

TOWNSHIP OF KENNEDY
COUNTY OF ALLEGHENY, PENNSYLVANIA
ORDINANCE NO. 318

An Ordinance of the Township of Kennedy, Allegheny County, Pennsylvania replacing Ordinance No. 65, known as the "Township of Kennedy Abandoned and Junked Automobiles and Trucks Ordinance" prohibiting the storage of abandoned or junked autos or trucks on public or private property.

WHEREAS, the Kennedy Township Board of Commissioners deems it in the interest and general welfare of the citizens and residents of Kennedy Township to prohibit the unreasonable, unwarrantable or unlawful use of private or public property which causes injury, damage, inconvenience, annoyance or discomfort to others in the legitimate enjoyment of the rights of persons of property or has potential to cause injury, hurt or damage to persons; and

WHEREAS, Section 1502, Article XXVI of the First Class Township Code, Act of June 24, 1931 (P.L. 1206, No. 331), as amended May 27, 1949 (P.L. 1955, No. 569) authorizing Townships of the first class to prohibit nuisances on public or private grounds, including but not limited to junk or abandoned vehicles, and to remove such nuisances and impose penalties therefor:

NOW THEREFORE, be it enacted and ordained that:

Section I - Short Title

This Ordinance shall be known and may be cited as "Kennedy Township Abandoned and Junked Vehicle Ordinance."

Section II - Definitions

For the purpose of this Ordinance, the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, words in the singular number include the plural number and word "shall" is always mandatory and not merely directory.

- a. Township is Kennedy Township, Allegheny County, Penna.*
- b. Board of Commissioners is the Board of Commissioners of Kennedy Township, Allegheny County, Penna.*
- c. Owner is a person owning, leasing, occupying, in possession, or having charge of any premise within the Township.*
- d. Person shall mean and include any natural person, firm, partnership, association, corporation, company, or organization of any kind.*

e. *His, him, he shall mean to include any person, regardless of gender.*

f. *Nuisance shall mean the unreasonable, unwarrantable or unlawful use of public or private property which causes injury, damage, hurt, inconvenience, annoyance or discomfort to any person in the legitimate enjoyment of his rights of person or property or which has the likely potential to cause injury, damage, or hurt to any person.*

g. *Abandoned Vehicles shall mean any unsheltered vehicle not stored within a garage, other enclosure or covered from view:*

1. *That is inoperable and is left unattended on public property for more than forty-eight (48) hours; or*

2. *That has remained illegally on public property for a period of more than forty-eight (48) hours; or*

3. *Is left unattended on or along a highway within the Township without a valid registration plate or certificate of inspection; or*

4. *Is without a valid registration plate or certificate of inspection and that has remained on private property with or without the consent of the owner or person in control of the property for more than thirty (30) days; or*

5. *That has remained on private property without the consent of the owner or person in control of the property for more than forty-eight (48) hours.*

h. *Junked Vehicles shall mean any unsheltered motor vehicle, which is inoperable or unable to meet the vehicle equipment and inspection standards under the Pennsylvania Vehicle Code to the extent that the cost of repairs would exceed the value of the repaired vehicle.*

i. *Junk or Scrap Yard shall include any premises which is engaged in the business of buying and selling abandoned or junk vehicles, in accordance with Township Zoning Ordinances, for profit and which can demonstrate income therefrom on federal, state and municipal income tax reporting.*

j. *Vehicle shall mean any vehicle propelled by a gas or electric motor normally occupied, ridden or driven by a human, including but not limited to automobiles, motorcycles, tractors, motor homes, campers, boats, go-carts, and race cars.*

Section III - Storage of Abandoned or Junked Vehicles Declared to be a Nuisance.

Except as to a legal junk or scrap yard business, the unsheltered storage or keeping of any abandoned or junked vehicles on private or public property, vacant or occupied, with Kennedy Township is hereby declared to be a nuisance and it shall be unlawful for any person or owner to knowingly keep or store the same on any private or public property within the Township.

Section IV - Penalty for Violation

Any person or owner who shall violate the provisions of this Ordinance, or who shall fail or refuse to comply, after receiving notice of such violation, shall, upon conviction thereof before a District Magistrate pay a fine of not less than \$100.00 One Hundred nor more than \$300.00 Three Hundred Dollars, and, or imprisoned for a period of time not to exceed thirty (30) days for each offense.

The Township may direct the removal of such nuisance to be done by its' designee, and the costs of such removal may be collected from the person or owner of the premises by lawful proceedings, or the Township may file a Municipal Claim or Lien therefor against such real estate.

Section V - Notice

All notices hereunder may be given either by certified mail to the last known address of the owner of the property in question, or notice may be given by posting or attaching a notice on the offending vehicle.

Section VI - Severability

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate distinct and independent provision and such holding shall not affect the validity of the remaining portions of this Ordinance.

Section VII - Repeal of Inconsistent Ordinances

All Kennedy Township ordinances or parts of Ordinances conflicting with the provisions of this Ordinance are hereby repealed insofar as they are inconsistent with this Ordinance.

ORDAINED AND ENACTED this 8th day of

December 1993.

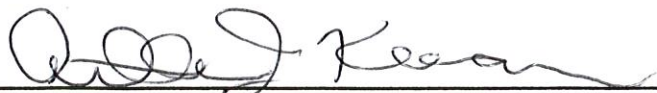
ATTEST:

TOWNSHIP OF KENNEDY



Gerald G. Orsini

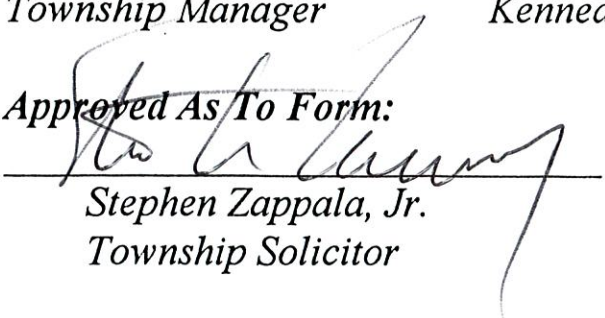
Township Manager

By: 

Arthur J. Keenan, President

Kennedy Township Board of Commissioners

Approved As To Form:


Stephen Zappala, Jr.

Township Solicitor