

**ORDINANCE 10 - 2006**

**JUNKED MOTOR VEHICLES**

**AN ORDINANCE OF THE BOROUGH REGULATING THE MAINTENANCE OF JUNKED MOTOR VEHICLES AND ACCESSORIES WITHIN THE BOROUGH AND PROVIDING FOR PENALTIES FOR VIOLATIONS THEREOF.**

WHEREAS, the maintenance of junk vehicles can constitute a public hazard or nuisance, and regulations are deemed necessary for the preservation of the public health welfare and safety;

THEREFORE, BE IT ORDAINED AND ENACTED and IT IS HEREBY ORDAINED AND ENACTED by Borough Council as follows:

SECTION 1. Purpose. Borough Council recognizes and finds that the accumulation of junked vehicles creates a hazard or threat or potential threat to the health, safety or welfare of the Borough's citizens because such accumulation provides a breeding area for rodents and vermin and because such accumulations provides an attractive nuisance for children who are not aware of the dangers involved.

SECTION 2. Definitions. For purposes of this Ordinance the following definitions shall be applicable:

a) Junked motor vehicle means a motor vehicle or trailer which is partially dismantled, unused, unusable or wrecked and which cannot safely or legally be operated on the streets or highways of this Borough or Commonwealth. Currently licensed, registered and inspected vehicles shall not be included within this definition.

b) Motor vehicle means any self-propelled land vehicle which can be used for towing or transporting people or materials, including but not limited to, automobiles, trucks, buses, motor homes, motorized campers, motorcycles, motor scooters, tractors, snowmobiles, dune buggies and other off-the-road vehicles.

c) Motor vehicles accessories means any part or parts of any motor vehicle.

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

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

f) Public nuisance means the unsheltered storage of a junked motor 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.

g) Removal means the physical location or relocation of a motor vehicle to an authorized location.

h) Trailer means any wheeled device used as a means of carrying, hauling, or conveying any vehicle, person, animal, boat or other object.

i) Unsheltered storage means any storage except storage inside a building or in an area completely surrounded by a solid fence of height not less than the height of the motor vehicle or trailer being sheltered.

SECTION 3. Prohibited Storage. It shall be unlawful for any person owning or having custody of any junked motor vehicle or motor vehicle accessories which creates hazard or threat or potential threat to the health, safety or welfare of the Borough's citizens to store or permit any such vehicle or accessories to remain in unsheltered storage on any private property or public street or highway within the Borough for a period of more than thirty (30) days after the expiration of the thirty-day period following receipt of a notice requiring such removal, and it shall be further unlawful for any person owning any private property in the Borough or leasing any such property to store or to permit to remain any such vehicles or accessories on his property for more than a like period.

It shall further be unlawful for any person, after notification to remove any junked motor vehicle or motor vehicle accessories constituting a public nuisance hereunder from any private property 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 purposes of storage.

SECTION 4. Permitted storage. The prohibitions of Section 3 hereof shall not apply to a limit of one (1) junked motor vehicle or motor vehicle accessories stored within an enclosed building or in an area completely surrounded by a solid fence of a height not less than the height of the motor vehicle or motor vehicle accessories being stored, or a junk motor vehicle or motor vehicle accessory which is covered entirely by a non-transparent material in good repair which is not unsightly. Any junk motor vehicles or accessories stored under a cover described herein may be stored in that manner for no more than one year. The prohibitions of Section 3 hereof shall not apply to the premises of a business enterprise otherwise operated in a lawful place and manner when necessary to the operation of such business enterprise, in a storage place or depository maintained in a lawful place and manner, or seasonal use vehicles such as snowmobiles, motorcycles, motor scooters and non-motorized campers. Such business enterprises shall include auto repair and auto body shops, but shall not include tire, battery and accessory sales stores,

and the provisions hereof extending to permitted storage shall not extend to the storage at such business enterprises of more than five (5) junked vehicles or trailers at any one time.

The prohibition of Section 3 hereof shall likewise not be applicable to salvors holding a current certificate of authorizations issued by the Department of Transportation of the commonwealth of Pennsylvania, provided, however, that such salvor is otherwise operating in a lawful place and manner.

SECTION 5. Investigation of Premises. The Borough, on routine inspection or upon receipt of a complaint, may enter upon private property to investigate a suspected junked motor vehicle or motor vehicle or motor vehicle accessories stored or maintained in violation of this Ordinance and record the make, model, style and identification numbers and its situation and condition.

SECTION 6. Notice of Removal. Whenever the Borough finds or is notified that any junked motor vehicle or motor vehicle accessories have been stored or permitted to remain on any private property or public street or highway within the Borough and in violation of the provisions of this Ordinance the Borough shall send by certified or registered mail a notice to the owner of record or person having custody of such motor vehicle or accessories, if such owner can be ascertained by the exercise of reasonable diligence, and also to the owner of the private property, as shown on the tax assessment records of the Borough, on which the same is located, to remove the junked motor vehicle, trailer or motor vehicle accessories within thirty (30) days. Such notice shall contain the following additional information.

- A. Nature of complaint,
- B. Description and location of the motor vehicle and/or motor vehicles accessories;
- C. Statement that the motor vehicle or motor vehicle accessories shall be removed from the premises no later than thirty (30) days form the date of notification.
- D. Statement that removal from the location specified in the notification to another location upon which storage is not permitted is prohibited and shall subject the person to additional penalties;
- E. Statement that if removal is made within the time limits specified, notification thereof shall be given in writing to the Borough, and;
- F. Statement of the penalties provided for non compliance with such notice.


If the owner cannot be determined, the Borough shall post notice on the vehicle. If the vehicle is not removed within thirty (30) days, the Borough may declare the vehicle abandoned and may remove the vehicle to a Borough storage facility.

SECTION 7. Penalties for Violation. Any person violating any of the provisions of this Ordinance shall, upon conviction, be guilty of a summary offense and shall be sentenced to pay a fine of not more than Three (\$300.00) Dollars and/or to be committed to the county jail for a period not exceeding thirty (30) days, plus costs or prosecution, and each day that a violation is committed shall constitute a separate offense.

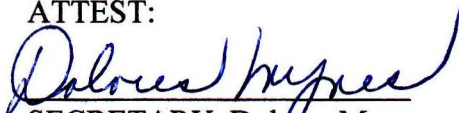
SECTION 8. Repealer. All ordinances or parts or provisions of such ordinances which are in conflict with the provisions hereof, shall be and the same are hereby expressly repealed.

SECTION 9. Effective date. This Ordinance shall become effective immediately upon its enactment and as otherwise provided by law.

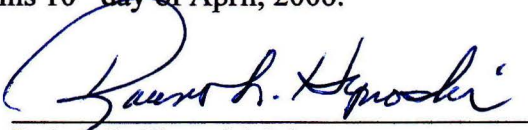
ORDAINED AND ENACTED by the Borough Council of Warrior Run this 10<sup>th</sup> day of April, 2006.

BY:   
Robert T. Daylida, President

ATTEST:

  
SECRETARY, Dolores Mynes  
(Seal)

PASSED AND ADOPTED this 10<sup>th</sup> day of April, 2006.

BY:   
Robert L. Hynoski, Mayor