

ORDINANCE NO. 304

AN ORDINANCE OF THE BOROUGH OF MILESBERG, CENTRE COUNTY, PENNSYLVANIA, REGULATING THE MAINTENANCE OF A JUNKYARD, THE STORAGE OF JUNKED VEHICLES, DECLARING SAME TO BE AN ABATABLE PUBLIC NUISANCE, PROVIDING FOR THE REMOVAL AND IMPOUNDING OF ANY VEHICLES SO STORED, PARKED, OR LEFT UPON ANY PUBLIC OR PRIVATE PROPERTY AND PRESCRIBING PENALTIES FOR VIOLATION.

WHEREAS, the maintenance of junked vehicles constitutes a public hazard or nuisance, and regulations are deemed necessary for the preservation of the public health, welfare, and safety of the citizens of Milesburg Borough; AND

WHEREAS, the Borough Council recognizes and finds that the accumulation of junked vehicles creates a hazard, threat, or potential threat to the health, safety, and welfare of the Borough's citizens and because such accumulation provides a breeding area for rodents and vermin, causes pollution and contamination, and provides an attractive nuisance for children;

THEREFORE, BE IT ENACTED AND ORDAINED, and IT IS HEREBY ORDAINED AND ENACTED, by the Borough Council of Milesburg Borough as follows:

SECTION ONE - DEFINITIONS

For purposes of this Ordinance the following definitions shall be applicable:

- a) **Junked motor vehicle** means a motor vehicle or trailer which is completely or partially dismantled, unused, unusable or wrecked; or which cannot be legally or safely operated on the streets, highways, or waterways of the Borough or the Commonwealth; or which requires either a license and/or an inspection sticker and does not have said required license and/or inspection sticker.

- b) **Motor vehicle** means any self-propelled land vehicle which can be used for towing or transporting people or materials, including, but not limited to, automobiles, trucks, buses, motorhomes, 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 any 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 subdivision.
- f) **Removal** means the physical location or relocation of a motor vehicle to an authorized location.
- g) **Trailer** means any wheeled device used as a means of carrying, hauling or conveying any vehicle, person, animal, boat or other object.
- h) **Unsheltered storage** means any storage except storage inside a completely enclosed building.

SECTION TWO - PROHIBITION OF JUNKYARDS

It shall be unlawful for any person or persons, firm, corporation, or other entity to establish, maintain, conduct, or allow any junk yard either on public or private property within the limits of the Borough of Milesburg, except in the I-1 Industrial District as set forth in the Zoning Ordinance of the Borough of Milesburg.

SECTION THREE - PROHIBITED STORAGE OR PARKING

It shall be unlawful for any person owning or having custody of any junked motor vehicle or motor vehicle accessories to store or permit any such vehicle or accessories to remain in unsheltered storage on any private property or public street, highway, or property within the Borough of Milesburg for a period of time in excess of five (5) days following receipt of a notice requiring removal of such motor vehicle(s) or accessories. It shall be further unlawful for any person owning any private property in the Borough or leasing any such property to store or to permit any junked motor vehicles or accessories to remain on said private property for more than said seven-day period.

SECTION FOUR - PROHIBITED STORAGE

The establishment, maintenance, or conduct of any junkyard or the storage of any junked motor vehicle as described herein is hereby declared to be a public nuisance and liable to be abated as provided for by law, including, but not limited to, the Public Nuisance Ordinance of Milesburg Borough.

SECTION FIVE - PERMITTED STORAGE

The prohibitions of Section Four hereof shall not apply where junked motor vehicle(s) or motor vehicle accessories are stored in a completely enclosed building. The prohibitions of Section 3 hereof shall not apply to the premises of a business enterprise, otherwise legally operating in a lawful place and manner, where junked motor vehicle(s) or accessories are on premises for repair.

SECTION SIX - NOTICE OF REMOVAL

Whenever the Code Enforcement Officer 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, highway or property within the Borough, the Code Enforcement Officer or the Secretary of the Borough shall send by certified or registered mail a notice to the owner of record and/or person having custody of such motor vehicle or accessories and/or to the resident(s) or occupant(s) of the private property on which said junked motor vehicle(s) or accessories are located to remove the junked motor vehicle(s) and/or accessories within five (5) days. Such notice shall contain the following information:

- A. Name(s) of the owner(s) of the property;
- B. The name(s) of the occupant or resident of the private property on which the junked motor vehicle or motor vehicle accessories are on;
- C. A description of the junked motor vehicle(s) or motor vehicle accessories;
- D. A statement that junked motor vehicle(s) or motor vehicle accessories shall be removed from the premises by no later than five (5) days from the date of the notice;
- E. A statement that if the junked motor vehicle(s) or motor vehicle accessories are not removed, the Borough will or may seek enforcement of the Ordinance and penalties, costs, fees, and other relief for non-compliance as allowed by this Ordinance, any other applicable Ordinance of Milesburg Borough, including, but not limited to, the Borough's Public Nuisance Ordinance, statutory law, regulations, and/or common law, including action in equity.

SECTION SEVEN - PENALTY FOR VIOLATION

Any person violating any of the provisions of this Ordinance shall, upon conviction before a District Justice or Magistrate, be guilty of a summary offense and shall be sentenced to pay a fine of not less than Fifty (\$50.00) Dollars nor more than One Hundred (\$100.00) Dollars and/or to be committed to the county jail for a period not exceeding thirty (30) days, plus costs of prosecution and attorney's fees. Each day that junked motor vehicles or motor vehicle accessories remain on the premises in violation of this Ordinance shall constitute a separate offense.

SECTION EIGHT - REPEALER

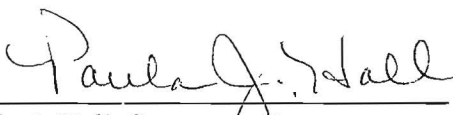
Ordinance Nos. 236 and 276 are hereby repealed.

SECTION NINE - EFFECTIVE DATE

This Ordinance shall become effective immediately upon its enactment as provided by law.


ENACTED INTO AN ORDINANCE, this 8th day of December, 2003, by the Council of the Borough of Milesburg, in lawful session assembled.

ATTEST:

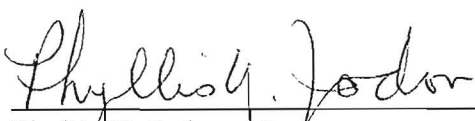


Paula J. Hall, Secretary-Treasurer

BOROUGH OF MILESBURG:



James G. Reigh, Council President



Phyllis Y. Jodon, Mayor