

**Chapter 106**  
**VEHICLES, STORAGE OF**

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[HISTORY: Adopted by the Borough Council of the Borough of Pennsburg 6-2-1986 by Ord. No. 2-86. Amendments noted where applicable.]

**GENERAL REFERENCES**

Junkyards — See Ch. 60.

Zoning — See Ch. 110.

Vehicles and traffic — See Ch. 104.

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**§ 106-1. Definitions and word usage.**

- A. As used in this chapter, the following terms shall have the meanings indicated, unless a different meaning clearly appears from the context:

LESSEE — Owner, for the purpose of this chapter, when the lessor holds the lessee responsible for maintenance and repairs.

MOTOR VEHICLE — Any type of mechanical device propelled by a motor, in which persons or property may be transported upon public streets or highways, and includes trailers or semitrailers pulled thereby.

NUISANCE — Any condition, structure or improvement which shall constitute a threat or potential threat to the health, safety or welfare of the citizens of the Borough of Pennsburg.

OWNER — The actual owner, agent or custodian of the property on which motor vehicles are stored, whether an individual or partnership, association or corporation.

PERSON — A natural person, firm, partnership, association, corporation or other legal entity.

- B. In this chapter, the singular shall include the plural; the plural shall include the singular; and the masculine shall include the feminine and the neuter.

**§ 106-2. Motor vehicle nuisances prohibited.**

- A. It shall be unlawful for any person, owner or lessee to maintain a motor vehicle nuisance, as hereinafter defined, upon the open, private grounds of such person, owner or lessee within the borough.
- B. [Amended 10-6-1997 by Ord. No. 4-97] A motor vehicle nuisance shall include one or more vehicles which have any of the following defects:
- (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, trunks or other body parts which could permit animal harborage.
  - (4) Any body parts with sharp edges, including holes resulting from rust.
  - (5) Missing tires resulting in unsafe suspension of the motor vehicle.
  - (6) Upholstery which is torn or open which could permit animal and/or vermin harborage.
  - (7) Broken headlamps or tail lamps with sharp edges.
  - (8) Disassembled chassis parts apart from the motor vehicle stored in a disorderly fashion or loose in or on the vehicle.
  - (9) Protruding sharp objects from the chassis.
  - (10) Broken vehicle frames suspended from the ground in an unstable manner.
  - (11) Leaking or damaged oil pans or gas tanks which could cause fire or explosion.
  - (12) Exposed batteries containing acid.
  - (13) Inoperable locking mechanisms for doors or trunks.
  - (14) Open or damaged floorboards, including trunks and fire walls.
  - (15) Damaged bumpers pulled away from the perimeter of the vehicle.
  - (16) Broken grills with protruding edges.
  - (17) Loose or damaged metal trim and clips.
  - (18) Broken communication equipment antennas.
  - (19) Suspended or unstable supports.
  - (20) Such other defects which could threaten the health, safety and welfare of the citizens of the Borough of Pennsburg.

**§ 106-3. Storage of motor vehicle nuisances; construal of provisions.**

- A. Any person, owner or lessee who has two or more motor vehicles which are a nuisance, as defined in § 106-2 above, may store such vehicles within the boundaries of the Borough of Pennsburg only in strict compliance with the regulations provided herein; however,

nothing contained herein shall be construed to allow or permit the erection or installation of a structure in violation of the Zoning Ordinance<sup>1</sup> of the borough. Any person, owner or lessee who elects to store a motor vehicle nuisance, as defined in § 106-2 above, must store the same within a garage or other enclosed building or outside within an opaque fence at least six feet high which is locked at all times when unattended. Such motor vehicle nuisances may be stored in an area enclosed by a chain link fence at least six feet high, screened by shrubbery around the perimeter to the height of the fence, with an unobstructed gate capable of admitting fire or emergency equipment. Such gate shall remain locked at all times when unattended. In addition, all gas and oil or other flammable liquids shall be removed from the motor vehicle, and it shall be kept free of vermin infestation while being stored. The total area of storage of motor vehicle nuisances may not exceed 450 square feet without obtaining a proper permit for the storage of such nuisances from the Borough of Pennsburg. [Amended 12-3-1990 by Ord. No. 3-90]

- B. Any person, owner or lessee who has or desires to store motor vehicle nuisances, as defined in § 106-2 above, in an exterior storage area which exceeds 450 square feet must first apply for a permit for either temporary or permanent storage and pay a fee to the Borough of Pennsburg such as may be provided from time to time by resolution of the Borough Council. The motor vehicle nuisances must be stored within a garage or other enclosed building or within an opaque fence at least six feet high or a chain link fence at least six feet high, screened by shrubbery around the perimeter to the height of the fence, which fence shall be locked at all times when unattended. In addition, all gas and oil or other flammable liquids shall be removed from the motor vehicle, and it shall be kept free of vermin infestation while being stored.
- C. Nothing herein shall be construed to permit the construction or installation of a structure or storage of motor vehicle nuisances contrary to the provisions of the Zoning Ordinance<sup>2</sup> of the Borough of Pennsburg.

**§ 106-4. Inspection; notice to comply.**

- A. The Zoning Officer is hereby empowered to inspect grounds on which motor vehicles are stored to determine if there is compliance with the provisions of this chapter. If noncompliance with the provisions of this chapter constitutes a nuisance or if any condition, structure or improvement poses a threat to the health, safety or welfare of the public, he shall issue a written notice to be served by registered or certified mail upon the owner of said premises or, if the owner's whereabouts or identity is unknown, by posting the notice conspicuously upon the offending premises.
- B. Said notice shall specify the condition or structure or improvement complained of and shall require the owner to commence to remove or otherwise rectify the condition or structure or improvement as set forth therein within 10 days of mailing or posting of said notice and thereafter to fully comply with the requirements of the notice within a reasonable time.

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<sup>1</sup> Editor's Note: See Ch. 110, Zoning.

<sup>2</sup> Editor's Note: See Ch. 110, Zoning.

**§ 106-5. Authority to remedy noncompliance.**

If the owner of grounds on which motor vehicles are stored does not comply with the notice to abate the conditions 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.

**§ 106-6. Hearings.**

- A. Any person aggrieved by the decision of the Zoning Officer may request and shall then be granted a hearing before the Borough Council, provided that he files with the Borough Council, within 10 days after notice of the Zoning Officer's decision, a written petition requesting such hearing and setting forth a brief statement of the grounds therefor. The hearing shall commence not later than 30 days after the date on which the petition was filed unless postponed for sufficient cause.
- B. After such hearing, the Borough Council shall sustain, modify or overrule the action of the Zoning Officer.

**§ 106-7. Violations and penalties. [Amended 10-6-1997 by Ord. No. 4-97]**

Any person who shall violate any provision of this chapter shall, upon conviction thereof by a District Justice or other court of competent jurisdiction, be sentenced to pay a fine of not more than \$1,000 and/or to undergo imprisonment for a term not to exceed 90 days. Each day that a violation of this chapter continues shall constitute a separate offense.

**§ 106-8. Remedies not mutually exclusive.**

The remedies provided herein for the enforcement of this chapter or any remedy provided by law shall not be deemed mutually exclusive; rather, they may be employed simultaneously or consecutively at the option of the Board of Supervisors.