ORDINANCE NO. 2007 - 02

AN ORDINANCE OF THE TOWNSHIP OF FRANKLIN, DEFINING AND PROHIBITING THE STORAGE OF MOTOR VEHICLE NUISANCES OR PARTS THEREOF IN THE OPEN ON PRIVATE PROPERTY AND PROVIDING FOR EXCEPTIONS; AUTHORIZING NOTICES OF COMPLIANCE; REQUIRING THE REMOVAL, REPAIR, OR ALTERATION OF THE CONDITIONS CONSTITUTING A NUISANCE OR DANGER TO THE CITIZENS; AND PRESCRIBING PENALTIES AND REMEDIES FOR VIOLATION.

The Franklin Township Board of Supervisors hereby ordains:

Section 1. Definitions. As used in this ordinance, the following terms shall have the meanings indicated, unless a different meaning clearly appears from the context:

LESSEE - owner for the purpose of this ordinance 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 including trailers or semi-trailers pulled thereby.

NUISANCE - any condition, structure, or improvement which shall constitute a danger or potential danger to the health, safety, or welfare of the citizens of the Township of Franklin.

OWNER - the actual owner, agent or custodian of the property on which motor vehicles are stored or maintained, whether a natural person, firm, partnership, association, corporation, or other legal entity.

PERSON - a natural person, firm, partnership, association, corporation, or other legal entity.

In this ordinance, the singular shall include the plural; the plural shall include the singular; and the masculine shall include the feminine and the neuter.

Section 2. Motor Vehicle Nuisances Prohibited. Except as otherwise permitted in Section 3, it shall be unlawful for any person, owner or lessee to store or maintain a motor vehicle nuisance within Franklin Township. A motor vehicle nuisance shall consist of any of the following, provided it is also a nuisance:

a. any scrapped, abandoned or junked motor vehicle, or parts thereof;

b. any partially dismantled or inoperable motor vehicle, or parts thereof, which is not in the process of ongoing and immediate repair;

c. any motor vehicle which may not be operated upon any highway in the Commonwealth of Pennsylvania without a valid registration plate or Certificate of Inspection or title, and which does not have a valid registration plate or Certificate of Inspection or title, or parts thereof.

Section 3. Storage of Motor Vehicle Nuisances Permitted. Any person, owner or lessee who has motor vehicle nuisances as defined in Section 2 above, may store such vehicles in Franklin Township only in strict compliance with the following regulations:

a. the motor vehicle nuisance(s) must be stored within an enclosed building which is locked at all times when unattended. The term "enclosed building" shall mean a roofed and walled structure built for permanent use and constructed in such a manner that no part of the motor vehicle nuisance is visible from the exterior of the structure. In addition, all gas and oil or other flammable liquid shall be removed from leaking or damaged parts and it shall be kept free of vermin infestation while being stored; or

b. up to three (3) motor vehicles provided they are enclosed behind a screen of evergreen trees or shrubs, or a solid fence, or a combination of both, so as not to be visible from either any public highway, road, street, avenue, lane or alley which is maintained by either the Township or the Commonwealth of Pennsylvania, or beyond the lot lines of the property on which they are located. In addition, all gas and oil or other flammable liquid shall be removed from leaking or damaged parts and they shall be kept free of vermin infestation while being stored.

Nothing herein shall be construed to permit the storage of motor vehicle nuisances contrary to the provisions of the Franklin Township Zoning Ordinance.

Section 4. Exceptions and Exclusions.

a. Pursuant to the Right-to-Farm Law, 3 P.S. §951, et seq., the definition of the term "nuisance" excludes any agricultural operation conducted in accordance with normal agricultural operations so long as the agricultural operation does not have a direct adverse effect on the public health and safety.

b. Pursuant to the Agricultural Area Security Law, 3 P.S. §901, et seq., the definition of the term "nuisance" excludes any agricultural activity or operation conducted using normal farming operations within an agricultural security area if such agricultural activity or operation does not bear a direct relationship to the public health and safety.

c. The provisions of this Ordinance shall not apply to grounds which have been licensed as a junkyard under the Franklin Township Junkyard and Refuse Ordinance or grounds which have been permitted as a junkyard under the Franklin Township Zoning Ordinance of 1972, provided, any such grounds are not in violation of either the Franklin Township Junkyard and Refuse Ordinance or the Franklin Township Zoning Ordinance of 1972.

Section 5. Notice to Comply.

a. If noncompliance with the provisions of this ordinance constitutes a nuisance, the Franklin Township Enforcement Officer or the Franklin Township Police 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 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 thirty (30) days of mailing or posting of said notice, and thereafter, to fully comply with the requirements of the notice within a reasonable time.

Section 6. Authority to Remedy Noncompliance. If the owner of grounds on which motor vehicles are stored does not comply with the notice to abate the nuisance, within the time limit prescribed, Franklin Township shall have the authority to take measures to correct the conditions and collect the cost of such corrections plus ten percent (10%) of all costs. Franklin Township, 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.

Section 7. Penalties. Any person who shall violate any provision of this ordinance shall, upon conviction thereof, be sentenced to pay a fine of not more than One Thousand ($1,000.00) Dollars, and in default of payment, to undergo imprisonment for a term not to exceed thirty (30) days. Each day that a violation of this ordinance continues shall constitute a separate offense.

Section 8. Remedies not Mutually Exclusive. The remedies provided herein for the enforcement of this ordinance, or any remedy provided by law, shall not be deemed mutually exclusive; rather they may be employed simultaneously or consecutively, at the option of Franklin Township.

Section 9. Repealer. All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

Section 10. Severability. If any sentence, clause, section, or part of this ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this ordinance. It is hereby declared as the intent of Franklin Township that this ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

Section 11. Effective Date. This Ordinance shall become effective five (5) days after its enactment.

DULY ENACTED AND ORDAINED this 18th day of September, 2007.

FRANKLIN TOWNSHIP SUPERVISORS

ATTEST:

Secretary