

## B O R O U G H   O F   C O K E B U R G

ORDINANCE NUMBER 180**AN ORDINANCE OF THE BOROUGH OF COKEBURG REGULATING  
JUNKED MOTOR VEHICLES AND ACCESSORIES WITHIN THE  
BOROUGH AND PROVIDING FOR PENALTIES FOR VIOLATIONS  
THEREOF.**

WHEREAS, junked vehicles can constitute a public hazard or nuisance, and regulations are deemed necessary for the preservation of public health, welfare, and safety;

THEREFORE, BE IT ORDAINED AND ENACTED and IT IS HEREBY ORDAINED AND ENACTED by Borough Council of the Borough of Cokeburg, Washington County, Pennsylvania, as follows:

Section 1. Purpose. Borough Council of the Borough of Cokeburg expressly recognizes and finds that junked vehicles create a threat or potential threat to the health, safety, or welfare of the Borough's citizens because they provide an attractive nuisance for children who are not aware of the dangers involved; a potential habitat for unwanted rodents, reptiles, and other undomesticated creatures; and, obstructions to emergency access to surrounding property.

Section 2. Definitions. For the purposes of the Ordinance the following definitions shall be applicable:

a) Junked motor vehicle means a motor vehicle or trailer which is partially dismantled, unused, unusable or wrecked and

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which cannot safely or legally be operated on the streets or highways of this Borough or Commonwealth. Currently licensed, registered, and inspected vehicles shall not be included within this definition.

b) Motor vehicle means any self-propelled land vehicle which can be used for towing, transporting people or materials including, but not limited to, automobiles, trucks, buses, motor homes, motorized campers, motorcycles, motor scooters, tractors, snowmobiles, dune buggies, and other off-the-road vehicles.

c) Motor vehicle accessories means any part or parts of a motor vehicle.

d) Person includes any natural person, firm, partnership, association, corporation, or other legal entity of whatever kind.

e) Private property means any real property not owned by the federal government, state, county, school district or other political subdivisions.

f) Public nuisance means the unsheltered storage of a junked motor vehicle as otherwise defined in this Ordinance which constitutes a hazard or a threat or potential threat to the health, safety, or welfare of the Borough's citizens.

g) Removal means the physical location or relocation of a motorized vehicle to an authorized location.

h) Trailer means any wheeled device used as a means of carrying or conveying any vehicle, boat, animal, or other object.

Section 3. Prohibited Storage. It shall be unlawful for any person owning or having custody of any junked motor vehicle or motor vehicle accessories, which create a hazard or threat or potential threat to the health, safety, or welfare of the

Borough's citizens, to store or permit any such vehicle or accessories to remain in unsheltered storage on private property or public street or highway within the Borough for a period of more than thirty (30) days after receipt of a notice requiring such removal; and, it shall be unlawful for any person owning any private property in the Borough or leasing any such property to store or permit to remain any such vehicles or accessories on his property for more than like period.

It shall further be unlawful for any person, after notification to remove any junked motor vehicle or motor vehicle accessories constituting a public nuisance hereunder from any private property has been given, to move the same to any other private property upon which such storage is not permitted or onto any public highway or public property for purpose of storage.

Section 4. Permitted Storage. The prohibitions of Section 3 hereof shall not apply to (1) junked motor vehicle or motor vehicle accessories stored within an enclosed building; (2) to the premises of a business enterprise otherwise operated in a lawful place and manner when necessary to the operation of such business enterprise; (3) a storage place or depository maintained in a lawful place or manner, or seasonal use vehicles such as snowmobiles motorcycles, motor scooters, and nonmotorized campers. Such business enterprises shall include auto repair and auto body shops, but shall not include tire, battery and accessory sales stores.

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Section 5. Investigation of Premises. The building inspector, code enforcement officer, police officer, or any member of his department on routine inspection or upon receipt of a complaint, may enter upon private property to investigate a suspected junked motor vehicle or motor vehicle accessories stored or maintained in violation of this Ordinance and record the make, model, style, and identification numbers and its situation and condition.

Section 6. Notice of Removal. Whenever the building inspector, code enforcement officer, police officer, or any member of his department finds or is notified that any junked motor vehicle or motor vehicle accessories have been stored or permitted to remain on any private property or public street or highway within the Borough and in violation of the provisions of this Ordinance, the building inspector, code enforcement officer, or police officer shall send by certified or registered mail a notice [to remove the junked motor vehicle or motor vehicle accessories within thirty (30) days] to the owner of record or person having custody of such motor vehicle or accessories, if such owner can be ascertained by the exercise of reasonable diligence, and, also to the owner of the private property, as shown on the tax assessment records of the Borough, on which the same is located. Such notice shall contain the following additional information;

- A. Nature of complaint;
- B. Description and location of the motor vehicle and/or motor vehicle accessories;
- C. Statement that the motor vehicle or motor vehicle accessories shall be removed from the premises no later than thirty (30) days from the date of notification;

D. Statement that removal from the location specified in the notification to another location upon which such storage is not permitted is prohibited and shall subject the person to additional penalties;

E. Statement that if removal is made within the time limits specified, notification thereof shall be given in writing to the building inspector, code enforcement officer, or police officer; and

F. Statement of the penalties provided for noncompliance with such notice.

Section 7. Penalties for Violation. Any person violating any of the provisions of this Ordinance shall, upon conviction, be guilty of a summary offense and shall be sentenced to a fine of not more than Three Hundred (\$300.00) Dollars, plus costs of prosecution. Each day that a violation is committed shall constitute a separate offense.

Section 8. Repealer. Any ordinance, or part of any ordinance, inconsistent herewith, is hereby repealed. Ordinances Nos. 81 B and 133 are specifically repealed, hereby.

Section 9. Effective Date. This Ordinance shall become effective immediately upon its enactment and as otherwise provided by law.

ORDAINED AND ENACTED at a duly constituted and held regular meeting of Borough Council of the Borough of Cokeburg this 10<sup>th</sup> day of May, 1999.

BOROUGH OF COKEBURG

By: Peter Ladisic  
President of Council

ATTEST:

Judy Slousher  
Secretary

Read and approved by me this 10<sup>th</sup> day of May, 1999.

Benson Lubich  
Mayor