

**An Ordinance of Newport Township detailing regulations for disabled and/or inoperable vehicles and prescribing penalties for violation thereof.**

Be it enacted and ordained by the Township of Newport, Luzerne County, Pennsylvania, and it is hereby enacted and ordained by the authority of the same as follows:

**SECTION 1. PUBLIC vs. PRIVATE PROPERTY**

For the purposes of this Ordinance, a distinction is made as to abandoned vehicles being allowed to be maintained on public property or private property without the consent of the owner and abandoned vehicles on private property. In instances where the abandoned vehicle is maintained or left on public property or private property without the consent of the owner, 75 Pa C.S.A. section 7301 et seq. is hereby referred to and incorporated herein. The requirements of 75 Pa C.S.A. section 7301 et seq shall apply in such cases. In all other instances, including , but not limited to those in which a disabled vehicle and /or an inoperable vehicle is maintained or allowed or permitted on private property, the regulations set forth in this Ordinance shall be applicable.

**SECTION 2. DISABLED/ INOPERABLE VEHICLE(S)**

No owner, lessee or person having an interest in a disabled or inoperable motor vehicle shall allow said vehicle to be maintained or parked on a private road, private lane or private property within the Township of Newport.

For the purposes of this Ordinance, a disabled or inoperable vehicle shall be a vehicle that is not capable of being moved under its own power, or a vehicle with a deflated tire or tires and is incapable of regular use

(except a vehicle that is temporarily immovable because of a flat tire) or a vehicle that is partially disabled, wrecked or junked; or a vehicle that is not displaying a current registration plate, inspection sticker and a discernable vehicle identification number.

This Ordinance shall refer to a vehicle(s) that is designed for the purpose of transporting people or property and it may be motorized or designed to be drawn by a motorized vehicle.

The term "person having an interest in" said vehicle shall refer to a person who is a part owner of said vehicle.

### **SECTION 3. NOTICE TO REMOVE A DISABLED AND/OR INOPERABLE VEHICLE.**

Members of the Newport Township Police Force shall issue and place on the vehicle in violation or hand to the owner, lessee or person having an interest in said vehicle a Abandoned Vehicle Ticket. The Abandoned Vehicle Ticket will be noted with the violation of this Ordinance. The Abandoned Vehicle Ticket will allow the owner or person having an interest in the vehicle a period of seventy-two (72) hours to respond by removing the vehicle and paying the ticket penalty. The minimum ticket penalty of \$25.00 shall apply if the vehicle is removed within the seventy-two (72) hour time period. The officer issuing the ticket may allow additional time, not to exceed an additional seventy-two (72) hours to remove said vehicle if the owner or person having an interest in said vehicle can show a hardship in meeting the original seventy-two (72) hour deadline for removal.

Any vehicle which is disabled and/or inoperable may be removed immediately when it constitutes a hazard to pedestrian or vehicular traffic or is a health, safety or fire hazard.

### **SECTION 4. REMOVAL OF VEHICLE IN VIOLATION OF ORDINANCE.**

When the Owner, Lessee or the person having an interest in said vehicle receives notice of a violation of this Ordinance and fails to remove said vehicle, the police officer(s) shall then cause said vehicle to be

removed and stored to an authorized site.

As stated above, said vehicle may be removed immediately when the vehicle constitutes a hazard to pedestrian or vehicular traffic or is a health, safety or fire risk.

The Police Officer(s) issuing said violation (ticket) shall complete an abandoned vehicle information report on each vehicle cited pursuant to this Ordinance. The report shall include the make, model, vehicle identification number, registration plate number (if available or known) and name and address of the Owner or person who abandoned the vehicle, if known. The report shall also indicate the vehicle's status as a vehicle with value, a salvage vehicle or a non repairable vehicle. The report shall include the name, signature and badge number of the police officer in cases where the violation was issued by a member of the police department. The report shall serve as an authorized written request for a licensed salvor to remove, possess and further process the abandoned vehicle.

## **SECTION 5.**                      **COST OF REMOVAL AND STORAGE**

The Owner, Lessee or person having an interest in said vehicle that has been removed pursuant to this Ordinance shall be responsible for all costs of removal or storage of said vehicle.

## **SECTION 6.**                      **EXCEPTIONS**

The provisions of this Ordinance shall not apply to a vehicle that is enclosed or stored in a building, or to a vehicle on the premises of a active business enterprise when it is necessary to the operation of the business or to a vehicle in an appropriate storage place or depository unless such storage constitutes or contributes to the safety, health or fire hazard or to a public nuisance.

## **SECTION 7.**                      **PERMITTING VIOLATION PROHIBITED**

No Owner or person having an interest in private property

(such as but not limited to a partial owner of the property) shall allow a violation to occur on his/her property. As such, an owner or person having an interest in said property may still be cited as violating this ordinance even if said person(s) is not the owner, lessee or person having an interest in said vehicle.

**SECTION 8.**                      **PENALTIES**

Whoever violates any of the provisions of this Article shall pay a fine of not less than Twenty-Five (\$25.00) Dollars nor more than Three Hundred (\$300.00) Dollars plus costs of prosecution. The Violator shall also be responsible for the costs of towing and storage of said vehicle.

**SECTION 9.**                      **SEVERABILITY**

If any provision, paragraph, word, section or Article of this Ordinance is invalidated by any Court of competent jurisdiction, the remaining provisions, paragraphs, words, sections and chapters shall not be affected and shall continue in full force and effect.

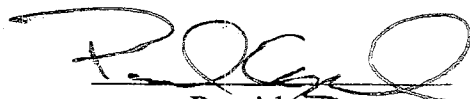
**SECTION 10.**                      **CONFLICT**


All other previous Ordinances and/or parts of Ordinances inconsistent or conflicting with any part of this Ordinance are hereby repealed to the extent of such inconsistency or conflict.

**SECTION 11.**                      **EFFECTIVE DATE**

This ordinance shall take effect immediately upon adoption.

Enacted and ordained at a meeting of the Newport Township Board of Commissioners held on the 5<sup>th</sup> day of November 2007.

  
President

Attest:   
Secretary