

ORDINANCE NO. 2003-7

**AN ORDINANCE OF THE TOWNSHIP OF EAST BETHLEHEM DEFINING AND PROHIBITING THE STORAGE OF MOTOR VEHICLE NUISANCES OR PARTS THEREOF IN THE OPEN ON PRIVATE PROPERTY AND PROVIDING FOR EXCEPTIONS BY PERMIT; AUTHORIZING INSPECTIONS OF PREMISES, NOTICES OF COMPLIANCE; REQUIRING THE REMOVAL, REPAIR OR ALTERATION OF THE CONDITIONS CONSTITUTING A NUISANCE OR DANGER TO THE CITIZENS; AND PRESCRIBING PENALTIES AND REMEDIES FOR VIOLATION.**

The East Bethlehem Township Board of Commissioners hereby ordains:

**SECTION 1. Definitions.** As used in this ordinance, the following terms shall have the meaning indicated, unless a different meaning clearly appears from the context:

**LESSEE** - owner for the purpose of this ordinance when the lessor holds the lessee responsible for maintenance and repairs.

**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.

**NUISANCE** - any condition, structure, or improvement which shall constitute a danger or potential danger to the health, safety, or welfare of the citizens of the Township of East Bethlehem.

**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.

**ENFORCEMENT, OFFICER/INSPECTOR** - an individual who shall, from time to time, be appointed in their sole discretion by the township commissioners.

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.**

- a. Unless approval is granted by the Township, 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 Township of East Bethlehem. 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 headlamps 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 cause fire or explosion.
12. Exposed battery containing acid.
13. Inoperable locking mechanism for doors or trunk.
14. Open or damaged floor boards including trunk and fire-wall.
15. Damaged bumpers pulled away from the perimeter of vehicle.
16. Broken grill with protruding edges.
17. Loose or damaged metal trim and clips.
18. Broken communication equipment antennae.
19. Suspended on unstable supports.
20. No current vehicle registration or valid current license plate issued by the Commonwealth of Pennsylvania.

21. Such other defects, which could threaten the health, safety and welfare of the citizen of the Township of East Bethlehem.

The Township may approve requirements and standards to be followed when approval for the storage of a motor vehicle will be permitted, by resolution or a majority vote of the Commissioners, and establish a procedure for approval of the same.

- b. Except as provided for herein, no inoperative or unlicensed motor vehicle shall be parked, kept or stored on any premises, and no vehicle shall, at any time, be in a state of major disassembly, disrepair or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth. However, a vehicle is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designed and approved for such purposes.

**SECTION 3. Storage of Motor Vehicle Nuisances Permitted.** Any person, owner or lessee who has one or more motor vehicle nuisances as defined in 2 above may store such vehicle(s) in the Township of East Bethlehem 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 East Bethlehem pursuant to a Resolution of the East Bethlehem Township Board of Commissioners. The motor vehicle nuisances(s) must be stored within a garage or other enclosed building or, outside within a opaque fence at least six feet (6') high which is locked at all times when unattended. The governing body may consider the type of fence proposed when deciding whether to issue the permit.

With the special approval of the East Bethlehem Township Board of Commissioners motor vehicle nuisances may also be stored outside in an area enclosed by a chain link fence, at least six feet (6') high, screened by shrubbery around the perimeter 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 liquid 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 East Bethlehem Township Zoning Ordinance, should one be adopted.

**SECTION 4. Inspection of Premises; Notice to Comply.**

1. The Enforcement Officer, as shall be appointed from time to time, 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 noncompliance 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, he shall issue a 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.

2. Said 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 ~~ten~~ **(30)** days of mailing or posting of said notice, and thereafter, to fully comply with the requirements of the notice within a reasonable time. (30 days)

**SECTION 5. Authority to Remedy Noncompliance.** If the owner of grounds on, which motor vehicles are stored does not comply with the notice to abate the nuisance, within the time limit prescribed, the Township of East Bethlehem shall have the authority to take measures to correct the conditions and collect the cost of such corrections plus ten percent (10%) of all costs. The Township of East Bethlehem, 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.

**SECTION 6. Penalties.** Any person who shall violate any provision of this ordinance shall, Upon conviction thereof, be sentenced to pay a fine not more than three hundred dollars (\$300.00) for each offense, and in default of payment, to undergo imprisonment for a term not to exceed thirty (30) days. Each day that a violation of this ordinance continues shall constitute a separate offense.

**SECTION 7. 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 East Bethlehem Township Board of Commissioners.

**SECTION 8. Repealer.** All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed. The following ordinances or parts thereof are specifically repealed: East Bethlehem Township Ordinance No. 83-1

**SECTION 9. Severability.** If any sentences, 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 East Bethlehem Township Board of Commissioners that this ordinance would have been adopted had such unconstitutional, illegal or invalid sentences, clause, section or part thereof not been included herein.

**SECTION 10. Effective Date.** This ordinance shall become effective on the 9th day of December, 2003.

EAST BETHLEHEM TOWNSHIP  
BOARD OF COMMISSIONERS

(SEAL)

Christine Ennis  
Secretary

Stephen J. Smider