

BILL NO. 01-03

ORDINANCE NO. 01-03

AN ORDINANCE OF THE CITY OF JEANNETTE REGULATING THE PARKING, STANDING, STOPPING OR STORAGE OF ANY MOTOR VEHICLE UPON THE STREETS, AVENUES, ALLEYS, ROADWAYS OR OTHER PUBLIC RIGHTS-OF-WAY WITHIN THE CITY OF JEANNETTE, WESTMORELAND COUNTY, PENNSYLVANIA THAT ARE WITHOUT CURRENT REGISTRATION PLATES, A SERVICEABLE STORAGE BATTERY, A CURRENT INSPECTION STICKER, INCAPABLE OF BEING OPERATED UPON THE STREETS, AVENUES, ALLEYS, ROADWAYS, OR OTHER PUBLIC WAYS, OR THE UNSHELTERED STORAGE OF JUNK OR JUNK VEHICLES OR VEHICLES UP ON JACKS AS HEREINAFTER DEFINED, PRESCRIBING PENALTIES FOR THE VIOLATION THEREOF AND REPEALING ORDINANCES NO. 61-8, 67-9, 79-14, AND 96-7 AND ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT HEREWITH.

WHEREAS, the Council of the City of Jeannette previously adopted Ordinance No. 61-8 on July 11, 1961, such Ordinance prohibiting the parking of motor vehicles upon public thoroughfares that were without current registration plates, serviceable storage batteries, current inspection stickers or incapable of being operated; and

WHEREAS, the Council of the City of Jeannette has previously adopted Ordinances No. 67-9, 79-14 and 96-7 relating to the unsheltered storage of junk, junk vehicles or otherwise unusable automobiles as well as automobiles up on jacks; and

WHEREAS, the Council of the City of Jeannette desires to repeal Ordinances No. 61-8, 67-9, 79-14, and 96-7, and to adopt the within Ordinance to regulate the parking of vehicles along the public thoroughfares that are not capable of being operated thereupon or not permitted to be operated by virtue of failure to comply with registration or inspection requirements

imposed by the Commonwealth of Pennsylvania, the unsheltered storage of junk or junk vehicles and vehicles up on jacks on public or private property.

NOW, THEREFORE, WITH THE FOREGOING RECITALS BEING INCORPORATED HEREIN BY REFERENCE THERETO, AT A PUBLIC MEETING, THE COUNCIL OF THE CITY OF JEANNETTE HEREBY ORDAINS AND ENACTS THE FOLLOWING:

Section I.:

This Ordinance shall be known as the “City of Jeannette Junk and Unusable Vehicle Parking Ordinance”.

Section II. - Definitions:

A. The word “junk” as used in this Ordinance shall mean – any unused, inoperable, stripped, junked, wrecked or disassembled to the extent same is inoperable, piece of machinery, implements, equipment and/or personal property of any kind which is no longer safely usable for the purpose for which it was manufactured.

B. The word “junk vehicle” as used in this Ordinance shall mean - any “motor vehicle” as defined hereafter that is without a current registration, serviceable storage battery, current inspection sticker and/or is physically incapable of being operated legally and immediately upon the roadways within the City of Jeannette or Commonwealth of Pennsylvania.

C. The word “motor vehicle” as used in this Ordinance shall mean - any motor vehicle as defined by the Pennsylvania Motor Vehicle Code (75 P.S. §101 et seq.) as amended, and shall be

deemed to include, but not be limited to, any vehicle of whatsoever nature and kind which is self-propelled, except one which is propelled solely by human power, or that may otherwise be subject to licensing, inspection and/or registration under the laws of the Commonwealth of Pennsylvania.

D. The word “park”, “parking”, or “parked” as used in this Ordinance, shall mean - the parking, stopping, standing, or storage of any motor vehicle subject to registration, inspection and/or licensing by the Commonwealth of Pennsylvania, whether occupied or not, or while engaged in the process of loading or unloading, or while stopped in obedience to traffic regulations or traffic signs or signals. Neither this definition nor this Ordinance shall apply to Police or Fire Department vehicles or ambulances which are stopped temporarily for purposes of providing aid, assistance or protection of the public.

E. The phrase “vehicle up on jacks” shall mean – the unsheltered or unsupervised storage of any motor vehicle upon a jack, blocks or other form of elevation device on public or private property within the corporate limits of the City of Jeannette such that any one or more wheel(s) of said vehicle do not touch the ground. For the purposes of this subsection, “storage” shall mean leaving a vehicle on a jack, blocks or other form of elevation device, the same being unsheltered or unsupervised, for a period in excess of twenty-four (24) hours.

Section III. - Prohibitions:

A. From and after the effective date of this Ordinance, it shall be unlawful for any person to park, stop, stand or store any motor vehicle upon any street, avenue, alleyway, road or other

public way within the City of Jeannette, Westmoreland County, Pennsylvania that is without a current registration, serviceable storage battery, current inspection sticker and/or that is physically incapable of being operated legally and immediately upon the roadways within the City of Jeannette or Commonwealth of Pennsylvania.

B. From and after the effective date of this Ordinance, it shall be unlawful for any person to permit or maintain the unsheltered storage of any motor vehicle upon private property within the City of Jeannette that is without a current registration, serviceable storage battery, current inspection sticker and/or that is physically incapable of being operated legally and immediately upon the roadways within the City of Jeannette or Commonwealth of Pennsylvania.

C. From and after the effective date of this Ordinance, it shall be unlawful for any person to maintain or engage in the unsheltered storage of any “junk” as same is defined above upon any street, avenue, alleyway, road or other public way within the City of Jeannette, Westmoreland County, Pennsylvania or upon private property within the corporate limits of the City for a period of seven (7) days or more (except in places where a junk yard is regularly conducted and permitted).

D. From and after the effective date of this Ordinance, it shall be unlawful for any person to engage in or maintain the unsheltered or unsupervised storage of any “vehicle up on jacks”, as defined above, within the corporate limits of the City of Jeannette.

Section IV. - Penalties:

A. Any person who maintains or engages in the placement of any junk or junk vehicle or who parks, stops, stands or stores any such junk or junk vehicle upon any street, avenue, alleyway, road or other public way within the corporate limits of the City of Jeannette contrary to the terms of this Ordinance shall be deemed in violation of the terms and provisions of this Ordinance and shall be guilty of a Summary Offense. Upon conviction of such Summary Offense before a District Justice of the Commonwealth of Pennsylvania having jurisdiction over same, such person, firm or corporation shall be sentenced to pay a fine of not less than THREE HUNDRED and 00/100 (\$300.00) DOLLARS nor more than ONE THOUSAND and 00/100 (\$1,000.00) DOLLARS, together with the costs of prosecution, and in default of payment thereof, shall be imprisoned for a period of not more than ten (10) days in the County jail. Each day's violation shall constitute a separate offense and notice to the offender shall not be necessary in order to constitute such an offense.

B. Any person, firm or corporation who maintains or engages in the maintenance of any junk, junk vehicle or vehicle up on jacks upon private property within the corporate limits of the City of Jeannette contrary to the terms of this Ordinance shall be deemed in violation of the terms and provisions of this Ordinance and shall be guilty of a Summary Offense. Upon conviction of such Summary Offense before the District Justice of the Commonwealth of Pennsylvania having jurisdiction over same, such person, firm or corporation shall be sentenced to pay a fine of not less than THREE HUNDRED and 00/100 (\$300.00) DOLLARS nor more

than ONE THOUSAND and 00/100 (\$1,000.00) DOLLARS, together with the costs of prosecution, and in default of payment thereof, shall be imprisoned for a period of not more than ten (10) days in the County jail. Each day's violation shall constitute a separate offense and notice to the offender shall not be necessary in order to constitute such an offense.

Section V. – Declaration of Public Nuisance and Abatement of Nuisances:

A. In addition to being a violation of this Ordinance subject to Summary Citations set forth above, from and after the date of this Ordinance, the unsheltered storage of junk, junk automobiles or vehicles up on jacks for a period of seven (7) days or more within the corporate limits of the City of Jeannette, Westmoreland County, Pennsylvania shall be deemed a nuisance, dangerous to the public health, safety and well-being.

B. In the event of the deemed existence of such public nuisance, the owner, owners, tenants, lessees and/or occupants of any parcel of real estate within the corporate limits of the City of Jeannette upon which the unsheltered storage of such junk, junk vehicle or vehicle up on jacks is stored, the owner or owners of the aforesaid vehicle or junk, or the owner, owners, tenants, lessees and/or occupants of any parcel of real estate abutting a public street, avenue, alleyway, road or other public way upon which such junk, junk vehicle or vehicle up on jacks is maintained shall be jointly and severally responsible for the abatement of the nuisance created by such unsheltered storage or maintenance and, upon notification by the City of Jeannette,

promptly remove such junk, junk vehicle or vehicle up on jacks to a completely enclosed building or buildings authorized for the use or storage of same within the corporate limits of the City of Jeannette, or otherwise remove such junk, junk vehicle or vehicle up on jacks to a location outside corporate limits of the City of Jeannette.

C. The notice to abate the nuisance described in the foregoing paragraph shall be given by the City to each, any or every individual, firm or corporation referenced above and shall give such individual, firm or corporation not greater than ten (10) days to abate such nuisance. Such notice shall prescribe the manner in which abatement is to occur and shall be served upon such individual by Certified Mail, Return Receipt Requested. In the event such Certified Mail is returned refused or unclaimed, such notice shall be sent by regular mail to such individual, firm or corporation at their last known address.

D. In addition to the fines and penalties imposed by Summary Citation set forth above, any person, firm or corporation who fails to comply with the terms of a Notice of Abatement within the time period described therein shall be in violation of the terms and provisions of this Ordinance and shall be guilty of an additional Summary Offense for failure to so comply. Upon conviction of such Summary Offense before a District Justice of the Commonwealth of Pennsylvania having jurisdiction over same, such person, firm or corporation shall be sentenced to pay a fine of not less than THREE HUNDRED and 00/100 (\$300.00) DOLLARS nor more than ONE THOUSAND and 00/100 (\$1,000.00) DOLLARS, together with the costs of prosecution, and in default of payment thereof, shall be imprisoned for a period of not more than

ten (10) days in the County jail. Each day's failure to abate a nuisance after the abatement deadline set forth in same, shall constitute a separate offense and notice to the offender shall not be necessary in order to constitute such separate offense.

E. In addition to the penalties provided herein through the use of Summary Citations, the City of Jeannette shall have the right and privilege to remove any junk, junk vehicle or vehicle up on jacks to a location of its selection for storage. The City shall notify the last known owner or owners of such junk, junk vehicle or vehicle up on jacks, or the owner of private property upon which such junk, junk vehicle or vehicle up on jacks is situate or the owner, tenant, occupant or persons otherwise responsible for the maintenance of such nuisance, that such junk, junk vehicle or vehicle up on jacks has been removed and that same has been placed in storage and that same shall be sold after the expiration of thirty (30) days if removal and storage charges are not paid by the responsible owner or owners. In the event such personalty has been placed in storage by the City of Jeannette, said personalty may be sold by the City of Jeannette for payment of removal and storage charges. In the event that, at the time of such sale any outstanding fines, costs or expenses resulting from summary proceedings referenced above are due and owing, then the City may apply amounts received in excess of the removal and storage charges to the payment of such fines and costs. If the proceeds of such sale are insufficient to pay the costs of removal and storage, or any fines referenced above, the individuals referenced above, either jointly, severally or individually, shall be liable to the City of Jeannette for the

balance of costs and expenses of removal, together with any additional fines, costs or expenses that may be imposed. If the proceeds of such sale are in excess of the costs and expenses associated with removal, any and all fines imposed under this Ordinance have been paid, then the balance of such proceeds shall be paid to those individuals referenced above or deposited in the City Treasury for their use and benefit.

F. Notwithstanding any of the provisions set forth above, the City of Jeannette may file a Municipal Claim against the real estate owned by any person convicted through summary proceedings for violating this Ordinance to recover the costs of removal and storage, excess costs relating to same and any other amounts provided herein.

VI. - Effective Date and Repealer:

This Ordinance shall take effect immediately upon the date of its passage. This Ordinance shall repeal Ordinances No. 61-8, 67-9, 79-14 and 96-7 and all other Ordinances or parts of other Ordinances inconsistent herewith.

VII. – Severability:

The provisions of this Ordinance are severable. In the event any part, portion, term or condition of this Ordinance is found to be unconstitutional, unenforceable or invalid by any Court of competent jurisdiction, then the remaining terms, conditions, portions and provisions of this Ordinance shall remain in full force and effect.


THIS ORDINANCE IS DULY ORDAINED AND ENACTED BY THE COUNCIL OF
THE CITY OF JEANNETTE AT A PUBLIC MEETING HELD THE 11th DAY OF
JULY, 2001.

ATTEST:



Ronald E. Dinsmore, City Clerk

THE CITY OF JEANNETTE:

By 

Carl J. Matt, Mayor and President of Council