

**WARRIOR RUN BOROUGH ORDINANCE 2011- 6**

**AN ORDINANCE ENTITLED DISABLED, INOPERABLE VEHICLE AND/OR  
VEHICLE LEFT UNATTENDED ORDINANCE**

**NOW**, it is hereby **ORDAINED** and **ENACTED** by the Borough of **WARRIOR RUN**, County of Luzerne, Commonwealth of Pennsylvania, that:

**SECTION 1 – DEFINITIONS:**

Vehicle – For purposes of this Ordinance, a vehicle is defined as every motor driven device or any trailer or camper that is drawn by a motor driven device in, upon or by which any person or property is or may be transported upon a roadway including but not limited to vehicles used in construction or farming activities. Devices used exclusively upon rails or tracks are not vehicles.

Disabled, Inoperable and Unattended Vehicles – For purposes of this Ordinance, a disabled, inoperable or unattended vehicle shall be a vehicle that meets one or more of the following conditions:

- (a) The vehicle is not capable of being moved under its own power;
- (b) The vehicle is partially disabled, wrecked or junked;
- (c) The vehicle has broken windows;
- (d) The vehicle is missing essential parts;
- (e) The vehicle registration is expired or not displayed;
- (f) The vehicle safety inspection sticker is expired or not displayed;
- (g) The vehicle is leaking fluids;
- (h) The vehicle has a deflated tire or tires;
- (i) The vehicle has not been moved in seventy-two (72) hours.

Major Repairs – For purposes of this Ordinance, major repairs are those that require the changing of a motor, transmission, drive shafts, exhaust systems, the changing of vehicle fluids or the changing of body parts.

**SECTION 2 – PROHIBITION AGAINST PARKING:**

No owner or responsible person shall leave parked upon a city street, highway or alleyway on either public or private property a disabled, inoperable or unattended vehicle.

### **SECTION 3 – NOTICE TO REMOVE:**

The police shall follow the following procedure in processing a vehicle in violation of this Ordinance:

- (a) Place a notification decal on the vehicle windshield or most visible location on the vehicle along with a parking ticket;
- (b) The decal and ticket will allow the owner or responsible person seven (7) days to respond by removing the vehicle from the city limits or by causing the vehicle to no longer be a disabled, inoperable or unattended and also by paying the ticket penalty;
- (c) The police shall also forward a copy of the notification to the owner of the vehicle by one or more of the following methods:
  - (i) First class mail with delivery confirmation
  - (ii) First class mail with signature confirmation
  - (iii) Certified mail
  - (iv) Directly to the owner or responsible person
- (d) The police department may allow additional time for the removal of the vehicle in violation of this Ordinance if the owner or responsible person can show just cause for doing so.

### **SECTION 4 –POLICE REMOVAL OF THE VEHICLE IN VIOLATION:**

- (a) A vehicle in violation of this Ordinance may be removed by the police immediately when it constitutes a hazard to pedestrian or vehicular traffic or is a health, safety or fire hazard.
- (b) The police shall cause a vehicle in violation of this Ordinance to be removed and stored when the owner or responsible person fails to remove any vehicle that is in violation of this Ordinance after notice was given by the police as described in Section 3 above.

### **SECTION 5 – POLICE UNABLE TO REMOVE VEHICLE:**

If a vehicle is to be removed by the police pursuant to Section 4 of this Ordinance and the police are unable to do so due to the vehicle being in such a position that it prevents the police from moving it, the owner or responsible person shall be subject to the penalties as described in Section 10(b) of this Ordinance.



## **SECTION 6 – COST OF REMOVAL AND STORAGE:**

The owner or responsible person of the vehicle in violation that has been removed or directed to be removed by the police shall be responsible for all costs of removal and storage of the said vehicle.

## **SECTION 7 – EXCEPTIONS:**

The provisions of this Ordinance shall not apply to:

- (a) A vehicle that is enclosed or stored in a building; or
- (b) A vehicle which is displayed for sale by a licensed dealer; or
- (c) A vehicle in an appropriate storage place or depository unless such storage constitutes or contributes to a safety, health or fire hazard or has become a public nuisance.

## **SECTION 8 – PERMITTING VIOLATION PROHIBITED:**

No person or responsible person shall allow any violations of this Ordinance to occur on his/her property and shall upon conviction be subjected to penalties provided within Section 10 of this Ordinance.

## **SECTION 9 – MECHANICAL REPAIRS PROHIBITED:**

No owner or responsible person shall perform or permit another person to perform major mechanical repairs upon any vehicle when it is parked or left standing on any city streets, highways or alleyways provided, however, that this section does not apply to emergency repairs such as the changing of a flat tire or to the duties of tow truck drivers or operators in order to prepare a vehicle to be removed or towed to a place of repair.

## **SECTION 10 – PENALTIES**

- (a) The owner or responsible person that has received notification as described in Section 3 of this Ordinance shall pay the parking ticket within seven (7) days of the ticket being issued. The fine will be the standard parking fine as set by Ordinance or resolution of the Borough of Warrior Run.
- (b) Failure to pay the parking ticket within seven (7) days will result in the filing of a non-traffic citation and upon conviction the owner or responsible person shall pay a fine of not less than Twenty-Five Dollars (\$25.00) but not more than Three Hundred Dollars (\$300.00), plus the costs of prosecution and/or up to ninety (90) days imprisonment.