

ORDINANCE NO 10 - 70

AN ORDINANCE PROHIBITING THE STORAGE OR PARKING OF JUNKED WRECKED, STRIPPED OR ABANDONED MOTOR VEHICLES ON PRIVATE PROPERTY; PROVIDING FOR THE REMOVAL OF SUCH MOTOR VEHICLES FROM PRIVATE PROPERTY AFTER NOTICE AND AN OPPORTUNITY TO BE HEARD; PROVIDING THAT THE OWNER OF SUCH PRIVATE PROPERTY SHALL BE LIABLE FOR THE COST OF REMOVAL.

The Township of Cooper hereby ordains as follows:

The Board of Supervisors of the Township of Cooper, finds that the storage and parking of wrecked, junked, stripped or abandoned motor vehicles on private property which vehicles are in the nature of rubbish, junk and unsightly debris constitutes a nuisance and are detrimental to the public health, safety, moral and welfare.

Abandoned Vehicles It shall be unlawful to park, store or leave any motor vehicle of any kind in a wrecked, junked, stripped or abandoned condition, on private property, and it shall be unlawful for the owner of such motor vehicle, or the owner or occupant of any property, to allow, permit or suffer the same, to be left upon any privately owned property, unless the same be authorized in conjunction with a business properly operated pursuant to the zoning laws and other laws of the Township of Cooper.

Notice to Owners. If the Supervisors of the Township of Cooper find that a

violation of this article exists, the Secretary shall notify the owner of the property on which the motor vehicle is stored or parked, or the owner of the motor vehicle, or both, of the violation, and order the owner of said motor vehicle or vehicles within five (5) days thereof, and the owner of the property on which the motor vehicle or vehicles is stored or parked, within forty-five (45) days thereof, to remove the motor vehicle or vehicles

Mode of Notice. Notice shall be given by personal service or by Registered Mail to the last known address of the violator. In the event that, on diligent search, the address of either the property owner or motor vehicle owner cannot be ascertained, the posting of the said notice or copies thereof on the real property, motor vehicle, structure, or area immediately adjacent thereto shall constitute sufficient notice.

Owner may Request Hearing. Within two (2) days after notice, the party or parties affected may request a hearing with the Board of Supervisors by filing a written request with the Secretary. The owner of the motor vehicle shall with the request, file a fee of \$15.00. The said Secretary after said hearing shall affirm, withdraw or modify the notice.

Notice of Hearing. On proper request, a hearing on the matter shall be given forthwith and where more than one party is involved it shall be the duty of the party requesting the said hearing to notify all other parties affected or interested of the time and place of the hearing.

Failure to Act: Imposition of Costs. If the violation complained of shall not have been remedied within the period as required by the order, the Township of Cooper may, through its own agents, contractors and/or employees, remedy the violations and charge the costs thereof to the real property owner on whose property the vehicles are located. Said cost shall, after a proper demand and refusal or a failure to pay after thirty (30) days, constitute a lien in the said realty which shall be filed by the Township Solicitor.

Penalty for Violation. Any person who shall violate any section of this article, shall, upon conviction before any Magistrate pay a fine of not less than \$5.00 nor more than \$300.00 or in default thereof be imprisoned for a period of not exceeding thirty (30) days. Each day's failure to comply with the order of the Secretary shall constitute a separate offense for each vehicle in violation thereof.

Severability. The provisions of this Ordinance shall be severable, if any of its provisions shall be held to be unconstitutional or illegal, such decision shall not affect the validity of any of the remaining provisions of this Ordinance. It is hereby declared as a legislative intent that this Ordinance would have been adopted had such unconstitutional illegal provision not been included herein.

Enacted and ordained this 14th day of October, 1970.

TOWNSHIP OF COOPER

BY:

Harrold M. Shultz

Elmer Steltz

David Farrell