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September 15, 2006

Barbara H. Ryzner, Secretary
Borough of Alexandria
P. O. Box 91
Alexandria, PA

166

11 Dear Barb:

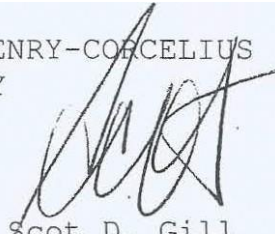
Enclosed is the proposed Abandoned or Junk Motor Vehicle Ordinance for consideration by the Borough Council . Please review it carefully to be sure I have the content of the Ordinance the way Borough Council wants it to be. The form for the Juniata Valley Regional Police will have to be developed separately.

Enclosed is a copy of the Notice that will be published in The Daily News.

If you have any questions, please let me know.

Very truly yours,

HENRY-CORCELIUS
BY



Scot D. Gill

SG/sa
Enc.

**AN ORDINANCE OF ALEXANDRIA BOROUGH, HUNTINGDON COUNTY,
PENNSYLVANIA REGARDING ACCUMULATION AND/OR STORAGE OF ABANDONED
OR JUNK MOTOR VEHICLES ON PRIVATE AND/OR PUBLIC PROPERTY**

NOTICE IS HEREBY GIVEN that the Alexandria Borough Council will on Monday, October 9, 2006 at a regular meeting of the Borough Council to be held at 7:00 P.M. at the Fire Hall in Alexandria, Pennsylvania, consider an ordinance regarding accumulation and/or storage of abandoned or junk motor vehicles on private and/or public property.

Copies of the proposed Ordinance are available at no cost and may be reviewed by any interested party at the law offices of Henry-Corcelius, 200 Penn Street, Huntingdon, Pennsylvania 16652; office of The Daily News, 325 Penn Street, Huntingdon, Pennsylvania 16652; and the Huntingdon County Law Library, 223 Penn Street, Huntingdon, Pennsylvania 16652.

ALEXANDRIA BOROUGH COUNCIL

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D. Gill,
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n, PA 16652

**BOROUGH OF ALEXANDRIA
HUNTINGDON COUNTY,
PENNSYLVANIA**

ORDINANCE NO. 2006-2

AN ORDINANCE TO PROHIBIT THE ACCUMULATION AND/OR STORAGE-
OF ABANDONED OR JUNK MOTOR VEHICLES ON PRIVATE AND/OR
PUBLIC PROPERTY AND PROVIDING FOR PENALTIES FOR THE
VIOLATION OF THIS ORDINANCE IN THE BOROUGH OF
ALEXANDRIA, HUNTINGDON COUNTY, PENNSYLVANIA

The Borough Council of the Borough of Alexandria, Huntingdon County, Pennsylvania, does hereby enact and ordain by authority of the Borough Code, as amended, and under law as follows:

ARTICLE 1. Title and Purpose

The purpose of this Ordinance is to promote, protect, and facilitate the public health, safety, and general welfare by regulating the storage or accumulation of junk or abandoned vehicles so as to:

- A. Prevent the propagation and harboring of rats, mice, and other vermin;
- B. Eliminate unattractive nuisances, which may endanger the safety of children and/or the population generally;
- C. Reduce the potential of spontaneous combustion and fire; and
- D. Generally promote harmonious, peaceful, and comfortable neighborhood life by the elimination of nuisances.

ARTICLE 2. Definitions

The following words, when used in this Ordinance, shall have the meaning ascribed to them in this Section, except in those instances where the context clearly indicates otherwise:

1. Junk motor vehicle shall mean any vehicle designed for the purpose of the transportation of person or property and not currently licensed, registered, or inspected according to federal, state, or local law or regulation.
2. "Store, maintain or accumulate" shall mean the parking or keeping of a vehicle at a site in the Borough of Alexandria for more than seventy-two (72) hours.
- 3 . "Abandoned motor vehicle" shall mean any motor vehicle which is without a currently valid license plate or plates or is wrecked, dismantled, inoperative (meaning that it cannot move under its own motorized power) without current inspection, or in an abandoned condition, with the exception of motor vehicles stored at permitted motor vehicle repair, body repair, auto wrecking, junk and scrap establishments, and automobile dealerships. These permitted facilities shall be reviewed on a case by case basis through the Borough Council for approval.
4. "Motor vehicle" shall mean any type of mechanical devise, propelled by a motor or engine, in which persons or property may be transported upon public streets or highways, excluding usable farm machinery, self-propelled wheel chairs, ATV's, go-karts and riding lawn and garden equipment.
5. "Nuisance" shall mean any condition which shall constitute a danger or potential danger to the health, safety, or welfare of citizens of the Borough of Alexandria which shall include junk motor vehicles and/or abandoned motor vehicles.
6. "Owner" shall mean the actual owner, agent, lessee, or custodian of the property on which motor vehicles are stored, whether individual, partnership, association, corporation, or other legal entity.
7. "Person" shall mean a natural person, firm, partnership, association, corporation, or other legal entity.

8. "Competition vehicle" shall mean an unlicensed and uninspected but operable motor vehicle specifically designed and constructed for competitive use on an off-street motor sports facility.
9. "Restoration vehicle" shall mean an unlicensed, uninspected, inoperable motor vehicle being restored and repaired to be a licensed, inspected, and operable vehicle.
10. "Restoration parts vehicle" shall mean an unlicensed, uninspected, inoperable motor vehicle used to salvage parts, used in restoration and repair of a vehicle being restored to be a licensed, inspected, and operable vehicle.

ARTICLE 3. Abandoned Motor Vehicle and Junk Motor Vehicle Storage Prohibited and Declared Nuisance

It shall be an unlawful violation of law and of this Ordinance for any person, owner, agent, lessee, or custodian to accumulate, maintain, or have junk or abandoned motor vehicle(s), which is/are hereby declared a nuisance, upon the private grounds of such person, owner, agent, lessee, custodian, or upon public grounds within the Borough of Alexandria. Such vehicle nuisances may have any of the following physical defects, the following list being non-exclusive:

- A. Broken windshields, mirrors or other glass, with sharp edges;
- B. One or more flat or open tires or tubes;
- C. Missing doors, windows, hood, trunk, or other body parts which could permit animal harborage;
- D. Any body parts with sharp edges including holes resulting from rust;
- E. Missing tires resulting in unsafe suspension of the motor vehicle;
- F. Broken head-lamps or tail-lamps with sharp edges;
- G. Disassembled chassis parts apart from the motor vehicle stored in a disorderly fashion or loose in or on the vehicle;
- H. Protruding sharp objects from the chassis;
- I. Broken vehicle frame suspended from the ground in an unstable manner;

- J. Leaking or damaged oil pan or gas tank which could cause fire or explosion;
- K. Exposed battery containing acid;
- L. Open or damaged floor boards including trunk and fire-wall;
- M. Damaged bumpers pulled away from the perimeter of vehicle.
- N. Broken grill with protruding edges;
- O. Loose or damaged metal trim and clips;
- P. Suspended on unstable supports; and
- Q. Such other defect which could threaten the health, safety, and welfare of the citizens in the Borough of Alexandria.

ARTICLE 4. Storage Permitted

Any person, owner, agent, lessee, or custodian who has one or more motor vehicle nuisance as defined above may store such vehicle(s) in the Borough of Alexandria only within a garage or other enclosed building which is entirely enclosed on all sides and with a roof on top of the building. Such vehicles may be stored by a motor vehicle repair, body repair, auto wrecking, junk or scrap establishment or an auto dealership upon application of such business to the Borough Council which may impose conditions to protect and preserve the health, safety, and welfare of the community and its citizens.

ARTICLE 5. Storage of Restoration Vehicles Permitted.

Section 1: Restoration Vehicle(s)

Restoration vehicle(s) must be stored inside a garage or other enclosed building which is entirely enclosed on all sides with a roof. One restoration vehicle may be stored outdoors on the property subject to certain conditions. If a restoration vehicle is stored outdoors then there shall be no other restoration vehicle, restoration parts vehicle or other abandoned or junk motor vehicle stored on the property outdoors. An annual "restoration vehicle" permit shall be applied for and issued to property owners that are restoring a vehicle that is stored outdoors, said application and issuance fee to be determined by the Borough Council by Resolution. The restoration vehicle shall be covered with a commercially manufactured vehicle cover designed to completely cover the vehicle from the front bumper to the rear bumper. A one-

time restoration vehicle permit shall be issued for no more than one (1) year and the storage area for such vehicle shall be depicted on the permit application. At the end of the second permit year, the restoration vehicle unless fully restored, licensed and operable, shall be removed from the property and shall be considered an abandoned or junk nuisance motor vehicle unless the vehicle is stored inside a garage or other fully enclosed building.

Section 2: Restoration Parts Vehicle(s)

Restoration parts vehicles must be stored inside a garage or other enclosed building which is entirely enclosed on all sides with a roof. One restoration parts vehicle may be stored outdoors on the property subject to certain conditions. If a restoration parts vehicle is stored outdoors then there shall be no other restoration vehicle, restoration parts vehicle or other abandoned or junk motor vehicle stored on the property outdoors. An annual "restoration parts vehicle" permit shall be applied for and issued to property owners that are restoring a vehicle that is stored outdoors said application and issuance fee to be determined by the Borough Council by Resolution. The restoration parts vehicle shall be covered with a commercially manufactured vehicle cover designed to completely cover the vehicle from the front bumper to the rear bumper. A one-time restoration parts vehicle permit shall be issued for no more than one (1) year and the storage area for such vehicle shall be depicted on the permit application. At the end of the second permit year, the restoration parts vehicle unless fully restored, licensed and operable, shall be removed from the property and shall be considered an abandoned or junk nuisance motor vehicle unless the vehicle is stored inside a garage or other fully enclosed building.

Section 3: Competition Vehicle -

Nothing herein shall prohibit the storage of one competition vehicle on the property provided the vehicle is stored on the property of the racing vehicle owners, there is no other permit issued for a restoration vehicle or restoration parts vehicle if the competition vehicle is stored outdoors, and further that the vehicle is either stored in an enclosed building or if stored outside it is covered using a commercially manufactured vehicle cover designed to completely cover the vehicle from the front

bumper to the rear bumper. A one-time competition vehicle permit shall be issued for no more than one (1) year and . the storage area for such vehicle shall be depicted on the permit application.

ARTICLE 6. Violation

It is declared to be a violation of this Ordinance to accumulate, store, maintain, or have abandoned or junk motor vehicles(s) on any private or public property in the Borough of Alexandria, Huntingdon County, Pennsylvania, with the sole exceptions and conditions as set forth herein.

ARTICLE 7. Penalties

A verbal request to remove any abandoned or junk vehicle from the Borough will be given by the police department or other agent of the Borough to the owner or person(s) in possession of the subject property and if after fifteen (15) days the vehicle remains within the Borough, the police or other agent of the Borough shall inform the party by certified letter that if the vehicle is not removed in an additional fifteen (15) days a penalty shall be issued in an amount not to exceed three hundred (\$300.00) Dollars for each offense, all costs, reasonable attorney's fees, and/or or ninety (90) days imprisonment. In addition to the foregoing should the responsible party fail to remove the vehicle within the time set forth herein, the police or other authorized agent of the Borough shall be authorized to remove the vehicle and have it disposed of in any appropriate manner, the costs of such disposal to be added to any other penalty included herein. The police or other authorized agent of the Borough shall have full authority to prosecute the matter.

ARTICLE 8. Separate Violations

Each period of five (5) days following the issuance of the certified letter as set forth in Article 7 hereof during which any person or owner violates the provisions of this Ordinance shall constitute a separate offense. The police or other authorized agent of the Borough of Alexandria shall file new charges every five (5) days until the vehicle is moved.

ARTICLE 9. Reservations

The Borough of Alexandria may, at its option, proceed in the manner provided for by law, and/or in the manner set forth in this Ordinance and/or in the manner provided for by law for the collection of municipal claims and/or by action of assumpsit and/or by action in equity. Any action taken by the Borough of Alexandria or remedy pursued by Borough of Alexandria under this Ordinance or otherwise shall be non-exclusive.

DULY ENACTED this 9th day of October, 2006, by the Council of the Borough of Alexandria, Huntingdon County , Pennsylvania, in lawful session duly assembled.

BOROUGH OF ALEXANDRIA

President '

ATTEST :

APPROVED

ALEXANDRIA:• BOROUGH

PERMIT

1. Permit For:

- A. _____ Repair, Auto, Junk/Scrap Business
(Ord. Art. 4)
- B. _____ Restoration Vehicle (Ord. Art.5(1))
- C. _____ Restoration Parts Vehicle (Ord. Art.5(2))
- D. _____ Competition Vehicle (Ord. Art.5(3))

2. Owner(s) of Permit _____

3. Site/Address of Permit: _____

4. Description of Permitted Vehicle:

5. **Effective Dates of Permit:** _____

Secretary

President

Seal

Date:

5. If you are applying for a Type A Permit (Repair, Auto, Junk/Scrap Business)

State Name of Business

state Address of Business

Attach Business License

State Employer or Tax I.D. Number

6. Describe or depict with a photograph the proposed storage area for the vehicle.
7. Describe the building or other enclosure in which you intend to store the vehicle.
8. If you intend to store the vehicle outdoors, state the manufacturer of the vehicle cover which with which you intend to cover the vehicle.
9. Do you already have a permit from **Alexandria** Borough for the storage of a junk, abandoned, restoration, restoration parts or competition vehicle?
10. state the dates on which you are requesting a permit for storage (Note: Dates of proposed storage may not exceed one (1)
ear).

Y

Applicant Name: _____
{Print Name}

Applicant Signature: _____

Applicant Address: _____

Applicant Telephone# _____

Date: _____