

✓ Motor vehicle nuisances

ORDINANCE NO. 90-6-1

AN ORDINANCE PROHIBITING ANY PERSON FROM MAINTAINING A MOTOR VEHICLE NUISANCE WITHIN AREAS OF THE BOROUGH OF ELKLAND, BUT PROVIDING FOR THE STORAGE OF A MOTOR VEHICLE NUISANCE; AND ESTABLISHING PENALTIES FOR ANY PERSONS WHO FAIL, OR REFUSE TO COMPLY WITH, THE REQUIREMENTS OR PROVISIONS OF THIS ORDINANCE.

BE IT ENACTED AND ORDAINED, by the Borough of Elkland, Tioga County, Pennsylvania, and it is hereby enacted and ordained by the authority of the same as follows:

ARTICLE I: GENERAL PROVISIONS

Section 1.00: INTENT

The intent of this Ordinance is to:

- A. Promote the general health, welfare and safety of the community.
- B. Prohibit motor vehicle nuisances within the boundaries of the Borough of Elkland.
- C. Permit the storage of motor vehicle nuisances in limited situations.
- D. Provide for remedies and penalties for noncompliance with this ordinance.

Section 1.01: DEFINITIONS

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

- A. BOROUGH COUNCIL - elected governing body of the Borough of Elkland.
- B. LESSEE - owner for the purpose of this ordinance when the lessor holds the lessee responsible for maintenance and repairs.
- C. 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 semi-trailers pulled thereby.
- D. NUISANCE - any condition, structure, or improvement which shall constitute a danger or potential danger to the health, safety, or welfare of the citizens of the Borough of Elkland.

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

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

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.

ARTICLE II: MOTOR VEHICLE NUISANCES PROHIBITED

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 of Elkland. A motor vehicle nuisance shall include any motor vehicle which is unable to move under its own power and has any of the following physical defects:

A. Broken windshields, mirrors or other glass, with sharp edges.

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.

E. Missing tires resulting in unsafe suspension of the motor vehicle.

F. Upholstery which is torn or open and which could permit animal and/or vermin harborage.

G. Broken headlamps or taillamps.

H. Disassembled chassis parts separate from the motor vehicle which are stored in a disorderly fashion or loose in or on the vehicle.

I. Sharp objects protruding from the chassis.

J. A broken vehicle frame suspended from the ground in an unstable manner.

K. A leaking or damaged oil pan or gas tank which could cause fire or explosion.

L. An exposed battery containing acid.

- M. Inoperable locking mechanism for doors or trunk.
- N. Open or damaged floor boards including trunk and firewall.
- O. Damaged bumpers pulled away from the perimeter of vehicle.
- P. Broken grill with protruding edges.
- Q. Loose or damaged metal trim and clips.
- R. Broken communication equipment antennae.
- S. Suspension on unstable supports.
- T. Such other defects which could threaten the health, safety and welfare of the citizens of the Borough of Elkland.

ARTICLE III: MOTOR VEHICLE NUISANCES STORAGE

A. Any person, owner or lessee who has one (1) or more motor vehicle nuisances as defined in Article I above may store such vehicle(s) in the Borough of Elkland only in strict compliance with the regulations provided herein. Before storing such vehicle(s), such person, owner or lessee must apply for a permit for either temporary or permanent storage and pay a fee to the Borough of Elkland pursuant to a Resolution of the Borough Council. The motor vehicle nuisance(s) must be stored within a garage or other enclosed building or, if outside, within an opaque fence at least six (6) feet high which is locked at all times when unattended.

B. With the special approval of the Borough Council, motor vehicle nuisances may be stored outside in an area enclosed by a chain link fence, at least six (6) feet high, fully 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 ( ) square feet.

ARTICLE IV: INSPECTION, REMEDIES AND PENALTIES

A. The Borough Building Inspector is hereby empowered to inspect private property 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 to be served by certified mail, return receipt requested, 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 or structure or improvement complained of, and shall require the owner to commence to remove or otherwise rectify the condition or structure or improvement 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.

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

D. Any person aggrieved by the decision of the Building Inspector may request and shall be granted a hearing before the Borough Council, providing he file with the Borough Council within ten (10) days after notice of the Building Inspector's decision, a written petition requesting such hearing and setting forth a brief statement of the grounds therefor. The hearing shall commence not later than thirty (30) days after the date on which the petition was filed unless postponed for sufficient cause.

E. After such hearing, the Borough Council shall sustain, modify or overrule the action of the Building Inspector.

F. Any person who shall violate any provision of this Ordinance shall, upon conviction thereof, be sentenced to pay a fine of not more than Six Hundred Dollars (\$600.00), and in default of payment, to undergo imprisonment for a term not to exceed thirty (30) days. Each day that a violation of this Ordinance continues shall constitute a separate offense.

G. 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.

V: ABROGATION

This ordinance supersedes and replaces Elkland Borough Ordinance No. 171 and Ordinance which are hereby repealed.

DONE, ORDAINED AND ENACTED by the Borough of Elkland, Tioga County, Pennsylvania, at a meeting held this 12<sup>th</sup> day of June, 1990

ENACTMENT

This Ordinance shall become effective on \_\_\_\_\_, 1990, and shall remain in force until modified, amended or rescinded by the Borough of Elkland.

Adopted by the Borough of Elkland this 12<sup>th</sup> day of June, 1990.

SIGNED:

Donald E. Carman

Donald Carman,  
President of Council

Dayton A. Brown  
Mayor, Borough of Elkland

Attest:

Janice Ruffensperger  
Secretary of Council