

**AN ORDINANCE PROHIBITING THE PARKING OR STORAGE OF UNLICENSED AND/OR UNREGISTERED MOTOR VEHICLES ON PUBLIC STREETS, OR ON PRIVATE PROPERTY WHICH CAN BE READILY OBSERVED FROM A PUBLIC STREET OR ADJACENT PROPERTIES, AND PROHIBITING THE STORAGE OR ACCUMULATION ON PRIVATE PROPERTY OF VEHICLES OR MACHINERY PARTS, SCRAP, SALVAGE, BUILDING MATERIALS NOT IN CURRENT USE, PARTIALLY DISMANTLED TRAILERS OR MOBILE HOMES IN DILAPIDATED OR DAMAGED CONDITION, OR OTHER MATERIALS OR ITEMS DETRIMENTAL TO THE GENERAL PUBLIC WELFARE, WHEN SUCH STORAGE IS NOT CONDUCTED AS AN INTEGRAL PART OF A BUSINESS BEING LEGALLY OPERATED ON THE PREMISES IN QUESTION: PROVIDING FOR NOTICE TO VIOLATORS AND FINES FOR CONTINUED VIOLATIONS: AND ABATEMENT REMEDIES BY THE BOROUGH.**

THIS ORDINANCE, enacted this 7th. day of October, 1997, by the Borough Council of the Borough of Saint Clair witnesseth that:

WHEREAS, the seriousness of the matter of the outdoor storage of abandoned, junked, discarded and unlicensed motor vehicles, vehicle and machinery parts, scrap, salvage, building materials not in current use, partially dismantled trailers or mobile homes in dilapidated or damaged condition, and similar materials or items within the Borough of Saint Clair increases with the passage of time; and

WHEREAS, such practices are unsightly and are a source of vexation and annoyance not only to members of the traveling public, but also to the owners and occupants of the adjoining lands; and

WHEREAS, such practices depreciate the value of neighboring properties: and

WHEREAS, such practices constitute an attractive nuisance to children and a peril to their safety, and a peril to the safety of the general public and a haven for vermin and wild animals; and

WHEREAS, the Borough Council desires to promote the preservation of peace and good order, the benefit of trade, the preservation of public health, the protection of property and property values and prevention of fires and vermin;

NOW THEREFORE, these considerations compel the Borough Council of the Borough of Saint Clair to ORDAIN and ENACT the following ordinance:

## **1. APPLICABILITY:**

The provisions of this Ordinance shall apply to all properties within the Borough limits and to all property owners and/or representatives of said owners, such as an occupant, lessee, agent, or otherwise.

## **2. RULES AND REGULATIONS:**

Under the provisions of this section, it shall be unlawful for any person, firm or corporation, either as owner, occupant, lessee, agent or otherwise to continually or repeatedly:

A: Park or store unlicensed and/or unregistered motor vehicles on any public street within the Borough:

B. Allow trash, refuse, garbage or rubbish to accumulate or to be placed, kept or scattered upon his property or upon a public sidewalk or street directly adjacent to his property in such a manner that it creates a hazard to public health, safety or convenience or in any manner which leaves it assessable to stray dogs and other animals. Trash, garbage, refuse and rubbish may be kept upon private property or upon the sidewalk directly adjacent to it when properly packaged and placed for collection by the sanitation crew in containers designed for such use for a period of time not to exceed twenty-four (24) hours prior to normal collection time;

C. Allow refuse or scrap from the construction or destruction of any building or structure to remain upon public or private property in such a manner that it is generally visible to the public or in such a manner that it may reasonably or potentially create a health or safety hazard, for a period of time exceeding forty-eight (48) hours after the completion of the construction or destruction of said structure;

D. Keep any junked or abandoned vehicles, or any vehicles or machinery parts, scrap, salvage, building materials not in current use, partially dismantled trailers or mobile homes in dilapidated or damaged condition, or other materials or items detrimental to the general public welfare upon property in such a manner and in such a location that it is visible to the general public from any public street or road or in such a manner that it may reasonably or potentially create a health or safety hazard. The provisions of this section shall not apply to individuals, firms or corporations which are specifically in business for the purpose of repairing, refitting or rebuilding motor vehicles or those who are in the business of recovering, salvaging or otherwise disposing, according to law, of wrecked, junked or abandoned vehicles, provided that:

(1) The location of the business conforms to present zoning ordinances and other regulations of this nature.

(2) The business is licensed and/or regulated according to law.

(3) It is in fact a full-time business and not a hobby or part-time occupation which takes up less than thirty (30) hours per week of the proprietor's or owner's time.

(4) The proprietor does not, at any time, park or keep upon his property more abandoned or junked vehicles than may be reasonably kept in such a location, taking into account its size, location and proximity to residences and with due consideration to possible and potential health and safety hazards.

(5) The proprietor takes reasonable care in ensuring that the area where abandoned or junked vehicles are to be stored is kept clean and orderly.

As used in this Ordinances, unlicensed and/or unregistered motor vehicles includes trailers, semi-trailers, special mobile equipment, and any other machines which require a current license, registration, and/or inspection by the Pennsylvania Department of Transportation to be operated or towed on public roads.

An abandoned or junked vehicle shall be construed to be as defined under Section 102 and other pertaining sections of the Pennsylvania Vehicle Code, including vehicles with glass which is broken or missing, damaged or missing major body panels, etc.

### **3. NOTIFICATION AND CORRECTION OF VIOLATIONS:**

All violations under this Ordinance shall be brought to the attention of the Mayor or a member of Council, who shall determine whether or not any provisions of this Ordinance has in fact been violated. If there is a violation, the property owner or person responsible shall then be notified, either personally or in writing, by the Mayor, Police Department or Solicitor whereupon, the property owner or person responsible shall be compelled to correct the violation within a period of ten (10) days after notification.

### **4. VIOLATIONS, PENALTIES, AND ENFORCEMENT:**

Any person who shall violate any provisions of this Ordinance shall, upon conviction thereof, be punishable by a fine of not more than three hundred dollars (\$300.00) and costs of such proceedings or, upon default of payment of such fines and costs, by imprisonment in the county jail for a term of not more than thirty (30) days. The continuation of such violations for each successive day shall constitute a separate offense and the person or persons allowing or permitting the continuation of the violation may be punished as provided above for each such separate offense.

In addition, in the event that the violation is not removed or corrected within ten (10) days after notification, the Borough shall have the authority to enter upon any private property and remove or correct any such violation, including the removal and scraping of any items involved in said violation, and the costs or removing for correcting such violation shall be charged to the property owner or person responsible, and may be assessed as a lien or charge against the land involved, or via civil process.

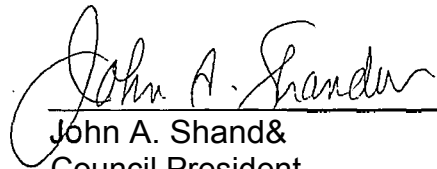
In the case of abandoned or junked vehicles, partially dismantled trailers or mobile homes in dilapidated or damaged conditions, the Borough shall have the authority to either scrap such items or have said items removed to an impound yard. Anyone claiming ownership of such items shall be required to pay all costs for moving and storage before said items are released to the owner. In the event that any such items remain at an impound yard for a period in excess of sixty (60) days, the owner thereof shall forfeit his rights to said property and the same maybe scraped or destroyed.




**5. SEVERABILITY:**

If any provisions of the present Ordinance are determined to be invalid by a court of competent jurisdiction, then the remainder of this ordinance shall be construed to have been written and enacted without such invalid provisions.

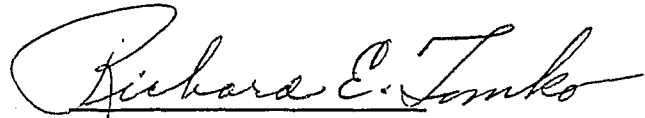
**6. EFFECTIVE DATE:**

This Ordinance shall take effect immediately upon passage.  
ORDAINED and ENACTED the date and year above written.

  
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John A. Shand &  
Council President

ATTEST:     
Roland Price, Jr.  
Borough Secretary

Approved by me this 9 day of October, 1997.

A handwritten signature in cursive script that reads "Richard E. Tomko". The signature is written in black ink and is positioned above a horizontal line.

Richard E. Tomko  
Mayor