

ORDINANCE NUMBER 02-11-01

Be IT ORDIANED by the Council of West Kittanning, Pennsylvania, and it is hereby ordained by authority of the same:

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 accumulation provides an attractive nuisance for children who are not aware of the danger involved.

SECTION 2. Definitions. For purpose of the 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 vehicle accessories means any part or parts of any motor vehicle.
- d) Person includes any natural person, firm, partnerships, 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 a 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 a 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 for 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, and 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 vehicle such as snowmobiles, motorcycles, motor scooters and nonmotorized 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 authorization issued by the Department of Transportation of the Commonwealth of Pennsylvania, provided, however, that such salvor is otherwise operation in a lawful place and manner.

SECTION 5. Investigation of premises. The building inspector, code enforcement officer and/or police officer on routine inspection of upon receipt of a complaint, may enter upon private property to investigate a suspected junked motor vehicle or motor vehicle accessories store 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 building inspector, code enforcement officer and/or police officer or any member of his department 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 provision of this Ordinance the building inspector, code enforcement

officer and/or police officer 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 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 vehicle accessories;
- C. Statement that the motor vehicle or motor vehicle accessories shall be removed from the premises no later than thirty (30) days from the date of notification;
- D. Statement that removal for the location specified in the notification to another location upon which such 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 building inspector, code enforcement officer and/or police officer and;
- F. Statement of the penalties provided for noncompliance with such notice.

SECTION 7. Penalties for Violation. Any person violating any of the provisions of the Ordinance shall, upon conviction, be guilty of a summary offense shall be sentenced to pay fine of not more than Three Hundred (\$300.00) Dollars and/or to be committed to the county jail for a period not exceeding thirty (30) days, plus costs of 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 the same are hereby expressly repealed.

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

ENACTED AND ORDIANED this 2 day of December, 2002

James D. Anderson
President

Attest:
Blarance V. Oey

Secretary
V. Pres.

Approved this 2 day of December, 2002

Bruce Norman Jr.
Mayor