

1989-2
ORDINANCE

An Ordinance of Monroe Township regulating the storage of motor vehicles or parts thereof on private property; requiring removal, repair or alteration of the conditions; and prescribing penalties for violation.

The Supervisors of Monroe Township hereby ordains:

1. Definitions: As used in this Ordinance, the following terms shall have the meanings indicated, unless a different meaning clearly appears from the context:

Junked Motor Vehicle - Any motor vehicle, left in the open, which is not in running condition or fit for operation under the provisions of the Pennsylvania Vehicle Code. Included in this definition is any vehicle which is without a currently valid license plate and is either in a rusted, wrecked, discharged, dismantled, partly dismantled, inoperative, or abandoned condition. A junked vehicle shall be classified as to it's condition in one of the two following categories:

a. Restorable: a junked vehicle that is in a condition whereby repairs to same could be made to place it in operating condition without exceeding the estimated value when repaired.

b. Wreck: a junked vehicle in such condition that it is economically unsound to restore same to operating condition considering the repairs to be made, age of the vehicle, market value of the vehicle if it were restored, or in such condition that the Enforcement Officer determines that it warrants such classification.

The Enforcement Officer shall make the final decision as to the classification to be assigned to any one particular vehicle.

Motor Vehicle - Any vehicle which is self-propelled or was originally designed or built to be self-propelled, whether or not at the time in question it is or was capable of self-propulsion, including trailers or semi-trailers pulled thereby.

Person - A natural person, firm, partnership, association, corporation, or other legal entity.

Store - To park, place or stand a vehicle in one (1) place or area continuously for more than sixty (60) days.

Vehicle - Every device in, upon or by which any person or property is or may be transported or drawn upon a highway.

Vehicle Code - The Vehicle Code of the Commonwealth of Pennsylvania.

Enforcement Officer - Any person designated by the Supervisors of Monroe Township to enforce and administer this Ordinance.

2. Parking of Inoperatable, Unlicensed or Uninspected Vehicles Prohibited - No person, excluding licensed motor vehicle dealers and persons engaged in the business of repairing vehicles and earning more than fifty percent (50%) of their annual income from such businesses, shall store or permit another person to store a motor vehicle in the open on private property in Monroe Township.

3. Inspection; Notice to Comply.

1. The Enforcement Officer is hereby empowered to inspect grounds upon which motor vehicles to determine if there is a violation of this Ordinance. If there is, in his opinion, a violation, he shall issue a written Notice to be served by registered or certified mail upon the owner of the premises, or, if the owner's whereabouts or identity be unknown, by posting the notice conspicuously upon the premises.

2. Said notice shall specify the condition complained of, and shall require the owner to rectify the condition 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.

4. Authority to Remedy Noncompliance - 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, Monroe Township shall have the authority to take measures to correct the conditions and collect the cost of such corrective action plus ten percent (10%) of all costs.

5. Hearing.

1. Any person aggrieved by the decision of the Enforcement Officer may request and shall be granted a hearing before the Monroe Township Supervisors; **provided**, he files with the Monroe Supervisors within ten (10) days after notice of the Enforcement Officer's decision, a written petition requesting such hearing setting forth a brief statement of the grounds therefore. The hearing shall commence not later than thirty (30)

days after the date on which the petition was filed unless postponed for sufficient cause.

2. After such hearing, the Monroe Township Supervisors shall sustain, modify or overrule the action of the Enforcement Officer.

6. Penalties - Any person who shall violate any provision of this Ordinance shall, upon conviction thereof, be sentenced to pay a fine of not more than Six Hundred Dollars (\$600.00), 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.

7. Remedies not Mutually Exclusive - 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 Monroe Township Board of Supervisors.

8. 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.

9. Effective Date - This Ordinance shall become effective

five (5) days after passage.

ENACTED AND ORDAINED this 25 day of April, 1989.

ATTEST:

BY: Supervisors of Monroe Township

Alida G. Swinski
Secretary

Lee A. Shaffer
Supervisor

Bob L. Bailey
Supervisor

Eugene R. Baird
Supervisor

