

PARADISE TOWNSHIP, YORK COUNTY
PENNSYLVANIA

ORDINANCE NO. 2010-04

AN ORDINANCE OF PARADISE TOWNSHIP AMENDING THE PARADISE
TOWNSHIP CODE OF ORDINANCES, CHAPTER 10, PART 2, KNOWN AS
STORAGE OF ABANDONED OR JUNKED MOTOR VEHICLES, AS AMENDED.

NOW THEREFORE BE IT ENACTED AND ORDAINED AS FOLLOWS:

SECTION 1: Section 204 of Chapter 10, Part 2 of the Paradise Code of Ordinances, shall be amended to read as follows:

“The failure of any motor vehicle to bear a current State registration or a current official State inspection emblem shall be prima facie evidence that such motor vehicle is an abandoned motor vehicle and a junk motor vehicle, except that each deeded property shall be allowed one (1) motor vehicle having legal Pennsylvania title for restoration or hobby purposes and State inspection or registration tags shall not be required. Any other non-inspected or non-registered vehicles shall be allowed only if in a fully enclosed building.”

SECTION 2: REPEALER. The passage of this Ordinance shall in no way be deemed to invalidate or repeal any provisions of any ordinance except as specifically provided for herein.

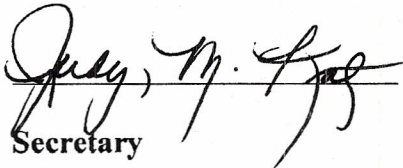
SECTION 3: SEVERABILITY. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and an independent provision, and such holding shall not affect the validity of the remaining portions hereof. It is hereby declared to be the intent of the Board of Supervisors that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid section, subsection, sentence, clause, phrase or portion not been included herein.

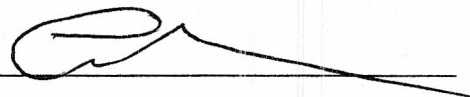
SECTION 4: EFFECTIVE DATE. This Ordinance shall become effective five (5) days after the adoption thereof.

ENACTED AND ORDAINED, this 14th day of June 2010.

Attest:

**PARADISE TOWNSHIP BOARD
OF SUPERVISORS**


Secretary

By: 
Chairman

Part 2 - AMENDED 2009-1

Storage of Abandoned or Junked Motor Vehicles

§201. Definitions. The following words and phrases when used in this Part 2 shall, for the purpose of this Part 2, have the following meanings, respectively, except in those instances where the context clearly indicates a different meaning:

ABANDONED MOTOR VEHICLE - a motor vehicle, or parts thereof, which has been voluntarily relinquished by its owner, with the intention of terminating his ownership, possession and control, without resting ownership in any other person.

JUNKED MOTOR VEHICLE - any motor vehicle, or parts thereof, not in running condition left or stored in the open, and not in such an enclosure as is reasonably calculated to prevent children from playing on or about such motor vehicle.

MOTOR VEHICLE - any vehicle which is self-propelled and also any trailer or semi-trailer designed for use with such vehicles.

(Ord. 1972-2, 10/2/1972, §1)

§202. Unlawful to Abandon a Motor Vehicle for Certain Period of Time. 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 Paradise Township, York County, Pennsylvania, any abandoned motor vehicle or junked motor vehicle for a period longer than fifteen (15) days. (Ord. 1972-2, 10/2/1972, §2)

§203. Requirements for a Abandoned Motor Vehicle. The following acts or circumstances shall be prima facie evidence that a motor vehicle is an abandoned motor vehicle:

1. Failure to move any motor vehicle disabled by reason of an accident for a period of fifteen (15) days from the date of said accident, or
2. The leaving of a motor vehicle that is inoperable on public property, unattended for a period of more than fifteen (15) days or,
3. A motor vehicle that has remained illegally on public property for a period of more than fifteen (15) days or,
4. 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.

(Ord. 1972-2, 10/2/1972, §4)

§204. Failure of Any Motor Vehicle to Bear State Registration. The failure of any motor vehicle to bear a current State registration and/or a current official State inspection emblem shall be prima facie evidence that such motor vehicle is an abandoned motor vehicle and/or a junk motor vehicle, except that each deeded property shall be allowed one (1) motor vehicle having a legal Pennsylvania title for restoration or hobby purposes and State inspection or registration tags shall not be required, providing .

the said vehicle is stored in the rear yard area, covered or protected by a barricade or fence, so that children cannot play on or around said vehicle. (Ord. 1972-2, 10/2/1972, §5; as amended by Ord. 91-6, 11/4/1991, §1)

§205. Authority of Police Officer. 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 said 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. Such police officer shall immediately notify the owner or reputed owner of said 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. (Ord. 1972-2, 10/2/1972, §6)

§206. If Abandoned Motor Vehicle Is Not Claimed. 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 §205 above, or in the event that the identify 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 its name and the motor vehicle disposed of as provided in "The Vehicle Code". (Ord. 1972-2, 10/2/1972, §7)

§207. Penalty for Violation.¹ In addition to the costs of removal and storage, which are hereby placed on the owner of such abandoned motor vehicle or junked motor vehicle, any person, or any officer of any partnership, firm, association or corporation who shall violate any provision of this Part shall, upon being found liable thereof in a civil enforcement proceeding commenced by Paradise Township, pay a fine not exceeding one hundred (\$100.00) dollars for the first such offense, or a fine of not more than three hundred (\$300.00) dollars for the second such offense, or a fine of not more than six hundred (\$600.00) dollars for each succeeding offense, plus all court costs, including reasonable attorney's fees incurred by Paradise Township. Northern York County Regional Police Department, the appropriate enforcement officers of Paradise Township, or other appropriate officer or officers of Paradise Township shall have the power to enforce the provisions of this Part. The amount of the fine imposed for the violation of this Part shall be established by the officer who determines that a violation has occurred. Notice of the violation of the Part and the amount of the fine imposed shall be given by personal delivery or by certified mail to the person or entity violating the Part. If the person or entity violating the Part fails or refuses to pay the fine imposed within the period specified within the notice of the violation of the ordinance, the Township, or an officer thereof, shall file a civil enforcement proceeding with the district justice of the peace to enforce the fine imposed. Any violation of this Part shall be deemed a separate offense for each and every day such violation shall continue and shall subject the violator thereof to the penalties above imposed for each and every separate offense. (Ord. 1972-2, 10/2/1972, §8; as amended by Ord. 1989-1, 8/7/1989; and by Ord. 1996-3, 11/11/1996, §2)

¹Editor's Note: Please see Chapter 1, Part 6, "Criminal Enforcement Amendments."