

ORDINANCE NO. 221

AN ORDINANCE OF THE BOROUGH OF MILESBERG 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

The Borough of Milesburg 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 street or highways, and including trailers or semi-trailers pulled thereby.

NUISANCE - any condition, structure, or improvement which shall constitute a threat to the health, safety, or welfare of the citizens of the Borough of Milesburg.

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: STORAGE OF CERTAIN VEHICLES - Except for licensed motor vehicles with valid Pennsylvania inspection stickers, used motor vehicles, junked or otherwise, shall be stored on private premises in compliance with the provisions of this Ordinance.

SECTION 3: REGULATIONS - Any person desiring to store or to continue to store motor vehicle(s) on private grounds, except those mentioned in Section 2, shall comply with the following:

1. All gas shall be drained from the vehicle.
2. All glass shall be removed from any broken windshield, window or mirror.

3. All upholstery shall be removed.
4. All trunk lids shall be removed, or shall have their locks removed.
5. All such stored motor vehicles shall be at least twenty-five (25) feet from any building so as not to obstruct any fire-fighting equipment or emergency vehicles.
6. All such stored motor vehicles shall be at least twenty-five (25) feet from any river or streams or any other natural watercourse.
7. All such stored motor vehicles shall at all times be kept free of vermin infestation.

SECTION 4: INSPECTION; NOTICE TO COMPLY

1. The Mayor or Enforcement Officer is hereby empowered to inspect grounds on which motor vehicles are stored to determine if there is compliance with the provisions of the 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, 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 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 conditions, within the time limit prescribed, the Borough of Milesburg 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 of Milesburg, 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: HEARING

1. Any person aggrieved by the decision of the Mayor or Enforcement Officer may request and shall then be granted a hearing before the Borough of Milesburg; provided, he files with the Borough of Milesburg within ten (10) days after notice of the Mayor or Enforcement Officer's 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 of Milesburg shall sustain, modify or overrule the action of the Mayor or Enforcement Officer.

SECTION 7: PENALTIES - Any person who shall violate any provisions 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 8: 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 Borough of Milesburg.

SECTION 9: REPEALER - All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed. The following ordinances or parts thereof are specifically repealed.

SECTION 10: 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 Borough of Milesburg that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

SECTION 11: EFFECTIVE DATE - This Ordinance shall become effective on July 10, 1989.

ADOPTED AND ENACTED into an Ordinance for the Borough of Milesburg this 10th day of July, 1989.

BOROUGH OF MILESBURG

Attest:

Margaret L. Minnerger
Secretary

BY: Robert B. Park
RK Dech
Mayor