

MUNICIPALITY OF PENN HILLS  
Ordinance No. 2491 of 2008

**AN ORDINANCE OF THE MUNICIPALITY OF PENN HILLS, ALLEGHENY COUNTY, PENNSYLVANIA, AMENDING ORDINANCE 2455 OF 2006 AND PROHIBITING THE ABANDONMENT, OR HABITUAL AND OPEN STORAGE OF ABANDONED/NUISANCE MOTOR VEHICLES OR PARTS THEREOF IN THE OPEN ON PUBLIC OR PRIVATE PROPERTY AND PROVIDING FOR EXCEPTIONS; AUTHORIZING INSPECTIONS OF PREMISES, NOTICES OF COMPLIANCE; REQUIRING THE REMOVAL, REPAIR, OR ALTERATION OF THE CONDITIONS CONSTITUTING ABANDONMENT/NUISANCE OR DANGER TO THE CITIZENS; AND PRESCRIBING PENALTIES AND REMEDIES FOR VIOLATION.**

**WHEREAS**, the Municipality of Penn Hills, Allegheny County, Pennsylvania strives to prohibit nuisances, including, but not limited to, the storage of motor vehicles that are abandoned, as is defined herein, on private and public property; and,

**WHEREAS**, such conditions tend to impede traffic in the street or interfere with the enjoyment of private property; invite plundering; create fire hazards, and other safety and health hazards to children as well as adults; interfere with the comfort and well-being of the public; and create, extend, and safety and aggravate urban blight; and

**WHEREAS**, adequate protection of the public health, safety, and welfare requires that such conditions be regulated, abated or prohibited:

NOW, THEREFORE, THE MUNICIPALITY OF PENN HILLS HEREBY ORDAINS AND ENACTS, IN A MEETING DULY CONVENED, THE FOLLOWING:

**SECTION I. DEFINITIONS .**

**(A)** The following definitions shall apply to this Ordinance:

**(1) *Abandoned Motor Vehicle on Public Property***

Any Motor Vehicle which falls under section (a) and/or (b) hereof, and set forth as follows:

(a) Any motorized vehicle which is without current and valid:

- license plate or plates, and
- registration sticker, and
- inspection sticker, including emissions inspection, where applicable

(b) Any motorized vehicle which possesses one or more of the following conditions constituting a nuisance:

1. Sharp Edges on Motor Vehicle Parts Constituting a Dangerous Condition  
Including, but not limited to the following:
  - Broken windshield, mirrors, headlamps, tail lamps or other glass
  - Broken body parts
  - Open or severely damaged floorboards including trunk and firewall
  
2. Protruding Motor Vehicle Parts Constituting a Dangerous Condition  
Including, but not limited to the following:
  - Body parts, including glass, broken or otherwise, which protrude from the normal and customary place on a vehicle
  - Doors, Trunk or Hood which do not latch closed
  
3. Conditions Which Do or Could Permit Harborage of Vermin/Animals  
Including, but not limited to the following:
  - One or more flat or open tires or tubes
  - Missing doors, windshield, windows, hood, or trunk
  - Upholstery, which is torn or open
  - Doors, Trunk or Hood which do not latch closed
  - Open or severely damaged floorboards including trunk and firewall
  
4. Conditions Which Result in the Unsafe Suspension of a Motor Vehicle  
Including, but not limited to the following:
  - Missing tires
  - Vehicle frame, broken or otherwise, suspended from the ground in an unstable manner
  - Suspended on unstable supports
  
5. Fluids from the Motor Vehicle  
Including, but not limited to the following:
  - Leaking or damaged oil pan or gas tank which could cause a fire or explosion
  - Exposed battery containing acid
  
6. Disassembled Motor Vehicle Parts  
Including, but not limited to the following:

- Chassis or other motor vehicle parts stored in a disorderly fashion in or about the vehicle

7. Such other conditions which constitute nuisance and threaten the health, safety and welfare of the citizens of the Municipality of Penn Hills.

**(2) *Abandoned Motor Vehicle on Private Property***

Any motorized vehicle which possesses one or more of the following conditions constituting a nuisance:

Any Motor Vehicle not garaged which falls under section (a) and/or (b) hereof, and set forth as follows:

(a) Any motorized vehicle which is without current and valid:

- license plate or plates, and
- registration sticker, and
- inspection sticker, including emissions inspection, where applicable

1. Sharp Edges on Motor Vehicle Parts Constituting a Dangerous Condition

Including, but not limited to the following:

- Broken windshield, mirrors, headlamps, tail lamps or other glass
- Broken body parts
- Open or severely damaged floorboards including trunk and firewall

2. Protruding Motor Vehicle Parts Constituting a Dangerous Condition

Including, but not limited to the following:

- Body parts, including glass, broken or otherwise, which protrude from the normal and customary place on a vehicle
- Doors, Trunk or Hood which do not latch closed

3. Conditions Which Do or Could Permit Harborage of Vermin/Animals

Including, but not limited to the following:

- One or more flat or open tires or tubes
- Missing doors, windshield, windows, hood or trunk
- Upholstery, which is torn or open
- Doors, Trunk or Hood which do not latch closed
- Open or severely damaged floorboards including trunk and firewall

4. Conditions Which Result in the Unsafe Suspension of a Motor Vehicle Including, but not limited to the following:
  - Missing tires
  - Vehicle frame, broken or otherwise, suspended from the ground in an unstable manner
  - Suspended on unstable supports
  
5. Fluids from the Motor Vehicle Including, but not limited to the following:
  - Leaking or damaged oil pan or gas tank which could cause a fire or explosion
  - Exposed battery containing acid
  
6. Disassembled Motor Vehicle Parts Including, but not limited to the following:
  - Chassis or other motor vehicle parts stored in a disorderly fashion in or about the vehicle
  
7. Such other conditions which constitute nuisance and threaten the health, safety and welfare of the citizens of the Municipality of Penn Hills.

**(3) Enforcement Officer**

A police officer, code enforcement officer or other person or entity designated by the Municipality of Penn Hills to enforce its ordinances.

**(4) Motor Vehicle**

A car, truck, motorcycle, all-terrain vehicle, or any other type of mechanical device, propelled by a motor, in which persons or property may be transported upon public streets or highways, and including trailers or semi-trailers pulled thereby; and any parts of a motor vehicle.

**(5) Nuisance**

Any condition or use of motor vehicle or property, structure or improvement which shall constitute a danger or potential danger to, the health, safety and welfare of the citizens of the Municipality of Penn Hills.

**(6) Person**

The owner of the abandoned motor vehicle; or, the owner, tenant, occupant lessee, resident or custodian of the property on which abandoned motor

vehicles are located, whether individual or partnership, association or corporation.

**(7) Private Property**

Any real property located within the Municipality of Penn Hills, which a person owns, and which is not public property as defined in this section.

**(8) Public Property**

Any street or highway which shall include the entire width between the boundary lines of every way publicly maintained for the purposes of vehicular travel and shall also mean any other publicly owned property or facility.

**(B)** In this Ordinance, the singular shall include the plural; the plural shall include the singular; and the masculine shall include the feminine and neuter.

**SECTION II. VIOLATIONS OF THIS ORDINANCE; EXCEPTIONS**

**(A) Violation**

A person shall be in violation of this ordinance for committing the following prohibited behavior:

- (1)** No person shall keep or leave, or permit to be kept or left, any abandoned motor vehicle, or motor vehicle parts, as defined by this ordinance, within the Municipality of Penn Hills for more than 72 hours.
- (2)** No person shall keep or leave, or permit to be kept or left, any abandoned motor vehicle, as defined by this ordinance, within ten (10) feet of public streets or alleys in the Municipality of Penn Hills for more than 72 hours.

**(B) Exceptions.**

This ordinance shall not apply to:

- a vehicle in an enclosed building, excluding tarps or similar coverings and carport type structures which are open to view and are unsecured
- a vehicle on the premises of a business enterprise lawfully licensed to operate a motor vehicle junk yard or other such lawfully licensed business requiring the keeping of abandoned vehicles or parts thereof as defined herein
- a classic or antique vehicle which is in the process of being restored
- a vehicle in an appropriate storage place, lawful depository or impoundment facility
- nothing herein shall be construed to permit the storage of abandoned motor vehicles contrary to the provisions of the Municipality of Penn Hills Zoning Ordinance.

### **SECTION III. ENFORCEMENT AND ABATEMENT**

**(A)** The Municipality of Penn Hills shall enforce or abate the nuisances, defined by this Ordinance as follows:

#### **(1) *Inspections***

The Penn Hills Police and Code Enforcement Officers are hereby authorized and empowered to inspect private property on which motor vehicles are stored to determine if there is compliance with the provisions of this Ordinance. If Penn Hills Police Officers or Code Enforcement Officers find a violation or violations of this Ordinance, he or she shall issue a written notice to be served by registered or certified mail upon the owner of the abandoned motor vehicle or if unknown, the owner of the premises, lessee, agent of the owner, household or family member, and/or custodian of the property on which the abandoned motor vehicles are located, whether individual or partnership, association, or corporation. If the whereabouts or identity of the above defined persons is unknown or if they fail to respond to the written notice, service shall be by posting the notice conspicuously upon the premises where the motor vehicles are located.

- (a) Said notice shall specify the violation complained of, and shall require the person to remove or rectify the violation within ten (10) days of mailing or posting of said notice.
- (b) The authorized enforcement officer, whether it is the Penn Hills Police or the code enforcement officer, shall have the right and power to enter upon the premises where the abandoned motor vehicles are located to accomplish the service of notice and any other remedy under this Ordinance.

#### **(2) *Impounding***

If the person notified does not comply with the notice to abate, the Penn Hills Police or the code enforcement officer is hereby authorized to remove or have removed any abandoned motor vehicle which reasonably appears to be in violation of this Ordinance, within the boundaries of the Municipality of Penn Hills, by the Municipality's contracted towing company, at the initial expense of the Municipality. Such abandoned motor vehicle shall be impounded by said towing company contracted by the Municipality, until lawfully claimed or disposed of according to law.

- (a) Any vehicle towed, by Code Enforcement or the Police Department, under this Ordinance shall have the towing charges paid by the

Municipality per the towing contract. The Municipality of Penn Hills shall then seek reimbursement of costs and assess the person notified with the cost of such towing, impoundment, plus ten (10) percent of all costs.

**(3) Enforcement**

An action shall be brought against any person in violation of this ordinance by filing a citation with the Magisterial District Justice for the Municipality of Penn Hills, for a summary offense under the Pennsylvania Rules of Criminal Procedure. Any person who shall be convicted of violating or failing to comply with any of the provisions of this Ordinance shall, upon conviction thereof, in a summary proceeding, be sentenced to pay a fine not less than \$300 dollars nor more than \$1,000.00 dollars, plus costs of prosecution, restitution for the costs of removing the vehicle(s), and/or a term of imprisonment of up to ninety (90) days, per violation. Each day that a violation continues after conviction shall constitute a separate offense.

**(a) Civil action for unpaid fines, penalties and costs and other relief**

The Municipality of Penn Hills may file a civil enforcement proceeding with the same Magisterial District Justice to recover the unpaid fines, penalties, costs, restitution and expenses accruing for each day the violation continues, when they are not voluntarily paid. Penalties shall not exceed one thousand dollars (\$1,000) per violation. The civil enforcement proceeding shall be initiated by complaint or by such other means as maybe provided by the Pennsylvania Rules of Civil Procedure. In any civil action, the Municipality of Penn Hills shall be exempt from the payment of costs of any civil case brought to enforce this ordinance, and in accordance with 53 P.S. §66601(c.1)(1).

**(b) Remedies not exclusive**

The remedies provided herein for the enforcement of this ordinance, or any remedy provided by law, shall not be deemed mutually exclusive; rather, they may be employed simultaneously or consecutively, at the option of the Municipality of Penn Hills.

**SECTION IV. REPEALER**

All Ordinances or parts of Ordinances, in conflict with the provisions of this Ordinance, are hereby repealed to the extent of said conflict.

**SECTION V. SEVERABILITY**

It is hereby declared to be the intention of the Council of the Municipality of Penn Hills that the several provisions of this Ordinance are severable. If any Court of competent jurisdiction shall declare any words, sentences, sections or provisions of the Ordinance to be invalid, such a ruling shall not affect any other words, sentences, sections or provisions of this Ordinance not specifically included in said ruling.

**THIS ORDINANCE APPROVED AND ADOPTED BY THE MAYOR AND COUNCIL OF THE MUNICIPALITY OF PENN HILLS ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2008.**

**MUNICIPALITY OF PENN HILLS**

By: \_\_\_\_\_  
Anthony L. DeLuca  
Mayor

\_\_\_\_\_  
Date

Attest:

\_\_\_\_\_  
Terry Van Horne  
Manager

\_\_\_\_\_  
Date