

PART 4

MOTOR VEHICLE NUISANCES

§10-401. Definitions.

1. As used in this Part, the following terms shall have the meanings indicated, unless a different meaning clearly appears from the context:

LESSEE — owner for the purpose of this Part 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 streets or highways and including trailers or semi-trailers pulled thereby.

NUISANCE — any condition, structure or improvement which shall constitute a danger or potential danger to the health, safety or welfare of the citizens of the Borough of Philipsburg.

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.

2. In this Part, the singular shall include the plural, the plural shall include the singular and the masculine shall include the feminine and the neuter.

(Ord. 981, 3/8/1999, §1)

§10-402. Motor Vehicle Nuisances Prohibited.

It shall be unlawful for any person, owner or lessee, who does not hold a valid Philipsburg Borough junkyard permit, to maintain a motor vehicle nuisance upon the open private grounds of such person, owner or lessee within the Borough of Philipsburg. A motor vehicle nuisance shall include any motor vehicle maintained in violation of the Property Maintenance Code² or which is unable to move under its own power and has any of the following physical defects. (This Part shall not apply to persons who hold a valid Philipsburg Borough junkyard permit.):

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

² Editor's Note: See Ch. 5, Code Enforcement, Part 3.

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- B. One or more flat or open tires 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 resulting in unsafe suspension of the motor vehicle.
- F. Upholstery which is torn or open which could permit animal and/or vermin harborage.
- G. Broken head lamps 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 for doors or trunk.
- N. Open or damaged floor boards, including trunk and fire wall.
- 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 Philipsburg.

(Ord. 981, 3/8/1999, §2; as amended by A.O

§10-403. Storage of Motor Vehicles.

1. A person, owner or lessee may store one motor vehicle per premises in the Borough of Philipsburg only in strict compliance with the regulations provided herein and the Property Maintenance Code.
2. The motor vehicle must be stored within a garage or other enclosed building or outside within an opaque fence at least six feet high which is locked at all times when unattended.
3. With the special approval of the Borough Council of the Borough of Philipsburg, a motor vehicle may also be stored outside in an area enclosed by a chain-link fence at least six 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 300 square feet.
4. Nothing herein shall be construed to permit the storage of motor vehicle nuisances contrary to the provisions of the Philipsburg Borough Zoning Ordinance [Chapter 27].

(Ord. 981, 3/8/1999, §3; as amended by A.O

§10-404. Inspection of Premises; Notice to Comply.

1. The police and/or ordinance officer is hereby empowered to inspect private property on which motor vehicles are stored to determine if there is compliance with the provisions of this Part and the Property Maintenance Code. If noncompliance with the provisions of this Part 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 10 days of mailing or posting of said notice and thereafter to fully comply with the requirements of the notice within a reasonable time.

(Ord. 981, 3/8/1999, §4; as amended by A.O.

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§10-405. Authority to Remedy Noncompliance.

If the owner of grounds on which motor vehicles are stored does not comply with the notice to abate the nuisance, within the time limit prescribed, the Borough of Philipsburg shall have the authority to take measures to correct the conditions and collect the costs of such corrections plus 10% of all costs. The Borough of Philipsburg 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.

(Ord. 981, 3/8/1999, §5)

§10-406. Hearing.

1. Any person aggrieved by the decision of the police and/or ordinance officer may request and shall then be granted a hearing before the Borough Council of the Borough of Philipsburg; provided, he files with the Borough Council of the Borough of Philipsburg within 10 days after notice of the police and/or ordinance officer 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 for sufficient cause.
2. After such hearing, the Borough Council of the Borough of Philipsburg shall sustain, modify or overrule the action of the police and/or ordinance officer.

(Ord. 981, 3/8/1999, §6; as amended by A.O.)

§10-407. Penalties.

Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(Ord. 981, 3/8/1999, §7; as amended by A.O.)

§10-408. Remedies Not Mutually Exclusive.

The remedies provided herein for the enforcement of this Part 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 Council of the Borough of Philipsburg.

(Ord. 981, 3/8/1999, §8)