

## Chapter 306

### VEHICLES, ABANDONED OR JUNKED

§ 306-1. Unregistered or uninspected vehicles.

§ 306-2. Applicability.

§ 306-3. Enforcement.

§ 306-4. Removal; towing and storage charges.

§ 306-5. Violations and penalties.

§ 306-6. Repealer.

[HISTORY: Adopted by the Borough Council of the Borough of Mount Union 9-17-2011 by Ord. No. 2011-2. Amendments noted where applicable.]

#### GENERAL REFERENCES

Vehicles and traffic — See Ch. 310.

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#### § 306-1. Unregistered or uninspected vehicles.

From and after the effective date of this chapter, it shall be unlawful to park or store any motor vehicle not bearing a current registration or not bearing a current inspection sticker, or both, upon real estate within the Borough of Mount Union. This chapter shall not apply to vehicles in an enclosed or partially enclosed structure, such as a garage.

#### § 306-2. Applicability.

The provisions of this chapter shall not be applicable to any commercial garage or business dealing in the sale of or repair of motor vehicles.

#### § 306-3. Enforcement.

The Code Enforcement Officer and/or the Borough Police Department are hereby given the authority to enforce all provisions of this chapter.

#### § 306-4. Removal; towing and storage charges.

- A. All abandoned motor vehicles shall be removed by the owner or operator thereof or by the owner or occupant of the private property on which the said motor vehicle is abandoned. Upon the failure of the owner or operator of any abandoned or junked motor vehicle to remove the same within 30 days after receiving notice from the Mount Union Borough Police Department and/or Code Enforcement Officer to remove the same, such notice being given either by personal service or by certified mail to the owner or operator of such abandoned motor vehicle or to the owner or occupant of the private property on which the said abandoned or junked motor vehicle is found, the Mount Union Borough Police Department and/or the Code Enforcement Officer may remove the same or cause the same to be removed.

- B. In the event that the Police Department and/or the Code Enforcement Officer shall be unable to ascertain the ownership of an abandoned motor vehicle found upon private property, a Borough police officer and/or the Code Enforcement Officer, or someone at their direction, may notify the owner or occupant of the private property, by certified mail or by personal service, that such vehicle exists, and thereafter the owner or occupant of the private property shall cause the abandoned motor vehicle to be removed to an authorized junk or scrap yard within 30 days. If the owner or occupant of such private property shall fail to remove the abandoned motor vehicle, as set forth in this section, said owner or occupant shall be subject to the penalties provided in § 306-5 of this chapter.
- C. Where an abandoned motor vehicle is removed under the provisions of this chapter and it remains unclaimed for a period of 15 consecutive days without being removed by its owner or any other person duly authorized to remove same, a Borough police officer and/or the Code Enforcement Officer shall be authorized to report or cause to be reported such abandonment to the Bureau of Motor Vehicles of the Department of Transportation of the Commonwealth of Pennsylvania, as provided in the Vehicle Code.<sup>1</sup>
- D. Specific towing and storage charges to be made under this chapter shall be fixed, from time to time, by the Borough Council of the Borough of Mount Union. The owner or operator of any impounded vehicle shall be entitled to recover possession of such vehicle upon the payment to the Borough of the towing and storage charges. The payment of such towing and storage charges, unless made under protest, shall be final and conclusive and shall constitute a waiver of any right to recover the money so paid. In the event that the towing and impounding charges are paid under protest, the offender shall be entitled to a hearing before a Magisterial District Judge or a court of record having jurisdiction, as in the case of a prosecution of summary offenses under the Motor Vehicle Code of Pennsylvania, and the said Magisterial District Judge or court of record shall proceed in accordance with Paragraph 1103 of the Motor Vehicle Code of the Commonwealth of Pennsylvania.

#### **§ 306-5. Violations and penalties.**

Violations of the provisions of this chapter and the failure to comply with the enforcement action described herein shall constitute a monetary offense punishable by a fine of up to \$300 and/or 90 days' imprisonment and shall be sufficient cause for the issuance of a citation for such violation. Each day that a violation occurs hereunder shall constitute a separate and distinct violation.

#### **§ 306-6. Repealer.**

All provisions of previous ordinances of the Borough of Mount Union or parts thereof which are contrary or inconsistent with this chapter are expressly repealed, including Ordinance No. 1087, dated August 4, 2008, which is fully repealed.

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1. Editor's Note: See 75 Pa.C.S.A. § 101 et seq.