

18 G. M. S. 102
MILESBURO BOROUG
CENTRE COUNTY, PENNSYLVANIA

AN ORDINANCE OF THE BOROUG OF MILESBURO, CENTRE COUNTY, PENNSYLVANIA DECLARING THE STORAGE OF PARKING OF JUNKED, WRECKED, STRIPPED OR ABANDONED MOTOR VEHICLES ON PRIVATE PROPERTY TO BE A NUISANCE PER SE; PROHIBITING THE STORAGE OR PARKING OF SUCH MOTOR VEHICLES ON PRIVATE PROPERTY; PROVIDING FOR THE REMOVAL OF SUCH MOTOR VEHICLE FROM PRIVATE PROPERTY AFTER NOTICE AND AN OPPORTUNITY TO BE HEARD; PROVIDING THAT THE OWNER OF SUCH PRIVATE PROPERTY SHALL BE LIABLE FOR THE COST OF REMOVAL; PROVIDING FOR EMERGENCY ACTIONS BY THE HEALTH AND SANITATION COMMITTEE AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT THEREWITH.

THEREFORE, BE IT ENACTED AND ORDAINED BY THE BOROUG OF MILESBURO AS FOLLOWS:

SECTION 1. The Borough of Milesburg finds that the storage and parking of wrecked, junked, stripped or abandoned motor vehicles on private property, except when such vehicles are parked or stored in a building, constitutes a nuisance and is detrimental to the public health, safety, morals and welfare.

SECTION 2. ABANDONED VEHICLES. It shall be unlawful to park, store or leave any motor vehicle of any kind in a wrecked, junked, stripped or abandoned condition on private property, unless in a building, and it shall be unlawful for the owner of such motor vehicle, or the owner or occupant of any property, to allow, permit or suffer the same, to be left upon any privately owned property, unless the same be authorized in conjunction with a business properly operated, pursuant to the laws of the Borough of Milesburg.

SECTION 3. NOTICE TO OWNERS. If the Chairman of the Health and Sanitation Committee or any of his authorized agents find that a violation of this article exists, the Chairman shall notify the owner or the property on which the motor vehicle is stored or parked, or the owner of the motor vehicle, or both, of the violation, and order the owner of said motor vehicle or vehicles within five (5) days thereof, and the owner of the property on which the motor vehicle or vehicles is stored or parked, within forty-five (45) days thereof, to remove the motor vehicle or vehicles.

SECTION 4. MODE OF NOTICE. Notice shall be given by personal service or by Registered Mail to the last known address of the violator. In the event that, on diligent search, the address of either the property owner or motor vehicle owner cannot be ascertained, the posting of the said notice or copies thereof on the real property, motor vehicle, structure or area immediately adjacent thereto shall constitute sufficient notice.

SECTION 5. OWNER MAY REQUEST HEARING. Within two (2) days after notice, the party or parties affected may request a hearing with the Chairman of the Health and Sanitation Committee by filing a written request with the Chairman. The owner of the motor vehicle shall with the request, file a fee of \$15.00. The said Chairman after said hearing shall affirm, withdraw or modify the notice.

SECTION 6. FAILURE TO REQUEST HEARING. If a hearing is not requested, then the parties affected shall proceed to remove or have removed, the motor vehicle or vehicles in question from the property in question in accordance with the notice and order.

SECTION 7. NOTICE OF HEARING. On proper request, a hearing on the matter shall be given forthwith and where more than one party is involved it shall be the duty of the party requesting the said hearing to notify all other parties affected or interested of the time and place of the hearing.

SECTION 8. FAILURE TO ACT: IMPOSITION OF COSTS. If the violation complained of shall not have been remedied within the period as required by the order, the Borough of Milesburg shall, through its own agents, contractors and/or employees, remedy the violations and charge the costs thereof to the real property owner on whose property the vehicles are located. Said cost shall, after a proper demand and refusal or a failure to pay after thirty (30) days, constitute a lien in the said realty which shall be filed by the Borough Solicitor.

SECTION 9. EMERGENCY POWERS: Nothing in this article shall prevent the Chairman of the Health and Sanitation Committee or duly authorized officials, from removing from private property without notice, any attended or unattended motor vehicle, the presence of which constitutes a hazard or threat to the life, health, safety, welfare and morals of the citizens of Milesburg which is imminently dangerous and in the opinion of the said Chairman or authorized officials, constitutes a nuisance which gives rise to the existence of emergency conditions.

SECTION 10. PENALTY FOR VIOLATION: Any person who shall violate any section of this article, shall upon conviction before any Justice of the Peace pay a fine of not less than \$5.00 nor more than \$300.00 or in default thereof be imprisoned for a period of not exceeding 30 days. Each day's failure to comply with the order of the Chairman shall constitute a separate offense for each vehicle in violation thereof.

SECTION 11. SEVERABILITY: The provisions of this Ordinance shall be severable. If any of its provisions shall be held to be unconstitutional or illegal, such decision shall not affect the validity of any of the remaining provisions of this Ordinance. It is hereby declared as a legislative intent that this Ordinance would have been adopted had such unconstitutional illegal provision not been included herein.

SECTION 12: All Ordinances or parts of Ordinances inconsistent herewith be and they are hereby repealed.

Duly enacted as an Ordinance of the Borough of Milesburg this first day of July, A.D., 1968, in lawful session duly assembled.

BOROUGH OF MILESBURG
COUNTY OF CENTRE,
PENNSYLVANIA

ATTEST: Joseph J. Pillot
Secretary

BY: L. R. Glenn, PRESIDENT
LESTER F. BAIRD, MAYOR

SEAL