

**ORDINANCE NUMBER 1313
FOR THE YEAR 2015**

**AN ORDINANCE OF THE BOROUGH OF MIDDLETOWN,
DAUPHIN COUNTY, PENNSYLVANIA, AMENDING
CHAPTER 210 OF THE BOROUGH CODE DEALING WITH
PROPERTY MAINTENANCE, REMOVING, AMENDING AND
ADDING DEFINITIONS, AMENDING CERTAIN NOTICE
PROCEDURES, AND ADDING PROCEDURES RELATED TO
THE DISPOSITION OF VEHICLES DETERMINED TO BE
NUISANCE VEHICLES AS DEFINED HEREIN.**

WHEREAS, the Council of the Borough of Middletown ("Borough Council") has determined that certain objects are dangerous and hazardous, and that they therefore impair the health, safety, and welfare of residents of the Borough of Middletown (the "Borough").

WHEREAS, to keep Borough residents safe, and to protect their health and welfare, Borough Council intends to restrict the number, manner and location in which Borough occupants may keep such dangerous and hazardous objects on public and private property.

WHEREAS, to enforce the restrictions contained herein, Borough Council further intends to proscribe procedures by which the Borough may remove such dangerous and hazardous objects from both public and private property.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Council of the Borough of Middletown that Section 210 of the Middletown Code of Ordinances (the "Borough Code") be amended as follows:

SECTION 1: Chapter 210, Section 210-1B is hereby amended by adding to the end of the definition of "Rubbish" the following: Rubbish also includes inoperable or broken equipment, broken bricks and concrete blocks, and stones or rocks not used for landscaping purposes.

SECTION 2: Chapter 210, Section 210-1B is hereby amended by deleting in its entirety the definition of "Motor Vehicle Nuisance."

SECTION 3: Chapter 210, Section 210-1B is hereby amended by adding the following definitions:

1. "Vehicle": An assembly of parts, designed to have a wheel or wheels, or revolving track or tracks, which would enable the assembly to be more readily moved over the land or surfaces, used or intended for use (whether as a primary use or ancillary use) in transporting persons, other living things, materials of any kind, or other assemblies.
2. "Inoperable Motor Vehicle": A motorized vehicle that cannot be driven upon the public streets for any reason, including but not limited to, being unlicensed,

unregistered, uninsured, abandoned, or incapable of being moved under its own power, but which does not qualify as a nuisance vehicle.

3. "Nuisance Vehicle": A vehicle in a state of major disassembly, disrepair, or in the process of being stripped or dismantled, or a vehicle exhibiting any of the following non-exhaustive dangerous or hazardous physical characteristics because they create, or could create, a threat to public safety or the welfare of citizens:
 - (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, hoods, or other body parts which could permit vermin harborage.
 - (4) Any body parts with sharp edges including holes resulting from rust.
 - (5) Damaged wheels or missing tires resulting in unsafe suspension of the vehicle.
 - (6) Upholstery which is torn or open which could permit vermin harborage.
 - (7) Broken headlamps or tail lamps with sharp edges.
 - (8) Disassembled chassis parts from a vehicle stored in a disorderly fashion or loose in or on the vehicle.
 - (9) Protruding sharp objects from the chassis.
 - (10) Vehicle frames 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 trunks.
 - (14) Open or damaged floor boards including trunk and fire wall.
 - (15) Damaged bumpers pulled away from the perimeter of a vehicle.
 - (16) Broken grill with protruding edges.
 - (17) Loose or damaged metal trim and clips, broken communications equipment and antenna.
 - (18) A vehicle suspended on unstable supports.
 - (19) Such other characteristics or defects which could threaten the health, safety and welfare of the citizens of the Borough.

SECTION 4: Chapter 210, Section 210-2B is hereby amended and replaced in its entirety to read as follows:

Vehicles. Except as provided for in other regulations:

- (1) No nuisance vehicle shall be parked, kept or stored on any premises.
- (2) Not more than one (1) inoperable motor vehicle shall be parked, kept or stored on any premises.

- (3) Painting of vehicles is prohibited unless conducted inside a spray booth approved by the Code Official.

Section 210-4E specifically applies to vehicles in violation of § 210-2B in that the Borough may tow an offending vehicle from any premises, public or private, after notice is provided in accordance with § 210-4E. The Borough shall follow the towing procedures set forth in Article VII of § 252 of the Code to the extent those procedures do not conflict with the procedures set forth in this Chapter 210 of the Code.

SECTION 5: Chapter 210, Section 210-4E is hereby amended and replaced in its entirety to read as follows:

Borough permitted to perform work. If the tenant, occupant or owner of the exterior property area permits or causes said property to be maintained in violation of this chapter, the Borough may, after providing said tenant, owner or occupant written notice as prescribed below, correct the matter giving rise to the violation at Borough expense and may thereafter collect all costs and expenses, plus 10%, incurred in connection with correcting the violation by filing a municipal claim or by an action in assumpsit.

- a) For violations under § 210-2A of Chapter 210, ten (10) days' prior written notice is required;
- b) For any other violation under Chapter 210, twenty (20) days' prior written notice is required.

SECTION 6: Except only as amended, modified and changed herein, Chapter 210 of the Borough Code as originally enacted and as previously amended shall remain in all other respects in full force and effect.

SECTION 7: If any section, sub-section, provision, regulation, limitation, restriction, sentence, clause, phrase or word in this Ordinance is declared by any reason to be illegal, unconstitutional, or invalid by any court of competent jurisdiction, such decision shall not affect or impair the validity of this Ordinance or Chapter 210 of the Borough Code as a whole, or any other section, sub-section, provision, regulation, limitation, restriction, sentence, clause, phrase, word or remaining portion of this Ordinance or Chapter 210 of the Borough Code. The Borough Council hereby declares that it would have adopted this Ordinance and each section, sub-section, phrase and word thereof, irrespective of the fact that any one or more of the sections, sub-sections, provisions, regulations, limitations, restrictions, sentences, clauses, phrases or words may be declared illegal, unconstitutional or invalid.

SECTION 8: This Ordinance shall become effective in accordance with applicable law.

ORDAINED AND ENACTED into law by the Borough of Middletown on this ____ day of _____, 2015.

ADOPTED this ____ day of _____, 2015.

ATTEST:

**BOROUGH COUNCIL OF THE
BOROUGH OF MIDDLETOWN**

Secretary

By: _____
President

AND NOW, this ____ day of _____, 2015, the foregoing Ordinance is hereby approved.

Mayor

I hereby certify the foregoing Ordinance was advertised in the Patriot-News on _____, 2015, a newspaper of general circulation in the municipality and was duly enacted and approved as set forth at a regular meeting of the municipality's governing body held on _____, 2015.

Secretary