ORDINANCE NO. _____

BOROUGH OF BENTLEYVILLE
WASHINGTON COUNTY, PENNSYLVNIA

AN ORDINANCE OF THE BOROUGH OF BENTLEYVILLE, WASHINGTON COUNTY, PENNSYLVANIA, REGULATING THE STORAGE OF MOTOR VEHICLES OR PARTS THEREOF ON PRIVATE GROUNDS; REQUIRING THE REMOVAL, REPAIR OR ALTERATIONS OF THE CONDITIONS CONSTITUTING A NUISANCE OR DANGER TO THE CITIZENS; AND PRESCRIBING PENALTIES FOR VIOLATIONS.

WHEREAS, it is now deemed necessary for the promotion of the health, cleanliness, welfare, comfort and safety of the citizens of the Borough of Bentleyville to enact this Ordinance.

NOW THEREFORE, pursuant to the authority conferred upon it by the Borough Code as amended, and other laws of the Commonwealth of Pennsylvania, the Council Members of the Borough of Bentleyville, Washington County, Pennsylvania, do hereby enact and ordain the following:

SECTION 1: TITLE

This Ordinance shall be known and cited as the "Bentleyville Borough Motor Vehicle Storage Ordinance of 2015."

SECTION 2: PURPOSE

This Ordinance recognizes a need within the Borough of Bentleyville to establish certain minimum health and safety requirements in the storage of motor vehicles within the Borough and this Ordinance established the standards which the Council Members of Bentleyville Borough considers to be fair and effective in meeting those requirements.

SECTION 3: 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 or able to be towed by a vehicle in which persons, property or recreational equipment can be transported upon public streets or highways, including trailers or semi trailers pulled thereby, recreational trailers, campers and recreational vehicles.

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

OWNER - the actual owner, agent or custodian of the property on which motor vehicles are stored, whether individual or partnership, association or corporation according to the Borough tax duplicate and the owner of record of the vehicle pursuant to PennDOT records.

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 4: 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 or lessee within the Borough. A motor vehicle nuisance shall include any motor vehicle which is unable to move under its own power and has any of the following physical defects:

A. Broken windshields, mirrors or other glass, with sharp edges.

B. One or more flat or open tired or tubes which could permit vermin harborage.

C. Missing doors, windows, hood, trunk or other body parts which could permit animal harborage.

D. Any body parts with sharp edges including holes resulting from rust.

E. Missing tires in unsafe suspension of the motor vehicle.

F. Upholstery which is torn or open which could permit animal and/or vermin harborage.

G. Broken headlamps or tail-lamps with sharp edges.

H. Disassembled chassis parts apart from the motor vehicle stored in a disorderly fashion or loose in or on the vehicle.

I. Protruding sharp objects from the chassis.

J. Broken vehicle frame suspended from the ground in an unstable manner.

K. Leaking or damaged oil pan or gas tank which could cause fire or explosion.

L. Exposed battery containing acid.

M. Inoperable locking mechanism on doors or trunks.

N. Open or damaged floor boards including trunk and firewall.

O. Damaged bumpers pulled away from the perimeter of vehicle.

P. Broken grill with protruding edges.

Q. Loose or damaged metal trim and clips.

R. Broken communication equipment antennae.

S. Suspended or unstable supports.

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

SECTION 5: STORAGE OF MOTOR VEHICLE NUISANCES PERMITTED

Any person, owner or lessee who has one or more motor vehicle nuisances defined in Section 4 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 either temporary or permanent storage and pay a fee to the Borough such as may be provided from time to time by resolution of the Council Members. The motor vehicle nuisance(s) must be stored within a garage or other enclosed building or, outside within an opaque fence at least six feet (6') high which is locked at all times when unattended. With the special approval of the Council Members, motor vehicle nuisances may also be stored outside in an area enclosed by a chain link fence, at least six feet (6') high, screened by shrubbery around the perimeter to the height of the fence, with an obstructed gate capable of admitting fire or emergency equipment. Such gate shall remain locked at all times when unattended. No tents or carports shall be used for this purpose.

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.

SECTION 6: LOCATION FOR STORAGE OF MOTOR VEHICLES.

All such motor vehicle nuisances stored outside shall be stored at least twenty-five (25) feet from any building so as not to obstruct any firefighting equipment or emergency vehicles. Additionally, all such motor vehicle nuisances stored outside shall be stored at least twenty-five (25) feet from any river or stream or any other natural watercourse. All such motor vehicle nuisances stored outside shall be stored at least twenty-five(25) feet from the nearest neighboring boundary line.

SECTION 7: INSPECTION; NOTICE TO COMPLY

A. The Borough Code Enforcement Officer/Inspector is hereby empowered to inspect grounds on which motor vehicles are stored to determine if there is compliance with the provisions of this 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.

B. Said notice shall specify the condition of structure or improvement complained of and shall require the owner to commence to remove or otherwise rectify the condition of structure or improvement as set forth therein within ten (10) days or mailing or posting of said notice, and thereafter, to fully comply with the requirements of the notice within a reasonable time.

SECTION 8: AUTHORITY TO REMEDY NONCOMPLIANCE.

If the owner of grounds on which vehicles are stored does not comply with the notice to abate the conditions, within the time limit prescribed, the Borough shall have the authority to enter upon the property and/or engage a salvor and to take measures to correct the conditions and collect the cost of such corrections plus 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 and to

remove the vehicle and place the vehicle in storage, provided notice of the storage of the vehicle is given in the same manner as set forth herein at Section 7 of this part, said storage to be maintained for a period of ten (10) days, after which time the vehicle may be disposed of without liability or responsibility to the Borough for the value of the vehicle, if any. The owner of the premises from which the vehicle was removed shall be responsible for removal, storage and all other costs associated with this process.

SECTION 9: HEARING

1. Any person aggrieved by the decision of the Enforcement Officer may (except for removal and disposal of a vehicle) request and shall then be granted a hearing before the Council Members, provided he files with the Council Members within ten (10) days after notice of the 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 30 days after the date on which the petition was filed unless postponed by the Borough due to the timing of its monthly meetings.

2. After such hearing, the Council Members shall sustain, modify or overrule the action of the Enforcement Officer.

SECTION 10: 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 Council Members. In addition, the Council Members retains the right to seek injunctive relief in the Court of Common Pleas of Washington County and the same shall not constitute a waiver of the right to enforce this Part as set forth herein.

SECTION 11: PENALTIES.

Any person who shall violate any provision of this Ordinance shall, upon conviction thereof, be sentenced to pay a fine not more than one thousand ($1,000.00) dollars, 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 12: REPEALER.

All Ordinances or parts of Ordinances which are inconsistent herewith are repealed.

SECTION 13: SEVERABILITY.

If any sentence, clause, section or part of this Ordinance if for any reason found to be unconstitutional, illegal or invalid, it 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 Council of the Borough of Bentleyville that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

SECTION 14: EFFECTIVE DATE

This Ordinance shall become effective immediately upon final enactment and completion of legal advertisement.

ORDAINED AND ENACTED into law by the Council of the Borough of Bentleyville in lawful session assembled this _____ day of _____, 2015.

BENTLEYVILLE BOROUGH

ATTEST:

_____ By: _____
Kimberly Sacco, Secretary/Treasurer Stan Glowaski, President

EXAMINED AND APPROVED by me this _____ day of _____, 2015.

By: _____
Thomas Brown, Mayor