

## ORDINANCE # 203

### SOUTH NEW CASTLE BOROUGH

An Ordinance of Borough of South New Castle, County of Lawrence, prohibiting the parking, accumulation and storing of unlicensed, not currently inspected, abandoned, disabled or non-operating vehicles or major components of vehicles on private property and on public streets in front of private property.

Whereas, the Council of South New Castle Borough, County of Lawrence, pursuant to their power to promote public safety and welfare, and WHEREAS, 53 P.S. § 48108 authorizes boroughs to prohibit nuisances, hereby ordain and enact the following ordinance:

Section 1. Exterior storage - No person in charge of or in control of premises, whether as owner, lessee, tenant, occupant or otherwise, shall allow a motor vehicle which is unlicensed, not currently inspected, abandoned, disabled or non-operating or any large vehicle component, including but not limited to engines, transmissions, axle housings, frames or bodies, to remain on such property or on public streets in front of such property, for a period in excess of fifteen (15) days, provided that this section shall not apply with regard to any vehicle or vehicle component completely contained within an enclosed building. For purposes of this section, the term "enclosed building" shall mean a roofed and walled structure built for permanent use. This Ordinance shall further not apply with regard to any vehicle or vehicle component on the premises of a business enterprise operated in a lawful place, other than in a residential district, and operated in a lawful manner, when the keeping or maintaining of such a vehicle or vehicle component is necessary to the operation of such business enterprise or with regard to a vehicle or vehicle component in an appropriate storage place or depository maintained in a lawful place and manner by the borough or any other public entity. Any vehicle or vehicle component in violation of the provisions of this Ordinance is hereby declared a nuisance.

Section 2. Duty to serve notice - It shall be the duty of the Council of South New Castle Borough to serve or cause to be served a notice upon any person who is in violation of the provisions of this Ordinance and to demand the abatement of the nuisance within fifteen (15) days.

Section 3. Violations and penalties - If the person so served does not abate the nuisance within fifteen (15) days, he shall be guilty of an offense and, upon conviction thereof before the District Magistrate, shall be sentenced to pay a fine of not more than three hundred dollars (\$300.00) and costs of prosecution and, in default of the payment of such fine and cost, shall be imprisoned in the county jail for a period of not more than thirty (30) days. Enforcement of this Ordinance may also be accomplished by any person who, by reason of another's violation of any provision of this Ordinance, suffers special damage to himself different than that suffered by other property owners throughout the borough generally, by way of an action to enjoin or otherwise abate an existing violation.

Section 4. Abatement procedure - If the person so served does not abate the nuisance within thirty (30) days, the Council may proceed to abate such nuisance, keeping an account of the expense of the abatement, and such expense of the abatement, with a penalty of ten percent (10%) thereof added thereto, and such expense shall be charged and collected from the person in a manner provided by law, either by filing of a municipal lien or claim by the institution of an action in assumpsit or by relief by bill in equity. The recovery of such cost and expense may be in addition to the penalty imposed as provided in Section 3 of this Ordinance.

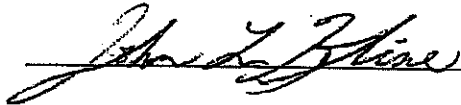
Section 5. Service of notice - The notice required by Section 2 hereof shall be served personally upon the person in violation of this Ordinance if such person resides in South New Castle Borough or upon his agent if such agent has a residence or place of business within the borough. If neither the person in violation of this Ordinance nor his agent is a resident of the borough an neither has an office within the borough, then such notice shall be sent to the person in violation of this Ordinance by registered mail to his last known address.

Approved, Adopted and Enacted into an Ordinance this 4 day of May,  
2006 to be come effective the 4 day of May, 2006.

Council of South New Castle Borough

  
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Harry Pallott  
President of Council

  
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John L. Kline  
Mayor