

**ABANDONED VEHICLES**

**Chapter 132  
ABANDONED VEHICLES**

- 1  
2  
3  
4  
5 132-1. Definitions.  
6  
7 132-2. Motor vehicle nuisances prohibited.  
8  
9 132-3. Storage of motor vehicle nuisances permitted.  
10  
11 132-4. Inspection: Notice to comply.  
12  
13 132-5. Authority to remedy noncompliance.  
14  
15 132-6. Penalties.  
16  
17 132-7. Remedies not mutually exclusive.  
18  
19

20 **GENERAL REFERENCE**

21 Vehicle and Traffic Regulations - See Ch. 134  
22  
23

24  
25 **132-1. Definitions.** *amended 11-6-06*  
26

27 As used in this Chapter, the following terms shall have the  
28 meanings indicated, unless a different meaning clearly appears from  
29 the context:  
30

31 LESSEE - owner for the purpose of this Chapter, when the lessor  
32 holds the lessee responsible for maintenance and repairs.  
33

34 MOTOR VEHICLE - any type of mechanical device, propelled by a  
35 motor, in which persons or property may be transported upon  
36 public street or highways and including trailers or semi-  
37 trailers pulled thereby.  
38

39 NUISANCE - any condition, structure, or improvement which shall  
40 constitute a threat or potential threat to the health, safety  
41 or welfare of the citizens of the Borough.  
42

43 OWNER - the actual owner, agent, or custodian of the property  
44 on which motor vehicles are stored, whether individual or  
45 partnership, association, or corporation.  
46

47 PERSON - a natural person, firm, partnership, association,  
48 corporation, or other legal entity.  
49

50 In this Chapter, the singular shall include the plural, the

EXETER BOROUGH ORDINANCE  
NO. of 2006

AN ORDINANCE OF THE BOROUGH COUNCIL OF THE BOROUGH OF EXETER, LUZERNE COUNTY, PENNSYLVANIA AMENDING A PRIOR ORDINANCE WHICH GOVERNS ABANDONED MOTOR VEHICLES WITHIN THE BOROUGH OF EXETER, LUZERNE COUNTY, PENNSYLVANIA 18643.

WHEREAS, AN ORDINANCE AMENDING AND ESTABLISHING A NEW EXPANDED SUB-PART WHICH EXPANDS THE DEFINITION OF PREVIOUSLY PASSED, FULLY EXECUTED ORDINANCE WITHIN THE BOROUGH OF EXETER, LUZERNE COUNTY, PENNSYLVANIA, AND MORE SPECIFICALLY, A MORE EXTENSIVE DESCRIPTION OF WHAT CONSTITUTES AN ABANDONED MOTOR VEHICLE COVERED BY SAID ORDINANCE.

WHEREAS, THE BOROUGH OF EXETER, HEREINAFTER "BOROUGH", IS DESIROUS OF AMENDING THEIR ABANDONED VEHICLE ORDINANCE BY EXPANDING SECTION 132-1 (DEFINITIONS) AND THROUGH SAID EXPANSION THE DEFINITION OF THOSE MATERIALS GOVERNED WILL BE EXPANDED BY THE ENFORCEMENT OF THE ABANDONED VEHICLE ORDINANCE.

NOW, THEREFORE, BE AND IT IS HEREBY ENACTED AND ORDAINED BY THE COUNCIL OF THE BOROUGH OF EXETER, LUZERNE COUNTY, PENNSYLVANIA, AS FOLLOWS:

SECTION 1.

CHAPTER 132.1 OF THE EXETER BOROUGH ABANDONED VEHICLE ORDINANCE (MOTOR VEHICLE NUISANCE IS PROHIBITED) WILL BE AMENDED.

SECTION 2.

EXETER BOROUGH WILL AMEND THE ORDINANCE BY EXPANDING SECTION 132.1 (DEFINITIONS) OF THE ABANDONED VEHICLE ORDINANCE.

SECTION 3.

CHAPTER 132.1. MOTOR VEHICLE NUISANCES - ABANDONED VEHICLES WILL BE DEFINED TO INCLUDE:

1. A VEHICLE (OTHER THAN A PEDALCYCLE) SHALL BE PRESUMED TO BE ABANDONED UNDER ANY OF THE FOLLOWING CIRCUMSTANCES:

1. THE VEHICLE IS PHYSICALLY INOPERABLE AND IS LEFT UNATTENDED ON A HIGHWAY OR OTHER PUBLIC OR PRIVATE PROPERTY FOR MORE THAN 48 HOURS.

ii. THE VEHICLE IS PHYSICALLY HAS REMAINED ILLEGALLY ON A HIGHWAY OR OTHER PUBLIC PROPERTY FOR A PERIOD OF MORE THAN 48 HOURS.

iii. THE VEHICLE IS LEFT UNATTENDED ON OR ALONG A HIGHWAY OR OTHER PUBLIC OR PRIVATE PROPERTY FOR MORE THAN 48 HOURS AND DOES NOT BEAR ALL OF THE FOLLOWING:

- a. A VALID REGISTRATION PLATE.
- b. A CERTIFICATE OF INSPECTION.
- c. AN ASCERTAINABLE VEHICLE IDENTIFICATION NUMBER.

iv. THE VEHICLE HAS REMAINED ON PRIVATE PROPERTY WITHOUT THE CONSENT OF THE OWNER OR PERSON IN CONTROL OF THE PROPERTY FOR MORE THAN 48 HOURS.

SECTION 4:

Section 132.1 MOTOR VEHICLE NUISANCES PROHIBITED SHALL CONTAIN THE FOLLOWING EXCEPTION WHICH EXCEPTION SHALL BE ADDED TO THE FULLY ENFORCEABLE ORDINANCE AND SHOULD READ AS FOLLOWS:

2. EXCEPTIONS:

VEHICLES AND EQUIPMENT USED OR TO BE USED IN CONSTRUCTION OR IN THE OPERATION OR MAINTENANCE OF HIGHWAYS OR PUBLIC UTILITY FACILITIES, WHICH ARE LEFT IN A MANNER WHICH DOES NOT INTERFERE WITH THE NORMAL MOVEMENT OF TRAFFIC, SHALL NOT BE CONSIDERED TO BE ABANDONED.

SECTION 5.

THIS NEW AMENDED ORDINANCE TAKES PRECEDENT OVER ALL PREVIOUSLY LAWFULLY PASSED ORDINANCES WHICH GOVERN ABANDONED VEHICLES AND MOTOR VEHICLE NUISANCES PROHIBITED.

SECTION 6.

ALL OTHER CHAPTERS OF THE EXETER BOROUGH MOTOR VEHICLE ORDINANCE SHALL REMAIN THE SAME.

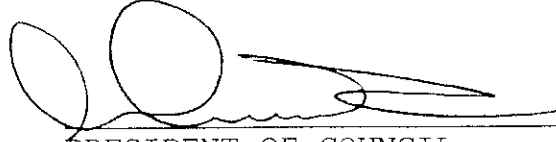
THIS ORDINANCE SHALL TAKE EFFECT 11-6-, 2006.

ORDAINED AND ENACTED INTO LAW THIS 6 DAY OF November 2006.

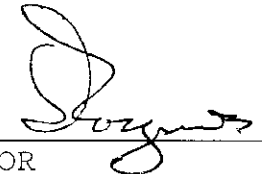
ATTEST:

EXETER BOROUGH COUNCIL

  
BOROUGH SECRETARY

  
PRESIDENT OF COUNCIL

APPROVED THIS 6 OF November, 2006.

  
MAYOR

## ABANDONED VEHICLES

1 plural shall include the singular, and the masculine shall include  
2 the feminine and the neuter.

### 3 4 **132-2. Motor vehicle nuisances prohibited.** *Amended 11-05*

5  
6 It shall be unlawful for any person, owner, or lessee to  
7 maintain a motor vehicle nuisance upon the open private grounds of  
8 such person, owner, or lessee within the Borough. A motor vehicle  
9 nuisance shall include any motor vehicle which is unable to move  
10 under its own power and has any of the following physical defects:

- 11 A. Broken windshields, mirrors or other glass with sharp edges  
12 which could cause laceration.
- 13 B. One or more flat or open tires or tubes which could permit  
14 vermin harborage.
- 15 C. Missing doors, windows, hood, trunk or other body parts  
16 which could permit animal harborage.
- 17 D. Any body parts with sharp edges, including holes resulting  
18 from rust which could cause laceration.
- 19 E. Missing tires, resulting in unsafe suspension of the motor  
20 vehicle which could cause personal injury.
- 21 F. Upholstery which is torn or open, which could permit animal  
22 and/or vermin harborage.
- 23 G. Broken headlamps or tail-lamps with sharp edges which could  
24 cause laceration.
- 25 H. Disassembled chassis parts apart from the motor vehicle  
26 stored in a disorderly fashion or loose in or on the  
27 vehicle which could cause personal injury.
- 28 I. Protruding sharp objects from the chassis which could cause  
29 laceration.
- 30 J. Broken vehicle frame suspended from the ground in an  
31 unstable manner which could cause injury if it fell to  
32 ground.
- 33 K. Leaking or damaged oil pan or gas tank which could cause  
34 fire or explosion.
- 35 L. Exposed battery containing acid which could result in fire,  
36 burn or other injury.
- 37 M. Inoperable locking mechanism for doors or trunk which could

EXETER BOROUGH ORDINANCE  
NO.            of 2005

AN ORDINANCE OF THE BOROUGH COUNCIL OF THE BOROUGH OF EXETER, LUZERNE COUNTY, PENNSYLVANIA AMENDING A PRIOR ORDINANCE WHICH GOVERNS MOTOR VEHICLE NUISANCES WITHIN THE BOROUGH OF EXETER, LUZERNE COUNTY, PENNSYLVANIA 18643.

WHEREAS, AN ORDINANCE AMENDING AND ESTABLISHING A NEW SUB-PART WHICH EXPANDS THE COVERAGE OF PREVIOUSLY PASSED, FULLY EXECUTED ORDINANCE WITHIN THE BOROUGH OF EXETER, LUZERNE COUNTY, PENNSYLVANIA, AND MORE SPECIFICALLY, A MORE DETAILED DESCRIPTION OF THOSE MATERIALS WHICH ARE COVERED BY SAID ORDINANCE.

WHEREAS, THE BOROUGH OF EXETER, HEREINAFTER "BOROUGH", IS DESIROUS OF AMENDING THEIR ABANDONED VEHICLE ORDINANCE BY ADDING SUB-PART U TO CHAPTER 132-2 AND THROUGH SAID SUB-PART EXPANDING THE DEFINITION OF THOSE MATERIALS WHICH ARE GOVERNED BY THE ENFORCEMENT OF THE ABANDONED VEHICLE ORDINANCE.

NOW, THEREFORE, BE AND IT IS HEREBY ENACTED AND ORDAINED BY THE COUNCIL OF THE BOROUGH OF EXETER, LUZERNE COUNTY, PENNSYLVANIA, AS FOLLOWS:

SECTION 1.

CHAPTER 132.2 OF THE EXETER BOROUGH ABANDONED VEHICLE ORDINANCE (MOTOR VEHICLE NUISANCE IS PROHIBITED) WILL BE AMENDED.

SECTION 2.

EXETER BOROUGH WILL AMEND THE ORDINANCE BY ADDING SUB-PART U TO CHAPTER 132.2 OF THE ABANDONED VEHICLE ORDINANCE.

SECTION 3.

CHAPTER 132.2. MOTOR VEHICLE NUISANCES PROHIBITED.

SUB-PART U SHALL INCLUDE, BUT NOT LIMITED TO: FRAMES, DOORS, FENDERS, WINDOWS, WINDSHIELDS, TIRES, RIMS, CAMPER AND UTILITY TOPS, TOOL BOXES, RECREATIONAL VEHICLES. RECREATIONAL VEHICLES WILL INCLUDE BUT NOT LIMITED TO POP-UP CAMPERS, TAG-A-LONG TRAILERS, MOTOR HOMES, MOBILE HOMES, THEIR FRAMES, DOORS, WINDOWS AND TIRES. WATERCRAFT, WATERCRAFT AND UTILITY TRAILERS, MOTORCYCLES, MOTOR SCOOTERS, MOPEDS, GOLF CARS (EXCEPT THOSE IN USE AT A RECOGNIZED FACILITY), ATV'S, MOTORIZED DIRT BIKES.

SECTION 4.

THIS NEW AMENDED ORDINANCE TAKES PRECEDENT OVER ALL PREVIOUSLY LAWFULLY PASSED ORDINANCES WHICH GOVERN ABANDONED VEHICLES AND MOTOR VEHICLE NUISANCES PROHIBITED.

SECTION 5.

ALL OTHER CHAPTERS OF THE EXETER BOROUGH MOTOR VEHICLE ORDINANCE SHALL REMAIN THE SAME.


THIS ORDINANCE SHALL TAKE EFFECT 11-1-, 2005.

ORDAINED AND ENACTED INTO LAW THIS 1 DAY OF Nov, 2005.

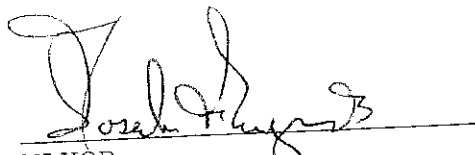
ATTEST:

EXETER BOROUGH COUNCIL

  
BOROUGH SECRETARY

  
PRESIDENT OF COUNCIL

APPROVED THIS 1 OF November 2005.

  
MAYOR

## ABANDONED VEHICLES

1 result in suffocation if vehicle were entered.  
2

3 N. Open or damaged floor boards, including trunk and firewall  
4 which could cause personal injury.  
5

6 O. Damaged bumpers pulled away from the perimeter of vehicle  
7 which could cause laceration or other injury.  
8

9 P. Broken grill with protruding edges which could cause  
10 laceration.  
11

12 Q. Loose or damaged metal trim and clips which could cause  
13 laceration or other injury.  
14

15 R. Broken communication equipment antennae which could result  
16 in personal injury.  
17

18 S. Suspended on unstable supports which could cause injury if  
19 vehicle fell to ground.  
20

21 T. Any other defects which could threaten the health, safety  
22 and welfare of the citizens of the Borough.  
23

### 24 **132-3. Storage of motor vehicle nuisances permitted.** 25

26 Any person, owner or lessee who has one or more motor vehicle  
27 nuisances, as defined in Section 132-2 above, may store such  
28 vehicle(s) in the Borough only in strict compliance with the  
29 regulations provided herein. Such person, owner or lessee must  
30 first apply for a permit for either temporary or permanent storage  
31 and pay a fee to the Borough such as may be provided from time to  
32 time by resolution of Borough Council. The motor vehicle  
33 nuisance(s) must be stored within a garage or other enclosed  
34 building or outside within an opaque fence at least six feet (6')  
35 high, which is locked at all times when unattended. With the  
36 special approval of Borough Council, motor vehicle nuisances may  
37 also be stored outside in an area enclosed by a chain link fence at  
38 least six feet (6') high, screened by shrubbery around the  
39 perimeter to the height of the fence with an unobstructed gate  
40 capable of admitting fire or emergency equipment. Such gate shall  
41 remain locked at all times when unattended. In addition, all gas  
42 and oil or other flammable liquid shall be removed from the motor  
43 vehicle, and it shall be kept free of vermin infestation while  
44 being stored. The total area of storage of motor vehicle nuisances  
45 may not exceed twenty-five hundred (2,500) square feet.  
46

47 Nothing herein shall be construed to permit the storage of  
48 motor vehicle nuisances contrary to the provisions of the Borough  
49 of Exeter's Zoning Ordinance.  
50



## ABANDONED VEHICLES

1       **132-4. Inspection: notice to comply.**  
2

3           A. The Code Enforcement Officer and/or Chief of Police or  
4           their duly appointed representative are hereby empowered  
5           to inspect grounds on which motor vehicles are stored to  
6           determine if there is compliance with the provisions of  
7           this Chapter. If noncompliance with the provisions of this  
8           Chapter constitutes a nuisance, or if any condition,  
9           structure, or improvement poses a threat to the health,  
10          safety and welfare of the public, he shall issue a written  
11          notice to be served by registered or certified mail upon  
12          the owner of said premises, or, if the owner's whereabouts  
13          or identity be unknown, by posting the notice conspicuously  
14          upon the offending premises.  
15

16          B. Said notice shall specify the condition or structure or  
17          improvement complained of and shall require the owner to  
18          commence to remove or otherwise rectify the condition or  
19          structure or improvement as set forth therein within ten  
20          (10) days of mailing or posting of said notice and  
21          thereafter to fully comply with the requirements of the  
22          notice within a reasonable time.  
23

24       **132-5. Authority to remedy noncompliance.**  
25

26           If the owner of grounds on which motor vehicles are stored does  
27           not comply with the notice to abate the conditions within the time  
28           limit prescribed, the Borough shall have the authority to take  
29           measures to correct the conditions and collect the cost of such  
30           corrections plus ten (10%) percent of all costs. The Borough, in  
31           such event and pursuant to its statutory or otherwise authorized  
32           police powers, shall have the right and power to enter upon the  
33           offending premises to accomplish the foregoing.  
34

35       **132-6. Penalties.**  
36

37           Any person who shall violate any provision of this Chapter  
38           shall, upon conviction thereof, be sentenced to pay a fine not more  
39           than three hundred (\$300.00) dollars and/or to undergo imprisonment  
40           for a term not to exceed ninety (90) days. Each day that a  
41           violation of this Chapter continues shall constitute a separate  
42           offense.  
43

44       **132-7. Remedies not mutually exclusive.**  
45

46           The remedies provided herein for the enforcement of this  
47           Chapter or any remedy provided by law shall not be deemed mutually  
48           exclusive. Rather, they may be employed simultaneously or  
49           consecutively at the option of Borough Council.  
50