

ORDINANCE NO. 90-3

AN ORDINANCE OF HEIDELBERG TOWNSHIP, YORK COUNTY, PENNSYLVANIA, PROHIBITING ABANDONED OR JUNKED VEHICLES, PROVIDING FOR THE REMOVAL AND DISPOSITION OF THE SAME, AND ESTABLISHING PENALTIES.

BE IT ORDAINED AND ENACTED, and it is hereby ordained and enacted by the Board of Supervisors of Heidelberg Township, York County, Pennsylvania, hereinafter referred to as the township, as follows, to wit:

**SECTION 1: DEFINITIONS.**

Unless otherwise expressly stated, the following words shall, for the purpose of this ordinance, have the following meanings:

A. "Motor Vehicle" shall mean any vehicle which is self-propelled and also any trailer or semi-trailer designed for use with such vehicles, whether or not the same is required to be registered under the laws of the Commonwealth of Pennsylvania.

B. "Abandoned Motor Vehicle" shall mean a motor vehicle, or parts thereof, which has been voluntarily relinquished by its owner, with the intention of terminating the owner's ownership, possession and control, without vesting ownership in any other person.

C. "Junked Motor Vehicle" shall mean a motor vehicle, or parts thereof, which is inoperable or which does not bear a current inspection sticker or registration sticker, left or stored in the open, and not in a building, secured in such a fashion as is reasonably calculated to prevent children from playing on or about such motor vehicle.

**SECTION 2: PROHIBITION OF ABANDONED OR JUNKED VEHICLES.**

It shall be unlawful for any person, partnership, firm association or corporation, to park or store on any street, or in the open on public or private property within the township more than one (1) junked motor vehicle, or parts thereof, or any abandoned motor vehicle for a period longer than fifteen (15) days. The following acts or circumstances shall be prima facie evidence that a motor vehicle is an abandoned or junked motor vehicle:

A. failure to move any motor vehicle disabled by reason of an accident for a period of fifteen (15) days from the date of an accident;

B. the leaving of a motor vehicle on public property that is inoperable unattended for a period of more than fifteen (15) days;

C. a motor vehicle that has remained illegally on public property for a period of more than fifteen (15) days;

D. a motor vehicle that has remained on private property without the consent of the owner or person in control of the property for a period of more than fifteen (15) days;

E. leaving a disabled or inoperable motor vehicle upon private property for more than fifteen (15) days, unless the vehicle is stored completely within a building on private property so that the vehicle is not visible to the public;

F. failure of any motor vehicle to bear a current state registration for more than fifteen (15) days no matter where that vehicle is situate, unless the vehicle is stored completely within a building on private property so that the vehicle cannot be seen by the public; or

G. the failure of any motor vehicle to bear a current official state inspection emblem for more than fifteen (15) days no matter where that vehicle is situate, unless the vehicle is stored completely within a building on private property so that the vehicle cannot be seen by the public.

**SECTION 3: AUTHORITY OF POLICE.**

Any police officer of the township is hereby authorized to remove any abandoned motor vehicle or junked motor vehicle from the street or from public or private property after a fifteen (15) day period and to cause such motor vehicle to be stored temporarily pending determination of ownership and notice to the owner thereof of its removal. The police officer shall immediately notify the owner or reputed owner of the motor vehicle of its removal and of the intention of the township to dispose of the motor vehicle unless it is claimed and the costs of removal and storage paid within five (5) days after the date of mailing of the notice.

**SECTION 4: PROCEDURE FOR DISPOSAL.**

In the event that any abandoned motor vehicle or junked motor vehicle is not claimed and the costs of its removal and storage not paid within five (5) days of the mailing of the notice prescribed in Section 3 above, or in the event that the identity or whereabouts of the owner cannot be determined after a reasonable investigation, application shall be made by the township for a title or certificate of junk in the township's name and the motor vehicle disposed of as provided in The Vehicle Code or any amendment thereto.

**SECTION 5: PENALTIES.**

Any person, corporation, partnership, company, firm, association, or other entity who shall violate the provisions of this ordinance shall, upon a decision being rendered against the individual or entity in a summary proceeding, be sentenced to pay

a fine not exceeding \$600.00 together with the costs of prosecution.

**SECTION 6: SEVERABILITY AND CONSTITUTIONALITY.**

It is the intention of the township that each section or portion of any section of this ordinance shall be a separate provision and all shall be independent of all other provisions herein, and it is further the intention of the township that if any section or portion of any section shall be declared to be unconstitutional, invalid, illegal, or unenforceable by any Court of competent jurisdiction, such decision shall not affect the validity of any of the remaining sections or parts thereof of this ordinance. It is hereby declared as a legislative intent that this ordinance would have been enacted had such unconstitutional, invalid, illegal or unenforceable provision not have been included herein.

**SECTION 7: REPEALER.**

All ordinances or parts of ordinances which are inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

**SECTION 8: EFFECTIVE DATE.**

This ordinance shall be and become effective five (5) days after its adoption.

ENACTED AND ORDAINED by the Board of Supervisors of Heidelberg Township, York County, Pennsylvania, on the 3rd day of October, 1990.

ATTEST:

HEIDELBERG TOWNSHIP

Norma Markle  
Secretary

BY: [Signature]  
President

1990.

Approved this 3<sup>rd</sup> day of October,

Norma Markle