

BOROUGH OF SUGAR NOTCH ORDINANCE NO. 1997-4

**AN ORDINANCE OF THE BOROUGH OF SUGAR NOTCH REGULATING
THE KEEPING AND STORAGE OF JUNKED OR ABANDONED VEHICLES
WITHIN THE BOROUGH OF SUGAR NOTCH.**

To establish clear and precise rules and regulations for the storage and keeping of junked or abandoned motor vehicles within the Borough to preserve and promote the health, safety and welfare of its residents, as well as to avoid a potential threat or threats to the health, safety and welfare of its residents.

The Borough of the Borough of Sugar Notch ordains as follows:

1. DEFINITIONS AND WORD USAGE:

A. As used in this Ordinance, the following terms shall have the meanings indicated, unless a different meaning clearly appears from the context:

LESSEE - Owner, for the purpose of this Ordinance, when the lessor holds the lessee responsible for maintenance and repairs.

MOTOR VEHICLE - Any type of mechanical device, propelled by a motor, in which persons or property may be transported upon public streets or highways, and including trailers or semitrailers pulled thereby.

NUISANCE - Any condition, as herein detailed, which shall constitute a threat or potential threat to the health, safety or welfare of the citizens of the Borough.

OWNER - The actual owner, agent or custodian of the property on which motor vehicles are stored, whether an individual or partnership, association or corporation.

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

B. In this Ordinance, the singular shall include the plural, the plural shall include the singular, and the masculine shall include the feminine and the neuter.

2. PHYSICAL DEFECTS CONSTITUTING A NUISANCE:

It shall be unlawful for any person, owner, or lessee to maintain a motor vehicle nuisance upon the open private grounds of such person, owner or lessee within the Borough. A "motor vehicle nuisance" shall include any motor vehicle which is unable to move under its own power or

has any of the following physical defects:

- A. Broken windshields, mirrors or other glass with sharp edges which could cause laceration.
- B. One (1) or more flat or open tires or tubes which could permit vermin harborage.
- C. Missing doors, windows, hood, trunk or other body parts which could permit animal harborage.
- D. Any body parts with sharp edges, including holes resulting from rust, which could cause laceration.
- E. Missing tires, resulting in unsafe suspension of the motor vehicle which could cause person injury.
- F. Upholstery which is torn or open which could permit animal and/or vermin harborage.
- G. Broken headlamps or taillamps with sharp edges which could cause laceration.
- H. Disassembled chassis parts apart from the motor vehicle stored in a disorderly fashion or loose in or on the vehicle which could cause personal injury.
- I. Protruding sharp objects from the chassis which could cause laceration.
- J. Broken vehicle frame suspended from the ground in an unstable manner which could cause injury if it fell to the ground.
- K. Leaking or damaged oil pan or gas tank which could cause fire or explosion.
- L. Exposed battery containing acid which could result in fire, burn or other injury.
- M. Inoperable locking mechanism for doors or trunk which could result in suffocation if vehicle were entered.
- N. Open or damaged floorboards, including trunk and firewall, which could cause personal injury.
- O. Damaged bumpers pulled away from the perimeter of the vehicle which could cause personal injury.
- P. Broken grill with protruding edges which could cause laceration.
- Q. Loose or damaged metal trim and clips which could cause laceration or other

injury.

R. Broken communication equipment antennas which could result in personal injury.

S. Suspension on unstable supports which could cause injury if the vehicle fell to the ground.

T. Any other defects which could threaten the health, safety and welfare of the citizens of the Borough.

U. A vehicle parked and not covered by the above, with expired inspection and/or registration, under circumstances causing an attractive nuisance to minor children of young age.

V. Any vehicle which has been abandoned as such state or condition is defined in Title 75 of Purdon's Consolidated Statutes Annotated (the Vehicle Code), but which is located, stored or kept on private property within the Borough.

3. PERMIT REQUIRED FOR STORAGE OF MOTOR VEHICLES:

A. Any person, owner or lessee who has one (1) or more motor vehicle nuisances, as defined in Section 2 above, may store such vehicle(s) in the Borough only in strict compliance with the regulations provided herein. Such person, owner or lessee must first apply for a permit for either temporary or permanent storage and pay a fee to the Borough such as may be provided from time to time by resolution of the Borough Council. The motor vehicle nuisance(s) must be stored within a garage or other enclosed building or outside within an opaque fence at least six (6) feet high which is locked at all times when unattended. With the special approval of the Borough Council, motor vehicle nuisances may also be stored outside in an area enclosed by a chain link fence at least six (6) feet high, screened by shrubbery around the perimeter to the height of the fence, with an unobstructed gate capable of admitting fire or emergency equipment. Such gate shall remain locked at all times when unattended. In addition, all gas and oil or other flammable liquid shall be removed from the motor vehicle, and it shall be kept free of vermin infestation while being stored. The total area of storage of motor vehicle nuisances may not exceed two thousand five hundred (2,500) square feet.

B. Nothing herein shall be construed to permit the storage of motor vehicle nuisances contrary to the provisions of the Sugar Notch Borough Zoning Ordinance.

4. INSPECTION; NOTICE:

A. The Chief of Police or Borough Manager or his duly appointed representative is hereby empowered to inspect grounds on which motor vehicles are stored to determine if there is compliance with the provisions of this Ordinance. If noncompliance with the provisions of this Ordinance constitute a nuisance or if any condition, structure or improvement poses a threat to the health, safety or welfare of the public, he shall issue a written notice upon the owner of said premises or, if the owner's whereabouts or identity be unknown, by posting the notice

conspicuously upon the offending premises.

B. Said notice shall specify the condition complained of and shall require the owner to commence to remove or otherwise rectify the condition as set forth therein within ten (10) days of mailing or posting of said notice and thereafter to fully comply with the requirements of the notice within a reasonable time.

5. CORRECTION BY BOROUGH; COSTS; RIGHT OF ENTRY:

If the owner of grounds on which motor vehicles are stored does not comply with the notice to abate the conditions within the time limit prescribed, the Borough shall have the authority to take measures to correct the conditions and collect the cost of such corrections, plus ten (10%) percent of all costs. The Borough, in such event and pursuant to its statutory or otherwise authorized police powers, shall have the right and power to enter upon the offending premises to accomplish the foregoing.

6. VIOLATIONS AND PENALTIES:

Any person who shall violate any provision of this Ordinance shall, upon conviction thereof, be sentenced to pay a fine not more than Three Hundred (\$300.00) Dollars and/or to undergo imprisonment for a term not to exceed ninety (90) days. Each day that a violation of this Ordinance continues shall constitute a separate offense.

7. REMEDIES NOT MUTUALLY EXCLUSIVE:

The remedies provided herein for the enforcement of this Ordinance or any remedy provided by law shall not be deemed mutually exclusive. Rather, they may be employed simultaneously or consecutively at the option of the Borough Council.

ORDAINED AND ENACTED at a regular meeting of the Council of the Borough of Sugar Notch held on the 10th day of June, 1997.

ATTEST:

FOR THE BOROUGH COUNCIL

Borothy Namey
BOROTHY NAMEY, Secretary

By: [Signature]
WILLIAM CROSSIN, President

Approved this 10th day of June, 1997.

[Signature]
PATRICK J. MULLIN, Mayor

AMENDMENT TO ORDINANCE NO. 1997-4

Upon receipt of this notice, if a hearing is desired, said hearing must be requested by the next Council meeting to be heard by Council, and if a hearing is requested, any and all evidence must be presented at that hearing.

Whenever, in the judgement of the Sugar Notch Borough Enforcement officer and/or Inspector, it shall appear to be impracticable to give notice as provided, either because the owner or occupant cannot be readily be found or because a search for the owner or occupant would entail unreasonable delay, the Sugar Notch Borough Council, or any officer or employee of Sugar Notch Borough designated thereby for that purpose, may give notice by posting conspicuously on the property where such nuisance be abated within ten (10) days.

Upon receipt of such notice, if a hearing is desired, said hearing must be requested, by the next Council meeting to be heard by Council, and if such hearing is requested, any and all evidence must be presented at that hearing.

In case any person, firm or corporation shall neglect, fail or refuse to comply with such notice within the period of time stated therein, the Sugar Notch Borough Council or Mayor may order the removal of said violation and the cost thereof, together with a penalty of ten percent (10%) of the cost, thereof shall be collected by the Borough of Sugar Notch from such person, firm or corporation, in the manner provided by law.