

ORDINANCE NO. 99

AN ORDINANCE OF THE TOWNSHIP OF BARRETT PROHIBITING THE STORAGE OR KEEPING OF ABANDONED OR JUNKED AUTOMOBILES OR RUBBISH AND CERTAIN OTHER PERSONAL PROPERTY ON PRIVATE OR PUBLIC PROPERTY, DECLARING THE SAME TO BE A NUISANCE, PROVIDING FOR THE ABATEMENT OR REMOVAL OF SAME, AND FIXING PENALTIES FOR VIOLATIONS THEREOF.

WHEREAS, the Board of Supervisors of Barrett Township deems it to be in the best interest and general welfare of the citizens and the residents of Barrett Township to prohibit the unreasonable, unwarrantable, or unlawful use of private or public property which causes injury, damage, inconvenience, annoyance, or discomfort to others in the legitimate enjoyment of the rights of person or property; and

WHEREAS, Section 702 of the Second Class Township Code, Act of May 1, 1933, P. L. 103, Article VII, Section 702, Clause XII, as amended, found at 53 P.S. 65712, authorizes Townships of the Second Class to prohibit nuisances, including, but not limited to, the storage of abandoned, or nuisance automobiles, or junk, and certain other personal property on private and public property, to remove such nuisances, and to impose penalties therefor;

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Supervisors of Barrett Township, Monroe County, Pennsylvania, and it is hereby ordained and enacted by the authority of the same:

SECTION 1. DEFINITIONS

For the purposes of this Ordinance, the following terms, phrases, words, and their derivations, shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future; words in the plural number include the singular number; words in the singular number include the plural number; the masculine gender shall include the feminine and neuter genders; and the word "shall" is always mandatory and not merely directory.

A. "Township" is the Township of Barrett, Monroe County, Pennsylvania.

B. "Board of Supervisors" is the Board of Supervisors of Barrett Township, Monroe County, Pennsylvania.

C. "Owner" is a person owning, leasing, occupying, or having charge of any premises within the Township; and/or the actual owner, agent or custodian of the property on which motor vehicles are stored, whether individual or partnership, association, or corporation.

D. "Person" shall mean and include any natural person, male or female, firm, partnership, association, corporation, company, legal entity, or organization of any kind.

E. "Nuisance" shall mean the unreasonable, unwarrantable, or unlawful use of public or private property, which causes injury, damage, hurt, inconvenience, annoyance, or discomfort to any person in the legitimate enjoyment of his rights of person or property; and/or any condition, structure, or improvement which shall constitute a threat or potential threat to the health, safety, or welfare of the citizens of the Township.

F. "Lot" shall mean any parcel of land, regardless of size, intended as a unit of ownership, transfer of ownership, use, rent, improvement, or development.

G. "Abandoned Vehicles" shall mean any unsheltered vehicle (i.e., not stored within a garage or other enclosure) other than a pedalcycle:

1. That is inoperable and is left unattended on public property for a period of more than forty-eight (48) hours; or

2. That has remained illegally on public property for a period of more than forty-eight (48) hours; or

3. Without a valid registration plate or certificate of inspection or title is left unattended on or along a Township Road or State Highway; or

4. Without a valid registration plate or certificate of inspection, or that has remained on private property with or without the consent of the owner or person in control of the property for more than thirty (30) days; or

5. That cannot be inspected or resold without current Registration Plates. Owner has ninety (90) days to

make repairs and sell or apply for current license plate and inspection.

Vehicles left for repair at a bona fide automotive repair shop or vehicles and equipment used or to be used in construction or in the operation or maintenance of public utility facilities, which are kept in a manner which does not interfere with the normal movement of traffic, shall not be considered to be abandoned.

H. "Junked Vehicles" shall mean any unsheltered motor vehicle, which is inoperable or unable to meet the vehicle equipment and inspection standards under the "Pennsylvania Vehicle Code"; and/or vehicles wrecked, or major parts missing, such as motor, glass, wheels, etc. In the event a vehicle is waiting for insurance claim, proof must be shown. This definition does not include a vehicle which would qualify as an antique or classic vehicle.

I. "Junk" shall mean any discarded material or article such as is not ordinarily disposed of as rubbish or refuse, and shall include, but not be limited to, scrap metal, machinery implements, and abandoned, discarded or unused objects, such as furniture, stoves, refrigerators, freezers, cans or containers, and shall not include any garbage or other organic waste, or any paper, rubbish rags, or other flammable article or material, or hazardous waste kept in a container for the purpose of prompt disposal.

J. "Junkyard" shall mean any lot where junk, as defined above, is stored, disposed of, or accumulated.

K. "Motor Vehicle" shall mean any type of mechanical device, propelled by a motor, in which persons or property may be transported upon public streets or highways, and including trailers or semi-trailers pulled thereby.

SECTION 2. 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 Township. A motor vehicle nuisance shall include any motor vehicle which is unable to move under its own power or which has not been licensed or inspected for a period of one year and has any of the following physical defects:

1. Broken windshields, mirrors or other glass, with sharp edges.
2. One or more flat or open tires or tubes which could permit vermin harborage.
3. Missing doors, windows, hood, trunk or other body parts, which could permit animal harborage.
4. Any body parts with sharp edges including holes resulting from rust.
5. Missing tires resulting in unsafe suspension of the motor vehicle.
6. Upholstery which is torn or open which could permit animal and/or vermin harborage.
7. Broken head lamps or tail lamps with sharp edges.
8. Disassembled chassis parts apart from the motor vehicle stored in a disorderly fashion or loose in or on the vehicle.
9. Protruding sharp objects from the chassis.
10. Broken vehicle frame suspended from the ground in an unstable manner.
11. Leaking or damaged oil pan or gas tank which could cause fire or explosion.
12. Exposed battery containing acid.
13. Inoperable locking mechanism for doors or trunk.
14. Open or damaged floor boards including trunk and fire wall.
15. Damaged bumpers pulled away from the perimeter of vehicle.
16. Broken grill with protruding edges.
17. Loose or damaged metal trim and clips.
18. Broken communication equipment antennae.

19. Suspended or unstable supports.

20. Such other defects which could threaten the health, safety and welfare of the citizens of the Township.

SECTION 3. STORAGE OF MOTOR VEHICLE NUISANCES PERMITTED.

Any person, owner, or lessee who has one or more motor vehicle nuisances, as defined in Section 2, may store such vehicle(s) in the Township only in strict compliance with the regulations provided herein. Such person, owner, or lessee must first apply for a permit for either temporary or permanent storage and pay a fee to the Township such as may be provided from time to time by resolution of the Board of Supervisors. The motor vehicle nuisance(s) must be stored within a garage or other enclosed building, or in rear of lot outside within an opaque fence at least six (6') feet high, which is locked at all times when unattended. With the special approval of the Board of Supervisors, motor vehicle nuisances may also be stored outside in an area enclosed by a chain link fence, at least six (6') feet high, screened by shrubbery around the perimeter to the height of the fence, with an unobstructed gate capable of admitting fire or emergency equipment. Such gate shall remain locked at all times when unattended. 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. The total area of storage of motor vehicle nuisances may not exceed five hundred (500) square feet per lot. Nothing herein shall be construed to permit the storage of motor vehicle nuisances contrary to the provisions of the Barrett Township Zoning Ordinance.

SECTION 4. PENALTY FOR VIOLATION

If any person or owner, after receiving thirty (30) days prior notice by the Township Supervisors, shall fail, neglect, or refuse to correct or abate any motor vehicle nuisance or other nuisance:

A. The Board of Supervisors may direct the removal of such nuisance to be done by the Township, its agents or employees, and the costs of such removal, together with a penalty of ten (10%) per cent, may be collected from the person or owner of the premises by an Action of Assumpsit, or other appropriate legal process, or the Township may file a Municipal Claim or Lien therefor against such real estate.

B. The Township Supervisors may institute proceedings in any Court of Equity requesting the abatement of such nuisance.

C. Any person or owner who shall violate the provisions of this Ordinance, or who shall fail or refuse to comply, after receiving notice of such violation, shall, upon conviction thereof before a District Justice, pay a fine of not less than One Hundred (\$100.00) Dollars nor more than Three Hundred (\$300.00) Dollars after a summary proceeding brought in the name of the Township before said District Justice. A new and separate offense shall be deemed to be committed for each day that such violation exists.

SECTION 5. NOTICE

All notices hereunder may be given either by certified mail to the last known address of the owner of the property in question, or notice may be given by posting or attaching a notice on the offending vehicle or other personal property.

SECTION 6. SEVERABILITY

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this Ordinance.

SECTION 7. REPEALER

All other Ordinances or parts of Ordinances conflicting with the provisions of this Ordinance are hereby repealed insofar as they are inconsistent with this Ordinance.

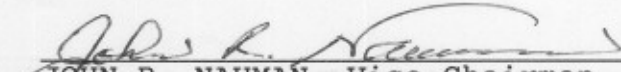
SECTION 8. EFFECTIVE DATE

This Ordinance shall become effective five (5) days after its adoption.


ORDAINED AND ENACTED as an Ordinance at a regular meeting of the Supervisors of Barrett Township, Monroe County, Pennsylvania, this 9th day of August, 1989.

TOWNSHIP OF BARRETT

LAWRENCE C. HARDY, Chairman



JOHN R. NAUMAN, Vice Chairman



MAY LaBAR, Secretary



(TOWNSHIP SEAL)