

TOWNSHIP OF SHESHEQUIN
ORDINANCE NO. 04-05

AN ORDINANCE OF THE TOWNSHIP OF SHESHEQUIN, BRADFORD COUNTY, PENNSYLVANIA, PROHIBITING THE ACCUMULATION OR STORAGE OF JUNKED, ABANDONED OR DISCARDED VEHICLES, AND PLACING OBSTRUCTIONS IN THE PUBLIC RIGHT OF WAY, AND PRESCRIBING PENALTIES FOR THE VIOLATION THEREOF.

WHEREAS, the accumulation or storage of junked, abandoned or discarded vehicles, creates a hazard and danger to the health and welfare of the citizens of Sheshequin.

WHEREAS, the accumulation or storage of junked, abandoned or discarded vehicles, provides a breeding area for rodents and other unhealthful animals.

WHEREAS, the accumulation or storage of junked, abandoned or discarded vehicles, creates an attractive nuisance for children who are not aware of the danger involved therein.

WHEREAS, the accumulation or storage of junked, abandoned or discarded vehicles and operable vehicles creates a hazard and dangerous condition for the safety of the citizens and public employees when said vehicles are parked in the 33 feet public right of way as defined under 53 PS §67306 during road work and snow removal activities by the Township.

AND WHEREAS, the accumulation or storage of junked, abandoned or discarded vehicles, violates all concepts of ecological and environmental principles.

WHEREFORE, BE IT ORDAINED AND ENACTED by the Supervisors of the Township of Sheshequin, Bradford County, Pennsylvania, and it is hereby ordained and enacted by authority of the same.

SECTION 1. DEFINITIONS. As used in the Ordinance the following words or phrases shall have the meaning ascribed to them in this section.

A. Person shall mean a natural person, the members of an unincorporated association, all of the partners of a partnership and the officers and Board of Directors of a corporation.

B. Junked shall mean vehicles sold or to be sold for scrap; being stripped or being used or sold for parts.

C. Abandoned shall mean any vehicle resting for 30 days or more and which is inoperable, without current registration plates, certificate, or inspection.

D. Discarded shall mean any vehicle resting for 30 days or more with no known or apparent owner.

E. Motor Vehicle Repair Shop - A facility for automobile repair, automobile body repair, an automobile gas station for motor vehicle repair or a truck repair shop whose primary purpose is the repair of motor vehicles.

F. Obstruction. Any junk vehicle, operable vehicle, trailer, farm equipment, farm vehicle, personal property, bales of hay, piles of wood, fencing, or any manmade object that impedes the cleaning of the right of way or natural object placed in the right of way.

G. Public Right of Way The public right of way consisting of 33 feet in width as defined in 53 PS §67306.

H. Vehicle - Shall mean an automobile, motorcycle, minibike, go-cart, and truck or wheeled motorized means of convenience. This specifically does not include farm tractor, and/or motorized farm vehicle.

SECTION 2. It shall be unlawful for any person to accumulate or store any junked, abandoned or discarded vehicle, outside on private or public property within the Township of Sheshequin, Bradford County, Pennsylvania.

It shall be considered a public nuisance as being hazardous to the health, safety, and welfare of the residents if said vehicle is leaking fluids; has broken glass; has jagged metal, plastic or wooden material protruding from the vehicle; is the place for the breeding of rodents and diseased animals; is an attractive nuisance for children to be injured on; contains the storage of combustible fuels; contains the storage of poisonous liquids and/or is improperly supported so that if the support collapses it could result in harm or injury and if the location of the vehicle will impede emergency and/or fire and rescue efforts to a property because of the inability to move the vehicle in the case of an emergency or fire.

A. Exemption. A property owner shall be allowed to store one (1) operable motor vehicle on his property that is unlicensed, meaning without current registration, plates, certificate, inspection, and one (1) junk vehicle, which means that vehicle is being sold or to be sold for scrap or it is being stripped or being used or sold for parts, provided that as soon as the junk vehicle is no longer usable for parts it is removed within thirty (30) days. As long as, said property owner shall comply with all of the applicable motor vehicle laws of the Commonwealth of Pennsylvania to pertain to the possession, operation and use of said vehicles.

B. Exemption. A junk motor vehicle will be allowed to be parked on the exterior premises of a motor vehicle repair shop until repairs are effected, but in no case for more than a period of sixty (60) days unless one (1) or more of the following conditions exist: a pending civil lawsuit (including payment for repairs), a pending criminal lawsuit, an

insurance investigation or the vehicle is inoperable because of lack of the availability of replacement parts. All motor vehicle repair shop owners wishing to apply for the exemption status as provided for in this ordinance, shall register their motor vehicle repair shop with the Township Supervisors and provide to the Township Supervisors, upon request, evidence indicating that each junk motor vehicle on their premises qualifies for the exemptions allowed in this ordinance.

C. Exemption. Property owner shall be allowed to store additional operable motor vehicles on his property that are unlicensed, meaning without current registration, plates, certificate, inspection, and will not be operated. Provided said vehicle or vehicles are maintained and in good repair and the owner files an application to retain the vehicle for the period of one year and said exemption shall be renewable annually upon application to the Supervisors.

D. Exemption. Any property that is excess of five (5) acres shall be exempt from the provisions of this Ordinance provided any junk vehicle that would otherwise be in violation of this ordinance is setback 50 feet from any residential structure, setback 300 feet from any public road and setback 300 feet from any adjoining property provided said junk vehicles are not visible from the public roadway and/or from the neighbors property.

The property owner applying for said exemption shall give the Supervisors permission to view and inspect the vehicle at the property owner's premises to determine if it is in compliance with the intent of this Act.

SECTION 3. Encroachment in the Public Right of Way. It shall be prohibited for property owners to place any obstruction in the public right of way when the Township Supervisors have requested said obstruction be moved in order for the Township to perform road work in the public right of way and/or snow removal activities in the public right of way. The Township Road Master shall inform said property owner of the proposed Township roadwork activities and snow removal activities either orally or in writing. In the event the property owner fails to adhere to the Township Road Master's request to remove the obstruction, the property owner shall be in violation of this provision of the ordinance and subject to the enforcement remedies as provided herein.

SECTION 4. Enforcement and Remedies.

1. Enforcement Notice.

A. If it appears to the Township that a violation of this Part has occurred, the Township shall initiate enforcement proceedings by sending an enforcement notice as provided in this Section.

B. The enforcement notice shall be sent to the violator and, if applicable, the owner of record of the parcel on which the

violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that parcel and to any other person requested in writing by the owner of record.

C. An enforcement notice shall state at least the following::

(1) The name of the violator and, if applicable, the owner of record and any other person against whom the Township intends to take action.

(2) The location of the violation and, if applicable, the property in violation.

(3) The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of this Part.

(4) The date before which the steps for compliances must be commenced and the date before which the steps must be completed.

(5) That the recipient of the notice has the right to appeal the Board of Supervisor within a period of thirty (30) days.

(6) That failure to comply with the notice within the time specified, unless extended by appeal to the Board of Supervisors, constitutes a violation, with possible sanctions clearly described.

2. Enforcement Remedies.

A. Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this part shall, upon being found liable therefore, in a civil enforcement proceeding commenced by the Township, pay a judgment of not less than \$50 nor more than \$ 600. and for each and every subsequent offense not less than \$100 nor more than \$1,000 plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation.

- B. The Court of Common Pleas, upon Petition, may grant an Order of Stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgment.
- C. Nothing contained in this Section shall be construed or interpreted to grant to any person or entity other than the Township the right to commence any action for enforcement pursuant to this Section.
- D. District Justices shall have initial jurisdiction over proceedings brought under this Section.

SECTION 5. The provisions of this Ordinance are severable and if any word, clause, sentence, section, or provision of this Ordinance is unconstitutional, the remaining words, clauses, sentences, sections and provisions shall not be impaired thereby.

SECTION 6. All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed.

ORDAINED AND ENACTED into law this 13 day of December, 2004.

Attested:

Janet Lundberg
Janet Lundberg, Secretary

Board of Supervisors of **Sheshequin Township**, Bradford County, Pennsylvania.

Marshall Fuller
Marshall Fuller, Chairman

William T. Reynard
William T. Reynard, Vice-Chairman

Gerald R. Place
Gerald Place, Supervisor