

Chapter 201

VEHICLES, ABANDONED OR JUNKED

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[HISTORY: Adopted by the Borough Council of the Borough of McSherrystown 1-27-1993 by Ord. No. 1993-2 as Part 6, Ch. 2, Art. F, of the 1993 Code. Amendments noted where applicable.]

GENERAL REFERENCES

Vehicles and traffic — See Ch. 205.

Zoning — See Ch. 215.

§ 201-1. Definitions.

The following terms shall be defined as stated in this section for the purposes of this chapter:

BOROUGH SUPERVISOR — The Borough Supervisor of the Borough of McSherrystown, or such other person or position designated by Council to perform the functions of the Borough Supervisor provided in this chapter.

JUNKED — Items sold or to be sold for scrap, being stripped or being used or sold for parts.
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MOTOR VEHICLE — A vehicle which was designed to be self-propelled (except one which was designed to be propelled solely by human power), or a trailer or semi-trailer, or parts thereof.

OWNER — The actual title owner of real property, or the agent or custodian of the actual title owner with respect to the affected property. A lessee shall be deemed as "owner" when the owner-lessor holds the lessee responsible for maintenance of and repairs to the affected property.

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

1. Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

§ 201-2. Storage on private property required; exceptions.

All used motor vehicles, junked or otherwise, shall be stored upon private lands or properties within the Borough in accordance with this chapter, except for the following:

- A. Currently registered motor vehicles belonging to the owner of the property on which they are stored;
- B. Motor vehicles being held by a licensed automobile dealer for resale as a unit in the normal course of business;
- C. Motor vehicles temporarily stored on the premises of a functioning automobile repair or service station while awaiting repairs;
- D. Motor vehicles stored within an enclosed building, structure, or other permanent improvement.

§ 201-3. Conditions for storage on private grounds.

Any person desiring to store or to continue to store motor vehicles on private grounds, except those excluded in § 201-2, shall comply with the following:

- A. All gas, oil, transmission fluid, and brake fluid shall be drained from the vehicle;
- B. All glass and upholstery shall be removed from such vehicle;
- C. All glass and upholstery removed from such vehicle shall be stored in a closed building or otherwise disposed of;
- D. All wheels shall be removed so that the vehicle is rendered incapable of movement;
- E. All trunk lids shall have their locks removed or shall themselves be removed;
- F. All such stored motor vehicles shall be at least 25 feet from any building, alley or street, so as not to obstruct any fire-fighting equipment or emergency vehicles;
- G. All such stored motor vehicles shall be at least 25 feet from any stream or other natural watercourse;
- H. All such stored motor vehicles shall at all times be kept free from infestation by vermin;
- I. All grass, weeds and other vegetation around and under such vehicles shall be kept cut or otherwise maintained so as to be no higher than five inches.²

§ 201-4. Inspection; notice of noncompliance; time limit for compliance.

- A. The Borough Supervisor is hereby empowered to inspect grounds on which motor vehicles are stored in order 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

2. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

any condition, structure, or improvement poses a threat to the health, safety, or welfare of the public, he shall issue written notice to be served by registered or certified mail upon the owner of said premises or, if his whereabouts or identity be 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.

§ 201-5. Authority of Borough to remedy or abate at expense of grounds owner.

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%. 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.

§ 201-6. Request for hearing; time of hearing; decision.

- A. Any person aggrieved by the decision of the Borough Supervisor may request and shall be granted a hearing before Council, provided he shall file with the Secretary a written petition requesting the hearing and setting forth a brief statement of the grounds therefor within 10 days after notice of the Supervisor's decision. 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, Council shall either sustain, modify or overrule the action of the Supervisor.

§ 201-7. Violations and penalties. ³

Any person violating any provision of this chapter shall, upon summary conviction thereof, be sentenced to pay a fine of not less than \$50 nor more than \$1,000, plus costs of prosecution, and, in default thereof, to undergo imprisonment for not more than 30 days; provided that each day that a violation shall be permitted to continue shall constitute a separate offense.

3. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

§ 201-8. Availability of other remedies.

The remedies provided in this chapter 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 Borough.