

**BOROUGH OF NEWVILLE
CUMBERLAND COUNTY, PENNSYLVANIA**

ORDINANCE 2020-03

**AN ORDINANCE OF THE NEWVILLE BOROUGH COUNCIL,
CUMBERLAND COUNTY, PENNSYLVANIA ESTABLISHING RULES
AND REGULATIONS AND PENALTIES FOR ABANDONED OR
JUNKED VEHICLES AND OTHER TRASH AND DEBRIS**

A. General Purposes and Definitions

§101. Purpose.

The purpose of this Part is to protect the health, safety, morals and welfare of the citizens of the Borough by causing the removal of abandoned, illegally parked, stored, wrecked, junked and stripped vehicles from both public and private property, or the storage, placement or accumulation on private property of junked, wrecked, discarded or abandoned machinery, equipment, household appliances, household furnishings or other debris and waste materials of any kind or description, and to abate public nuisances caused by the storage o, parking of and accumulation of such vehicles, machinery, household appliances, household furnishings or other debris and waste materials of any kind or description which are detrimental to the health, safety, morals and welfare of the citizens of the Borough and which constitute a peril to highway and traffic safety.

§102. Definitions.

As used in this Part, the following words or phrases shall have the meaning ascribed to them in this Section.

ABANDONED – any item resting for 72 hours or more and which is inoperable, without current registration plates, certificate or inspection or in such a condition as to be unusable.

APPLIANCE - a stove, refrigerator, television, furnace, water heater, water softener, washer, dryer or mangle, household articles used to perform any of the necessary work in a household, and articles, used in business to increase production or to speed, ease or eliminate work.

DISCARDED – any item resting for 72 hours or more with no known or apparent owner.

HOUSEHOLD FURNISHINGS – includes all items normally found and used in a home.

JUNKED – items sold or to be sold for scrap, being stripped or being used or sold for parts.

MACHINERY – machines or the constituent parts of a machine taken collectively, any combinations of mechanical means designed to work together so as to affect a given end.

PERSON – a natural person, the members of an unincorporated association, all of the partners of a partnership and the officers and board of directors of a corporation.

VEHICLE – an automobile, motorcycle, motorbike, minibike, bicycle, go-cart, truck or other wheeled means of conveyance, motorized or self-propelled.

B. Junked, Wrecked, Stripped or Abandoned Vehicles on Public Property

§111. Authority to Impound Vehicles.

The Police Department or Authorized Borough Official is hereby authorized to remove a vehicle from any street, highway or public place located within the Borough limits, to the nearest garage or lot or other place of safety, or to a garage designated or maintained by the Borough Police Department or Authorized Borough Official or otherwise maintained by the Borough, when such vehicle shall be deemed to have been junked, abandoned or discarded, or when such vehicle is parked on any street, highway or public place in the Borough in violation of any law or ordinance of the Borough, provided, no vehicle shall be removed or impounded except in strict adherence to the following Sections of this Part.

§112. Contracts for Towing.

The Borough Council is hereby authorized and directed to solicit bids and to enter into contracts with one or more reputable private towers to tow to designated pounds vehicles wrecked, abandoned, seized or illegally parked within the limits of the Borough of Newville, when such towing service is authorized by the Borough Council or any agent thereof.

§113. Contractor's Bond.

The said contractors shall each give a bond in the sum of \$5,000.00 to insure the faithful and careful performance of the said contracts.

§114. Towing Charges.

The towing charges shall be established in the contract between the Borough and the private towing contractors. A copy of the rates charged for towing all types of vehicles shall be posted in a conspicuous place in all designated pounds.

§115. Notice of Intended Removal and Impounding.

In any case where the violation is not causing immediate harm, and in the discretion of the Police Department or Authorized Borough Official, the Police Department or Authorized Borough Official shall give 48 hours' notice of the intended removal and impounding to the violator.

§116. Police or Authorized Borough Official to Notify Owners of Impounded Vehicles.

Within 12 hours from the time of removal of any vehicle under authority granted by this Section, notice of the fact that such vehicle has been impounded shall be sent by the Police Department or Authorized Borough Official to the owner of record of such vehicle. Such notice shall designate the place from which said vehicle was removed, the reason for its removal and impounding, and the garage or lot in which it shall have been impounded.

§117. Effect of Payment of Towing and Impounding Charges without Protest.

The payment of any towing and impounding charges authorized by this subpart shall, unless such payment shall have been made "under protest," be final and conclusive and shall constitute a waiver of any right to recover the money so paid.

§118. Effect of Payment of Charges Under Protest.

In the event that any towing and impounding charges so imposed shall be paid "under protest," the offender shall be entitled to a hearing before a District Justice or court of record having jurisdiction, in which case such defendant shall be proceeded against and shall receive such notice as is provided by the Vehicle Code in other cases of summary offenses, and shall have the same rights as to appeal and waiver of hearing.

§119. Records of Vehicles Removed and Impounded.

The Police Department or Authorized Borough Official shall keep a record of all vehicles impounded and shall be able at all times to furnish the owners or agents of the owners thereof with information as to the place of storage of such vehicles.

§120. Owner or Operator of Vehicles Removed and Impounded.

The payment of towing and storage charges shall not operate to relieve the owner or operator of any vehicle from liability for any fine or penalty for the violation of any law or ordinance on account of which said vehicle was removed and impounded.

§121. Restrictions Upon Removal of Vehicles.

No vehicle shall be removed under the authority of this subpart if, at the time of the intended removal thereof, the owner or person for the time being in charge of such vehicle is present and expresses a willingness and intention to remove such vehicle immediately.

C. Private Property

§131. Abandoned Vehicles.

It shall be unlawful to park, store or leave any vehicle of any kind in a wrecked, junked, stripped or abandoned condition, or any vehicle whether occupied or not, in a place where its presence constitutes a hazard on private property, or 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 a privately owned property unless the same be in a building or authorized in conjunction with a business property primarily devoted to the sale and/or repair of vehicles, and operated pursuant to the laws of the Borough of Newville.

§132. Junked, Wrecked, Discarded or Abandoned Machinery, Household Appliances, Household Furnishings or other Debris and Waste Materials.

It shall be unlawful to store, place or accumulate on private property any junked, wrecked, discarded or abandoned machinery, household appliances, household furnishings or other debris and waste materials of building, and it shall be unlawful for the owner of such items, 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 the laws of the Borough of Newville.

§133. Notice to Owners.

If the Borough Council members or any of their authorized agents find that a violation of this Section exists, they shall notify the owner of the property on which the violation exists, or the owner of the vehicle or other discarded or abandoned item, or both, of the violation, and order the owner of the vehicle or vehicles or other items within 10 days thereof, and the owner of the property on which the vehicle or vehicles or other items are stored or parked, within 10 days thereof, to remove the vehicle or vehicles or other items.

§134. Mode of Notice.

Notice shall be given by personal service or by certified mail to the lawn known address of the violator. In the event that, on diligent search, the address of either the property owner or the owner of the vehicle or other items cannot be ascertained, the posting of the notice or copies thereof on the real property, vehicle or other items, structure or area immediately adjacent thereto shall constitute sufficient notice.

§135. Owner may Request Hearing.

Within 10 days after notice, the party or parties affected may request a hearing with the Borough Council by filing a written request with the Borough Secretary. The Borough Council members, after hearing, shall affirm, withdraw or modify the notice.

§136. Failure to Request Hearing.

If a hearing is not requested then the parties affected shall proceed to remove, or have removed, the motor vehicle or vehicles or other items from the property in question in accordance with the notice and order.

§137. Notice of Hearing.

On proper request, a hearing on the matter shall be given forthwith and where more than one party is involved it shall be the duty of the party requesting the hearing to notify the Secretary of the names and addresses of all other parties affected or interested.

§138. Failure to Act; Imposition of Costs.

If the violation complained of shall not have been remedied within the period as required by the order, the Borough shall, through its own agents, contractors and/or employees, remedy the violations and charge the costs thereof to the real property owner on whose property the vehicles or other items are located. The cost shall, after a proper demand and refusal or a failure to pay after 30 days, constitute a lien on the realty at such time as it shall thereafter be filed by the Solicitor.

§139. Emergency Powers.

Nothing in this Part shall prevent duly authorized police officials from removing from private property, without notice, any attended or unattended vehicle, the presence of which constitutes a hazard or threat to the life, health, safety, welfare and morals of the citizens of the Borough of Newville, and which is immediately dangerous and, in the opinion of the authorized police officials, constitutes a nuisance which gives rise to the existence of emergency conditions.

§140. Applicability of subpart B.

The provisions of subpart B, concerning the place of storage, towing and charges therefore, and the bonding provisions and the recording of any removal and impounding of junked, wrecked or stripped vehicles shall be followed in any procedure under subpart C, where the same do not conflict with any provision of subpart C.

D. General Provisions

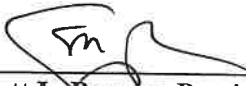
§141. Violations and Penalties.

Any person who shall violate any provision of this party shall, upon conviction thereof, be sentenced to pay a fine not less than \$100.00 nor more than \$1,000.00 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues shall constitute a separate offense.

DULY ENACTED AND ORDAINED this 3rd day of March, 2020, by the Council of the Borough of Newville, Pennsylvania, in lawful session duly assembled.

BOROUGH OF NEWVILLE

By: _____



Scott L. Penner, President
Newville Borough Council

Attest:


Lindsey Williamson, Borough Secretary

Examined and approved this 16th day of March, 2020.

By: _____


Randy L. Finkey, Mayor
Borough of Newville
Cumberland County, Pennsylvania




CERTIFICATION

I hereby certify that the foregoing is a true and correct copy of Ordinance 2020-03 which was duly enacted by affirmative vote of a majority of the members of the Newville Borough Council at a meeting held on March 31, 2020 at 7:00PM; at which meeting a quorum was present; the said Ordinance has been duly recorded in the Ordinance Book of the Newville Borough Council, that said Ordinance remains in full force and effect, without amendment, alteration or repeal, as of the date of this Certificate.

I further certify that the meeting at which the Newville Borough Council adopted said Ordinance was a public meeting, duly held after giving public notice of the date, time and place of such meeting by posting and publishing such notice at the time and in the manner required by Act No. 84 of the General Assembly of the Commonwealth of Pennsylvania, approved July 3, 1986.

IN WITNESS WHEREOF, I set my hand and affix the official seal of the Borough, this 31st day of March, 2020.


Lindsay A. Williamson
Borough Secretary