

Ordinance No. 356

Part 4

Storage of Motor Vehicle Nuisances

Part 4 of Chapter 10 the Elizabethtown Code of Ordinances is amended to read as follows:

§401. Definitions. As used in this Part, the following terms shall have the meanings indicated, unless a different meaning clearly appears from the context:

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.

NUISANCE – any condition which shall constitute a danger or potential danger to the health, safety or welfare of the citizens of the Borough.

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

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

§402. Motor Vehicle Nuisances Prohibited. It shall be unlawful for any person and/or owner to maintain a motor vehicle nuisance upon their property within the Borough. A motor vehicle nuisance shall include any motor vehicle in non-operable condition and has any of the following physical defects:

1. Broken windshields, mirrors or other glass, with sharp edges.
2. One or more flat or open tires or tubes which could permit vermin harborage.
3. Missing doors, windows, hood, trunk or other body parts which could permit animal harborage.
4. Any body parts with sharp edges including holes resulting from rust.
5. Missing tires resulting in unsafe suspension of the motor vehicle.
6. Upholstery which is torn or open which could permit animal and/or vermin harborage.
7. Broken head-lamps or tail-lamps with sharp edges.
8. Disassembled chassis parts apart from the motor vehicle stored in a disorderly fashion or loose in or on the vehicle.

9. Protruding sharp objects from the chassis.
10. Broken vehicle frame suspended from the ground in an unstable manner.
11. Leaking or damaged oil pan or gas tank which could cause fire or explosion.
12. Exposed battery containing acid.
13. Inoperable locking mechanism for doors or trunk.
14. Open or damaged floor boards including trunk and fire-wall.
15. Damaged bumpers pulled away from the perimeter of vehicle.
16. Broken grill with protruding edges.
17. Loose or damaged metal trim and clips.
18. Broken communication equipment antennae.
19. Suspended on unstable supports.
20. Such other defects which could threaten the health, safety and welfare of the citizens of the Borough of Elizabethville.

§403. Storage of Motor Vehicle Nuisances Permitted. The storage of Motor Vehicle Nuisances is permitted in an enclosed structure. The Code Enforcement Officer is hereby empowered to inspect private property on which motor vehicles are stored to determine their compliance with the provisions of this Part. If there is noncompliance with the provisions of this Part, the Code Enforcement Officer shall issue a written notice to be served by registered or certified mail upon the owner of said premises, or, if the owners whereabouts or identity are unknown, by posting the notice conspicuously upon the offending premises. Said notice shall specify the condition and shall require the owner to remove or otherwise rectify the condition within ten (10) days of the receipt of said notice.

§404. Authority to Remedy Noncompliance. If the owner of property on which motor vehicles are stored does not comply with the notice to abate the nuisance within the time limit prescribed, the Borough shall have the authority to take measures to correct the condition 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.

§405. Penalties. Any person who shall violate any provision of this Part shall, upon conviction thereof before a District Magistrate, be sentenced to pay a fine of not more than six hundred dollars (\$600.00) plus costs and reasonable attorney fees, and in default of payment of said fine and costs and fees, to undergo imprisonment for a term not to exceed

thirty (30) days. Each day that a violation of this Part continues shall constitute a separate offense.

§406. Remedies Not Mutually Exclusive. The remedies provided herein for the enforcement of this Part, 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.

Adopted as an Ordinance of the Borough of Elizabethville on this 13th day of November, 2017.

ATTEST:

Peggy P. Kahlau

Joe R. Phillips
President of Borough Council

Approved By Mayor

Date: 11-13-2017

W. H. Edin