



WEST MAHANAY TOWNSHIP BOARD OF SUPERVISORS

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ORDINANCE NO. 94-2

Phone: 717-462-2938

AN ORDINANCE OF THE TOWNSHIP OF WEST MAHANAY DEFINING AND PROHIBITING THE STORAGE OF MOTOR VEHICLE NUISANCES OR PARTS THEREOF IN THE OPEN OR PRIVATE PROPERTY AND PROVIDING FOR EXCEPTIONS BY PERMIT; AUTHORIZING INSPECTIONS OF PREMISES, NOTICES OF COMPLIANCE AND APPEAL HEARINGS; REQUIRING THE REMOVAL, REPAIR, OR ALTERATION OF THE CONDITIONS CONSTITUTING A NUISANCE OR DANGER TO THE CITIZENS; AND DESCRIBING PENALTIES AND REMEDIES FOR VIOLATION.

The Township of West Mahanoy 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 - 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 streets or highways, and including trailers or semi-trailers pulled thereby.

NUISANCE - any condition, structure, or improvement which shall constitute a danger or potential danger to the health, safety, or welfare of the citizens of the Township of West Mahanoy.

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 2. 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 of West Mahanoy. 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 windshield, mirrors or other glass, with sharp edges.

2. One or more flat or open tires or tubes which cannot be inflated.

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 Township of West Mahanoy.

Section 3. Storage of Motor Vehicle Nuisances Prohibited. Any person/ owner or lessee who has one or more motor vehicle nuisances as defined in 2 above may store such vehicle(s) in the Township of

West Mahanoy 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 of West Mahanoy pursuant to a Resolution of the Township of West Mahanoy. The motor vehicle nuisances(s) must be stored within a garage or other enclosed building or, outside within a opaque fence at least six (6') high which is locked at all times when unattended.

With the special approval of the Township of West Mahanoy motor vehicle nuisances may also be stored outside in an area enclosed by a chain link fence, at least six (6') 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 liquids shall be removed from the motor vehicle and it shall be kept free of vermin infestation while being stored. The total area of storage of motor vehicle nuisances may not exceed 150 square feet.

Nothing herein shall be constructed to permit the storage of motor vehicle nuisances contrary to the provisions of the Township of West Mahanoy Zoning Ordinance.

Section 4. Inspection of Premises; Notice to Comply.

1. The Township of West Mahanoy 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, the Township supervisors 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 five (5) days of mailing or posting of said notice, and thereafter, to fully comply with the requirements of the notice within a reasonable time.

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 nuisance, within the time limit prescribed, the Township of West Mahanoy 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 Township of West Mahanoy, 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. 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 in default of payment, to undergo imprisonment for a term not to exceed thirty (30) days. Each day that a violation of this ordinance continues shall constitute a separate offense.

Section 7. 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 of West Mahanoy.

Section 8. Repealer. All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed. The following ordinances or parts thereof are specifically repealed.

Section 9. 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 Township of West Mahanoy that this ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

Section 10. Effective Date. This ordinance shall become effective on June 20, 1994.







ATTEST:


