

AN ORDINANCE OF
THE BOROUGH OF LUZERNE RELATING TO STORAGE
OF VEHICLES AND JUNKED VEHICLES

BE IT ORDAINED AND ENACTED, and it is hereby ordained and enacted by the Council of the Borough of Luzerne, Luzerne County, Pennsylvania, that the above ordinance is hereby enacted as follows:

SECTION 1: DEFINITIONS AND WORD USAGE

A. 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 threat or potential threat to the health, safety or welfare of the citizens of the Borough.

OWNER – The actual owner, agent or custodian of the property on which motor vehicles are stored, whether an individual or partnership, association or corporation.

PERSON – A natural person, firm, partnership, association, corporation or other legal entity.

B. 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 2: PHYSICAL DEFECTS CONSTITUTING A NUISANCE

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 borough. A “motor vehicle nuisance” shall include any motor which is unable to move under its own power or has any of the following physical defects:

A. Broken windshields, mirrors or other glass with sharp edges which could cause laceration.

- B. One (1) 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, which could cause laceration.
- E. Missing tires, resulting in unsafe suspension of the motor vehicle which could cause personal injury.
- F. Upholstery which is torn or open which could permit animal and/or vermin harborage.
- G. Broken headlamps or taillamps with sharp edges which could cause laceration.
- H. Disassembled chassis parts apart from the motor vehicle stored in a disorderly fashion or loose in or on the vehicle which could cause personal injury.
- I. Protruding sharp object from the chassis which could cause laceration.
- J. Broken vehicle frame suspended from the ground in an unstable manner which could cause injury if it fell to the ground.
- K. Leaking or damaged oil pan or gas tank which could cause fire or explosion.
- L. Exposed battery containing acid which could result in fire, burn or other injury.
- M. Inoperable locking mechanism for doors or trunk which could result in suffocation if vehicle were entered.
- N. Open or damaged floorboards, including trunk and firewall, which could cause personal injury.
- O. Damaged bumpers pulled away from the perimeter of vehicle which could cause laceration or other injury.
- P. Broken grill with protruding edges which could cause laceration.
- Q. Loose or damaged metal trim and clips which could cause laceration or other injury.

- R. Broken communication equipment antennas which could result in personal injury.
- S. Suspension on unstable supports which could cause injury if the vehicle fell to the ground.
- T. Any other defects which could threaten the health, safety and welfare of the citizens of the Borough.

SECTION 3: PERMIT REQUIRED FOR STORAGE OF MOTOR VEHICLE

A. Any person, owner or lessee who has one (1) or more motor vehicle nuisances, as defined in Section 2 above, may store such vehicles in the Borough only in strict compliance with the regulations provided for herein. Such person, owner or lessee must first apply for a permit for either temporary or permanent storage and pay a fee to the Borough such as may be provided from time to time by resolution of the Borough Council. The motor vehicle nuisance must be stored within a garage or other enclosed building or outside within an opaque fence at least six (6) feet high which is locked at all times when unattended. With the special approval of the Borough Council, motor vehicle nuisances may also be stored outside in an area enclosed by a chain link fence at least six (6) 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 or motor vehicles nuisances may not exceed two thousand five hundred (2,500) square feet.

SECTION 4: INSPECTION; NOTICE

A. The Code Enforcement Officer or his duly appointed representative is hereby empowered to inspect grounds on which motor vehicles are stored to determine if there is compliance with the provisions of this Ordinance. If non-compliance 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.

B. 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.

SECTION 5: CORRECTION BY BOROUGH COSTS; RIGHT OF ENTRY

If the owner of grounds on which motor vehicles are stored does not comply with the notice to abate the conditions within the time limit prescribed, the Borough shall have the

authority to take measures to correct the conditions and collect the cost of such corrections, plus ten (10%) percent of all costs. The Borough, 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: VIOLATIONS AND PENALTIES

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 (\$300.00) Dollars and/or undergo imprisonment for a term not to exceed ninety (90) days. Each day that a violation of this Ordinance continues 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 Council for the Borough.

SECTION 8: SEVERABILITY AND AMENDMENT

If any section, clause, provision or portion of this Ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect any other section, clause, provision or portion of this Ordinance, so long as it remains workable minus the invalid portion.

SECTION 9: REPEAL OF CONFLICTING ORDINANCES

The within Ordinance supercedes and repeals all former and/or provisions of this Ordinance and, to the extent that any prior or existing Ordinances of the Borough of Luzerne are inconsistent with the terms of the within Ordinance, said inconsistent Ordinances, or portions thereof, are hereby expressly repealed.

ADOPTED AND ENACTED this 12th day of May, 2004 at a regular meeting of the Borough Council of Luzerne held this 12 day of May, 2004.

ATTEST:

BOROUGH OF LUZERNE

Bonnie Arnone
BONNIE ARNONE, SECRETARY

Rosemary A. Sigmond
ROSEMARY A. SIGMOND
CHAIRMAN OF COUNCIL

APPROVED:

James Keller
JAMES KELLER, MAYOR