

*Original*

ORDINANCE NO. 2-04

BROWNSVILLE TOWNSHIP, FAYETTE COUNTY

AN ORDINANCE OF THE TOWNSHIP OF BROWNSVILLE, FAYETTE COUNTY, PENNSYLVANIA, DEFINING AND PROHIBITING THE ABANDONMENT OF MOTOR VEHICLES WITHIN THE TOWNSHIP; AND FURTHER DEFINING AND PROHIBITING THE STORAGE OF MOTOR VEHICLE NUISANCES OR PARTS THEREOF IN THE OPEN ON PRIVATE PROPERTY AND PROVIDING FOR EXCEPTIONS BY PERMIT; AUTHORIZING INSPECTIONS OF PREMISES, NOTICES OF COMPLIANCE; REQUIRING THE REMOVAL, REPAIR OR ALTERATION OF THE CONDITIONS CONSTITUTING A NUISANCE OR DANGER TO THE CITIZENS; AND PRESCRIBING PENALTIES AND REMEDIES FOR VIOLATION.

The Supervisors of Brownsville Township hereby ordain:

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: Owner for the purpose of this Ordinance when the lessor holds the lessee responsible for maintenance and repairs.

MOTOR VEHICLE: A car, truck, motorcycle or any other type of mechanical device, propelled by a motor, in which persons or property may be transported upon public streets or highways, an including trailers or semi-trailers pulled thereby.

NUISANCE: Any condition, structure or improvement which shall constitute a danger to, potential danger to or which interferes with the health, safety or welfare of the citizens of the Township of Brownsville.

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.

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STREET OR HIGHWAY: Street or highway shall mean the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

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. ABANDONMENT OF VEHICLES

No person shall abandon any vehicle within the Township, and no person shall leave any vehicle at any place within the Township for such time and under such circumstances as to cause such vehicle reasonably to appear to have been abandoned.

#### SECTION 3. LEAVING OF WRECKED, NON-OPERATING VEHICLE ON THE STREET

No person shall leave any partially dismantled, non-operating, wrecked, or junked vehicle on any street or highway within the Township.

#### SECTION 4. DISPOSITION OF WRECKED OR DISCARDED VEHICLES

No person in charge or control of any property within the Township, whether as owner, tenant, occupant, lessee or otherwise, shall allow any partially dismantled, non-operating, wrecked, junked or discarded vehicle to remain on such property longer than seventy-two (72) hours; and no person shall leave any such vehicle on any property within the Township for a longer time than seventy-two hours; except that the Ordinance shall not apply with regard to a vehicle in an enclosed building; a vehicle on the premises of a business enterprise operated in a

lawful place and manner, when necessary to the operation of such business enterprise; or a vehicle in an appropriate storage place or depository maintained in a lawful place and manner by the Township.

#### SECTION 5. IMPOUNDING

The police or any code enforcement officer designated by the Township Supervisors is hereby authorized to remove or have removed any vehicle left at any place within the Township which reasonably appears to be in violation of the Ordinance, or lost, stolen or unclaimed. Such vehicle shall be impounded until lawfully claimed or disposed of according to law.

#### SECTION 6. 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 Brownsville Township. A motor vehicle nuisance shall include any motor vehicle which: (a) does not have both a current state inspection sticker and current registration sticker; or (b) any motor vehicle which 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 vehicles 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 batter containing acid.
13. Open or damaged floor boards including trunk and fire wall.
14. Damaged bumpers pulled away from the perimeter of the vehicle.
15. Broken grill with protruding edges.
16. Loose or damaged metal trim and clips.
17. Suspended or unstable supports.
18. Such other defects which could threaten the health, safety and welfare of the citizens of Brownsville Township.

SECTION 7. EXEMPTIONS AND STORAGE OF MOTOR VEHICLE  
NUISANCES PERMITTED

Any person, owner or lessee who has one or more motor vehicle nuisances as defined in Section 6 above may store such vehicle(s) in Brownsville Township only in strict compliance with the regulations provided herein. Such person, owner or lessee must, first, apply for a permit for either temporary or permanent storage and pay a fee to Brownsville Township pursuant to a



Resolution of the Brownsville Township Supervisors. The motor vehicle nuisance(s) must be stored within a garage or other enclosed building or, outside within an opaque fence at least six (6) feet high which is locked at all times when unattended.

With the special approval of the Brownsville Township Supervisors, motor vehicle nuisances may also be stored outside in an area enclosed by a chain link fence, at least six (6) feet high, 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 vehicles, and it shall be kept free of vermin infestation while being stored. The total area of storage of motor vehicle nuisances may not exceed four hundred (400) square feet.

Any classic or antique vehicle which is in the process of being restored shall not be deemed to be a motor vehicle nuisance under this Ordinance.

This Ordinance shall not apply to any lawfully operated and properly zoned commercial entity which is in the business of repairing, restoring, inspection and/or disposing of vehicles, if the motor vehicle nuisance is on the said premises for the business purpose of repair, restoration, inspection or disposal.

Nothing herein shall be construed to permit the storage of motor vehicle nuisances contrary to the provisions of the Fayette County Zoning Ordinance.

#### SECTION 8. INSPECTION OF PREMISES; NOTICE TO COMPLY

1. The Brownsville Township Code Enforcement Officer 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 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 is unknown, by posting the notice conspicuously upon the offending premises.

2. 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.

#### SECTION 9. AUTHORITY TO REMEDY NONCOMPLIANCE

If the owner of grounds on which motor vehicles are stored does not comply with the notice to abate the nuisance within the time limit prescribed, Brownsville Township shall have the authority to take measures to correct the conditions and collect the cost of such corrections plus ten (10) percent of all costs. Brownsville Township, 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 10. PENALTIES FOR NONCOMPLIANCE

All actions for enforcement to this Ordinance shall be brought as follows:

1. As a summary offense, before a District Justice in the same manner provided for the enforcement of a summary offense under the Pennsylvania Rules of Criminal Procedure. Any person who shall violate or fail to comply with any of the provisions of this Ordinance shall, upon conviction thereof, in a summary proceeding before a District Justice, be sentenced to pay a fine of not less than Twenty-Five Dollars (\$25.00) nor more than One Thousand Dollars (\$1,000.00), costs of prosecution, restitution and/or a term of imprisonment up to ninety (90) days, per violation. Each day that a violation continues shall constitute a separate offense; or

2. As a civil action in law or in equity, before a District Justice in the same manner provided for under the Pennsylvania Rules of Civil Procedure of District Justice Rules. Any person who shall violate or fail to comply with any of the provisions of this Ordinance shall be assessed a civil penalty of not less than Twenty-Five Dollars (\$25.00) nor more than Six Hundred Dollars (\$600.00), with court costs, restitution and reasonable attorneys fees incurred by Brownsville Township in the enforcement of proceeding, per violation. Each day that a violation continues shall constitute a separate offense.

#### SECTION 11. 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 Brownsville Township Supervisors.

#### SECTION 12. REPEALER

All Ordinances or parts of Ordinances which are inconsistent herewith are hereby repealed. The following Ordinances or parts thereof are specifically repealed: Ordinance No. 1-81.

#### SECTION 13. 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 Brownsville Township Supervisors that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.


#### SECTION 14. EFFECTIVE DATE

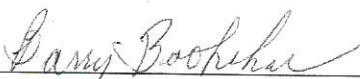
This Ordinance shall become effective on the 1st day of June, 2004.

ORDAINED and ENACTED by the Supervisors of Brownsville Township, Fayette  
County, Pennsylvania, on this 3rd day of May, 2004.


BROWNSVILLE TOWNSHIP SUPERVISORS

  
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Homer Yeardie

  
\_\_\_\_\_  
Timothy Scott

  
\_\_\_\_\_  
Barry Bookshar

ATTEST:

  
\_\_\_\_\_  
Secretary