

**BOROUGH OF WHITE OAK
ALLEGHENY COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2023-15

**AN ORDINANCE OF THE BOROUGH OF WHITE OAK,
COUNTY OF ALLEGHENY, COMMONWEALTH OF
PENNSYLVANIA, REPEALING AND REPLACING PART
11, ARTICLE 1101 OF THE BOROUGH OF WHITE OAK
CODE TO PROHIBIT JUNKED AND ABANDONED
VEHICLES ON PUBLIC OR PRIVATE PROPERTY
WITHIN THE BOROUGH; ESTABLISHING A VEHICLE
RESTORATION PERMIT AND APPLICATION PROCESS;
PROVIDING FOR REQUISITE NOTICES FOR JUNKED
AND ABANDONED VEHICLES IN VIOLATION OF THE
ORDINANCE; PERMITTING TOWING AND STORAGE OF
JUNKED AND ABANDONED VEHICLES; AND
ESTABLISHING VIOLATIONS AND PENALTIES**

WHEREAS, Part 11 (“Health and Sanitation”), Article 1101 (“Abandoned, Wrecked, or Junked Motor Vehicles”) of the Code of the Borough of White Oak currently makes it unlawful for any person to store or keep any abandoned, wrecked, or junked motor vehicle on a property or public street or right-of-way in the Borough; and

WHEREAS, the Council of the Borough of White Oak has concluded that in order to further the health, safety and welfare of its residents, Article 1101 (“Abandoned, Wrecked, or Junked Motor Vehicles”) of the Code of the Borough of White Oak should be updated to prohibit Abandoned and Junked Vehicles on public and private property within the Borough; to establish a vehicle restoration permit and application process; to provide for the requisite notices for junked and abandoned vehicles in violation of the ordinance; to permit towing and storage of junked and abandoned vehicles; and to establish violations and penalties regarding the same; and

WHEREAS, prohibiting the keeping or storing of abandoned and junked vehicles improves the appearance of Borough neighborhoods and prevents any resident safety concerns that could be caused by abandoned or junked vehicles languishing on property in the Borough; and

NOW THEREFORE, BE IT ORDAINED AND ENACTED and IT IS HEREBY ORDAINED AND ENACTED by the Council for the Borough of White Oak, Allegheny County, Pennsylvania, as follows:

SECTION 1

Part 11 (“Health and Sanitation”), Article 1101 (“Abandoned, Wrecked, or Junked Motor Vehicles”) of the Code of the Borough of White Oak is hereby repealed in its entirety and replaced with the following:

§1101.1 Definitions.

For the purpose of this article, the following terms, phrases, words and their derivations shall have the meanings given herein:

ABANDONED VEHICLE - Any vehicle, motor vehicle, or trailer, other than a pedalcycle, shall be presumed to be abandoned under one or more of the following circumstances, but the presumption is rebuttable by preponderance of the evidence:

- A. It is physically inoperable, and is left unattended on a highway or other public or private property for more than 48 hours.
- B. It has remained illegally on a highway or other public property for more than forty-eight (48) hours.
- C. It is left unattended on or along a highway or other public or private property for more than forty-eight (48) hours and does not bear the following:
 - (i) A valid registration plate;
 - (ii) A valid certificate of inspection; or
 - (iii) An ascertainable vehicle identification number
- D. It has remained on private property without consent of the owner or person in control of the property for more than forty-eight (48) hours.

BOROUGH - The Borough of White Oak.

ENCLOSED GARAGE - A permanent structure designed for the storage of vehicles, motor vehicles, or trailers that has four (4) walls and a roof with a vehicle access door with or without windows or other doors. Carports, tents, canopies, vehicle covers, tarpaulins and any other type of temporary structures are not considered and enclosed garage.

ENCLOSED BUILDING - A permanent structure with four (4) walls and a roof that is designed to permit vehicles, motor vehicles, or trailers to access the interior by means of a vehicle access door, such as warehouses, self-storage facilities and similar structures.

INOPERABLE - As applied to vehicles, motor vehicles, and trailers under this chapter:

- A. A vehicle, motor vehicle, or trailer that does not have a current registration plate, a current inspection sticker, or when applicable, an ascertainable vehicle identification number; or
- B. A vehicle, motor vehicle, or trailer that does not have the required number of wheels or tires, does not have one or more of its doors or windows, does not have an engine or does not have a battery or lacks any part which is necessary to self-propel.

JUNKED VEHICLE - Any vehicle motor vehicles, or trailers which is no longer in actual use as a vehicle or is wholly unfit to be operated or has been discarded for use or has been partially or wholly dismantled or otherwise abandoned.

MOTOR VEHICLE - Any type of mechanical device, propelled by a motor, in which persons or property may be transported upon public street or highways. Including, but not limited to, automobiles, trucks, buses, motorhomes, motorized campers, motorcycles, motor scooters dune buggies and other off-the-road vehicles, trailers or semi-trailers pulled thereby.

PERSON - Includes both natural and artificial persons, associations, partnerships, firms or corporations. When used in the clause imposing a fine or imprisonment, the term "person" as applied to a partnership or association shall mean any member thereof, and as applied to a corporation shall mean the president, vice president, secretary, treasurer or other high managerial agent thereof. The term shall also include all owners of the property on which a violation occurs, including co-owners, a husband and wife, as well as joint owners. Both an owner and a tenant are jointly responsible for compliance with the terms of this article if the owner knowingly allows the premises to be used for a prohibited purpose.

PRIVATE PROPERTY - Real property which belongs to or is owned, controlled or used by any person, association, partnership, firm or corporation, whether owned or leased and not constituting public property. For purposes of this article, the term shall also include that portion of any public right-of-way adjacent to the property line which is not improved with a cartway for public travel.

PUBLIC PROPERTY - Real property which is owned by a municipal or governmental entity, though not necessarily a place devoted solely to the uses of the public, but shall include any public street, private street, highway, road, alley, bridge, park, playground, vacant lot, stream, creek, public building or similar place within the Borough of White Oak which is open to the public or to which the public or a substantial group has access.

TRAILER - An unpowered single or multiple axel structure mounted on wheels that is drawn by a vehicle or motor vehicle and used as a means of carrying, hauling, or conveying any vehicle, person, animal, boat or other object.

VEHICLE - Every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, except devices used exclusively upon rails or tracks. The term does not include a self-propelled wheel chair or an electrical mobility device operated by and designed for the exclusive use of a person with a mobility related disability.

VEHICLE ACCESSORIES - Any part or parts of any vehicle or motor vehicle, including but not limited to bumpers, doors, fenders, tires, windows or windshields, motors, transmissions, axles or suspension frames, chassis, or any other component of a vehicle which is either wrecked, discarded, dismantled, partially dismantled or inoperative as well as including pieces or portions thereof.

§1101.2 Abandoned Vehicles Prohibited.

It shall be unlawful for any person to cause a vehicle or vehicle accessories to be abandoned upon any public or private lands within in the Borough of White Oak or upon any public street, EXCEPT, that nothing herein contained shall be deemed to prohibit any person from parking or repairing a vehicle upon private or public property where authorized under the laws of the Commonwealth of Pennsylvania or the laws of the Borough of White Oak, and nothing shall be

deemed to prohibit the placing, keeping or storing of any vehicle within a completely enclosed garage or other enclosed building or the premise of a business enterprise operated in a lawful place and manner when necessary to the operation of such business enterprise. Such business enterprises shall include auto repair and body shops, but shall not include tire, battery, and accessory sales stores.

§1101.3 Junked Vehicles Prohibited.

It shall be unlawful for any person to place or keep any junked vehicle or vehicle accessories on any public or private lands within the Borough or upon any public street. EXCEPT, that nothing herein contained shall be deemed to prohibit any person from parking or storing of a junked vehicle within a completely enclosed garage or other enclosed building or within the storage yard of a licensed junkyard or salvage yard or the premise of a business enterprise operated in a lawful place and manner when necessary to the operation of such business enterprise. Such business enterprises shall include auto repair and body shops, but shall not include tire, battery, and accessory sales stores.

§1101.4 Repair of Vehicles, Motor Vehicles, or Trailers.

- A. No person shall repair a vehicle, motor vehicle, or trailer upon a public street, except in cases of emergency, where such repair:
 - (i) Disrupts the normal flow of traffic.
 - (ii) Causes damage to the public street.
 - (iii) Results in gas, oil or fluid spillage upon the public street, creating an unsafe condition.
 - (iv) Creates any otherwise unsafe condition.
 - (v) No person shall leave a vehicle, motor vehicle, or trailer on a jack, jack stand, floor jack, blocks or other device or means that elevates the vehicle off of the ground.
- B. No person shall repair a vehicle, motor vehicle, or trailer upon any private property, where such repair
 - (i) Results in gas, oil or fluid spillage that drains onto a public sidewalk or street, creating an unsafe condition.
 - (ii) No person shall leave a vehicle, motor vehicle, or trailer on a jack, jack stand, floor jack, blocks or other device or means that elevates the vehicle off of the ground.

§1101.5 – Investigation of Premises.

The Borough Code Enforcement Officer or a member of the Borough Police Department is authorized to conduct routine inspections and is authorized to enter upon private property upon receipt of a complaint to investigate a suspected abandoned or junked vehicle or vehicle accessories stored or maintained in violation of this ordinance and record the make, model, style and identification numbers, its situation and condition and to post the required notice, described in section 1101.6, upon any said abandoned or junked vehicle.

§1101.6 – Removal Required; Notice; Failure to Comply.

All abandoned or junked vehicles shall be removed by the owner thereof or by the owner or occupant of the private property on which the said vehicle is abandoned or junked. Upon the failure of the owner or operator of any abandoned or junked vehicle or the owner or occupant of the private property to remove the same within forty-eight (48) hours after receiving a notice from the Borough Code Enforcement Officer or a White Oak Borough Police Officer, such notice being given by posting on the abandoned or junk vehicle a forty-eight (48) hour towing notice White Oak Borough may remove the same or cause the same to be removed.

§1101.7 – Failure to Remove Vehicle.

If the owner of a vehicle fails to remove the abandoned or junked vehicle as set forth in section 1101.6, the said vehicle owner shall be subject to the penalties provided in this ordinance. If the owner or occupant of such private property fails to remove the abandoned or junked vehicle as set forth in section 1101.6, the said owner or occupant shall also be subject to the penalties provided in this ordinance.

§1101.8 –Vehicle Restoration Permit.

Any person, owner or lessee who has one vehicle as defined in sections 1101.2 and 1101.3 above may store such vehicle in the Borough only in strict compliance with the regulations provided in this section. Such person, owner, or lessee must first apply for a vehicle restoration permit for the temporary outdoor storage of the vehicle and pay a fee to the Borough such as may be set from time to time by resolution of the Council for the Borough of White Oak. Vehicles, motor vehicles, or trailers that have been issued a vehicle restoration permit may be stored outside under the following conditions:

- A. Must have a valid restoration permit for the vehicle being restored.
- B. Must be covered by a cover that is designed to fit that type of vehicle and be in good repair and kept clean. Carports, tents, canopies, tarpaulins and any other type of temporary structures are not considered proper vehicle covers.
- C. A vehicle, motor vehicle, or trailer stored within a front yard shall only be permitted to be stored on an existing driveway. Storage on unimproved or grassy areas within a front yard shall be prohibited.
- D. A vehicle, motor vehicle, or trailer stored in a rear yard shall be stored no closer than 10 feet from a side or rear property line and must be stored on an improved surface.
- E. A vehicle, motor vehicle, or trailer shall be kept free of vermin infestation while being stored.
- F. Storage of parts or accessories on or around the vehicle, motor vehicle or trailer shall be prohibited.
- G. The vehicle, motor vehicle, or trailer must not be a health hazard, potential health hazard or nuisance in the opinion of the inspecting official.

Nothing herein shall be construed to permit the storage of vehicles contrary to the provisions of the Borough Zoning Ordinance.

Upon filing an application for a vehicle restoration permit, the Borough Code Enforcement Officer shall inspect the site where the vehicle is to be stored to confirm that storage of the vehicle complies with all of the required provisions before the issuance of a permit as set forth herein. After approval of the application and payment of the required fee, a permit shall be issued for a period of 12 months from the date of issuance.

No more than one (1) restoration permit shall be permitted at a single property.

Restoration permits are not transferrable from vehicle to vehicle, person to person or from one property to another property.

§1101.9 – Vehicle Restoration Permit Renewal.

Each vehicle restoration permit may be renewed once for an additional 12-month period. However, applicant must submit an application for renewal and must pay the required fees as may be set from time to time by resolution of the Council for the Borough of White Oak. The Borough Code Enforcement Officer will also conduct an additional inspection to confirm that the vehicle is currently undergoing restoration or repairs and complies with the requirements set forth in this ordinance.

§1101.10 – Vehicle Restoration Permit Revocation.

A vehicle restoration permit may be revoked by the Borough if the permitted vehicle is being stored contrary to any of the provisions of this ordinance. Upon notice from the Borough of the revocation of a vehicle restoration permit, the permittee shall have five (5) days to bring the vehicle into compliance or remove said vehicle from the property, or it shall be considered a violation of this ordinance.

§ 1101.11 – Violations and Penalties.

Any person in violation of this ordinance shall be cited by the Borough Code Enforcement Officer or a member of the Borough Police Department and, upon conviction by a District Justice, be sentenced to pay a fine not in excess of \$500 and costs of prosecution per day for each and every offense. Each day that a violation continues shall constitute an additional violation.

§1101.12 - Liability of Borough.

No officer, person, contractor, or agent of the Borough acting under and pursuant to this Article shall be held personally liable or responsible for the removal of any abandoned or junked motor vehicle, nor for the taking or destruction of private property in connection with its enforcement.

§1101.13 - Judicial Relief.

If the Borough shall deem it necessary to abate a nuisance or nuisances under this article, nothing herein shall prevent the Borough of White Oak from instituting proceedings and seeking relief in the courts of equity to abate said nuisance or nuisances.

SECTION 2 - REPEALER

As of the effective date of this Ordinance, all ordinances currently in existence are repealed to the extent that such ordinances are inconsistent with the provisions of this Ordinance.

SECTION 3 - SEVERABILITY

The provisions of this Ordinance are severable. If any section, sentence or clause of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining sections, sentences or clauses of this Ordinance.

SECTION 4 - EFFECTIVE DATE


This Ordinance shall become effective upon enactment by the Council of the Borough of White Oak.

ORDAINED AND ENACTED this 15th day of May, 2023.


ATTEST:

BOROUGH OF WHITE OAK


John Palyo
Borough Manager


Charles D. Davis
President of Council

EXAMINED AND APPROVED by me this 15th day of May 2023.


Ina Marton
Mayor

APPROVED AS TO FORM:


Ashley J. Puchalski, Esquire
Solicitor