

ORDINANCE 2004-3

WHEREAS, the purpose of this ordinance is to regulate the storage of motor vehicles or parts thereof on private property; requiring removal, repair or alteration of the conditions; and prescribing penalties for violation.

NOW, THEREFORE, it is hereby enacted and ordained as follows:

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 current inspection and is either in a rusted, wrecked, discharged, dismantled, partly dismantled, inoperative, or abandoned condition. A junked vehicle shall be classified as to its condition in one of the two (2) following categories by the Township Enforcement Officer:

- 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.

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, semi-trailers and/or recreational vehicles pulled thereby.

Person – Any 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 thirty (30) days.

Vehicle – Every device in, upon or by which any person or property is or may be transported or drawn upon a public roadway.

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

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

2. **Parking of Inoperable, Unlicensed or Uninspected Vehicles Prohibited** – No person shall store or permit another person to store a motor vehicle in the open on private property in Monroe Township. Licensed motor vehicle dealers or persons engaged in the business of repairing vehicles and earning more than fifty percent (50%) of their annual income from such business shall be permitted to store such a motor vehicle(s) only upon the property designated as the business location.

3. **Inspection; Notice to Comply:**

a) The Enforcement Officer is hereby empowered to inspect the property upon which motor vehicles are stored 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 property or if the owner's whereabouts and/or identity be unknown, by posting the notice conspicuously upon the property.

b) 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 the property on which the motor vehicle(s) 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:**

a) Any person aggrieved by the decision of the Enforcement Officer may request and shall be granted a hearing before the Monroe Township Board of Supervisors; **provided**, he files with the Monroe Township 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.

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

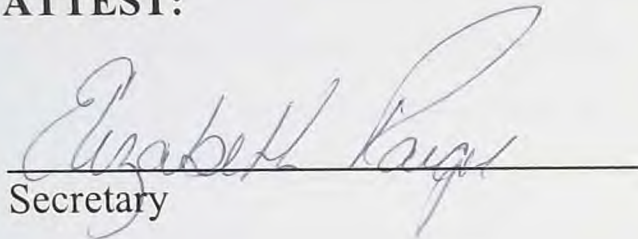
6. **Penalties** – Any person, who shall violate any provision of the Ordinance, shall upon conviction thereof, be sentenced to pay a fine of not more than Three Hundred Dollars (\$300.00), and/or undergo imprisonment for a term not to exceed ninety (90) days. Each day a violation of this Ordinance continues 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.

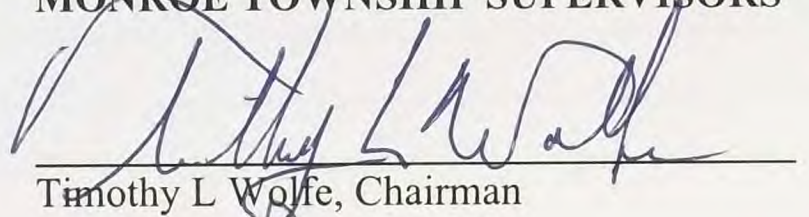
8. **Severability** – If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance.
9. **Repealer** – All ordinances or parts thereof inconsistent herewith are hereby repealed.
10. **Effective Date** – This Ordinance shall become effective five (5) days after passage.

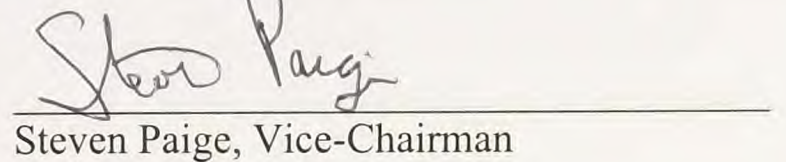
DULY ENACTED AND ORDAINED this 25th day of May, 2004 by the Board of Supervisors of the Township of Monroe, Snyder County, Pennsylvania, in lawful session duly assembled, after a public hearing following proper notice of the intent to adopt this Ordinance.

ATTEST:


Secretary

MONROE TOWNSHIP SUPERVISORS


Timothy L Wolfe, Chairman


Steven Paige, Vice-Chairman

Township Seal


Dean Davis, Supervisor