

**PORT CLINTON BOROUGH
SCHUYLKILL COUNTY
COMMONWEALTH OF PENNSYLVANIA**

ORDINANCE NO. _____

**AN ORDINANCE OF THE BOROUGH REGULATING THE
MAINTENANCE OF JUNK MOTOR VEHICLES AND ACCESSORIES
WITHIN THE BOROUGH; PROVIDING FOR PENALTIES FOR
VIOLATIONS THEREOF; AND PROVIDING REPEALERS,
SEVERABILITY AND THE EFFECTIVE DATE.**

WHEREAS, the Borough Council of the Borough of Port Clinton, Schuylkill County, Pennsylvania ("Borough"), having previously established the rate of taxation for Borough purposes on each dollar of assessed property valuation within the Borough now desires to levy a tax for recreation purposes.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Borough Council of the Borough and it is hereby ordained and enacted by the authority of the same as follows:

SECTION 1. Title. This Ordinance shall be known and cited as the "Borough of Port Clinton Junk Motor Vehicle Ordinance."

SECTION 2. Purpose. Borough Council recognizes and finds that the accumulation of Junk motor vehicles creates a hazard or threat or potential threat to the health, safety or welfare of the Borough's citizens because such accumulation provides a breeding area for rodents and vermin and because such accumulation provides an attractive nuisance for children who are not aware of the dangers involved.

SECTION 3. Definitions. The following words and phrases when used in this Ordinance shall have the meanings ascribed to them in this section except where the context clearly indicates or requires a different meaning:

(a) "Junk motor vehicle" means 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 this Borough or Commonwealth. Currently licensed, registered and inspected vehicles shall not be included within this definition. Motor vehicles and equipment used or to be used in construction or in the operation or maintenance of streets or public utility facilities, which are left in a manner which does not interfere with the normal movement of traffic, shall not be considered to be junk.

(b) "Motor vehicle" means 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, dune buggies and other off-the-road vehicles.

(c) "Motor vehicle accessories" means 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” means any real property not owned by the federal government, state, county, school district or other political subdivisions.

(f) “Public nuisance” means the unsheltered storage of a Junk 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 Borough's citizens.

(g) “Removal” means the physical location or relocation of a motor vehicle to an authorized location.

(h) “Trailer” means any wheeled device used as a means of carrying, hauling or conveying any vehicle, person, animal, boat or other object.

(i) “Unsheltered storage” means 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.

SECTION 4. Prohibited Storage. It shall be unlawful for any person owning or having custody of any Junk motor vehicle or motor vehicle accessories which creates a hazard or threat or potential threat to the health, safety or welfare of the Borough's citizens 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 Borough 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 Borough 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 junk motor vehicle or motor vehicle accessories constituting a public nuisance hereunder from any private property has been given, to move the same 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 5. Permitted Storage. The prohibitions of Section 4 hereof shall not apply to a limit of one (1) junk 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 4 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 nonmotorized 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) Junk motor vehicles or trailers at any one time. The prohibition of Section 4 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 6. Investigation of Premises. The building inspector, code enforcement officer or Constable, on routine inspection or upon receipt of a complaint, may enter upon private property to investigate a suspected junk 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 7. Notice of Removal. Whenever the building inspector, code enforcement officer or Constable finds or is notified that any junk motor vehicle or motor vehicle accessories have been stored or permitted to remain on any private property or public street or highway within the Borough and in violation of the provisions of this Ordinance the building inspector, code enforcement officer or Constable shall send by certified or registered mail a notice to the 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, and also to the owner of the private property, as shown on the tax assessment records of the Borough, on which the same is located, to remove the junk motor vehicle, trailer or motor vehicle accessories within ten (10) 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 no later than ten (10) days from the date of notification;
- D. Statement that removal from the location specified in the notification to another location upon which such storage is not permitted is prohibited and shall subject the person to additional penalties;
- E. Statement that if removal is made within the time limits specified, notification thereof shall be given in writing to the building inspector, code enforcement officer or Constable; and
- F. Statement of the penalties provided for noncompliance with such notice.

SECTION 8. Authority to Remedy Noncompliance. If the owner of record or person having custody of such junk motor vehicle or accessories or private property does not comply with the notice under section 7 to abate the nuisance within the time limit prescribed, the Borough shall have the authority to take measures to correct the conditions and collect the cost of such corrections plus 10% of all costs. The Borough, 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.

- A. Removal of junk motor vehicle.

(1) Upon the failure of the owner of any junk motor vehicle to remove the vehicle within ten (10) days after receiving written notice to do so from the Borough in the manner provided herein, the Constable may remove the same or cause the same to be removed.

(2) The Constable, within 24 hours after any junk motor vehicle has been removed and impounded, shall notify the owner of record of any such junk motor vehicle, either by personal service or by certified mail, and also the owner or occupant of the property from which any such junk motor vehicle has been removed, in like manner, of the fact that such vehicle has been impounded, the place from which it was removed, the reason for its removal and impounding and the place where the vehicle has been impounded.

(3) The Constable is hereby authorized to immediately remove or direct the removal of any junk motor vehicle from any roadway, including the roadway's berm or shoulder, to the nearest point off the roadway where the junk motor vehicle will not interfere with or obstruct traffic.

B. Towing and storage regulations.

(1) In removing any junk motor vehicle, the constable shall cause the same to be towed away and stored by such towing services or garages approved as salvors under the Pennsylvania Motor Vehicle Code.

(2) Any approved towing service or garage, prior to engaging in any towing away and/or storing of any motor vehicle hereunder, may be required to file a surety bond with the Borough, such bond to indemnify the Borough and the owner of any impounded motor vehicle against loss thereof or injury or damage thereto while any motor vehicle is in the custody of such garage.

(3) Specific towing and storage charges to be made under this chapter shall be fixed from time to time by the Borough Council.

C. Recovery of junk motor vehicle; payment of charges.

(1) The owner of any impounded vehicle shall be entitled to recover possession of such vehicle upon the payment to the Borough of the towing and storage charges.

(2) The payment of such charges, unless made under protest, shall be final and conclusive and shall constitute a waiver of any right to recover the money so paid. In the event that the towing and impounding charges are paid under protest, the owner shall be entitled to a hearing before a Magisterial District Judge or a court of record having jurisdiction, as in the case of a prosecution as in other cases of summary offenses under the Motor Vehicle Code of Pennsylvania, and the Magisterial District Judge or court of record shall proceed in accordance with Paragraph 1103 of the Motor Vehicle Code of the Commonwealth of Pennsylvania. See 75 Pa.C.S.A. § 101 et seq.

SECTION 9. Penalties for Violation; Additional Remedies. 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. The

Borough and/or its agents shall be entitled all other remedies provided for under the law, including the Pennsylvania Motor Vehicle Code, including reimbursement of costs and disposal of unclaimed vehicles through public sale, salvage and the like.

SECTION 10. Repealer. All ordinances or parts of ordinances 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 Borough that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

SECTION 12. Effective Date. This Ordinance shall become effective upon enactment.

ENACTED and ORDAINED into an ordinance this ____ day of _____, 2025, by the Council of the Borough of Port Clinton, Schuylkill County, Pennsylvania, in lawful session duly assembled.

BOROUGH OF PORT CLINTON
Schuylkill County, Pennsylvania

ATTEST:

Borough Secretary

By: _____
President of Council

EXAMINED and APPROVED this ____ day of _____, 2025.

Mayor, Borough of Port Clinton