

ORDINANCE NO. 2 - 2025

AN ORDINANCE OF THE BOROUGH OF ROCKWOOD  
ON JUNKED, ABANDONED, AND ILLEGALLY PARKED VEHICLES,  
DEFINING AND PROVIDING  
FOR THE TOWING AND IMPOUNDING OF SUCH VEHICLES

WHEREAS, it has been deemed by Rockwood Borough (the "Borough") that the maintenance of junked, abandoned, and illegally parked vehicles constitutes a public hazard and nuisance, and regulations are necessary for the preservation of public health, welfare, and safety.

Therefore, be it ORDAINED and ENACTED by the Council of the Borough, and it is hereby ORDAINED and ENACTED by the authority of said Council as follows:

SECTION 1. SHORT TITLE:

This Ordinance may be referred to as the "Rockwood Borough Junked, Abandoned, and Illegally Parked Vehicle Ordinance."

SECTION 2. PURPOSE:

Rockwood Borough Council recognizes and finds that the accumulation of junked vehicles, abandoned vehicles, or illegally parked vehicles constitutes and creates a hazard or threat or potential threat to the health, safety, and welfare of the borough citizens because such accumulations may provide a breeding area for rodents and vermin, and because such accumulation provides an attractive nuisance for children who may be unaware of dangers involved nearby; and further because illegally parked vehicles create

a danger to all citizens, for various reasons.

### SECTION 3. DEFINITIONS:

1. Mobile Home: A trailer, including manufactured homes or parts of manufactured homes, which was designed and/or is used exclusively for living quarters, for storage purposes, or for any other such residential or commercial purposes, which exceeds the maximum size limitations for operation on a highway as prescribed by the law of the Commonwealth, and is only incidentally operated on a highway, and which may be towed on its own running gear and temporarily or permanently affixed to real estate, by placement on blocks, foundation or similar construction; provided that for the purposes of this ordinance, "mobile home" shall not apply to a mobile home which is affixed to real property and has had its certificate of title canceled pursuant to 75 Pa.C.S.A. §1140(a).

2. Person: includes any natural person, firm, partnership, association, corporation, or other legal entity of whatever kind.

3. Private Property: means any real property not owned by the federal government, state, county, school district, or other political subdivisions.

4. Public Nuisance: the unsheltered storage of a junked vehicle as otherwise defined in this Ordinance which constitutes a hazard or threat or potential threat to the health, safety, or welfare of the Borough's citizens.

5. Removal: the physical location or relocation of a vehicle to an authorized

location.

6. Trailer: any wheeled device used as a means of carrying, hauling, or conveying any vehicle, person, animal, boat, watercraft, or any other object.
7. Unsheltered Storage: any storage except storage inside a building.
8. Vehicles: Any conveyance which may be used for towing or for transporting passengers or materials, including but not limited to, automobiles, trucks, buses, motor homes, motorized campers, motorcycles, motor scooters, tractors, snowmobiles, dune buggies, all-terrain vehicles, boats, watercraft, and all other vehicles whether intended for use on the public roadways or otherwise, and further including but not limited to mobile homes as further defined above, except that "vehicle" shall not include a conveyance which is solely designed and intended to be moved by human power.

A. Abandoned Vehicle:

- (1) Any vehicle which is physically inoperable and which is left unattended upon a highway, or street or alley of the borough, or any other public property, for more than 48 hours.
- (2) Any vehicle which has remained illegally on any highway, or street or alley of the borough, or any other public property, for more than 48 hours.
- (3) Any vehicle which has remained on private property without the consent of the owner or person in control of the property for more than 24 hours.

- (4) Any vehicle of unknown ownership left upon a street or alley of the borough, or on private property, for five (5) consecutive days without being removed by its owner or any other person duly authorized to do so.
- (5) Any wrecked vehicle;
- (6) Any vehicle not capable of being moved under its own power, provided such vehicle was originally designed and intended to be moved under its own power;
- (7) Any vehicle which in its original or intended state had tires, with a deflated tire or tires or without a tire or tires, or upon blocks or jacks;
- (8) Any vehicle which is required to have a current registration plate or inspection sticker which does not have the required registration plate or inspection sticker.
- (9) Any vehicle with broken glass, or which in any other way, in the discretion of the enforcement officer constitutes a safety hazard, including but not limited to safety hazards resulting from rust, peeling paint, and other such potentially harmful forms of deterioration, and/or a condition fostering the habitation of rodents, vermin, or insects.

B. Illegally Parked Vehicle: Any vehicle which has been left unattended



in situations as listed in Section 9.

C. Junked Vehicle: a vehicle which has been partially dismantled, or is not used, not usable, or wrecked and which cannot safely or legally be operated on the streets or highways of this Borough or the Commonwealth, or which otherwise cannot be safely or legally operated. For purposes of this ordinance, the application of the terms "used" or "usable," shall not include a use which is solely for the storage of other items, including household, commercial, or business items.

9. Vehicle Accessories: Any part or parts of a vehicle.

SECTION 4. PROHIBITED ACTS IN REGARD TO ABANDONED OR JUNKED VEHICLES:

1. No person shall maintain or permit to be maintained a junked or abandoned vehicle, or vehicle accessories, which create a hazard or threat or potential threat to the health, safety, and welfare of the borough citizens or to store or permit any such vehicle accessories to remain in unsheltered storage on any private property or public street or highway within the borough for a period of more than five (5) days after notice has been given, pursuant to the provisions of this Ordinance; and it shall be further unlawful for any person owning any private property in the borough or leasing such property to store or permit to remain upon said property any such vehicles or accessories for more than the like period of time.

2. It shall be further unlawful for any person, after notification to remove any junked or abandoned vehicle or vehicle accessories causing a public nuisance hereunder from any private property after notice has been given, to move the same to any other private property upon which such storage is not permitted or onto any public highway or other public property for the purposes of continued storage.

SECTION 5. NOTICE TO REMOVE and NOTICE OF VIOLATION:

Whenever a condition constituting a nuisance under this Ordinance is permitted or maintained in the Borough in violation of this Ordinance, an agent of the Borough designated for the enforcement of this Ordinance shall cause written notice to be served upon the owner of the property and/or the person or persons causing or permitting the said nuisance, which notice shall require the owner or other person to eliminate the nuisance within 5 days, unless further extension is agreed upon between the owners or other person and the Borough, in one of the following manners:

- (A) By making personal delivery of the notice to the owner of the vehicle, if known; and/or the owner of the property on which the vehicle is located, if applicable;
- (B) By handing a copy of the notice at the residence of the owner of the vehicle (if known) and/or the owner of the property on which the vehicle is located, to an adult member of the family with which he resides, but if no adult member of the family is found, then to an adult person in charge of such residence;
- (C) By fixing a copy of the notice to the door of any structure of any premises on which the violation is occurring;
- (D) By fixing a copy of the notice to the vehicle which is the subject of the violation;

- (E) By mailing a copy of the notice to the last known address of the owner of the vehicle, if known; and/or the owner of the property on which the vehicle is located, if applicable, by certificate of mailing; or
- (F) By publishing one (1) copy of the notice in a local newspaper of general circulation within Somerset County, Pennsylvania.

Such notice shall provide at least as follows:

1. The nature of the complaint.
2. A description of the location of the vehicle or vehicle accessories in question.
3. A statement that the same shall be removed from the premises no later than five (5) days from the date of notification.
4. A statement that the removal from the location specified in the notification to another location in the Borough upon which storage is also prohibited shall subject the person to additional penalties.
5. A statement that if removal is made within the time limit specified, notification of the removal should be given to the enforcing agent of the Borough.
6. A statement that noncompliance may result in criminal penalties, fines, civil liability or sanctions, costs, and fees; and that this Ordinance should be referenced for a complete description of potential penalties.

#### SECTION 6. ENFORCEMENT ALLOWED WITHOUT NOTICE:

In the event that the whereabouts of any owner of the vehicle, or a person owning or in charge of the premises on which it is located, cannot be determined by the

Borough's enforcing agent; or where the owner of the vehicle or real property owner fails to heed the notice and the continued presence of the vehicle upon public or private property constitutes a safety hazard---then, in the discretion of the Borough's enforcing agent, the enforcing agent of the Borough may have said vehicle removed consistent with the provisions of this Ordinance.

#### SECTION 7. TOWING OF ILLEGALLY PARKED VEHICLES:

The enforcing agent of the Borough is hereby authorized to remove and tow away, or have removed and towed away by a commercial towing service, any vehicle illegally parked in any place where such parked vehicle creates or constitutes a traffic hazard, blocks the use of a fire hydrant, obstructs or may obstruct the movement of any emergency vehicle, or is on Borough property or other public property. Borough Council may also, by appropriate motion, declare certain parking areas or streets to be "tow away zones." Such vehicles found in a tow away zone that has been marked by appropriate signs notifying the public of the existence of a "tow away zone" may be removed. Additionally, the enforcing agent of the Borough is authorized to remove and tow away, or have removed and towed away by a commercial towing service, any vehicle which constitutes a safety hazard or which obstructs or interferes with traffic flow or which has the ordinary effect of impeding or interfering with the adequate cleaning of streets or removal and plowing of snow by the Borough.

SECTION 8. TOWING OF JUNKED OR ABANDONED VEHICLES:

No person shall leave on any public street or alley or other public property any junked or abandoned vehicle as herein defined. The enforcement officers are hereby authorized to remove or tow away---or have removed and towed away by commercial towing services---any such vehicles which have not been properly removed after notice to the owner or person in charge.

SECTION 9. PENALTIES FOR TOWED VEHICLES:

A. Impoundment: Vehicles towed for any reason shall be stored in an impoundment area property designated by Borough Council, or in an area designated by a commercial tower (in the case of a commercial tower), and shall be restored to the owner or operator upon payment of all costs of towing and storing, plus an additional charge to the borough, as may be from time-to-time established by resolution of Council as an administrative fee for the costs of towing. Any such charges shall be in addition to any fines for the violations of this Ordinance or any Vehicle Code violations; and any additional costs of removal, towing, and storage shall be a matter to be resolved between the commercial towing service and the owner.

B. Summary Offense: The Borough may, in its discretion, pursue enforcement against any person who fails to comply with this Ordinance, as aforesaid, shall be by action brought before a magisterial district judge in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure.

The fine shall be in an amount of One Thousand and 00/100 (\$1,000.00) Dollars for each violation. Additionally, imprisonment may be imposed to the extent allowed by law for the punishment of summary offenses. Any person or entity found guilty of violating this Ordinance may be assessed court costs and reasonable attorney fees incurred by the Borough in any enforcement proceedings. Any penalty imposed in a summary prosecution shall be in addition to any costs or payment made for enforcement charges or administrative charges. Each day the violation of this Ordinance occurs, continues, or is permitted to continue, will constitute a separate offense for which a separate fine and related penalties as referenced above may be imposed.

C. Civil Claim: The Borough may, in its discretion, pursue enforcement against any person who fails to comply with this Ordinance, by filing a civil action for either legal or equitable relief, including any form of damages collectible at law or in equity, before a magisterial district court or in the Court of Common Pleas or any other court of competent jurisdiction, to include recover of costs and expenses as otherwise noted in this Ordinance.-

D. Civil Penalty: In addition to any remedies available to the Borough under any other section or subsection of this Ordinance, the Borough shall be entitled to collect a civil penalty from any person not complying with this Ordinance at the rate of Twenty-five (\$25.00) Dollars per day for each day after notice has been given of any violation of this Ordinance for which any person subject to this Ordinance remains noncompliant. This civil penalty may be enforced against the owner of the vehicle or the owner of real



property (as may be relevant) by any agent of the Borough having enforcement authority pertinent to this Ordinance, by the delivery to the person violating the Ordinance of a ticket indicating the amount of the civil penalty. In the event that the Borough pursues a civil claim to enforce this ordinance against any person receiving any such ticketed civil penalty, the amount recoverable shall be at least the total value of all pertinent civil penalty tickets issued for violation of the Ordinance, along with any other applicable penalties or costs associated with the violation or violations, under this Ordinance.

E. Municipal Lien: If a real property owner permits or causes said property to be maintained in violation of this Ordinance, the Borough may, after providing the owner with written notice under this Ordinance, correct the matter pertinent to this Ordinance, in addition to or exclusive of any legal or equitable action to recover the costs and expenses to the Borough for any such action by the Borough, place a municipal lien on such real property associated with a violation.

F. No Remedy Shall be Exclusive: The choice by the Borough to initiate any summary proceedings against any person, firm, partnership, corporation, or other entity, who or which fails to comply with the terms of this Ordinance, nor the initiation of any other form of enforcement of this ordinance, to include civil claim, civil penalty, or municipal lien, shall not serve as the exclusive remedy or means of enforcement of this Ordinance, and the Borough retains all rights provided by law to pursue other remedies including actions in equity or otherwise in the Magisterial District Court, Court of Common Pleas, or any other court of competent jurisdiction.

G. Costs and Fees Assessable: In the event that legal proceedings are necessary to enforce this Ordinance, the Borough shall be allowed to recover, reasonable counsel fees, in addition to all other legal costs and expenses associated with enforcement which may be legally collectible.

#### SECTION 10. ENFORCEMENT: AUTHORITY

(A) In the event that there is established a Borough Police Department, or a municipal police department with jurisdiction in the Borough by intermunicipal agreement, this Ordinance shall be enforced by said officers; and/or by an enforcement officer appointed by proper resolution of Borough Council. It is the specific intention of Borough Council that enforcement may be conducted both by the Borough Police Department and by a duly appointed enforcement officer, in the discretion of Council.

(B) Enforcement with regard to towing, as referenced in Sections 6, 7, and 8, above, a determination that a vehicle is in violation and subject to towing may be made by either action of Borough Council; or, additionally or alternatively, Council may take action to designate or undesignate the Mayor to have discretion to enforce as to those said sections.

(C) Enforcement may be by any action as referenced in Section 9, Penalties and Remedies, above; or as otherwise herein referenced.

(D) The designated agent of the Borough for enforcement of this ordinance shall have a entry upon and into the property of any property owner subject to this Ordinance as

follows:

(1) In the event that the Borough opts, through its designated agent, to pursue enforcement under this Ordinance as a filing of a citation and action before a magisterial district judge as a summary offense, prior to the filing of any such action, if the designated agent of the Borough has the requisite probable cause to do so, said designated enforcing agent of the Borough may apply before a court of competent jurisdiction for a search warrant for the purposes of seeking and/or gathering evidence pertinent to a violation of this Ordinance and the pursuit of any such citation.

(2) In the event that the Borough opts to pursue enforcement under this Ordinance by filing a civil claim, the Borough may explicitly file such a claim in law and in equity for purposes of seeking a preliminary injunction, pre-complaint discovery, or other such civil or equitable relief permitted by any relevant civil procedural rules, regulations, or caselaw, for the purposes of enjoining further violation of this Ordinance, or for purposes of seeking and/or gathering evidence pertinent to pursuit of a civil claim for violation of this Ordinance.

#### SECTION 11. SEVERABILITY AND REPEALER:

If any parts or sections of this Ordinance are adjudicated to be unconstitutional, illegal, or invalid by a court of appropriate jurisdiction, then each and every other part and element shall remain in full force and effect, it being the intention of the Borough to

have enacted this Ordinance even without the inclusion of any such parts or provisions held to be unconstitutional, illegal or invalid. Any parts of any Ordinances which are specifically inconsistent with the terms of any prior Ordinance concerning the same subject matter are hereby superseded, only to the extent that they contradict any term of this Ordinance.

SECTION 12. HEADINGS:

Section headings set forth in this Ordinance are merely for convenience purposes, and they shall not be taken to govern or limit the scope of sections set forth in this Ordinance.

SECTION 13. EFFECTIVE DATE:

This Ordinance shall be effective upon enactment.

Attest:

ROCKWOOD BOROUGH COUNCIL

Caryn Lomasky  
Borough Secretary

By Mike Hutchison Mike Hutchison  
President of Council Acting Chairperson

APPROVED this 15 day of July, 2025.

Mark Conner  
Mayor