

BOROUGH OF COLUMBIA, LANCASTER COUNTY, PENNSYLVANIA

ORDINANCE NO. ____ - 2019

INTRODUCED BY COUNCIL – _____, 2019

ADOPTED BY COUNCIL – _____, 2019

AN ORDINANCE OF THE BOROUGH COUNCIL OF THE BOROUGH OF COLUMBIA, LANCASTER COUNTY, PENNSYLVANIA, AMENDING CHAPTER 207 BY ADDING AN ARTICLE XVIII – HAZARDOUS VEHICLE PARKING TO PROHIBIT THE PARKING OF HAZARDOUS VEHICLES ON PRIVATE PROPERTY; PROVIDING PENALTIES FOR VIOLATION; PROVIDING FOR THE REPEAL OF INCONSISTENT ORDINANCES; PROVIDING FOR THE SEVERABILITY OF THE ORDINANCE; AND PROVIDING THAT THE ORDINANCE SHALL TAKE EFFECT IN ACCORDANCE WITH PENNSYLVANIA LAW.

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED AND ENACTED by the Borough Council of the Borough of Columbia, Lancaster County, Pennsylvania, as follows:

SECTION 1. The Code of the Borough of Columbia, Chapter 207 be and hereby is rewritten to add an Article XVIII – Hazardous Vehicle Parking as follows:

“Article XVIII – Hazardous Vehicle Parking

§207-107 – Definitions: Unless otherwise expressly stated, the following words and phrases shall be construed throughout this Article to have the following meanings:

Hazardous Vehicle. A vehicle which (1) contains one or more broken windows or one or more missing doors or a missing trunk or hood which allows entry into the vehicle by children; (2) is structurally unstable or supported by blocks, jacks or other devices creating a danger of slipping and moving; (3) is parked on private property in such manner as to constitute an “abandoned vehicle” under the Vehicle Code; or (4) is partially dismantled, unused, unusable or wrecked and which cannot safely or legally be operated on the streets or highways of the Borough. Currently, licensed, registered and inspected vehicles shall not be included within this definition.

Unsheltered Storage. Any storage except 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.

Vehicle Code. The Pennsylvania Vehicle Code.

§207-108 – Prohibition on Parking. No person who owns a hazardous vehicle shall park, place or deposit the hazardous vehicle in unsheltered storage upon any private property within the Borough of Columbia. No person owning or occupying any property within the Borough of Columbia shall permit a hazardous vehicle to remain in unsheltered storage on any property.

§207-109 – Prohibited Storage. It shall be unlawful for any person owning or having custody of any hazardous vehicle to store or permit such vehicle to remain in unsheltered storage on any private property within the Borough.

It shall be further unlawful for any person, after notification to remove a hazardous vehicle, to move the same to unsheltered storage on any other private property within the Borough of Columbia.

§207-110 – Permitted Sheltered Storage. The prohibitions of this Article shall not apply to a limit of one hazardous vehicle if it is stored within an enclosed building or an area completely surrounded by a solid fence of a height of not less than the height of the hazardous vehicle, and this Article 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, nor shall it apply to the seasonal use vehicles such as snowmobiles, motorcycles, motor scooters and non-motorized campers. The prohibitions of this Article shall likewise not be applied to salvors holding the current Certificate of Authorization from the Commonwealth of Pennsylvania.

§207-111 – Investigation of Premises – Notice of Removal. A building inspector or code enforcement officer or other person designated by Borough Council or Pennsylvania law to enforce this Article, either upon routine inspection or receipt of a complaint, may enter upon private property to investigate a suspected hazardous vehicle and to record the make, model, style and identification numbers as well as the condition of the vehicle.

When the building inspector, code enforcement officer or any member of his department determines that a violation of the Article has occurred, written notice shall be sent by certified or registered mail to the owner of record or persons having custody of such hazardous vehicle, and also to the owner of the property, if different, to remove the hazardous motor vehicle within thirty (30) days. The notice shall state or contain:

A. The nature of the complaint shall be a description and location of the hazardous motor vehicle.

B. A statement that the hazardous motor vehicle must be removed within thirty (30) days.

C. A statement that removal from the location to another location in the Borough of Columbia is not permitted, unless that location provides sheltered storage as defined herein.

D. A statement that after removal was made, that notification of the removal should be given to the building inspector or code enforcement officer.

E. A statement of the penalties provided for non-compliance.

§207-112 – Owner May Request Hearing. Within ____ days after service of notice of the violation, the party or parties affected may request a hearing with the _____ by filing a written request with the _____. The owner of the motor vehicle or the property shall, with the request, file a fee of \$30. The _____, after such hearing, shall affirm, withdraw or modify the notice. If the _____ determines that the notice was incorrectly issued, the Borough shall reimburse the \$30 hearing fee.

§207-113 – Failure to Request Hearing. If a hearing is not requested, then the parties affected shall proceed to remove or have removed the hazardous vehicle or vehicles in question from the property in question in accordance with the notice.

§207-114 – Emergency Powers. Nothing in this article shall prevent the Borough or duly authorized officials from removing from private property, without notice, any attended or unattended motor vehicle, the presence of which constitutes a hazard or threat to the life, health, safety, welfare and morals of the residents of the Borough which is imminently dangerous and, in the opinion of the Borough or authorized officials, constitutes a nuisance which gives rise to the existence of emergency conditions.

§207-115 – Penalties for Violation.

A. 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 \$1,000, together with cost of prosecution, and in default of payment of such fine and costs, to undergo imprisonment for not more than thirty (30) days.

B. In addition to or in lieu of enforcement under any other provision of this Article, the Borough may enforce any provision of this Article by an action in equity in the Court of Common Pleas of Lancaster County.

D. In any action brought pursuant to this Section 207-115, the Borough is entitled to receive, at the order of the Court, an assessment of Court costs and reasonable attorney's fees incurred by the Borough in bringing forth any such action.

F. The remedies set forth above shall not be construed to the limit or deny the right of the Borough of Columbia to any other equitable or legal rights or remedies as may be otherwise available at law."

SECTION 2. All ordinances or resolutions or parts of ordinances or resolutions insofar as they are inconsistent herewith are hereby repealed and rescinded.

SECTION 3. In the event any provision, section, sentence, clause or part of this Ordinance shall be held to be invalid, such invalidity shall not affect or impair any of

the remaining provisions, sections, sentences, clauses or parts of this Ordinance; it being the intent of the Borough of Columbia that the remainder of the Ordinance shall be and shall remain in full force and effect.

SECTION 4. This Ordinance shall become effective as provided by the laws of the Commonwealth of Pennsylvania.

DULY ORDAINED AND ENACTED this _____ day of _____, 2019, by the Borough Council of the Borough of Columbia, Lancaster County, Pennsylvania, in lawful session duly assembled.

BOROUGH OF COLUMBIA,
LANCASTER COUNTY, PENNSYLVANIA

By: _____
Kelly Murphy,
President of Borough Council

ATTEST:

Rebecca Denlinger,
Borough Manager/Secretary

Examined and approved this _____ day of _____, 2019.

Leo S. Lutz, Mayor