

ORDINANCE 02-2016

**AN ORDINANCE OF THE BOROUGH OF ALBION 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 by Albion Borough Council as follows:

SECTION 1. Purpose.

Borough Council recognizes and finds that the accumulation of junked vehicles creates a hazard, 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 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 that is partially dismantled, unused, unusable or wrecked and that 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, motorhomes, motorized campers, motorcycles, motor scooters, tractors, snowmobiles, dune buggies and other off-the-road vehicles, and trailers.
- C) Motor vehicle 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 that constitutes a hazard, threat or potential threat to the health, safety or welfare of

the Borough's citizens.

- G) Removal means the physical 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 that are a public nuisance to store or permit any such junked motor vehicle or motor vehicle 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 days after the expiration of the thirty-day period following receipt of a notice requiring such removal.

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 junked motor vehicles or motor vehicle accessories on his or her property for more than thirty days.

It shall further be unlawful for any person, after notification has been given to remove any junked motor vehicle or motor vehicle accessories constituting a public nuisance hereunder from any private property to any other private property upon which storage is not permitted, 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 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.

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 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 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 operating in a lawful place and manner.

SECTION 5. Investigation of premises.

The building inspector or code enforcement officer, on routine inspection or upon receipt of a complaint, may enter upon private property to investigate a suspected junked 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 building inspector, code enforcement officer or any member of their departments 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 building inspector or code enforcement officer shall send by certified or registered mail a notice to the owner of record or person having custody of such junked motor vehicle or motor vehicle 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 days. Such notice shall contain the following additional information:

- A. Nature of complaint;
- B. Description and location of the junked motor vehicle and/or motor vehicle accessories;
- C. Statement that the junked motor vehicle or motor vehicle accessories shall be removed from the premises no later than thirty days from the date of notification;
- D. Statement that removal from 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 thirty days, notification thereof shall be given in writing to the building inspector or code enforcement officer; and
- F. Statement of the penalties provided for noncompliance with such notice.

SECTION 7. Penalties for violation.

- A) 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 \$300 plus costs of prosecution or to be committed to the county jail for a period not exceeding thirty days, or both. Each day that a violation is committed shall constitute a separate offense.

- B) Any person failing to comply with the provisions of this Ordinance, upon conviction on two prior occasions for the same offense, shall have the junked motor vehicle removed by the Borough or its designee and the costs of said removal be forwarded to the property owner.
- C) Failure to pay fines and costs shall result in the placement of a lien on the real property of the offender until such time as these costs are satisfied and the property owner shall pay all costs associated with said lien.

SECTION 8. Repealer.


All ordinances, or parts or provisions of such ordinances, that are in conflict with the provisions hereof, shall be and the same are hereby expressed repealed.

SECTION 9. Effective date.

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

ATTEST:


Christine Butler-Coon, Secretary/Treasurer


Jason White, Mayor