

**ORDINANCE NO. 1-2000
TOWNSHIP OF SCHUYLKILL**

AN ORDINANCE OF THE TOWNSHIP OF SCHUYLKILL DEFINING AND PROHIBITING THE STORAGE OF MOTOR VEHICLE NUISANCES OR PARTS; AUTHORIZING THE REMOVAL AND IMPOUNDMENT OF ILLEGALLY PARKED VEHICLES OR ABANDONED VEHICLES ON PUBLIC THOROUGHFARES AND PROPERTY AND ON PRIVATE PROPERTY; AND REGULATING THE PARKING OF ALL VEHICLES ON PUBLIC THOROUGHFARES IN THE TOWNSHIP OF SCHUYLKILL IN THE OPEN ON PRIVATE PROPERTY AND PROVIDING FOR EXCEPTIONS BY PERMIT; AUTHORIZING INSPECTIONS OF PREMISES, NOTICES OF COMPLIANCE AND APPEAL HEARINGS; AND PRESCRIBING PENALTIES AND REMEDIES FOR VIOLATION.

BE IT ENACTED AND ORDAINED by the Township Supervisors of Schuylkill, Schuylkill County, Pennsylvania as follows:

**PART 1
PROHIBIT MOTOR VEHICLE NUISANCE**

SECTION 101. 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 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 Township of Schuylkill.

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.

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

SECTION 102. 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 of Schuylkill. A motor vehicle nuisance shall include any motor vehicle which is unable to move under its own power 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 on unstable supports.

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

SECTION 103. Storage of Motor Vehicle Nuisances Permitted. Any person, owner or lessee who has one or more motor vehicle nuisances as defined in Section 102 above may store such vehicle(s) in the Township of Schuylkill 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 of Schuylkill pursuant to a Resolution of the Township of Schuylkill. The motor vehicle nuisance(s) must be stored within a garage or other enclosed building or, outside within a opaque fence at least six feet (6') high which is locked at all times when unattended.

With the special approval of the Township of Schuylkill 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.

Nothing herein shall be construed to permit the storage of motor vehicle nuisances contrary to the provisions of the Township of Schuylkill Zoning Ordinance.

PART 2

AUTHORIZING THE REMOVAL AND IMPOUNDMENT OF ILLEGALLY PARKED VEHICLES OR ABANDONED VEHICLES

SECTION 201. Applicability and Scope. This part is enacted under authority of Section 6109(a-22) of the Vehicle Code, and gives authority to the Township of Schuylkill to remove and impound those vehicles which are parked in a tow away zone and in violation of parking regulations of this ordinance. Vehicles which have been abandoned (as defined by the Vehicle Code) or which are parked in such a manner as to interfere with traffic or pose a hazard to others, may be towed under the provisions of the Pennsylvania Vehicle Code.

SECTION 202. Authority to Remove and Impound. The Township of Schuylkill shall have authority to remove and impound, or to order the removal and impounding, of any vehicle parked overtime or otherwise illegally, provided that

the circumstances of its parking were within the conditions stated in Section 201 of this Part. Provided: no such vehicle shall be removed or impounded except in strict adherence to the provisions of this Part, or the provisions of the Pennsylvania Vehicle Code.

SECTION 203. Authority to Designate Restricted Parking. The Township Supervisors of the Township of Schuylkill shall hereafter have the authority to designate by resolution passed by a majority of the Supervisors members at a regularly scheduled meeting, certain sections of the public thoroughfares in the community of Schuylkill as “no parking” or “limited-time parking”. Such areas shall be clearly designated by appropriate signs or physical markings.

Five days after the passing of such resolution, it shall thereafter be unlawful for any person or persons to:

- a) park a vehicle in any area designated as “no parking”;
- b) park a vehicle in an area designated “limited-time parking” in excess of the time allotted for lawful parking.
- c) park or willfully or negligently fail to remove a previously parked vehicle in or from an area designated as a snow or other emergency route during the pendency of a declared emergency;
- d) abandon any vehicle in the community of Schuylkill Township.

SECTION 204. Designation of Approved Storage Garages; Bonding; Towing and Storage. Removal and impounding of vehicles under this Part shall be done only by “approved storage garages” that shall be designated from time to time by the Township of Schuylkill. Every such garage shall submit evidence to the Township of Schuylkill that it is bonded or has acquired liability insurance in an amount satisfactory to the Township of Schuylkill as sufficient to indemnify owners of impounded vehicles against loss or damage to those vehicles while in the custody of the garage keeper for the purpose of towing or storage. The approved storage garage shall submit to the Township of Schuylkill its schedule of charges for towing and storage of vehicles under this Part, and, when the schedule is approved by the Township of Schuylkill, those charges shall be adhered to by the approved storage garage; no different schedule of charges shall be demanded of or collected from any person whose vehicle is removed or impounded under this Part by an approved storage garage. The Township of Schuylkill shall delete from its list of approved storage garages any garage that makes any unapproved charge in connection with any vehicle removed or impounded under this Part.

SECTION 205. Payment of Towing and Storage Charges. The payment of towing and storage charges shall not relieve the owner or driver of any vehicle from liability for any fine or penalty for the violation of the provision of this Part for which the vehicle was removed or impounded.

SECTION 206. Reclamation Costs. In order to reclaim his vehicle, the owner shall pay towing and storage costs, plus a fifty dollar (\$50.00) fee of which ten

dollars (\$10.00) shall be transferred to the Pennsylvania Department of Transportation by the garage to which the vehicle was taken.

SECTION 207. Records of Vehicles Removed and Impounded. The Township of Schuylkill shall cause a record to be kept of all vehicles impounded under this Part and shall be able at all reasonable times to furnish the owners or the agents of the owners of those vehicles with information as to the place of storage of the vehicle.

SECTION 208. Restrictions upon Removal of Vehicles. No vehicle shall be removed under the authority of this Part or the Vehicle Code if, at the time of the intended removal, the owner or the person for the time being in charge of the vehicle is present and expresses a willingness and intention to remove the vehicle immediately.

SECTION 209. Penalty for Violation. Any person who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not less than fifty dollars (\$50.00), but not more than one hundred dollars (\$100.00), together with all costs of disposing of the vehicle under provisions of the Vehicle code, 75 P.S. Section 7301 et seq. (1977), as hereafter amended, supplemented, modified or reenacted by the General Assembly of Pennsylvania.

SECTION 210. Reports and Disposition of Unclaimed Vehicles. If after a period of fifteen (15) days the vehicle in storage remains unclaimed, a report shall be filed with PennDOT in accordance with Section 7311 of the Vehicle Code, by the person having legal custody of the vehicle. If the vehicle has not been claimed after thirty (30) days, the vehicle may be transferred to a licensed Salvor who will then be responsible for filing the proper reports and disposing of the vehicle in accordance with the provisions of Chapter 73 of the Pennsylvania Motor Vehicle Code (75 Pa C.S.A. Section 101 et seq., as amended).

PART 3

Inspection of Premises; Notice to Comply.

SECTION 301. The Designated Officer of the Township is hereby empowered to inspect private property on which motor vehicles are stored to determine if there is compliance with the provisions of this ordinance. If noncompliance with the provisions of this ordinance 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.

SECTION 302. 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 ten (10) days of mailing or posting of said notice, and thereafter, to fully comply with the requirements of the notice within a reasonable time.

PART 4.

Authority to Remedy Noncompliance

SECTION 401. 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 Township of Schuylkill shall have the authority to take measures to correct the conditions and collect the cost of such corrections plus ten percent (10%) of all costs. The Township of Schuylkill, in which 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.

PART 5.

Hearing

SECTION 501. Any person aggrieved by the decision of the Designated Officer of the Township may request and shall then be granted a hearing before the Township of Schuylkill, provided, he files with the Township of Schuylkill within ten (10) days after notice of the Designated Officer's decision, a written petition requesting such hearing and setting forth a brief statement of the grounds therefor. The hearing shall commence not later than thirty (30) days after the date on which the petition was filed unless postponed for sufficient cause.

SECTION 502. After such hearing, the Township of Schuylkill shall sustain, modify or overrule the action of the Designated Officer of the Township.

PART 6.

Penalties.

SECTION 601. Any person who shall violate any provision of this ordinance shall, upon conviction thereof, be sentenced to pay a fine not more than three hundred dollars (\$300.00), and in default of payment, to undergo imprisonment for a term not to exceed thirty (30) days. Each day that a violation of this ordinance continues shall constitute a separate offense.

PART 7.

Remedies not Mutually Exclusive

SECTION 701. 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 Township of Schuylkill.

PART 8.
Repealer

SECTION 801. All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed. The following ordinances or parts thereof are specifically repealed:

PART 9.
Severability

SECTION 901. 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 Township of Schuylkill that this ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

PART 10.
Effective Date

SECTION 110. This ordinance shall become effective upon its final adoption by the Township Supervisors of Schuylkill.

ENACTED AND ORDAINED this 5th day of July, 2000


BOARD OF SUPERVISORS OF THE
TOWNSHIP OF SCHUYLKILL


FRANK THOMPSON, Chairman


MAUREEN VANEK, Vice-Chairman


JOSEPH BORAN, Supervisor

ATTEST:


MARY BUBEL, Secretary

CERTIFICATE

I, the undersigned, Secretary of the Township of Schuylkill, Schuylkill County, Pennsylvania, (the "Township"), certify that the foregoing is a true and correct copy of an Ordinance of the Board of Supervisors of the Township which was duly enacted by affirmative vote of a majority of the members of the Board of Supervisors of the Township at a meeting duly held on 7/5/00; that said Ordinance has been duly recorded in the Ordinance Book of the Township; that said Ordinance was duly published as required by law; and that said Ordinance remains in effect, unaltered and unamended, as of the date of this Certificate.

IN WITNESS WHEREOF, I set my hand and affix the official seal of the Township, this 5th day of July, 2000.

Mary E. Bobel
MARY BOBEL, Secretary/Treasurer