

BOROUGH OF EAST PROSPECT
YORK COUNTY, PENNSYLVANIA

ORDINANCE NO.98-9

AN ORDINANCE OF EAST PROSPECT BOROUGH 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, NOTICES OF COMPLIANCE AND APPEAL HEARINGS; REQUIRING THE REMOVAL, REPAIR, OR ALTERATION OF THE CONDITIONS CONSTITUTING A NUISANCE OR DANGER TO THE CITIZENS; AND PRESCRIBING PENALTIES AND REMEDIES FOR VIOLATION.

BE IT ENACTED AND ORDAINED by the Borough Council of the Borough of East Prospect, York County, Pennsylvania, 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 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 East Prospect Borough.

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 2. Motor Vehicle Nuisances Prohibited. It shall be unlawful for any person, owner or lessee to maintain a motor vehicle nuisance upon the property of such person, owner or lessee within East Prospect Borough. A motor vehicle nuisance shall include the following: 1) leaving any and all places used or maintained for the storing or of worn out, wrecked or abandoned motor vehicles which such places are kept so as to interfere with the comfortable enjoyment of life or property by others; 2) any motor vehicle which is not currently registered or displaying a current license plate and has any of the following defects:

- a. Broken windshields, mirrors or other glass, with sharp edges.
- 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 on unstable supports.
- t. Such other defects which could threaten the health, safety and welfare of the citizens of the Borough of East Prospect.

Section 3. Storage of Motor Vehicle Nuisances Permitted. Any person, owner or lessee who has one or more motor vehicle nuisances as defined in 2 above may store such vehicle(s) in the Borough of East Prospect only in strict compliance with the regulations provided herein. The motor vehicle nuisance(s) must be stored within a garage or other enclosed building which is locked at all times when unattended.

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

Section 4. Inspection of Premises; Notice to Comply.

1. The Enforcement 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 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 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 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.

Section 5. 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 East Prospect 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 Borough of East Prospect, 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. Any person who shall violate any provision of this Ordinance shall, upon conviction thereof, be sentenced to pay a fine not more than six hundred dollars (\$600.00), 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.

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 Council.

Section 8. Repealer. All Ordinances or parts or Ordinances which are inconsistent herewith are hereby repealed.

Section 9. 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.

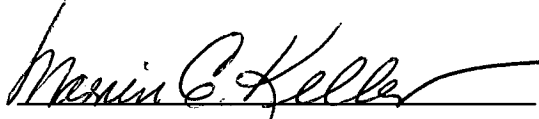
Section 10. Repealer. All Ordinances or parts of Ordinances which are inconsistent herewith are hereby repealed.

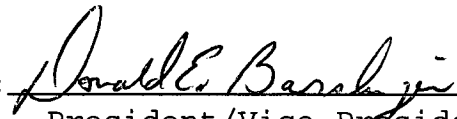
Section 11. Effective Date. This Ordinance shall be effective immediately upon enactment.

ENACTED AND ORDAINED this 6th day of OCTOBER,
1998.


ATTEST:

BOROUGH COUNCIL OF EAST PROSPECT


Secretary

By: 
President/Vice President

Approved this 6th day of OCTOBER, 1998.


Mayor 