

ORDINANCE NO. 2000 - 10

AN ORDINANCE OF THE BOROUGH OF COALDALE REGULATION
OF MOTOR VEHICLE NUISANCES

BE IT ORDAINED AND ENACTED by the Council of the Borough of Coaldale, it is hereby ordained and enacted by the authority of the same as follows:

Motor Vehicle Nuisances

I. Definitions. As used in this Part, the following terms shall have the meanings indicated, unless a different meaning clearly appears from the context:

LESSEE - owner for the purpose of this Part 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 Borough.

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.

MINOR AUTOMOTIVE REPAIR - this term includes normal daily maintenance including but not limited to adding fluids, (oil, windshield washer, heating/coolant) and replacement of small items including but not limited to (headlights, taillights, interior lighting, replacement of wiper blades and batteries).

MAJOR AUTOMOTIVE REPAIR - all repairs other than those listed as minor repairs.

In this Part, the singular shall include the plural; the plural shall include the singular; and the masculine shall include the feminine and the neuter.

II. 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

U. Such other defects which could threaten the health, safety and welfare of the citizens of the Borough.

III. Major Automotive Repairs Prohibited.

It shall be unlawful for any person, owner or lessee to perform major motor vehicle repairs upon any public street, alley or thoroughfare within the Borough.

IV. Storage of Motor Vehicle Nuisances Permitted.

1. Any person, owner or lessee who has one (1) or more motor vehicle nuisances as defined in II. above may store such vehicle (s) in the Borough 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 Borough in an amount as established, from time to time, by resolution of Borough Council. The motor vehicle nuisance (s) must be stored within a garage or other enclosed building or, outside within a opaque fence at least six (6) feet high which is locked at all times when unattended.

2. With the special approval of the Borough Council 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 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 two hundred (200) square feet.

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

V. Inspection of Premises; Notice to Comply.

1. The Police Department is hereby empowered to inspect private property 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 Part 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 position of said notice, and thereafter, to fully comply with the requirements of the notice within a reasonable time.

VII. 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 Borough 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, 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.

VII. Hearing.

1. Any person aggrieved by the decision of the Police Department may request and shall then be granted a hearing before the Borough Council, providing, he files with the Borough Council within ten (10) days after notice of the Police Department 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.

2. After such hearing, the Borough Council shall sustain, modify or overrule the Police Department.

VIII. Penalties. Any person who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine not more than six hundred dollars (\$600.00), and in default of payment of said fine and costs, to undergo imprisonment for a term not to exceed thirty (30) days. Each day that a violation of this Part continues shall constitute a separate offense.

IX. Remedies Not Mutually Exclusive. The remedies provided herein for the enforcement of this Part, 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 Council.

This Ordinance shall be effective upon passage, and approved in the manner prescribed by law.

ENACTED AND ORDAINED this 10th day of October, 2000

BOROUGH OF COALDALE

BY: _____
Clarence Keich, President

ATTEST:

Patricia M. Knepper, Secretary

John Radocha, Mayor