

ORDINANCE No. 278
Borough of Ellport, Lawrence

An ordinance of the Borough of Ellport, Lawrence County, Pennsylvania, restricting Junk Vehicles, Trailers, and vehicle scrap that constitute a nuisance and prescribing penalties for violation.

BE IT ENACTED AND ORDAINED by the Borough Council of the Borough of Ellport 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:

BOROUGH COUNCIL – The Borough Council of the Borough of Ellport, Lawrence County, Pennsylvania.

Motor vehicle– means any self-propelled land vehicle which can be used for towing or transporting people or materials, including but not limited to, automobiles, trucks, buses, motor homes, motorized campers, motorcycles, motor scooters, tractors, snowmobiles, all-terrain vehicles (ATVs), and any other off-the road vehicles. The term does not include a vehicle which would qualify as an antique or classic vehicle except for its lack of restoration.

Junked motor vehicle - means a motor vehicle or trailer which is partially dismantled, unused, unstable or wrecked and which cannot safely or legally be operated on the street or highways of this Borough or Commonwealth. Unlicensed, non-registered and uninspected vehicles shall be included within this definition. Any scrap, waste in the process of being dismantled, destroyed, but not limited to unregistered, inoperable vehicles, tires and vehicle parts.

Person – includes any natural person, firm, partnership, association, corporation or other legal entity of whatever kind.

Public nuisance – means the unsheltered storage of a junked motor vehicle as otherwise defined in this section which constitutes a hazard or threat or potential threat to the health, safety, or welfare of the public.

Trailer- any wheeled device used as a means of carrying, hauling or conveying any vehicle, person, animal, boat or any other object.

Unsheltered storage – any storage except storage inside a building.

Section 2. Prohibited Storage – It shall be unlawful for any person owning or having custody of any junked motor vehicle or motor vehicle parts which creates a hazard or threat of hazard to store or permit any such vehicle or parts to remain in unsheltered storage on any private, non-commercial, real property or public street within the Borough for a period of more than 72 hours (3 days), particularly following receipt of a notice requiring such removal. It is also unlawful for any person owning or occupying any private real property or occupying in the Borough or

leasing any such property in the Borough or leasing any such property to store or permit to store or permit to remain any such vehicles or parts on the property for more than 72 hours.

Section 3. Investigation of Premises- The Police Officer, Code Enforcement Officer, Health Officer on routine inspection or upon receipt of a complaint, may lawfully enter upon private property to investigate a suspected junked vehicle or motor vehicle parts stored or maintained in violation of this section and record the make, model, style and vehicle identification numbers and its conditioning.

Section 4. Notice of Removal – Whenever the Police Officer, Code Enforcement Officer, or Health Officer finds or is notified that any junked motor vehicle or motor vehicle parts have been stored or permitted to remain on any private property or public street within the Borough in violation of the provisions of this section, the Police Officer, Code Enforcement Officer, or Health Officer shall give personal notice or send, by certified or registered mail, a notice to the owner of record or person having custody of the property it is stored on of such motor vehicle or parts, to remove the junked motor vehicle, trailer or motor vehicle parts within 72 hours. In the event that the mailed notice is not accepted or is unclaimed, then notice may be conspicuously posted on the property. All notices shall contain the following additional information:

- (1) Nature of report
- (2) Description and location of the motor vehicle and/or parts.
- (3) Statement that the motor vehicle or motor vehicle parts shall be removed from the premises no later than three (3) days from the date of notification.
- (4) Statement of the penalties provided for non-compliance with such notice.

Section 5. Removal – Upon receipt of such notice requiring removal, the object complained of vehicle or trailer shall be removed from the premises no later than 72 hours (three days) from the date of the notice.

Section 6. Regulations within the Borough of Ellport. The following conditions constitute, separately or combined, a nuisance pursuant to this ordinance:

1. A vehicle may be deemed abandoned or junked under this section if the vehicle is not operable and lacks the current inspection or registration sticker. A trailer may be deemed abandoned or junked under this section if the trailer lacks a current appropriate license plate. Also parking or storage of abandoned or junked vehicles or trailers without a current appropriate license plate in exterior property areas, which also pose a threat to the public health, safety and welfare due to conditions of the vehicle or the vehicle's locations is prohibited.
 - 1.1 Broken or shattered windshields, mirrors, body parts or other glass with sharp edges.
 - 1.2 Missing doors, windows, hood, trunk or other body parts which could permit entry of children, wild animals, and/or vermin.
 - 1.3 Missing tires resulting in unsafe or unstable manner of the vehicle.
 - 1.4 Broken head lamps or tail lamps with sharp edges.

1.5 Leaking or damaged oil pan or gas tank which could cause fire or leakage into the ground.

1.6 Damaged bumpers or broken grill with protruding edges.

1.7 License plate must be registered to proper vehicle.

Section 7. Enforcement:

1. The Borough Council of the Borough of Ellport shall have the power and duty to enforce the provisions of this ordinance.
2. Borough Council hereby delegates enforcement of the provisions of this ordinance to any Police Officer, Code Enforcement Officer, Health Officer having jurisdiction over the Borough.
3. Any and all Police Officer, Code Enforcement Officer, and Health Officer are hereby granted the authority and responsibility for lawfully inspecting Junk Vehicles, Motor Vehicle parts and for assuring compliance with this ordinance. In the event any violations of this ordinance are found to be in existence at the time of inspection, the Police Officer, Enforcement Officer, and Health Officer is hereby charged with the responsibility of issuing citations, as merited, for all violations of this ordinance. Junk Vehicles and Motor Vehicle parts must be removed within 72 hours.

Section 8. Penalties: Any person who shall violate any provision of this Ordinance shall, open conviction thereof, shall be sentenced to pay a fine of not more than three hundred (\$300.00) dollars plus court costs and reasonable attorneys fees incurred by the Borough in the enforcement proceedings.

Section 9. Repealer: All or any parts of Ordinances that inconsistent herewith are hereby repealed.

Section 10. Severability: If any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity 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 Borough Council that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

Section 7. Effective Date: This Ordinance shall become effective on passage.

ENACTED AND ORDAINED by the Borough Council of Ellport, this day of , 2023

ATTEST:

ELLPORT COUNCIL

Maguerite Christy
Borough Secretary

M. A. Y.
Council President

Reviewed and approved this 15 day of MAY, 2023

Joe Cicco
Mayor