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ORDINANCE NO. 93-2

BROWNSVILLE TOWNSHIP, FAYETTE COUNTY

NONOPERATING VEHICLES

AN ORDINANCE PROHIBITING THE ACCUMULATION AND STORING OF NONOPERATING VEHICLES OR MAJOR COMPONENTS OF VEHICLES ON PRIVATE PROPERTY.

The intent of this ordinance is to prohibit the accumulation and storing of nonoperating vehicles and major components of vehicles on private property in Brownsville Township, Fayette County.

WHEREAS, the accumulation and storing of nonoperating vehicles and major components of vehicles on private property within the Township of Brownsville, Fayette County, Pennsylvania, has created a problem relating to the health, safety and welfare of the citizens of said township; and

WHEREAS, pursuant to said authority vested in them by the Second Class Township Code, as amended, the Supervisors of Brownsville Township are desirous of enacting an ordinance regulating the accumulation and storage of vehicles and major components of vehicles on private property in said Township.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Township of Brownsville, Fayette County, Pennsylvania, and is hereby enacted and ordained by authority of the same as follows:

- ITEMS:
1. Exterior storage.
  2. Duty to serve notice.
  3. Violations and penalties.
  4. Abatement procedure.
  5. Service of notice.

GENERAL REFERENCES:

Item 1. Exterior storage.

No person in charge of or in control of premises, whether as owner, lessee, tenant, occupant or otherwise, shall allow a motor vehicle which is unlicensed, not currently inspected, abandoned or disabled or any large vehicle component, including but not limited to engines, transmissions, axle housings, frames or bodies, to remain on such property for a period in excess of fifteen (15) days, provided that this section shall not apply with regard to any vehicle or vehicle component completely contained within an enclosed building. For purposes

TRUE AND ATTESTED COPY OF ORIGINAL

*Robert A. ...*

of this section, the term "enclosed building" shall mean a roofed and walled structure built for permanent use. This ordinance shall further not apply with regard to any vehicle or vehicle component on the premises of a business enterprise operated in a lawful place, other than in a residential district, and operated in a lawful manner, when the keeping or maintaining of such a vehicle or vehicle component is necessary to the operation of such business enterprise or with regard to a vehicle or vehicle component in an appropriate storage place, or depository maintained in a lawful place and manner by the township or any other public entity. Any vehicle or vehicle component in violation of the provisions of this ordinance is hereby declared a nuisance.

Item 2. Duty to serve notice.

It shall be the duty of the Board of Supervisors to serve or cause to be served a notice upon any person who is in violation of the provisions of this ordinance and to demand the abatement of the nuisance within fifteen (15) days.

Item 3. Violations and penalties.

If the person so served does not abate the nuisance within fifteen (15) days, he shall be guilty of an offense and, upon conviction thereof before the District Magistrate, shall be sentenced to pay a fine of not more than \$500.00 and costs of prosecution and, in default of the payment of such fine and cost, shall be imprisoned in the county jail for a period of not more than 30 days. Enforcement of this ordinance may also be accomplished by any person who, by reason of another's violation of any provision of this ordinance, suffers special damage to himself different than suffered by other property owners throughout the township generally, by way of an action to enjoin or otherwise abate an existing violation.

Item 4. Abatement procedure.

If the person so served does not abate the nuisance within fifteen (15) days, the Board of Township Supervisors may proceed to abate such nuisance, keeping an account of the expense of the abatement, and such expense of the abatement, and such expense shall be charged and collected from the person in a manner provided by law, either by filing of a municipal lien or claim by the institution of an action in assumpsit or by relief by bill in equity. The recovery of such cost and expense may be in addition to the penalty imposed as provided in Item 3 of this ordinance.

Item 5. Service of notice.

The notice required by Item 2 hereof shall be served personally upon the person in violation of this chapter if such person resides in Brownsville Township or upon his agent if such agent has a residence or place of business within the Township. If neither the person in violation of this ordinance nor his agent is a resident of the Township and neither has an office within the Township, then such notice shall be sent to the person in violation of this chapter by registered mail to his last known address.

This Ordinance rescinds any previous ordinance, specifically, Ordinance No. 1-81, relative to abandoned or nonoperating vehicles.


This ordinance shall become effective on the 1st day of August, 1993.

ORDAINED and adopted on the 6th day of July, 1993.

  
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Homer Yeardie

ATTESTED:

  
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Timothy Scott

  
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Barry Bookshar