

ORDINANCE NO. 1045

AN ORDINANCE OF THE BOROUGH OF UNION CITY, PENNSYLVANIA DEFINING AND PROHIBITING THE STORAGE OF MOTOR VEHICLE NUISANCES OR PARTS THEREOF IN THE OPEN ON PRIVATE PROPERTY AND PROVIDING FOR EXCEPTIONS BY PERMIT; AUTHORIZING INSPECTIONS OF PREMISES AND NOTICES OF COMPLIANCE; REQUIRING THE REMOVAL, REPAIR, OR ALTERATION OF THE CONDITIONS CONSTITUTING A NUISANCE OR DANGER TO THE CITIZENS; AND PRESCRIBING PENALTIES AND REMEDIES FOR VIOLATION.

THE COUNCIL OF THE UNION CITY, PENNSYLVANIA, HEREBY ORDAINS AS FOLLOWS:

Section 1. 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, in which persons or property may be transported, including trailers or semi-trailers pulled thereby.

MOTOR VEHICLE ACCESSORIES – any part or parts of any motor vehicle.

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 Union City.

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.

PRIVATE PROPERTY or PRIVATE GROUNDS – any real property not owned by the federal government, state, county, Borough of Union City, school district or other political subdivisions.

In this ordinance, the singular shall include the plural; the plural shall include the singular; and the masculine shall include the feminine and neuter.

Section 2. Motor Vehicle Nuisances Prohibited. It shall be unlawful for any person, owner or lessee to own, store, permit or maintain a motor vehicle nuisance upon any open private grounds or property of such person, owner or lessee, or upon any public street or public highway, within the Borough of Union City. A “motor vehicle nuisance” shall include any motor vehicle and any motor vehicle accessory which is partially dismantled, unused, unusable or wrecked; which cannot safely or legally be operated on the streets, roads or highways of this Borough or the Commonwealth; or which is unable to move under its own power; and, in addition to the foregoing, has any of the following attributes, conditions or 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 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. Disabled 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 on unstable supports.
20. Such other defects which could threaten the health, safety and welfare of the citizens of the Borough of Union City.
21. Failure to maintain appropriate license and/or registration as required under the laws, regulations and rules of the Commonwealth of Pennsylvania and the Pennsylvania Department of Transportation.

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 above may store such motor

vehicle(s) or motor vehicle accessories in the Borough of Union City only in strict compliance with the regulations provided herein. Such person, owner or lessee must, first, apply for a permit for either six-month temporary storage or permanent storage and pay a fee of \$100.00 for temporary storage and \$200.00 for permanent storage to the Borough of Union City. The motor vehicle nuisance(s) must be stored within a garage or other enclosed building or structure, 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 Borough Council of the Borough of Union City, as well as upon application for and payment of the permit referenced above, 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 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 600 square feet.

Nothing herein shall be construed to permit the storage of motor vehicle nuisances contrary to the provisions of the Borough of Union City Zoning Ordinance.

Section 4. Inspection of Premises; Notice to Comply.

1. The Borough of Union City Building Inspector is hereby empowered to inspect and investigate private property, public street or highway on which motor vehicle nuisances are suspected or complained of, or on which motor vehicles or motor vehicle accessories are stored, whether permitted or not, to determine if there is compliance with the provisions of this ordinance. The Building Inspector, on routine inspection or upon receipt of a complaint, may enter upon private property to investigate said suspected motor vehicle nuisance(s) stored or maintained in violation of this ordinance. If noncompliance with the provisions of this ordinance constitutes a nuisance, or if any violation of this ordinance exists upon the private property, public street or highway, or if any condition, structure, or improvement poses a threat to the health, safety, or welfare of the public, the Building Inspector shall issue a written notice to be served by personal service, by registered or certified mail upon the person, owner or lessee violating the ordinance, or, if the person's, owner's or lessee's whereabouts or identity be unknown, by posting the notice conspicuously upon the offending premises.
2. Said notice shall specify the condition, structure, improvement or motor vehicle nuisance(s) complained of, and shall require the person, owner or lessee to commence to remove or otherwise rectify the condition, structure, improvement or motor vehicle nuisance(s) as set forth therein within ten (10) days of mailing or posting of said notice, and thereafter, to fully comply with the requirements of the notice within thirty (30) days of the date of mailing or posting of the notice.
3. Such notice shall contain the following additional information:
 - A. Nature of the complaint;
 - B. Description and location of the motor vehicle nuisance(s), including but not limited to any motor vehicle and/or motor vehicle accessories;

- C. Statement that the person, owner or lessee shall commence remedial action or removal of the motor vehicle nuisance(s) within ten (10) days of the date of mailing or posting of the notice, and a statement that the person, owner or lessee shall fully remedy or remove the motor vehicle nuisance(s) from the private property, public street or highway, no later than thirty (30) days from the date of mailing or posting of the notice;
- D. Statement that removal from the location specified in the notification to another location upon which such storage or maintenance is not permitted is prohibited and shall subject the person, owner or lessee to additional penalties as provided herein;
- E. Statement that if removal or remediation is made within the time limits specified in the notice, then notification thereof shall be given in writing to the Building Inspector; and
- F. Statement of the penalties provided for noncompliance with such notice.

Section 5. Authority to Remedy Noncompliance. If the person, owner or lessee of private property or grounds on which motor vehicle nuisances exist does not comply with the notice to abate the nuisance set forth in Section 4 above, within the time limit prescribed, the Borough of Union City shall have the authority, but is not required, to take measures to correct the conditions and collect and charge the cost of such corrections plus ten percent (10%) of all costs. Such collection, costs and charges may be imposed as and constitute a municipal lien upon the private property of the person, owner or lessee, including the collection of applicable attorneys' fees, court costs and collection fees. The Borough of Union City, 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.

Section 6. Penalties for Violation. Any person who shall violate any of the provisions of this ordinance shall, upon conviction thereof, be guilty of a summary offense and shall be sentenced to pay a fine of not more than Three Hundred Dollars (\$300.00), and/or to undergo imprisonment for a term not to exceed thirty (30) days, plus costs of prosecution. Each day that a violation of this ordinance continues or is committed shall constitute a separate offense.

Section 7. 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 Borough of Union City.

Section 8. Repealer. All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed. Ordinance No. 980 is specifically repealed.

Section 9. Effective Date. This ordinance shall become effective immediately upon its enactment and as otherwise provided by law.

ATTEST:

Cheryl K. Caputo
Borough Secretary/Treasurer

BOROUGH OF UNION CITY

BY:

W. R. P. [Signature]
President of Council

BY Paul Capela
Mayor

I certify that the above is a true copy of the Union City Ordinance No. 1045 adopted by the Union City Borough Council on July 13th, 2004, 2004 and advertised in the *Times-Leader* on June 28th,, 2004.

Cheryl K. Capela
Union City Borough Secretary

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