

BILL NO. 96-4

ORDINANCE NO. 96-7

**AN ORDINANCE AMENDING ORDINANCE 67-9, AS AMENDED BY
ORDINANCE 79-14, DECLARING THE UNSUPERVISED STORAGE OF
VEHICLES UPON JACKS WITHIN THE CITY OF JEANNETTE
A PUBLIC NUISANCE, AND PROVIDING FOR THE ABATEMENT OF SAME;
PROVIDING PENALTIES THEREFORE; AND AMENDING THE
PENALTIES SET FORTH IN ORDINANCE 67-9**

WHEREAS, the Council of the City of Jeannette has previously enacted Ordinance 67-9, as amended by Ordinance 79-14, declaring the storage of unused or junked automobiles within the corporate limits of the City of Jeannette a public nuisance, and providing for abatement of same; and

WHEREAS, it has come to the attention of the Council of the City of Jeannette that various individuals in the City of Jeannette have permitted the storage of unsheltered vehicles upon jacks within the corporate limits of the City of Jeannette, exclusive of the places where automobile repair business is regularly conducted; and

WHEREAS, the Council of the City of Jeannette deems the storage of such vehicles on jacks a public nuisance, dangerous to the public health and safety.

NOW, THEREFORE, in consideration of the above, it is hereby Ordained and Enacted by the Council of the City of Jeannette, at a regular meeting thereof, held on the 9th day of October, 1996, as follows:

SECTION I.: NUISANCE.

Section I. (A.) is hereby added to read as follows:

"The unsheltered or unsupervised storage of any vehicle upon a jack, blocks or other form of elevation device on public or private property within the corporate limits of the City of Jeannette, such that any one or more wheel(s) of said vehicle does not touch the ground, shall be deemed a nuisance, dangerous to the public health and safety." For the purposes of this subsection, "storage" shall mean leaving a vehicle on a jack, blocks or other forms of elevation device, the same being unsheltered or unsupervised, for a period in excess of three (3) days.

SECTION II. - PENALTY.

Section III of Ordinance 67-9 is hereby amended to read as follows:

"Upon failure of the owner or owners, tenants, lessees, occupants or persons otherwise responsible for the nuisance described in Section I. or I.(A.) hereof, to remove the same after notification by the City, its agents, employees, or representatives, such person shall, upon summary conviction, be

subject to a fine of not less than THREE HUNDRED and 00/100 (\$300.00) DOLLARS nor more than ONE THOUSAND and 00/100 (\$1,000.00) DOLLARS, together with the costs of prosecution, and in default of the payment thereof, shall be incarcerated for a period of not less than thirty (30) days nor more than ninety (90) days, or both, in accordance with 53 P.S. §37403 (60). Each day that a violation continues after due notice has been served, shall constitute a separate and distinct offense, punishable as provided herein."

SECTION III.

The provisions of this Ordinance shall be severable and, in the event that a court of competent jurisdiction determines that any provision of this Ordinance shall be invalid or unenforceable, the remaining provisions of this Ordinance shall remain in full force and effect. Nothing in this Ordinance shall be construed to alter, amend or abridge any of the provisions of the Constitution of the United States or of this Commonwealth, or any law or regulation of the United States or of this Commonwealth, or Act of the Assembly heretofore or hereafter passed.

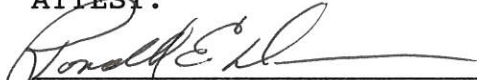
SECTION IV.

The remaining provisions of Ordinance 67-9, as amended by Ordinance 79-14, shall remain in full force and effect. All other Ordinances or parts of Ordinances inconsistent herewith are hereby repealed.

SECTION V.


This Ordinance shall become effective in ten (10) days.

ATTEST:



Ronald E. Dinsmore,
City Clerk

THE CITY OF JEANNETTE:



Michael J. Salvatore,
Mayor and President of Council