

CHAPTER 83  
JUNKED MOTOR VEHICLES

*Article 1: Rules and Regulations*

- 83-101 § ~~83-1~~. Title.
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[HISTORY: Adopted by Borough Council by Ordinance 2015-10, on April 6, 2015.]

83-101

§ ~~83-1~~. TITLE. This Ordinance shall be known and may be cited as the "Callery Borough Junked Motor Vehicle Ordinance."

83-102

§ ~~83-2~~. DEFINITIONS. The following words, terms and phrases, when used in this Ordinance, shall have the following meanings, except where the context or language clearly indicates or requires a different meaning:

1. "Junked Motor Vehicle" is any motor vehicle (whether automobile, bus, truck, semi-tractor, trailer, semi-trailer, recreational vehicle, motorcycle, motorized bicycles, scooters, or any other vehicle originally intended to be used on public highways and required to be licensed and/or registered by the Commonwealth or any other state) which meets at least one of the following conditions:

- a) Is currently unregistered with the Commonwealth of Pennsylvania or any other state; or
- b) Is currently without a valid inspection sticker issued by the Commonwealth of Pennsylvania or any other state; or
- c) Is not operable or is not in condition for legal use on a public highway.

2. "Person" includes any individual person or persons, firm, partnership, corporation, company, whether business, membership, religious, charitable, or otherwise, and any association, club, society, or other unit, organization or entity of any kind.

3. "Borough" is the Callery Borough, Butler County, Pennsylvania.

83-103

§ ~~83-3~~. PROHIBITION. It shall be unlawful for any person to store junked motor vehicles, or to permit or condone junked motor vehicles to be stored, outside a fully enclosed and permitted structure on public or private property within the corporate limits of the Borough.

<sup>83-104</sup>  
 § ~~83-4~~ NUISANCE DETERMINATION. Prior to any determination that a violation is occurring, the Borough must make a determination that the junked motor vehicle constitutes a nuisance. In making the determination, the Borough shall consider, among other things:

1. How many junked vehicles are openly stored on the property and how large is the property?
2. Does the junked vehicle impinge upon public access across the property (e.g. sidewalks, public water and/or sewer lines, or public parking areas)?
3. Has the junked vehicle attracted vermin to the property?
4. Does the junked vehicle contain standing water or emit offensive odors?
5. Does the location of the junked vehicle make its access attractive to young children?
6. Does the junked vehicle pose any public danger, inconvenience, or distraction?
7. Is the junked vehicle surrounded by weeds or other debris?
8. Does the junked vehicle contain hazardous fluids or is it leaking fluids?
9. Is there broken glass on or around the vehicle or strewn about the property?
10. Are there sharp, torn metal edges and points on the junked vehicle?
11. Is the junked vehicle supported by jacks, blocks, or other supports?

<sup>83-105</sup>  
 § ~~83-5~~ EXEMPTION. Businesses operating as a properly licensed and permitted "Junkyard" are exempt from the requirements of this Ordinance.

<sup>83-106</sup>  
 § ~~83-6~~ ENFORCEMENT.

1. Enforcement as a Summary Offense. This Ordinance regulates health, fire, and public safety. As such, enforcement of this Ordinance shall be by action brought before a magisterial district justice in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. The Borough solicitor may assume charge of the prosecution without the consent of the District Attorney as permitted under the Pennsylvania Rules of Criminal Procedure No. 83(c) (relating to trial in summary cases).

2. Enforcement in Equity. In addition to or in lieu of other remedies, the Borough, by means of a complaint in equity, may take such other lawful action as is necessary to prevent or remedy any violation, or bring an action to enjoin any violation of this Ordinance.

<sup>83-107</sup>  
 § ~~83-7~~ PENALTIES FOR VIOLATIONS. Any person who violates this Ordinance or any amendment thereto shall, upon conviction thereof in a summary offense proceeding before a magisterial district justice, pay a fine of not less than five hundred dollars (\$500) and not more than one thousand dollars (\$1,000) per violation. A separate offense shall arise for each day or portion thereof in which a violation is found to exist or for each section of this Ordinance which is found to have been violated. In addition, the court may award the Borough its court costs and reasonable attorney fees incurred in the enforcement proceedings. All fines and penalties collected shall be paid over to the Borough treasurer.