

BOROUGH OF NORTH BRADDOCK

Ordinance No. 1048

AN ORDINANCE OF THE BOROUGH OF NORTH BRADDOCK,
ALLEGHENY COUNTY, PENNSYLVANIA, ESTABLISHING
RULES AND REGULATIONS GOVERNING ABANDONED VEHICLES
LOCATED ON PUBLIC STREETS OR PRIVATE LOTS; PROVIDING FOR
A PROCEDURE FOR THE REMOVAL OF ABANDONED VEHICLES
AND ESTABLISHING FINES AND PENALTIES FOR VIOLATION THEREOF

WHEREAS, the Borough Council of the Borough of North Braddock is authorized to regulate, restrain or prohibit abandoned motor vehicles on public and private property within the Borough; and

WHEREAS, the abandonment of motor vehicles constitutes a public health and safety hazard to the citizens of the Borough of North Braddock.

NOW THEREFORE, BE IT ORDAINED AND ENACTED, by the Borough Council of the Borough of North Braddock, in meeting assembled, and it is hereby ordained and enacted by the authority of the same as follows:

SECTION 1. Name

This Ordinance entitled "Regulation of Abandoned Motor Vehicles" is hereby adopted to read as follows:

SECTION 2. Definitions

For the purposes of this Ordinance, certain words and terms are defined as herein indicated:

- (a) Abandoned Motor Vehicle - An abandoned motor vehicle is defined as one that:
- (1) is left upon a public street or highway within the Borough in violation of a law or ordinance prohibiting parking; or
 - (2) is in such a state of disrepair as to be incapable of being moved under its own power; or
 - (3) is missing one or more tires or wheels; or
 - (4) is in a dismantled or partially dismantled condition; or
 - (5) does not have a current license plate affixed; or
 - (6) if applicable does not have a current inspection sticker affixed; or

- (7) is left on private property within the Borough without the consent of the owner, occupant or lessee thereof, for longer than two (2) hours.
- (b) Abandoned Motor Vehicle Trailer - An abandoned motor vehicle trailer is defined as one that:
 - (1) Is designed for attachment to motor vehicles for the purpose of transporting persons or goods; and
 - (a) Is left upon a public street or highway within the Borough in violation of a law or ordinance prohibiting parking; or
 - (b) is in such a state of disrepair as to be incapable of being moved; or
 - (c) is missing one or more tires or wheels; or
 - (d) is in a dismantled or partially dismantled condition; or
 - (e) does not have a current license plate affixed; or
 - (f) is left on private property within the Borough without the consent of the owner, occupant or lessee thereof, for longer than two (2) hours.
- (c) Authorizing Official - The Public Safety Director Chief of Police and the Borough Code Enforcement Officer are designated as authorizing officials and either may authorize the removal of vehicles under the provisions of this Ordinance.
- (d) Borough - The Borough of North Braddock in Allegheny County, Pennsylvania
- (e) Council - The Borough Council of the Borough of North Braddock.
- (f) Nuisance in Fact - A nuisance in fact is defined as any act which poses any public danger, inconvenience or distraction or which constitutes a threat to the public health, welfare and safety. A nuisance in fact as it relates to this ordinance shall include, but is not limited to, an abandoned motor vehicle or an abandoned motor vehicle trailer that is found to be:
 - (1) A breeding ground or harbor for mosquitoes, other insects, rats or other pests; or
 - (2) A point of heavy growth of weeds or other noxious vegetation over eight (8) inches in

- height; or
- (3) A point of collection of pools or ponds of water; or
 - (4) A point of concentration of quantities of gasoline, oil or other flammable or explosive materials as evidenced by odor; or
 - (5) So situated or located that there is a danger of it falling or turning over; or
 - (6) One which is a point of collection of garbage, food waste, animal waste, or any other rotten or putrescent matter of any kind; or
 - (7) One which has sharp parts thereof which are jagged or contain sharp edges of metal or glass; or
 - (8) Any other vehicle specifically declared a health and safety hazard and a public nuisance by the Police Chief, Borough Code Enforcement Officer or the Borough Council of the Borough of North Braddock.

- (g) Premises or Property - Premises or property is defined as a lot having an Allegheny County Tax Parcel Identification Number.

SECTION 3. Outdoor Storage on Private Lots

The outdoor storage or parking of any abandoned motor vehicle or abandoned motor vehicle trailer, or any combination thereof, on any premises where said storage or parking is not a permitted use within the Borough for a period of ten (10) consecutive days or longer is prohibited.

SECTION 4. Outdoor Streets, Public or Private Property

The outdoor storage or parking of any abandoned motor vehicle or abandoned motor vehicle trailer, or any combination thereof, on any street, public property or private property for a period of more than twenty-four (24) hours is prohibited.

SECTION 5. Private Property Notice

- (a) The Borough shall notify the owner(s) of the private property where any abandoned motor vehicle(s) and/or abandoned motor vehicle trailer(s) that are unlawfully stored thereby directing that the same be removed within ten (10) days of such notice.
- (b) The Borough shall also notify the last known

registered owner(s) of the abandoned motor vehicle(s) and/or abandoned motor vehicle trailer(s) that are unlawfully stored thereby directing that the same be removed within ten (10) days of such notice.

- (c) Notice may be given either by regular first class United States Postal Service mail delivery, by certified or registered United States Postal Service mail delivery, by personal service and by posting the premises.

SECTION 6. Exceptions

- (a) The provisions of Section 3 and Section 5 of this ordinance shall not apply to properties in districts where such storage and parking are otherwise lawful under the Zoning Ordinance.
- (b) The provisions of Section 3 and Section 5 of this ordinance shall not apply where approval is or has been obtained from the Authorizing Authority for the temporary outdoor storage of damaged vehicles awaiting repair or for vehicles offered for sale.

SECTION 7. Removal by Borough

- (a) If an abandoned motor vehicle(s) or abandoned motor vehicle trailer(s) on private property is/are nuisances in fact and are not removed within the notice period in accordance with Section 5 of this ordinance, the Authorizing Authority shall remove said abandoned motor vehicle(s) and/or abandoned motor vehicle trailer(s) from said private property.
- (b) Any such abandoned motor vehicle(s) or abandoned motor vehicle trailer(s) parked or stored on streets or public property shall be removed forthwith by the Authorizing Authority or his or her designee.

SECTION 8. Costs

- (a) All costs and expenses incurred by the Borough for removal of abandoned motor vehicle(s) and/or abandoned motor vehicle trailer(s), together with an administrative charge of fifteen (15%) percent, shall be charged against the owner of the property from which the abandoned motor vehicle(s) or

abandoned motor vehicle trailer(s) were removed.

- (b) Should said charges not be paid when due, the Borough Manager shall certify the same to the Borough Solicitor who shall file a municipal lien and claim thereafter in the Allegheny County Prothonotary's Office.

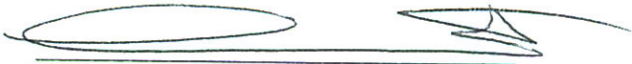
SECTION 9. Violations and Penalties

- (a) In addition to the remedies set forth above, any person, or entity violating any provisions of this ordinance shall, upon summary conviction thereof before any magistrate, pay a fine in an amount not exceeding One Thousand (\$1,000.00) Dollars, together with the costs of prosecution.
- (b) In default of the payment of the fine and costs, said person shall be subject to imprisonment in the Allegheny County Jail for a period not exceeding thirty (30) days.

ORDAINED AND ENACTED INTO LAW, this 19th day of September, 2006.

ATTEST

BOROUGH OF NORTH BRADDOCK



Douglas Marguriet,
Secretary

By 

Therese R. Brail
President of Council

APPROVED BY ME, this 19th day of September, 2006.



Raymond L. McDonough, Mayor