

ORDINANCE 93- 2

AN ORDINANCE OF THE TOWNSHIP OF MORGAN, GREENE COUNTY, PENNSYLVANIA, 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 CITIZENS; AND PRESCRIBING PENALTIES FOR VIOLATION.

WHEREAS, it is now deemed necessary for the promotion of the health, cleanliness, welfare, comfort and safety of the citizens of the Township of Morgan to enact this Ordinance.

NOW THEREFORE, pursuant to the authority conferred upon it by the "Second Class Township Code" the Supervisors of the Township of Morgan, Greene County, Pennsylvania, does hereby enact this Ordinance as aforementioned by ENACTING and ORDAINING the following:

BE IT ENACTED AND ORDAINED BY THE TOWNSHIP OF MORGAN, GREENE COUNTY, PENNSYLVANIA; and it is hereby enacted and ordained by the authority of the same as follows:

SECTION 1. TITLE. MOTOR VEHICLE STORAGE REGULATION.

SECTION 2. DEFINITIONS. As used in this Ordinance, the following terms shall have the meanings indicated, unless a different meaning clearly appears from the context:

FARM - any plot of land, ten (10) acres or greater that is used for agricultural purposes.

LESSEE - owner for the purpose of this Ordinance when the lessor holds the lessee responsible for maintenance

and repairs.

MOTOR VEHICLE - any type of mechanical device, 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 or potential threat to the health, safety, or welfare of the citizens of the Township of Morgan.

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.

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 3. 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 the Township. A motor vehicle nuisance shall include any motor vehicle which is unable to move under its own power 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 headlamps 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 or doors or trunk.
14. Open or damaged floor boards including trunk and firewall.
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 or unstable supports.
20. Such other defects which could threaten the health, safety and welfare of the citizens of the Township of Morgan.
21. Any defect which would cause the motor vehicle in question to be ineligible for successful completion of a Pennsylvania safety inspection.
22. The lack of a current Pennsylvania inspection.
23. The lack of a current registration.

SECTION 4. STORAGE OF MOTOR VEHICLE NUISANCES PERMITTED

Any person, owner or lessee who has one or more motor vehicle nuisances as defined in Section 3 above may store such vehicle(s) in the 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 the Township such as may be provided from time to time by resolution of the Board of 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 feet (6') high which is locked at all times when unattended. With the special approval of the Township Supervisors, motor vehicle nuisances may also be stored outside in an area enclosed by a chain link fence, at least six feet (6') high, screened by shrubbery around the perimeter to the height of the fence, with an obstructed 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 vehicle and it shall be kept free of vermin infestation while being stored.

SECTION 5. INSPECTION; NOTICE TO COMPLY

1. The Enforcement Officer/Inspector is hereby empowered to inspect grounds on which motor vehicles are stored to determine if there is compliance with the provisions of this Part. 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 of structure or improvement complained of, and shall require the owner to commence to remove or otherwise rectify the condition of structure or improvement as set forth therein within ten (10) days or mailing or posting of said notice, and thereafter, to fully comply with the requirements of the notice within a reasonable time.

SECTION 6. 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 Township shall have the authority to take measures to correct the conditions and collect costs of such

corrections, plus ten percent (10%) of all costs. The Township of Morgan, 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 7. FARMS. Any plot of land ten (10) acres or greater that is used for agricultural purposes shall be defined as a farm and shall be exempt from compliance with this Ordinance.

SECTION 8. HEARING.

1. Any person aggrieved by the decision of the Enforcement Officer/Inspector may request and shall then be granted a hearing before the Township Board of Supervisors; provided, he files with the Township Supervisors within ten (10) days after notice of the Enforcement Officer's/Inspector's decision, a written petition requesting such hearing and setting forth a brief statement of the grounds therefore. The hearing shall commence not later than thirty (30) days after the date on which the petition was filed unless postponed for sufficient cause.

2. After such hearing, the Township Supervisors shall sustain, modify or overrule the action of the Enforcement Officer/Inspector.

SECTION 9. PENALTIES. Any person who shall violate any provision of this Ordinance shall, upon conviction thereof, be sentenced to pay a fine not more than three hundred dollars (\$300.00), 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 10. 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 Township Supervisors.

SECTION 11. LOCATION FOR STORAGE OF MOTOR VEHICLES. All such motor vehicle nuisances stored outside shall be stored at least twenty-five (25) feet from any building so as not to obstruct any firefighting equipment or emergency vehicles. Additionally, all such motor vehicle nuisances stored outside shall be stored at least twenty-five (25) feet from any river or stream or any other natural watercourse. All such motor vehicle nuisances stored outside shall be stored at least twenty-five (25) feet from the nearest neighboring boundary line.

SECTION 12. REPEALER. All Ordinances or parts of Ordinances which are inconsistent herewith are repealed.

SECTION 13. SEVERABILITY. If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, it 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 Supervisors of the Township of Morgan 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 immediately upon final enactment and completion of legal advertisement.

ORDAINED AND ENACTED into law by the Supervisors of the Township of Morgan in lawful session assembled this 2nd day of June, 1993.

TOWNSHIP OF MORGAN

BY: Shirl Barnhart
Shirl Barnhart, Chairman

Gene A. Morris
Gene A. Morris, Co-Chairman

George E. Handford
George E. Handford

ATTEST:

Relda K. Litten
Secretary