

NOTTINGHAM TOWNSHIP
WASHINGTON COUNTY, PENNSYLVANIA

ORDINANCE NO. 74

AN ORDINANCE OF NOTTINGHAM TOWNSHIP, WASHINGTON COUNTY, COMMONWEALTH OF PENNSYLVANIA, PROHIBITING THE STORAGE OF MOTOR VEHICLE NUISANCES IN THE OPEN ON PRIVATE PROPERTY IN THE A-1, R-1, R-2, R-3, B-1, B-2, AND M-1 ZONING DISTRICTS; REGULATING THE STORAGE OF MOTOR VEHICLE NUISANCES; PROVIDING FOR EXCEPTIONS BY PERMIT; AUTHORIZING INSPECTIONS OF PREMISES; NOTICES OF NON-COMPLIANCE; REQUIRING THE REMOVAL, REPAIR OR ALTERATION OF THE CONDITIONS CONSTITUTING A MOTOR VEHICLE NUISANCE; AND PRESCRIBING REMEDIES AND PENALTIES FOR VIOLATION OF SAID ORDINANCE.

WHEREAS, Nottingham Township deems it necessary to enact an Ordinance regulating the storage of motor vehicle nuisances in the open on private property: prohibiting such nuisances in certain zoning districts; providing for exceptions by permit; authorizing inspections of premises; notices of non-compliance; requiring the removal, repair or alteration of the conditions constituting a nuisance or danger to the public; and prescribing remedies and penalties for violations of the ordinance; and

WHEREAS, the Nottingham Township Planning Commission has made the necessary reviews of the proposed Ordinance and made a recommendation to the Board of Supervisors; and

WHEREAS, Nottingham Township is concerned that the unregulated storage of motor vehicle nuisances or parts thereof may lead to: a decrease in property values; blight; cause injury to members of the public; annoyance or discomfort to the public in the legitimate enjoyment of the rights of person or property; and

WHEREAS, the Nottingham Township Board of Supervisors has held a public hearing and has determined that the regulation of motor vehicle nuisances or parts thereof in the open on private property is essential to ensure the health, safety, welfare and general appearance and well being of the community.

NOW, THEREFORE, the Board of Supervisors having made these determinations, Nottingham Township hereby adopts the following Ordinance to be known as the "Motor Vehicle Nuisance Ordinance" for Nottingham Township.

SECTION 1. DEFINITIONS

As used in the ordinance, the following terms shall have the meaning indicated, unless a different meaning clearly appears from the context:

MOTOR VEHICLE: Any type of mechanical device designed to be propelled by a motor, regardless of whether or not a motor is actually in the subject device in which persons or property may be transported upon public streets or highways, including trailers or semi-trailers pulled thereby, excluding farm equipment.

NUISANCE: Any condition which shall constitute a danger or potential danger to the health, safety or welfare of the citizens of Nottingham Township.

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.

LESSEE: Owner for the purpose of this Ordinance when the lessor holds the lessee responsible for maintenance or repairs.

MOTOR VEHICLE NUISANCE: A motor vehicle nuisance shall include any motor vehicle which is unable to move under its own power for a period in excess of sixty days and, in addition, has any of the following physical defects.

1. Broken windshields, mirrors or other glass with sharp edges.
2. One or more flat or open tires or tubes.
3. Missing door, window, hood, trunk or other body parts which permit animal harborage.
4. Disassembled body or chassis parts apart from the motor vehicle stored in the open.
5. Leaking oil pan or gas tank which could cause fire, explosion or environmental hazards.
6. Exposed battery outside the vehicle containing acid.
7. Motor vehicle and or broken vehicle frame suspended on unsafe and unstable supports of any kind.

SECTION 2. MOTOR VEHICLE NUISANCES PROHIBITED

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 A-1 Agricultural District, R-1 Rural Residential District, R-2 Suburban Residential District, R-3 Multifamily Residential District, B-1 Limited Commercial District, B-2 General Commercial District and the M-1 Light Industrial District, within Nottingham Township, except as authorized by Section 4.

SECTION 3. STORAGE OF MOTOR VEHICLE NUISANCES

Any person, owner or lessee who is authorized by this Ordinance to store a motor vehicle nuisance, may store such vehicle(s) in Nottingham Township only in strict compliance with the regulations provided herein, that is:

1. Completely covered by a tarpaulin or similar covering of durable material, said tarpaulin must be tied down to prevent the tarpaulin from being blown off or removed by wind or weather,
2. All gas or other flammable liquid shall be removed from the motor vehicle,
3. The motor vehicle shall be kept free of vermin, animal or insect infestation while being stored,
4. The motor vehicle shall not constitute a danger or public health hazard to the immediate property owners or neighbors where such motor vehicle is located.
5. Must be at least 25 feet from the property line of the adjoining property or any public highway, road, street, lane, boulevard or avenue.
6. Must be stored at the rear of the residence, residential dwelling, garage, shed or pole building.
7. Must erect and maintain such screening as may be required under certain circumstances.

SECTION 4. MOTOR VEHICLE NUISANCES PERMITTED ONLY BY PERMIT

Any person, owner, or lessee who has one but not more than two motor vehicles nuisances in the A-1 Agricultural District, R-1 Rural Residential District, B-1 Limited Commercial District, B-2 General Commercial District, and the M-1 Light Industrial District may store such vehicles only in strict compliance with the requirements of Section 3 and only after such person, owner, or lessee first applies for a permit for storage on a form prescribed by Nottingham Township and after the payment of a fee, the amount to be determined by the Nottingham Township Board of Supervisors and revised from time to

time by resolution. The governing body may consider requiring a type of screen as a special condition of certain permits.

SECTION 5. INSPECTION OF PREMISES; NOTICE TO COMPLY

The Nottingham Township Code 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 said officer determines that any motor vehicles or vehicles constitutes a motor vehicle nuisance within the meaning of this Ordinance, and that there is non-compliance with the provisions of the Ordinance. he/she shall:

1. Issue a written notice to the person, owner or lessee by Certified Mail, Return Receipt requested or by First Class Mail, Postage Prepaid with a Certificate of Mailing, or
2. If the person, owner or lessee's address, whereabouts and/or identity is unknown, by posting the notice of non-compliance conspicuously upon the offending motor vehicle nuisance(s) or enclosure thereof, and
3. Such notice of non-compliance shall specify the reasons for non-compliance, and shall require the person, owner or lessee to correct such condition within thirty (30) days of mailing or posting of said notice of non-compliance, and thereafter to fully comply with the provisions of this Ordinance.

SECTION 6. AUTHORITY TO REMEDY NON-COMPLIANCE

If the person, owner or lessee of the motor vehicle nuisance determined to be in non-compliance with the provisions of this Ordinance, fails or refuses to comply with the provisions of this Ordinance within the time limit prescribed, the Code Enforcement Officer shall have the authority to take the necessary measures and to abate the motor vehicle nuisance by removal of such nuisance, to include entering on the grounds where the motor vehicle nuisance is stored. The Code Enforcement officer is empowered to tax any cost of correction of such motor vehicle nuisance, to include removal, to the offending person, owner or lessee. Further, the Code Enforcement Officer is hereby empowered to file a complaint with the district magistrate who has jurisdiction over such matters for violation(s) of the Ordinance.

SECTION 7. PENALTIES

Any person who shall violate any provision of this Ordinance shall, upon being found guilty thereof, in a Summary Proceeding, pay a fine of not less than \$50.00 and not more than \$500.00 plus all court costs, including reasonable attorneys fees incurred by the municipality and in default of the payment of such fine, costs and fees, be imprisoned for a term not to exceed thirty (30) days. Each day's violation shall be deemed a separate

offense. The aforesaid minimum and/or maximum fines may be changed by Resolution of the Board of Supervisors.

SECTION 8. REMEDIES NOT 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 Nottingham Township Board of Supervisors.

SECTION 9. REPEALER


All ordinances, or parts of ordinances which are inconsistent or conflict with the provisions of this Ordinance are herewith repealed to the extent of such conflict or inconsistency.

SECTION 10. SEVERABILITY

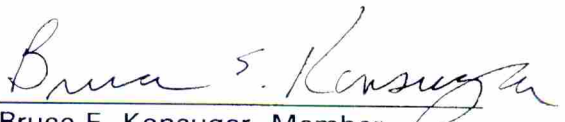
If any sentence(s), clause(s), section(s), or part(s) of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is declared the intent of the Nottingham Township Board of Supervisors that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentences, clauses, sections or parts thereof not be included herein.

ORDAINED AND ENACTED THIS 20th day of May, 2002.

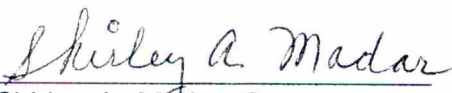
**NOTTINGHAM TOWNSHIP
BOARD OF SUPERVISORS**


Raymond K. Barley, Chairman


Larry K. Dolanch, Vice Chairman


Bruce E. Konsugar, Member

ATTEST:


Shirley A. Madar, Secretary