

## Chapter 276

### VEHICLES, JUNKED OR ABANDONED

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[HISTORY: Adopted by the Borough Council of the Borough of Beech Creek at time of adoption of Code (see Ch. 1, General Provisions, Art. I). Amendments noted where applicable.]

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#### § 276-1. Purpose.

The purpose of this chapter is to regulate the accumulation and storage of junk motor vehicles and nuisance motor vehicles in order to minimize safety hazards created by such nuisance vehicles to protect the integrity of the community; to prohibit the accumulation of storage of junked, abandoned or discarded vehicles, trailers or boats which create an attractive nuisance for children, provide a breeding area for rodents and other unhealthful animals, and which violate all concepts of ecological and environmental principles; and to otherwise protect the general health, safety and welfare of the citizens of Beech Creek Borough.

#### § 276-2. Definitions.

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

**ABANDONED OR JUNKED MOTOR VEHICLE OR MOTORCYCLE** — Any motorized device in, upon or by which any person or property is or may be transported or drawn upon a public highway, including trailers and semitrailers designed for use with such vehicles, and which are required to be registered by the Pennsylvania Motor Vehicle Code under 75 Pa.C.S.A. § 1301, and which is not in working order, does not have a current registration plate or valid inspection sticker attached, and which has been stored or kept outside of an enclosed building for a period in excess of 15 days.

**DISMANTLED OR PARTIALLY DISMANTLED VEHICLE** — Any motor vehicle or part thereof, as defined in the Vehicle Code of the Commonwealth of Pennsylvania, which has been rendered inoperable because a part or parts has or have been removed therefrom.

**INOPERABLE** — As applied to motor vehicles under this chapter:

- A. A motor vehicle that does not have a current registration plate and a current inspection sticker; or
- B. A motor vehicle that does not have the required number of wheels or tires, does not have one or more of its doors or windows, does not have an engine or does not have a battery, or lacks any part which is necessary to self-propel it.

**MOTOR VEHICLE** — A vehicle which is self-propelled, except one which is propelled solely by human power or by electric power obtained from overhead trolley wires but not operated upon rails.

**NUISANCE MOTOR VEHICLE** — Any condition of a motor vehicle which shall constitute a threat or potential threat to the health, safety or welfare of the residents of the Beech Creek Borough.

**OR PARTS THEREOF** — When used in the clause with "abandoned or junked vehicles" or "dismantled or partially dismantled vehicles," the term shall mean a component of a vehicle, including but not limited to bumpers, doors, fenders, tires, windows or windshields, motors, transmissions, axles or suspension frames, chassis, or any other component of a vehicle which is either wrecked, discarded, dismantled, partially dismantled or inoperable, as well as including pieces or portions thereof.

**PRIVATE PROPERTY or PRIVATE PREMISES** — Real property which belongs to or is owned, controlled or used by any person, association, partnership, firm or corporation, whether owned or leased, and not constituting public property. All property which is not public property or a public place is private property or a private premises, including but not limited to any house, building or other structure designed or used, either wholly or in part, for private residential purposes, whether inhabited or temporarily or continuously uninhabited or vacant, and shall include any yard, grounds, walk, driveway, porch, steps, vestibule or mailbox belonging or appurtenant to such dwelling, house, building or other structure, including structures designed or utilized for commercial, business, industrial, institutional or religious purposes. The term shall also include that portion of any public right-of-way adjacent to the property line which is not improved with a cartway for public travel.

**PUBLIC PROPERTY** — Real property which is owned by a municipal or governmental entity, though not necessarily a place devoted solely to the uses of the public, but shall include any public street, private street, highway, road, alley, bridge, park, playground, vacant lot, stream, creek, public building or similar place within Beech Creek Borough which is open to the public or to which the public or a substantial group has access. This includes any and all streets, sidewalks, boulevards, alleys or other public ways and any and all public parks, squares, spaces, grounds and buildings.

**SALVOR** — A person engaged in the business of acquiring abandoned vehicles for the purpose of taking apart, recycling, selling, rebuilding or exchanging the vehicle or parts thereof.

**SCREENED** — The use of any natural objects, plantings, embankments, fencing, walls or structures, or a combination of any of these, which will effectively hide any junked or abandoned vehicle, dismantled or partially dismantled vehicle, or parts thereof, so as not to be visible from the highway or abutting properties at all times of the year or by an occupant of a motor vehicle viewing from a height of 4 1/2 feet above the pavement.

VALUELESS EXCEPT FOR SALVAGE — A vehicle which is inoperable or unable to meet the vehicle equipment and inspection standards under Part IV (relating to vehicle characteristics) of the Vehicle Code of the Commonwealth of Pennsylvania, 75 Pa.C.S.A. § 4101 et seq., to the extent that the cost of repairs would exceed the value of the required vehicle. The term does not include a vehicle which would qualify as an antique or classic vehicle under the Vehicle Code except for its lack of restoration or maintenance. A vehicle which is inoperable or unable to meet the vehicle equipment and inspection standards of Part IV (relating to vehicle characteristics) to the extent that the cost of repairs would exceed the value of the required vehicle shall be presumed to be valueless except for salvage, but the presumption is rebuttable by a presumption of the evidence.

VEHICLE — Every device in, upon or by which any person or property is or may be transported or drawn upon a highway, except devices used exclusively upon rails or tracks. The term does not include a self-propelled wheelchair or an electrical mobility device operated by and designed for the exclusive use of a person with a mobility-related disability.

VEHICLE SALVAGE YARD — Any land or structure which a salvor uses for a salvaging operation of two or more unlicensed, inoperative vehicles. "Salvaging" includes the storage and sale of vehicular parts or vehicles.

VEHICULAR FLUIDS — A substance or liquid used frequently in motor vehicles, such as gas, oil or antifreeze.

### § 276-3. Presumption of abandonment.

- A. A vehicle shall be presumed to be abandoned under any of the following circumstances, but the presumption is rebuttable by a preponderance of the evidence:
- (1) The vehicle is physically inoperable and is left unattended on a highway or other public property for more than 48 hours.
  - (2) The vehicle has remained illegally on a highway or other public property for a period of more than 48 hours.
  - (3) The vehicle is left unattended on or along a highway or other public property for more than 48 hours and does not bear all of the following:
    - (a) A valid registration plate.
    - (b) A certificate of inspection.
    - (c) An ascertainable vehicle identification number.
  - (4) The vehicle has remained on private property without the consent of the owner or person in control of the property for more than 48 hours.
- B. Vehicles and equipment used or to be used in construction or in the operation or maintenance of highways or public utility facilities which are left in a manner which do not interfere with the normal movement of traffic shall not be considered to be abandoned.

**§ 276-4. Storage of inoperable motor vehicles.**

Any person, owner or lessee who has an abandoned or junked vehicle, dismantled or partially dismantled vehicle, wrecked, junked, discarded or an otherwise inoperable motor vehicle, or a vehicle valueless except for salvage, or parts thereof, may store such vehicle(s) in the Borough only in strict compliance with the regulations provided herein.

- A. The abandoned, dismantled, junked or wrecked vehicle must be stored and kept 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 special approval of the Borough Council.
- B. With the special approval of the Borough Council, one abandoned, dismantled, junked or wrecked vehicle 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 under such terms and conditions as approved by the Council. Nothing herein shall be construed to permit the storage of abandoned, dismantled, junked or wrecked vehicles contrary to the provisions of Chapter 290, Zoning, of the Code of the Borough of Beech Creek.
- C. No person shall keep, maintain or store any motor vehicle which is leaking any vehicular fluids outside an enclosed structure in any zoning district in the Borough.
- D. An abandoned or junked vehicle, dismantled or partially dismantled vehicle, wrecked, junked, discarded or an otherwise inoperable motor vehicle, or a vehicle valueless except for salvage, or parts thereof, as well as construction equipment, farm machinery or equipment and motorcycles, shall only be stored or kept on private land in the Borough in such a manner so as not to cause loud noise or offensive odors, attract vermin or in any manner as to constitute a nuisance.
- E. No abandoned or junked vehicle, dismantled or partially dismantled vehicle, wrecked, junked, discarded or an otherwise inoperable motor vehicle, or a vehicle valueless except for salvage, or parts thereof, construction equipment, farm machinery or equipment or motorcycles shall be stored or kept on public land in the Borough.

**§ 276-5. Relocation of cited vehicles prohibited.**

After a warning is issued or a citation filed, it shall be unlawful for any person to relocate an abandoned or junked vehicle, dismantled or partially dismantled vehicle, or a vehicle valueless except for salvage, or parts thereof, to another location in the Borough of Beech Creek unless in full compliance with this chapter.

**§ 276-6. Notice to remove violations; failure to comply.**

The Mayor is hereby authorized and directed to give notice, by personal service, United States Mail, or by posting of such notice, to the owner or occupant, as the case may be, of any premises or location where violations of this chapter exist, directing and requiring such owner or occupant to remove or eliminate such violation within 10 days after the issuance of the notice. If any person shall neglect, fail or refuse to comply with such notice within the

period stated therein, such person shall be subject to the penalties provided in this chapter for the violations hereof, and, in addition, the proper officers of the Borough may remove such violation of this chapter, and the costs thereof, together with any additional payment authorized by law, may be collected by the Borough from such person in the manner provided by law, and upon the neglect, failure or refusal to pay the costs of removal, the proper officers of the Borough may cause a lien to be filed against the property.

**§ 276-7. Covering of abandoned or junked vehicle or parts thereof.**

Covering or draping a tarpaulin, car cover or other covering over an abandoned or junked vehicle, a dismantled or partially dismantled vehicle, or a vehicle valueless except for salvage, or parts thereof, is not an abatement of a violation of this chapter and does not constitute compliance with this chapter.

**§ 276-8. Inspection of premises.**

The Mayor is hereby empowered to inspect private property in the Borough on which an abandoned or junked vehicle, dismantled or partially dismantled vehicle, wrecked, junked, discarded or an otherwise inoperable motor vehicle, or a vehicle valueless except for salvage, or parts thereof, is stored to determine if there is compliance with the provisions of this chapter.

**§ 276-9. Nuisance motor vehicles prohibited.**

It shall be unlawful for any person, owner or lessee to have, keep, store, accumulate, maintain or keep any abandoned or junked motor vehicle or any motor vehicle nuisance upon the open private grounds of any owner or lessee within the Borough. A motor vehicle nuisance shall include any motor vehicle which is:

- A. Unable to move under its own power;
- B. A vehicle bearing no official inspection sticker or a sticker not currently valid; or
- C. A vehicle which does not possess a current and valid registration 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 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 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 or leaking vehicular fluids;
- (12) Exposed battery containing acid;
- (13) In operable locking mechanism for doors or trunk;
- (14) Open or damaged floorboards, 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 antennas;
- (19) Suspended on unstable supports; or
- (20) Such other defects which could threaten the health, safety and welfare of the citizens of the Borough.

#### § 276-10. Other prohibited acts.

No abandoned or junked motor vehicle or vehicles or construction equipment or farm machinery or equipment or motorcycles shall be stored or kept on private land in the Borough of Beech Creek by any person, association or corporation in such a manner as to cause loud noise or offensive odors, attract vermin or in any manner as to constitute a nuisance.

#### § 276-11. Violations and penalties.

Any person, firm, association, corporation or entity who violates any provision of this chapter shall, upon conviction thereof in a summary proceeding before a Magisterial District Judge having jurisdiction of the matter, be sentenced to pay a fine of not less than \$100 nor more than \$1,000 plus costs of prosecution and, in default of payment of such fine and costs, shall be committed to the Clinton County Jail for a period not to exceed 90 days. Each day that a violation of this chapter continues shall constitute a separate offense, and neither notice to the offender of a single day's violation nor repeated notice of a continuing violation shall be necessary in order to constitute such separate offense.

#### § 276-12. Additional penalties; abatement.

In addition to the penalties provided in § 276-11 above, the Borough Council shall have the power, in default of the abatement or removal of said nuisance by the person, firm or corporation involved after proper notice, to cause the necessary work to be done to

accomplish said abatement and collect the cost, together with a penalty of 10% of said cost therefor, from the person, firm or corporation responsible therefor.

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