

BILL NO. 8 of 2022

ORDINANCE NO. 1965

**AN ORDINANCE OF CITY OF WASHINGTON REGULATING THE
MAINTENANCE OF JUNKED MOTOR VEHICLES AND ACCESSORIES
WITHIN THE CITY OF WASHINGTON AND PROVIDING FOR
PENALTIES FOR VIOLATIONS THEREOF.**

WHEREAS, City Council for the City of Washington deems that it is in the best interest of the citizens and residents of the City of Washington to approve **ORDINANCE NO. 1965 BILL NO. 8 of 2022**.

This Ordinance shall become effective upon FINAL PASSAGE and shall be applicable for the year 2023.

FIRST READING: December 8, 2022

FINAL READING: December 27, 2022

**CITY OF WASHINGTON, PENNSYLVANIA
BY:**



Scott J. Putnam, Mayor

ATTEST:



Michelle R. Sperl, City Clerk



Ordinance No. 1965 Bill number 8 of 2022
JUNK AND ABANDONED VEHICLES

**AN ORDINANCE OF CITY OF WASHINGTON REGULATING THE
MAINTENANCE OF JUNKED MOTOR VEHICLES AND ACCESSORIES
WITHIN THE CITY OF WASHINGTON AND PROVIDING FOR
PENALTIES FOR VIOLATIONS THEREOF.**

WHEREAS, the maintenance of junk vehicles can constitute a public hazard or nuisance and regulations are deemed necessary for the preservation of the public health, safety, and welfare.

THEREFORE, BE IT ORDAINED AND ENACTED and IT IS HEREBY ORDAINED AND ENACTED, by City Council as follows:

SECTION 1. Purpose.

City Council recognizes and finds that the accumulation of junked vehicles creates a hazard or threat or potential threat to the health, safety, or welfare of the citizens of the City of Washington because such accumulation provides a breeding area for rodents. Because such accumulation provides an attractive nuisance for children who are not aware of the dangers involved, occupies a usable parking space in areas that need available on-street parking and gives our neighborhoods an appearance of neglect which can have a negative effect on crime and other public nuisances.

SECTION 2. Definitions.

For purposes of this Ordinance the following definitions shall be applicable:

- (a) **Junked motor vehicle:** A motor vehicle or trailer which is partially dismantled, unused, unusable, or wrecked and which cannot safely or legally be operated on the streets or highways of the City or Commonwealth. The term junked motor vehicle shall replace the use of abandoned vehicle. The following are examples of defects of Junked Motor Vehicles:
- (1) Broken windshields, mirrors, or other glass, with sharp edges.
 - (2) Broken headlamps, tail lamps, bumpers, or grills with sharp edges.
 - (3) Any body parts, truck, firewall, or floorboards with sharp edges or large holes resulting from rust.
 - (4) Protruding sharp objects from the chassis.
 - (5) Missing doors, windows, hood, trunks, or other body parts that could permit animal harborage.
 - (6) One (1) or more open tires or tubes which could permit animal harborage.

- (7) Any vehicle suspended by blocks, jacks, or other such materials in a location which may pose a danger to the public, property owners, visitors, or residents where the said vehicle is found.
 - (8) Any excessive fluids leaking from vehicles which may be harmful to the public or the environment.
 - (9) Disassembled body or chassis parts stored in on or about the vehicle.
 - (10) Vehicles that do not display a current valid license, registration, or inspection.
 - (11) Such other defects which the fire department determines to be a danger to the general public or property.
 - (12) Motor vehicles parked, drifted, or otherwise located which may interfere with flow of pedestrians or automobile traffic or impede emergency efforts.
 - (13) No valid registration or inspection.
- (b) **Motor vehicle:** Any self-propelled land vehicle which can be used for towing or transporting people or materials, including, but not limited to: automobiles, trucks, buses, motorhomes, motorized campers, motorcycles, motor scooters, tractors, snowmobiles, golf carts, and off-road vehicles.
- (c) **Motor vehicle accessories:** Any part or parts of any motor vehicle.
- (d) **Person:** Includes any natural person, firm, partnership, association, corporation, or other legal entity of whatever kind.
- (e) **Private property:** Any real property not owned by the federal government, state, county, school district or other political subdivisions.
- (f) **Public nuisance:** The unsheltered storage of a junked motor vehicle as otherwise defined in this Ordinance which constitutes a hazard or threat or potential threat to the health, safety, or welfare of the citizens of this City.
- (g) **Removal:** The physical location or relocation of a motor vehicle to an authorized location.
- (h) **Trailer:** Any wheeled device used as a means of carrying, hauling or conveying any vehicle, person, animal, boat or other object.
- (i) **Unsheltered storage:** Any storage except storage inside a building or in an area completely surrounded by a solid fence of a height not less than the height of the motor vehicle or trailer being sheltered.

(j) **Legally operable vehicle:** A motor vehicle or trailer which possesses, where required by law in the State in which the motor vehicle or trailer is registered or titled and complies with all of the following:

- (1) Valid and properly displayed registration plate, card, certificate, or placard
- (2) Current and valid inspection
- (3) Can be safely and legally operated under its own power at the time of the offense.
- (4) Can be used for its intended purpose, without repair or alteration at the time of the offense.

SECTION 3. Prohibited Storage

It shall be unlawful for any person owning or having custody of any junked motor vehicle or motor vehicle accessories to store or permit any such vehicle or accessories to remain in unsheltered storage on any private property or public street or highway within the City of Washington for a period of more than thirty (30) days after the expiration of the thirty-day period following receipt of a notice requiring such removal, and it shall be further unlawful for any person owning any private property in the the City of Washington or leasing any such property to store or to permit to remain any such vehicles or accessories on his property for more than a like period.

It shall further be unlawful for any person, after notification, to remove any junked motor vehicle or motor vehicle accessories constituting a public nuisance hereunder from any private property to any other private property upon which such storage is not permitted or onto any public highway or other public property for purposes of storage.

SECTION 4. Permitted storage.

The prohibitions of Section 3 hereof shall not apply to a limit of one (1) junked motor vehicle or motor vehicle accessories stored within an enclosed building or in an area completely surrounded by a solid fence of a height not less than the height of the motor vehicle or motor vehicle accessories being stored, and the prohibitions of Section 3 hereof shall not apply to the premises of a business enterprise otherwise operated in a lawful place and manner when necessary to the operation of such business enterprise, in a storage place or depository maintained in a lawful place and manner, or seasonal use vehicles such as snowmobiles, motorcycles, motor scooters and non-motorized campers. Such business enterprises shall include auto repair and auto body shops, but shall not include tire, battery, and accessory sales stores, and the provisions hereof extending to permitted storage shall not extend to the storage at such business enterprises of more than five (5) junked vehicles or trailers at any one time.

The prohibition of Section 3 hereof shall likewise not be applicable to salvors holding a current certificate of authorization issued by the Department of Transportation of the Commonwealth of Pennsylvania, provided, however, that such salvor is otherwise operating in a lawful place and manner.

SECTION 5. Investigation of premises.

The building inspector or code enforcement officer, on routine inspection or upon receipt of a complaint, may enter upon private property to investigate a suspected junked motor vehicle or motor vehicle accessories stored or maintained in violation of this Ordinance and record the make, model, style and identification numbers and its situation and condition.

SECTION 6. Notice of removal.

Whenever a building inspector, code enforcement officer, a police officer or any member of their respective departments finds or is notified that any junked motor vehicle or motor vehicle accessories have been stored or permitted to remain on any private property or public street or highway within the City of Washington and in violation of the provisions of this Ordinance the building inspector, code enforcement officer or police officer shall send by certified or registered mail a notice to the vehicle owner of record or person having custody of such motor vehicle or accessories, if such owner can be ascertained by the exercise of reasonable diligence, or to the owner of the private property, as shown on the tax assessment records of the County of Washington, on which the same is located, to remove the junked motor vehicle, trailer or motor vehicle accessories within thirty (30) days. Such notice shall contain the following additional information:

- A. Nature of complaint;
- B. Description and location of the motor vehicle and/or motor vehicle accessories;
- C. Statement that the motor vehicle or motor vehicle accessories shall be removed from the premises or public place no later than thirty (30) days from the date of notification.
- D. Statement that if removal is made within the time limits specified, notification thereof shall be given in writing to the building inspector, code enforcement, or police department and;
- E. Statement of the penalties provided for noncompliance with such notice.

SECTION 7. Penalties for Violation.

Any person violating any of the provisions of this Ordinance shall, upon conviction, be guilty of a summary offense and shall be sentenced to pay a fine of not more than Three Hundred (\$300.00)

Dollars and/or to be committed to the county jail for a period not exceeding thirty (30) days, plus costs of prosecution, and each day that a violation is committed shall constitute a separate Offense.

SECTION 8. Abatement.

The City, subject to issuing notice, is permitted to remove any Junked Motor Vehicle upon conviction of any person violating this Ordinance. Prior to removing any Junked Motor Vehicle the City shall provide thirty (30) days' notice to the defendant of proposed removal. Costs of removal incurred by the City shall be charged to the defendant. If the costs for removal remain unpaid after thirty (30) days, the City may file the appropriate municipal lien.

SECTION 9. Repealer.

All ordinances or parts or provisions of such ordinances which conflict with the provisions hereof shall be and the same are hereby expressly repealed.

SECTION 10. Effective date.

This Ordinance shall become effective immediately upon its enactment and as otherwise provided by law.

ORDAINED AND ENACTED this 27TH day of December 2022, by the Council of the City of Washington in lawful session duly assembled.

FIRST READING: December 8, 2022

FINAL READING: December 27, 2022

ADOPTED: DECEMBER 27, 2022

CITY OF WASHINGTON, PENNSYLVANIA

BY:



Scott J. Putnam, Mayor

ATTEST:



Michelle R. Sperl, City Clerk