

**TOWNSHIP OF WASHINGTON**  
**County of Schuylkill in the Commonwealth of Pennsylvania**

Ordinance No. 98-2

AN ORDINANCE OF THE TOWNSHIP OF WASHINGTON, COUNTY OF SCHUYLKILL, IN THE COMMONWEALTH OF PENNSYLVANIA, REGULATING THE STORAGE OF MOTOR VEHICLES OR PARTS THEREOF ON PRIVATE GROUND; REQUIRING THE REMOVAL, REPAIR OR ALTERATION OF THE CONDITIONS CONSTITUTING A NUISANCE OR DANGER TO THE CITIZENS; AND PRESCRIBING PENALTIES FOR VIOLATION.

BE IT ENACTED AND ORDAINED by the Supervisors of the Township of Washington, and it is hereby enacted and ordained by the authority of the same as follows:

**Section 1.**            **Definitions.**

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

- (a) LESSEE - Owner for the purpose of this Ordinance when the Lessor holds the Lessee responsible for maintenance and repairs;
- (b) MOTOR VEHICLE - Any type of mechanical device, propelled by a motor, in which persons or property may be transported upon public streets or highways, and including trailers or semi-trailers pulled thereby.
- (c) NUISANCE - Any condition, structure, or improvement which shall constitute a threat to the health, safety or welfare of the citizens of the Township of Washington.
- (d) ABANDONED VEHICLE - Shall mean any type of vehicle, including a trailer, which:

(1) Does not have a currently valid state inspection sticker and/or currently valid license plate; and

(2) Has not been moved for a continuous period of more than thirty (30) days.

(e) OWNER - The actual owner, agent or custodian of the property in which motor vehicles are stored, whether individual or partnership, association, or corporation.

(f) PERSON - A natural person, firm, partnership, association, corporation or other legal entity.

In this Ordinance, the singular shall include the plural, the plural shall include the singular, and the masculine shall include the feminine and the neuter.

**Section 2. Motor Vehicle Nuisances Prohibited.**

It shall be unlawful for any person, owner or lessee to maintain a motor vehicle nuisance upon open-private grounds of such person, owner or lessee within the Township of Washington or upon any private structures of such person within the Township of Washington. A motor vehicle nuisance shall include any motor vehicle which is unable to move under its own power and 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 which could permit vermin harborage.
3. Missing doors, windows, hood, trunk, or other body parts which could permit animal harborage.
4. Any body parts with sharp edges including holes resulting from rust.
5. Missing tires resulting in unsafe suspension of the motor vehicle.
6. Upholstery which is torn or open which could permit animal and/or vermin harborage.

- 7 Broken Head Lamps or Tail Lamps with sharp edges
- 8 Disassembled chassis parts apart from the motor vehicle stored in a disorderly fashion or loose in or on the vehicle
- 9 Protruding sharp objects from the chassis
- 10 Broken vehicle frame suspended from the ground in an unstable manner
- 11 Leaking or damaged oil pan or gas tank which could fire or explosion
- 12 Exposed battery containing acid.
- 13 Inoperable locking machanisms for doors or trunk.
- 14 Open or damaged floor boards including trunk and fire wall
- 15 Damaged bumpers pulled away from the perimeter of the vehicle
- 16 Broken grill with protruding edges.
- 17 Loose or damaged metal trim and clips.
- 18 Broken communication equipment antenna.
- 19 Suspended or unstable supports.
- 20 Constitutes an 'environmental hazard' as that phrase or any similar corresponding phrase is defined pursuant to any local, state, or federal ordinance, statute, code, rule or regulation
- 21 Such Other Defects which could threaten the health, safety and wlefare of the citizens of the Township of Washington.

### Section 3.

Any person, owner or lessee who has one or more vehicle nuisances as defined in Section 2 above may store such vehicles in the Township of Washington only in strict compliance with the regulations provided herein. Such person, owner, or lessee must first apply for a permit for either temporary or permanent storage and pay a fee to the Township of Washington such as may be provided from time to time by resolution of the Supervisors of the Township of Washington. The then-permitted nuisance(s) must be stored within a garage or other enclosed building or outside within an opaqued fence at least six feet high which is locked at all times when unattended. With the special approval of the Supervisors of the Township of Washington, motor vehicle nuisances may also be stored outside in an area enclosed by a chain linked fence, at least six feet high, screened by shrubbery around the permmeter to the height of the fence, with an unobstructed gate capable of admitting fire or emergency equipment. Such gate shall remain locked at all times when unattended. In addition, all gas and oil or other flammable liquids shall be removed from the motor vehicle and it shall be kept free of vermin infestation while being stored.

Nothing herein shall be construed to permit the storage of motor vehicle nuisances contrary to the provisions of the Zoning Ordinances of Schuylkill County as applicable to the Township of Washington.

Section 4            Inspection: Notice to Comply

The Supervisors of the Township of Washington or the person appointed by the Supervisors if any are hereby empowered to inspect grounds on which motor vehicles are stored to determine if there is compliance with the provisions of this Ordinance. If non-compliance with the provisions of this Ordinance constitutes a nuisance or if any condition structure or improvement poses a threat to the health safety or welfare of the public such inspectors shall issue written notice to be served by registered or certified mail upon the owner of said premises or if the owner's whereabouts or identity be unknown by posting the notice conspicuously upon the offending premises.

Such notice shall specify the condition or structure or improvement complained of and shall require the owner to commence to remove or otherwise rectify the condition or structure or improvement as set forth therein within 10 days of mailing or posting of said notice and thereafter to fully comply with the requirements of the notice within a reasonable time.

In the event any property owner or lessee prohibits or impedes a township from inspecting the grounds whereon township officials have a reasonable suspicion that a motor vehicle constituting a nuisance is stored such township officials shall be empowered to apply to the appropriate judicial authority for a searchwarrant.

Section 5            Authority to Remedy Non-Compliance

If the owner of grounds on which motor vehicles are stored does not comply with the notice to abate the condition within the time limit prescribed hereinabove the Township of Washington shall have the authority to take such measures to correct the

conditions and collect the cost of such corrections, plus 10% of all costs thereby incurred. The Township of Washington, in such event, and pursuant to its statutory or otherwise authorized police powers, shall have the right and power to enter upon the offending premises to accomplish the foregoing, and to take any other reasonable and necessary acts consistent with the terms, conditions, prohibitions and penalties set forth in this Ordinance.

**Section 6. Abandoned Vehicles.**

1. An abandoned vehicle may not be parked, stored or left to remain on any lot, tract, parcel of land or portion thereof, either occupied or unoccupied, approved or unapproved, in the Township of Washington, unless necessary for the operation of a business enterprise lawfully permitted on private property.

2. The Washington Township Supervisors and/or such individual as designated by Supervisors shall be empowered to order the removal of such abandoned vehicle(s) within five (5) days from the date of service of notice of violation as prescribed in Section 4 hereinabove.

3. If the property owner and/or vehicle owner can demonstrate to the Washington Township Supervisors and/or designee of the Supervisors that the existence of any unoccupied vehicle(s) is necessary for the operation of a business enterprise lawfully permitted on private property, and that appropriate remedial steps are being taken, consistent with the terms and conditions of this Ordinance, to make safe the subject area, then the said Supervisors and/or designee of the Supervisors shall make such orders as are necessary, consistent with the said remedial steps to be taken, in order to abate any existing hazards or dangerous conditions or nuisances as may have been found to exist.

**Section 7. Hearing.**

1. Any person aggrieved by the decision of the Washington Township Supervisors or the said designee of the Supervisors may request and shall then be granted a hearing before the Washington Township Supervisors, provided, however, that the said individual requesting a hearing must file with the Washington Township Supervisors within 10 days after notice of the Borough's decision with respect to the nuisance, a written petition requesting such hearing and setting forth a brief statement of the grounds therefore. In the event of such filing, Washington Township Supervisors shall schedule and hold a hearing not later than 30 days after the date on which the petition was filed, unless otherwise postponed for sufficient cause shown.

2) After such hearing, the Supervisors of the Township of Washington shall make a decision either sustain, modify or overrule the previous order of the Supervisors or the designee.

**Section 8. Penalties.**

Any person who shall violate any provision of this Ordinance shall, upon conviction thereof, be sentenced to pay a fine of not less than \$500.00, nor more than \$1,000.00, and/or shall be imprisoned for a period not to exceed 30 days, or both. Violation of this Ordinance beyond a single day shall be deemed a continuing violation, and each additional day on which a violation shall occur shall constitute a separate and distinct offense.

**Section 9. Remedies Not Mutually 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 Supervisor of the Township of Washington.

**Section 10. Repealer.**

All Ordinances or parts of Ordinances which are inconsistent herewith are hereby repealed.

**Section 11. 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. It is hereby declared as the intent of the Supervisor of the Township of Washington that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included.

**Section 12. Effective Date.**

This Ordinance shall take effect immediately upon the approval by the Supervisors of the Township of Washington.

DULY ENACTED AND ORDAINED this 21st day of December, 1998, by the Supervisors of the Township of Washington, County of Schuylkill, in the Commonwealth of Pennsylvania in lawful session duly assembled.

TOWNSHIP OF WASHINGTON  
Schuylkill County, Pennsylvania

BY: Jerry S. Lantz  
Supervisor

BY: Daniel L. Lantz  
Supervisor

BY: Spalding R. Stump  
Supervisor

