensburg for the balance of the costs jointly and severally to be recoverable in a suit of law. If the proceeds of such sale are in excess of the costs thereof, the balance shall be paid said owner or owners or deposited in the borough treasury for its use.

§ 156-5. Recovery of costs.

Notwithstanding any other provision hereof, the Borough of South Greensburg may file a municipal claim of record against the owner or owners of the premises from which said personality is removed for the cost of removal if the cost of removal and storage is in excess of the proceeds received at the sale thereof.

ARTICLE II
Junked Vehicles
[Adopted 6-10-1996 as Ord. No. 96-5]

§ 156-6. Definitions.

A. As used in this Article, the following terms shall have the meanings indicated, unless a different meaning clearly appears from the context:

LESSEE — Owner, for the purpose of this Article, when the lessor holds the lessee responsible for maintenance and repairs.

MOTOR VEHICLE — Any type of mechanical device, propelled by a motor, in which persons or property may be transported upon public streets or highways, and including trailers or semitrailers pulled thereby.

NUISANCE — Any condition, structure or improvement which shall constitute a danger or potential danger to the health, safety or welfare of the citizens of the Borough of South Greensburg.

OWNER — The actual owner, agent or custodian of the property on which motor vehicles are stored, whether individual or partnership, association or corporation.

PERSON — A natural person, firm, partnership, association, corporation or other legal entity.

B. In this Article, the singular shall include the plural; the plural shall include the singular; and the masculine shall include the feminine and the neuter.

§ 156-7. Motor vehicle nuisances prohibited.

- A. It shall be unlawful for any person, owner or lessee to maintain a motor vehicle nuisance upon the open private grounds of such person, owner or lessee within the Borough of South Greensburg.
- B. A motor vehicle nuisance shall include any motor vehicle which is unable to move under its own power and has any of the following physical defects:
 - (1) Broken windshields, mirrors or other glass, with sharp edges.
 - (2) One (1) or more flat or open tires or tubes which could permit vermin harborage.
 - (3) Missing doors, windows, hood, trunk or other body parts which could permit animal harborage.
 - (4) Any body parts with sharp edges including holes resulting from rust.
 - (5) Missing tires resulting in unsafe suspension of the motor vehicle.
 - (6) Upholstery which is torn or open which could permit animal and/or vermin harborage.
 - (7) Broken headlamps or taillamps with sharp edges.
 - (8) Disassembled chassis parts apart from the motor vehicle stored in a disorderly fashion or loose in or on the vehicle.
 - (9) Protruding sharp objects from the chassis.
 - (10) Broken vehicle frame suspended from the ground in an unstable manner.
 - (11) Leaking or damaged oil pan or gas tank which could cause fire or explosion.
 - (12) Exposed battery containing acid.
 - (13) Inoperable locking mechanism for doors or trunk.
 - (14) Open or damaged floor boards, including trunk and firewall.
 - (15) Damaged bumpers pulled away from the perimeter of vehicle.
 - (16) Broken grill with protruding edges.

- (17) Loose or damaged metal trim and clips.
- (18) Broken communication equipment antennae.
- (19) Suspended on unstable supports.
- (20) Such other defects which could threaten the health, safety and welfare of the citizens of the Borough of South Greensburg.

§ 156-8. Storage of motor vehicle nuisances permitted.

Any person, owner or lessee who has one (1) or more motor vehicle nuisances as defined in § 156-7 above may store such vehicle(s) in the Borough of South Greensburg only in strict compliance with the regulations provided herein. Such person, owner or lessee must first apply for a permit for either temporary or permanent storage and pay a fee to the Borough of South Greensburg pursuant to a resolution of the Council for the Borough of South Greensburg. The motor vehicle nuisance(s) must be stored within a garage or other enclosed building. Nothing herein shall be construed to permit the storage of motor vehicle nuisances contrary to the provisions of the Zoning Ordinance of the Borough of South Greensburg.

§ 156-9. Inspection of premises; notice to comply.

- A. The Enforcement Officer, as hereinafter designated, is hereby empowered to inspect private property on which motor vehicles are stored to determine if there is compliance with the provisions of this Article. If noncompliance with the provisions of this Article constitutes a nuisance or if any condition, structure or improvement poses a threat to the health, safety or welfare of the public, he shall issue a written notice to be served by registered or certified mail upon the owner of said premises or, if the owner's whereabouts or identity are unknown, by posting the notice conspicuously upon the offending premises. "Enforcement Officer" shall mean any police officer who is a member of the police force of the Borough of South Greensburg. Said notice shall specify the condition or structure or improvement complained of and shall require the owner to commence to remove or otherwise rectify the condition or structure or improvement as set forth therein within ten (10) days of mailing or posting of said notice, and thereafter, to fully comply with the requirements of the notice within a reasonable time.

§ 156-10. Authority to remedy noncompliance.

If the owner of grounds on which motor vehicles are stored does not comply with the notice to abate the nuisance within the time limit prescribed, the Borough of South Greensburg shall have the authority to take measures to correct the conditions and collect the cost of such corrections plus ten percent (10%) of all costs. The Borough of South Greensburg, in authorized police powers, shall have the right and power to enter upon the offending premises to accomplish the foregoing.

§ 156-11. Violations and penalties.

Any person who shall violate any provision of this Article shall, upon conviction thereof, be sentenced to pay a fine not more than six hundred dollars (\$600.) and, in default of payment, to undergo imprisonment for a term not to exceed thirty (30) days. Each day that a violation of this Article continues shall constitute a separate offense.

§ 156-12. Remedies not mutually exclusive.

The remedies provided herein for the enforcement of this Article, or any remedy provided by law shall not be deemed mutually exclusive; rather, they may be employed simultaneously or consecutively, at the option of the Borough of South Greensburg.