

**CODE OF THE BOROUGH OF MALVERN, PENNSYLVANIA / PART II, GENERAL  
LEGISLATION / Chapter 196, VEHICLES, ABANDONED**

**Chapter 196, VEHICLES, ABANDONED**

[HISTORY: Adopted by the Borough Council of the Borough of Malvern 11-19-2002 by Ord. No. 2002-6. Amendments noted where applicable.]

**GENERAL REFERENCES**

**Vehicles and traffic -- See Ch. 200.**

**CODE OF THE BOROUGH OF MALVERN, PENNSYLVANIA / PART II, GENERAL  
LEGISLATION / Chapter 196, VEHICLES, ABANDONED / § 196-1. Purpose.**

**§ 196-1. Purpose.**

It is the purpose of this chapter to regulate the deposit, storage, maintenance, parking or accumulation of abandoned vehicles for the following reasons:

- A. The accumulation of abandoned vehicles poses a danger to the health, safety, and welfare of the citizens of the Borough.
- B. Abandoned vehicles provide a harbor and breeding area for rodents, insects and other animals.
- C. Abandoned vehicles create an attractive nuisance for children.
- D. The accumulation of abandoned vehicles on a property constitutes the maintenance of a junkyard thereon.

**CODE OF THE BOROUGH OF MALVERN, PENNSYLVANIA / PART II, GENERAL  
LEGISLATION / Chapter 196, VEHICLES, ABANDONED / § 196-2. Title.**

**§ 196-2. Title.**

This chapter shall be known as the "Borough of Malvern Abandoned Vehicles Ordinance."

**CODE OF THE BOROUGH OF MALVERN, PENNSYLVANIA / PART II, GENERAL  
LEGISLATION / Chapter 196, VEHICLES, ABANDONED / § 196-3. Definitions.**

**§ 196-3. Definitions.**

For purposes of this chapter, the terms set forth herein are defined as follows:

**ABANDONED VEHICLE**

- A. Any vehicle that requires a registration tag to be lawfully operated on the street, including, but not limited to, a car, truck, motorcycle, trailer, recreational vehicle or camper, but which vehicle is not displaying a current state inspection and registration tag; or
- B. Any vehicle that does not necessarily require a current registration tag to be lawfully operated, such as a boat, snowmobile, farm equipment or all-terrain vehicle, but which vehicle is disabled, discarded, wrecked, junked or inoperative. This definition includes cars, trucks or motorcycles that are displaying a "classic" or "antique" tag but are inoperable, discarded or that have not been moved for a period of six months or longer.

PERSON -- Any natural person, firm, corporation, association or other legal entity.

**CODE OF THE BOROUGH OF MALVERN, PENNSYLVANIA / PART II, GENERAL LEGISLATION / Chapter 196, VEHICLES, ABANDONED / § 196-4. Abandoned vehicles.**

**§ 196-4. Abandoned vehicles.**

It shall be unlawful to deposit, store, maintain, park or accumulate any abandoned vehicle on private property, unless in a building, and it shall be unlawful for the owner of such vehicle or the owner or occupant of any property to allow, permit or suffer the same to be left upon any privately owned property, unless the same be authorized in conjunction with a business properly operated pursuant to other laws of the Borough.

**CODE OF THE BOROUGH OF MALVERN, PENNSYLVANIA / PART II, GENERAL LEGISLATION / Chapter 196, VEHICLES, ABANDONED / § 196-5. Notice of violation; compliance required.**

**§ 196-5. Notice of violation; compliance required.**

If the Code Enforcement Officer, the Chief of Police or the Borough Manager, or any other official designated by the Council of the Borough of Malvern finds that a violation of this chapter exists, such official shall notify the owner, manager or lessee of the real property on which the violation exists and the owner of the abandoned vehicle, if the owner of the abandoned

vehicle can be ascertained through reasonable investigation, describing the reason that the abandoned vehicle is in violation of this chapter and requiring corrective action within 10 days from the date of mailing or posting of the notice. Failure to take corrective actions sufficient to bring the abandoned vehicle into compliance with the requirements of this chapter within the ten-day notice period shall constitute a violation hereof.

**CODE OF THE BOROUGH OF MALVERN, PENNSYLVANIA / PART II, GENERAL LEGISLATION / Chapter 196, VEHICLES, ABANDONED / § 196-6. Violations and penalties.**

**§ 196-6. Violations and penalties.**

Any person who violates or permits the violation of any provision of this chapter shall, upon conviction thereof in a summary proceeding brought before a District Justice, be guilty of a summary offense and shall be subject to the payment of a fine of not less than \$25 and not more than \$1,000, plus the costs of prosecution. Each section or provision of this chapter that is violated shall constitute a separate offense, and each day or portion thereof in which a violation of this chapter is found to exist shall constitute a separate offense, each of which violations shall be punishable by a separate fine imposed by the District Justice of not less than \$25 and not more than \$1,000, plus the costs of prosecution.

**CODE OF THE BOROUGH OF MALVERN, PENNSYLVANIA / PART II, GENERAL LEGISLATION / Chapter 196, VEHICLES, ABANDONED / § 196-7. Failure to comply; action by Borough to correct; imposition of costs.**

**§ 196-7. Failure to comply; action by Borough to correct; imposition of costs.**

The Borough may, in addition to or in lieu of imposing the penalties set forth in § 196-6, and after providing an opportunity for a hearing as set forth in §§ 196-8 and 196-9, remove the abandoned vehicle and charge the costs incurred, including any disposal, storage and actual attorneys' fees, plus a penalty of 10% of such costs, against the property owner on whose property the abandoned vehicle is located. Such costs shall, after a proper demand upon the property owner and his/her/its refusal or failure to pay after 30 days have elapsed since the demand for payment, constitute a lien on said real property, pursuant to the Municipal Lien Law, as amended, at such time as it shall thereafter be filed by the Borough Solicitor.

**CODE OF THE BOROUGH OF MALVERN, PENNSYLVANIA / PART II, GENERAL LEGISLATION / Chapter 196, VEHICLES, ABANDONED / § 196-8. Notice of intent**

**to remove.**

**§ 196-8. Notice of intent to remove.**

If the Borough intends to remove the abandoned vehicle, it shall give notice of its intent to remove the abandoned vehicle in the manner set forth in § 196-5, and shall advise the affected parties that they have the right to request a hearing before Borough Council.

**CODE OF THE BOROUGH OF MALVERN, PENNSYLVANIA / PART II, GENERAL LEGISLATION / Chapter 196, VEHICLES, ABANDONED / § 196-9. Request for hearing.**

**§ 196-9. Request for hearing.**

Within five days after service of the notice of intent to remove the abandoned vehicle, the person or persons affected may request a hearing with the Borough Council by filing a written request with the Borough Manager. Where more than one person is involved, it shall be the duty of the person requesting said hearing to notify the Borough Manager of the names and addresses of all other parties affected or interested.

**CODE OF THE BOROUGH OF MALVERN, PENNSYLVANIA / PART II, GENERAL LEGISLATION / Chapter 196, VEHICLES, ABANDONED / § 196-10. Failure to request hearing.**

**§ 196-10. Failure to request hearing.**

If a hearing is not requested, then the Borough shall proceed to remove or have removed the abandoned vehicle(s) from the concerned real property in accordance with § 196-7 above.

**CODE OF THE BOROUGH OF MALVERN, PENNSYLVANIA / PART II, GENERAL LEGISLATION / Chapter 196, VEHICLES, ABANDONED / § 196-11. Notice of hearing.**

**§ 196-11. Notice of hearing.**

Upon proper request from a party who received a notice to remove an abandoned vehicle, a hearing on the matter shall be held within 60 days of the date of the request. The Borough Council, after said hearing, shall affirm, withdraw or modify the notice of removal.