

ORDINANCE NO. 2007-2

AN ORDINANCE OF THE BOROUGH OF WEST WYOMING REGULATING JUNKED OR ABANDONED VEHICLES AND PRESCRIBING PENALTIES FOR VIOLATION

WHEREAS: The Borough of West Wyoming and its Council desires to regulate junked or abandoned vehicles and enacts the following

NOW THEREFORE BE IT RESOLVED BY THE Council of the Borough of West Wyoming and it is hereby ordained by the authority of same:

Section I: Definitions

The following words and phrases when used in this ordinance shall have the meanings given to them in this section and unless the context clearly indicated otherwise:

Abandoned Vehicles – Vehicles which by their appearance are unused. Evidence for such determination shall be general appearance, damage, partial dismantling, lack of current registration and inspection sticker, location and general circumstances surrounding such vehicle. An abandoned vehicle, not otherwise a nuisance, shall not include a vehicle in an enclosed building and a vehicle on the premises of a business enterprise operated in a lawful place and manner when necessary to the operation of such business.

Person- Any person, firm, partnership, association, corporation, company or organization of any kind.

Property – Any real property within the borough which is not a street or highway.

Street or Highway – The entire width between the boundary lines of every street publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

Vehicle – A machine propelled by power other than human power designed to travel along the ground by use of wheels, treads, runners or slides and to transport persons or property.

Section II. Abandonment of Vehicles

No person shall permit any abandoned vehicle to remain on the street or highways or other property within the Borough of West Wyoming for a period of more than 72 hours.

The placing, leaving abandoning or parking upon private property in West Wyoming Borough of any motor vehicle or vehicles when such motor vehicles, whether by reason of their old and dilapidated condition, flat tires, removal of any parts there from, from damage by wreck or otherwise, the failure to be properly inspected or for any reason whatsoever cannot be moved or operated under their own power, is hereby declared to e a nuisance. A motor vehicle which has

West Wyoming Ordinance – Abandoned and/or Junked Vehicles

remained on such private property for a period in excess of thirty (30) days under any of the conditions set forth in this section shall be prima facie evidence of abandonment of the motor vehicle.

No person, firm or corporation shall place leave, abandon or park or permit to be placed, left, abandoned or parked on private property in West Wyoming Borough, any motor vehicle in the condition or conditions set forth in this ordinance.

Section III. Disposition of Abandoned Vehicles.

Whenever an abandoned vehicle is determined to be a nuisance and in violation of this ordinance by the Chief of police or his designee, notice shall be given to either the vehicle owner or the property owner or both persons regarding such vehicle within 72 hours. Failure to remove such vehicle shall be a violation of this ordinance.

Section IV. Impounding

The Chief of Police or designee are hereby authorized to remove any abandoned vehicle declared to be a nuisance and not removed by the vehicle owner or property owner in accordance with this ordinance. Such vehicle shall be impounded in an appropriate storage area within or outside of the borough. Any impounded vehicle may be lawfully claimed and delivered to the owner upon payment of the costs of removal and storage together with a penalty of 10% of such cost.

Section V. Violation and Penalties.

Any person violating or failing to comply with any of the provisions of this ordinance shall be guilty of a summary offense and, upon conviction thereof before any District Justice, shall be fined in an amount not exceeding \$600, plus the costs of prosecution and in the default of payment, be imprisoned for a period of not more than thirty (30) days.

Each and every day that any motor vehicle is unlawfully placed, left, abandoned or parked on private property in violation of this ordinance shall be considered a separate and distinct offense.

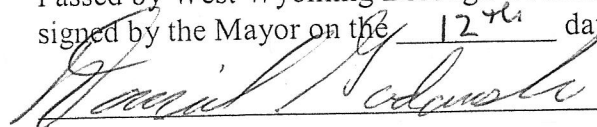
Section VI. Severability

The provisions of this ordinance are severable. If any part of this Ordinance is declared to be unconstitutional, illegal or invalid, the validity of the remaining provision shall be unaffected thereby.

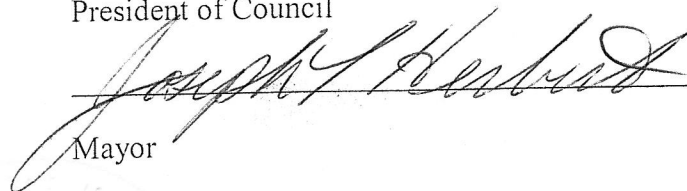
Section VII. Repealer

All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

Passed by West Wyoming Borough Council on 12th day of March, 2007 and signed by the Mayor on the 12th day of March, 2007.



President of Council



Mayor

Attest:



Borough Secretary