

**PERKASIE BOROUGH
ORDINANCE NO. _____**

AN ORDINANCE OF THE BOROUGH OF PERKASIE, BUCKS COUNTY, PENNSYLVANIA, AMENDING THE PERKASIE BOROUGH CODE OF ORDINANCES BY ADDING A NEW CHAPTER 183, IDENTIFIED AS ABANDONED VEHICLES.

WHEREAS, the Pennsylvania Borough Code at 8 Pa.C.S.A. § 101 *et seq.*, authorizes the Borough Council of the Borough of Perkasia (“Borough Council”) to make and adopt ordinances that are consistent with the Constitution and laws of the Commonwealth when necessary for the proper management, care and control of the Borough and the maintenance of peace, good government, health and welfare of the Borough and its citizens; and

WHEREAS, the Borough of Perkasia, in furtherance of the authority noted previously in this ordinance, has determined to amend the provisions of its Code of Ordinances so as to add a new Chapter 183, Abandoned Vehicles, and regulations related thereto; and

WHEREAS, after public hearing, the Borough Council deems it to be in the best interest and general welfare of the citizens and residents of the Borough to amend its Code of Ordinances so as to regulate abandoned vehicles; and

WHEREAS, Borough Council, after due consideration of the proposed ordinance at a duly advertised public meeting, has determined that the health, safety, and general welfare of the residents of Perkasia Borough will be served by this amendment to the Perkasia Code of Ordinances.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Borough Council of the Borough of Perkasia, Bucks County, Pennsylvania, and it is hereby enacted and ordained by the authority of same as follows:

SECTION 1. The Perkasio Borough Code of Ordinances is hereby amended by adding a new Chapter 183, Abandoned Vehicles, as follows:

Chapter 183. Abandoned Vehicles

§183-1. Definitions.

As used in this chapter, the following terms shall have the meanings described herein, unless a different meaning is clearly established elsewhere in this chapter:

ABANDONED VEHICLE.

Any type of vehicle, including a trailer, which:

1. Does not have a currently valid state inspection sticker and/or currently valid license plate.
2. Has not been moved for a continuous period of more than 30 days.

ASSOCIATION.

Any form of unincorporated enterprise owned by two or more persons other than a partnership or limited partnership.

LESSEE.

Any person responsible for the maintenance, repair, and control of a motor vehicle, including a trailer, which the lessee has a Lease either in writing or oral from the owner of record of the motor vehicle.

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 threat or potential threat to the health, safety or welfare of the citizens of the Borough of Perkasio.

OWNER.

The actual owner, agent or custodian of the property on which motor vehicles are stored, whether individual or partnership, association or corporation or limited liability company, including the lessor of a motor vehicle.

PERSON.

A natural person, firm, partnership, association, corporation, limited liability company, or other legal entity.

§183-2. 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 Perkasio or upon any public grounds owned by the Borough of Perkasio, the Commonwealth of Pennsylvania or the United States of America, located within the Borough of Perkasio, Bucks County, Pennsylvania, including on the streets, highways, and alleys of the Borough of Perkasio, the Commonwealth of Pennsylvania, and the United States of America.
- B. A motor vehicle is deemed a nuisance if the motor vehicle 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 or more flat or open tires or tubes which could permit vermin harborage.
 3. Missing door, window, hood, trunk or other body part which could permit animal harborage.
 4. Any body part with sharp edges including holes resulting from rust.
 5. Missing tire 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 head lamp or tail lamp 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 mechanisms for doors or trunk.
14. Open or damaged floor board including trunk and fire wall.
15. Damaged bumper pulled away from the perimeter of the vehicle.
16. Broken grill with protruding edges.
17. Loose or damaged metal trim and clips.
18. Broken communication equipment antenna.
19. Suspended or unstable supports. Any non-motor vehicle, such as a trailer, that could cause a hazardous situation or could threaten the health, safety and welfare of the citizens of the Borough of Perkasio.
20. Such other defects which could threaten the health, safety and welfare of the citizens of the Borough of Perkasio.

§183-3. Storage of Motor Vehicle Nuisances Permitted.

Any person, owner or lessee who has one or more motor vehicle nuisances as defined in § 2, above, may store such vehicle in the Borough of Perkasio 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 Perkasio such as provided from time to time by resolution of the Borough Council. The motor vehicle nuisance(s) must be stored within a garage or other enclosed building or outside within an opaque fence at least six feet high which is locked at all times when unattended. With the specific approval of the Borough Council, motor vehicle nuisances may also be stored outside in an area enclosed by a chain link fence, at least six feet high, screened by shrubbery around the perimeter to the height of the fence,

with an unobstructed gate capable of admitting fire or emergency equipment. Such gate shall remain locked at all times when unattended. In addition, all gas and oil or other flammable liquid shall be removed from the motor vehicle and it shall be kept free of vermin infestation while being stored.

§183-4. Inspection; Notice to Comply.

- A. The Police Department, the Codes Department, or any other employee of the Borough of Perkasio is hereby empowered to inspect grounds on which motor vehicles are stored to determine if there is compliance with the provisions of this chapter. If noncompliance with the provisions of this chapter constitutes a nuisance, or if any condition, structure or improvement poses a threat to the health, safety or welfare of the public, he/she 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 be unknown, by posting the notice conspicuously upon the offending premises.
- B. Said notice shall specify the condition or structure or improvement complained of, and shall require the owner to remove or otherwise rectify the condition or structure or improvement as set forth therein within 10 days of mailing or posting of said notice, and thereafter, to fully comply with the requirements of the notice.

§183-5. Authority to Remedy Noncompliance.

If the owner of grounds on which motor vehicles are stored does not comply with the notice to abate the condition, within the time limit prescribed, the Borough of Perkasio shall have the authority to take measures to correct the conditions and collect the cost of such corrections plus 10% of all costs, including the removal of the motor vehicle. The Borough of Perkasio, in such event and pursuant to its statutory or otherwise authorized police powers, shall have the right and power to enter upon the offending premises to accomplish the foregoing.

§183-6. Abandoned Vehicles.

- A. An abandoned vehicle may not be parked, stored or left to remain on any lot, tract, parcel of land or portion thereof occupied or unoccupied, improved or unimproved, including any public street or alley, in the Borough of Perkasio unless necessary for the operation of a business enterprise lawfully permitted on private property.
- B. The Mayor and/or Chief of Police shall be empowered to order the removal of such an abandoned vehicle within five days from the date

of service of a notice of violation as set forth in § 4 above. The Mayor and/or Chief of Police shall have the vehicle impounded.

- C. If the property owner and/or vehicle owner can demonstrate to the Mayor and/or Chief of Police that provisions to restore the vehicle in question are presently being made, then the Mayor and/or Chief of Police may make such orders as are necessary to abate any hazards or dangerous conditions or nuisances.

§183-7. Hearing.

- A. Any person aggrieved by the decision of the Mayor and/or Chief of Police may request and shall then be granted a hearing before the Perkasio Borough Council, provided he files with the Borough Council, within 10 days after notice of the Mayor and/or Chief of Police's decision, a written petition requesting such hearing and setting forth a brief statement of the grounds therefor. The hearing shall commence not later than 30 days after the date on which the petition was filed unless postponed for sufficient cause.
- B. After such hearing, the Borough Council shall sustain, modify or overrule the action of the Mayor and/or the Chief of Police as the case may be.

§183-8. Violations and Penalties.

Any person who violates or permits a violation of this chapter shall, upon conviction in a summary proceeding under the Pennsylvania Rules of Criminal Procedure, be guilty of a summary offense and shall be punishable by a fine of not more than \$1,000, plus court costs and reasonable attorneys' fees incurred by the Borough in the enforcement proceedings. Upon judgment against any person by summary conviction, or by proceedings by summons on default of the payment of the fine or penalty imposed and the costs, the defendant may be sentenced and committed to the county correctional facility for a period not exceeding 30 days. Each day that such violation exists shall constitute a separate offense, and each section of this chapter that is violated shall also constitute a separate offense. In addition to or in lieu of enforcement under this section, the Borough may enforce this chapter in equity in the Court of Common Pleas of Bucks County.

§183-9. Remedies not Mutually Exclusive.

The remedies provided herein for the enforcement of this chapter, 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 Council.

§183-10. Severability.

If any provision of this Agreement is determined by a court of competent jurisdiction to be illegal, invalid, unenforceable, unconstitutional, or void, for any reason, only that provision shall be illegal, invalid, unenforceable, unconstitutional, or void, and the remainder of this Agreement shall be in full force and effect.

SECTION 2. This Ordinance shall become effective five (5) days after enactment.

Approved by the Borough Council of the Borough of Perkasio, this _____ day of _____, 2023.

ATTEST:

BOROUGH OF PERKASIE

Andrea L. Coaxum, Secretary

James Ryder, Council President

Examined and approved this _____ day of _____, 2023.

Jeff Hollenbach, Mayor

THIS ORDINANCE SHALL BECOME EFFECTIVE FIVE (5) DAYS AFTER ENACTMENT AND SIGNATURE