

ORDINANCE NO. 619

AN ORDINANCE OF THE BOROUGH OF MONROEVILLE ESTABLISHING THE STORAGE OR MAINTENANCE OF JUNKED MOTOR VEHICLES OR JUNKED MOTOR VEHICLE TRAILERS ON PUBLIC OR PRIVATE PROPERTY TO BE NUISANCES PER SE; PROVIDING FOR THEIR REMOVAL; AND PROVIDING PENALTIES FOR VIOLATION THEREOF.

BE IT ORDAINED AND ENACTED by the Borough of Monroeville, in Council assembled, as follows:

Section 1. Definitions.

(a) "Junked motor vehicle" shall mean and include any motor vehicle in such state of disrepair as to be incapable of being moved on its own power, or with any tire missing, or with one or more wheels missing, or in a dismantled or partially dismantled condition, or without a current license plate, or without a current inspection sticker.

(b) "Junked motor vehicle trailer" shall mean and include any trailer designed for attachment to motor vehicles for purposes of transportation of persons or goods, where such trailer is in such state of disrepair as to have any tire missing, or with one or more wheels missing, or in a dismantled or partially dismantled condition, or without a current license plate.

(c) "Premises" or "property" shall mean a zoning lot as defined in the Monroeville Revised Zoning Ordinance, as amended.

Section 2. The outdoor storage or parking of two or more junked motor vehicles or junked motor vehicle trailers, or any combination thereof, for a period of seven consecutive days, on any zoning lot within the Borough of Monroeville, is hereby declared to be a public nuisance per se and is prohibited.

Section 3. The outdoor storage or parking of any junked motor vehicle or junked motor vehicle trailer on any street or public property for a period of more than twenty-four hours, is hereby declared to be a public nuisance per se and is prohibited.

Section 4. The Borough Manager shall notify the owners of the private property where such junked motor vehicles and junked motor vehicle trailers are unlawfully stored, directing that the same be removed within ten days of such notice. Notice may be given either by regular first class United States mail, by certified or registered mail, by personal service, or by posting the premises.

If such junked motor vehicles and junked motor vehicle trailers are not so removed within the notice period, the Borough Manager shall cause the same to be done. All costs and expenses of such removal, together with a penalty of ten (10%) percent, shall be charged against the owner of the property from which the junked motor vehicles and junked motor vehicle trailers were removed.

Should the said charges not be paid when due, the Manager shall certify the same to the Borough Solicitor, who shall file a municipal lien and claim therefor in the Prothonotary's Office of Allegheny County.

Section 5. The provisions of Section 2 and 4 of this Ordinance shall not apply to properties in districts zoned "M 1" or "M 2" under the Monroeville Revised Zoning Ordinance where such storage and parking are otherwise lawful under the said Zoning Ordinance, and shall further not apply in "C 2" community business districts where approval is or has been obtained for the temporary outdoor storage of damaged vehicles awaiting repair or vehicles offered for sale under the conditional use provisions of the said Zoning Ordinance.

Section 6. As to such junked motor vehicles or trailers parked or stored on streets or public property, the same may be removed forthwith by the Borough Manager or the Chief of Police, or any person or police officer acting by or under the authority of either of them. The costs and expenses of such removal and subsequent storage shall be charged to the owner of such vehicle.

Section 7. In addition to the remedies set forth above, any person, firm or corporation violating any provision of this Ordinance shall, upon summary conviction thereof before the Mayor or any Justice of the Peace of the Borough of Monroeville, pay a fine in an amount not exceeding Three Hundred (\$300.00) Dollars, together with costs of prosecution, and in default of the payment of the fine and costs, shall be subject to imprisonment in the Allegheny County Jail or Workhouse for a period not exceeding thirty (30) days. Each day that a violation of this Ordinance continues to exist shall be considered a separate offense and may be punishable as such.

Section 8. The provisions of this Ordinance shall not be construed in any way so as to broaden or enlarge the rights of private property owners for the storage or maintenance of junked motor vehicles and junked motor vehicle trailers.

Section 9. This Ordinance is enacted under the Police Powers of the Borough, specifically Section 1202, Sub-section 5 of the Pennsylvania Borough Code, providing for the prohibition and removal of nuisances.

Section 10. If any section, sub-section, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional, unlawful or invalid, such decision shall not affect the constitutionality, legality or validity of the remaining portions of this Ordinance, The Council of the Borough of Monroeville declared that it would have passed this Ordinance and any remaining section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, sub-sections, sentences, clauses or phrases be declared unconstitutional, unlawful or invalid.

Ordinance No. 619

-3-

Section 11. Any ordinance or part of ordinance in conflict with any of the provisions of this Ordinance is hereby repealed insofar as the same affects this Ordinance.

ORDAINED AND ENACTED THIS 8th day of October, 1968.

ATTEST:

BOROUGH OF MONROEVILLE

S/ Carrol F. Pickens.
Secretary

By S/ Frank A. Witt.
President of Council

EXAMINED AND APPROVED this 9th day of October, 1968.

S/ John J. Duncan.
Mayor

Entered in Legal Book October 14, 1968