

ORDINANCE NO.92-001

AN ORDINANCE OF THE BOROUGH OF HOWARD REGULATING THE STORAGE OF MOTOR VEHICLES OR PARTS THEREOF ON PRIVATE GROUNDS; REQUIRING THE REMOVAL, REPAIR OR ALTERATION OF THE CONDITIONS CONSTITUTING A NUISANCE OR DANGER TO THE PUBLIC; AND PRESCRIBING PENALTIES FOR VIOLATIONS

WHEREAS, the Borough Council of the Borough of Howard has determined that the storage of junked or inoperable motor vehicles or unlicensed motor vehicles or motor vehicles without valid inspection stickers constitutes a threat to the public health, welfare and safety of the public and citizens of the Borough of Howard, unless such vehicles are stored in a safe and proper manner where adequate and proper security for the stored vehicle can be maintained.

NOW THEREFORE, the Borough of Howard hereby ordains:

SECTION 1: DEFINITIONS - As used in this Ordinance, the following terms shall have the meanings indicated unless a different meaning clearly appears from the context:

LESSEE - Lessee shall be deemed for the purpose of this Ordinance to be the owner when the lessor, by written agreement, holds the lessee responsible for maintenance and repairs.

MOTOR VEHICLE - any type of mechanical devise, propelled by a motor, in which persons or property may be transported upon public street or highways, and including trailers or semi-trailers pulled thereby.

NUISANCE - any condition, structure or improvement which shall constitute a threat to the health, safety or welfare of the general public and citizens of the Borough of Howard.

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

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

SINGULAR - 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.

SECTION 2: STORAGE OF CERTAIN VEHICLES - Except for licensed motor vehicles with valid Pennsylvania inspection stickers, new or used motor vehicles, junked or otherwise, shall be stored on private premises in compliance with the provisions of this Ordinance.

SECTION 3: REGULATIONS - Any person desiring to store or to continue to store motor vehicle(s) on private ground, except those mentioned in Section 2, shall comply with the following:

- A. All such motor vehicles shall be stored in a locked enclosure consisting of four (4) walls and a roof which shall be lockable in a manner to prevent children or other persons from gaining access to the vehicle. All such structures must conform with the applicable ordinances of the Borough, including but not limited to zoning and building codes.
- B. All vehicles except those mentioned in Section 2 or stored in accordance with Section 3 (A) shall comply with the following:
  1. All gas shall be drained from the vehicle.
  2. All glass shall be removed from any broken windshield, window or mirror.
  3. All upholstery shall be removed.
  4. All trunk lids shall be removed or shall have their locks removed.
  5. All such stored motor vehicles shall be at least twenty-five (25) feet from any building so as not to obstruct any fire-fighting equipment or emergency vehicles.
  6. All such stored motor vehicles shall be at least twenty-five (25) feet from any river or stream or any other natural watercourse.
  7. All such stored motor vehicles shall at all times be kept free of vermin infestation.

SECTION 4: INSPECTION; NOTICE TO COMPLY

1. The Mayor or Enforcement Officer is hereby

empowered to inspect grounds on which motor vehicles are stored to determine if there is compliance with the provisions of the Ordinance. If noncompliance with the provisions of this Ordinance constitutes 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 registered or certified mail 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.

2. 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. Owner shall have thirty (30) days from the date of receipt of posting of the notice, whichever shall first occur, to comply with the requirements of the notice.

SECTION 5: AUTHORITY TO REMEDY NONCOMPLIANCE - 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 of Howard 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. The Borough of Howard, 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.

#### SECTION 6: HEARING

1. Any person aggrieved by the decision of the Mayor or Enforcement Officer may request and shall then be granted a hearing before the Borough of Howard; provided, he files with the Borough of Howard within ten (10) days after notice of the Mayor or Enforcement Officer'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 or upon agreement of the owner and Borough.

2. After such hearing, the Borough of Howard shall sustain, modify or overrule the action of the Mayor or Enforcement Officer.

SECTION 7: PENALTIES - Any person who shall violate any provisions of this Ordinance shall, upon conviction thereof,

be sentenced to pay a fine of not less than One Hundred Dollars (\$100.00) nor more than Three Hundred Dollars (\$300.00) per day 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.

SECTION 8: 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 of Howard.

SECTION 9: REPEALER All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed. The following ordinances or parts thereof are specifically repealed.

SECTION 10: SEVERABILITY - If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the Borough of Howard that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

SECTION 11: EFFECTIVE DATE This Ordinance shall become effective on the 8th day of June,  
1992.

ADOPTED AND ENACTED into an Ordinance for the Borough of Howard this 8th day of June, 1992.

BOROUGH OF HOWARD