

CITY OF JOHNSTOWN, PENNSYLVANIA

ORDINANCE NO. 5328

Bill No. 3 of 2022

Introduced in Council January 12, 2022

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, PENNSYLVANIA, AMENDING CHAPTER 468 OF THE CODIFIED ORDINANCES OF THE CITY OF JOHNSTOWN TITLED "JUNKED AND/OR ABANDONED MOTOR VEHICLES" BY AMENDING THE DEFINITIONS AND AMENDING THE ENFORCEMENT PROVISION

BE IT ORDAINED AND ENACTED by the City Council of the City of Johnstown, Cambria County, and Commonwealth of Pennsylvania, that Chapter 468 of the Codified Ordinances of the City of Johnstown titled "Junked and/or Abandoned Motor Vehicles" is hereby amended as follows:

SECTION 1: ADMINISTRATION AND ENFORCEMENT

Section 468.02, Administration and Enforcement, is amended as follows:

This chapter will be administered and enforced by the Codes Enforcement Department ~~Department of Community and Economic Development~~ of the City of Johnstown through its ~~Code Enforcement Bureau~~. Said Department shall hereinafter be referred to as "the Department".

(Ord. 4773, Passed 6-11-1997.)

SECTION 2: DEFINITIONS

Section 468.03, Definitions, is amended as follows:

For the purpose of administration and enforcement of this Chapter, the following definitions shall apply:

(a) Abandoned Motor Vehicle. A motor vehicle, or part thereof, which has been voluntarily relinquished by its owner, with the intention of terminating ownership, possession and control, without vesting ownership in any other person.

(b) Garage. Any structure with four walls and a roof constructed for, or capable of, the storage or parking of a motor vehicle.

(c) Junked Motor Vehicle. Any motor vehicle, or part thereof, outside a fully enclosed building, which presents a hazard or danger to the public by virtue of its state or condition of disrepair, or its wrecked, damaged or dismantled condition, and which is unable to move under its own power or be operated on a public street or highway.

(d) Motor Vehicle. Any self-propelled land vehicle which can be used for towing or transporting people or materials, including, but not limited to, automobiles, trucks, buses, motorhomes, motorized campers, motorcycles, motorscooters, tractors, snowmobiles and dune buggies, and including trailers, semi-trailers or other wheeled devices drawn thereby.

(e) Motor Vehicle Accessories. Any part or parts of any motor vehicle.

(f) Nuisance. Any condition or use of real property and/or any structures thereon, and any condition or use of any mechanical device, including motor vehicles, which shall constitute a threat, or a potential threat, to the health, safety or welfare of the residents of the City.

(g) Owner. Any person having title, legal or equitable, whole or partial, whether by deed, mortgage, lease or other contract, to real estate within the City where motor vehicles are maintained, and any person having title, legal or equitable, whole or partial, whether by lease, contract or other title document, to any motor vehicle maintained within the City.

(h) **Person. Every natural person, firm, partnership, association, corporation, or other legal entity.**

(Ord. 4773, Passed 6-11-1997)

SECTION 3: INSPECTION, NOTICES AND ENFORCEMENT

Section 468.07, Inspection, Notices and Enforcement, is amended as follows:

(a) **Investigation of Premises.** The Department, on routine inspection or upon receipt of a complaint, may investigate a suspected junked motor vehicle, an abandoned motor vehicle, or motor vehicle accessories, and record the make, model, style and identification numbers in each situation.

(b) **Inspection and Notice to Comply.** The Department is hereby empowered, upon inspection, if a non-compliance with the terms of this chapter shall exist, to issue a written notice, served by registered or certified mail, upon the owner of the premises and/or the owner of the motor vehicle nuisance being maintained upon said premises, which notice shall specify the non-compliance complained of, and shall require the owner, whether of the property where the motor vehicle or accessories are stored or of the motor vehicle nuisance, to remove or otherwise rectify the non-conformity, as set forth therein, within ten days of the mailing of such notice. The City's Code Enforcement Officer shall have the option and authority to extend this period where determined necessary by extenuating circumstance, as determined in the Officer's discretion, and in no event to exceed any period longer than 60 days unless special approval has been granted by the City Manager, who will likewise be required to notify City Council of any grant of special approval for an extended period. If the owner of the property or of the motor vehicle nuisance being maintained cannot be determined, the notice may be given by posting the same conspicuously upon the offending premises and/or on the motor vehicle nuisance.

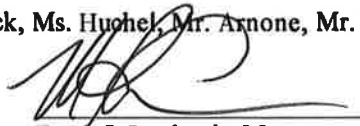
(c) **Authority to Remedy Non-Compliance.** If the owner of the grounds upon which the motor vehicle nuisance is maintained, and/or the owner of the motor vehicle nuisance fails to comply with the notice to abate the non-conformity, of which notice is given, within the time limit prescribed, the City shall have the authority to take measures to correct the non-compliance including, but not limited to: **1) Filing a complaint with the court for a violation of Section 302.8 of the International Property Maintenance Code; and/or 2) Entering the property to impound the abandoned or junked vehicle at the owners expense and/or expense of the property owner; and/or 3) Collecting costs from the salvage contractor, plus 15% payable to the City of Johnstown, at which time the salvage company will obtain ownership of the abandoned or junked vehicle, seeking a warrant through the court to enter the property and have the abandoned/junked vehicle towed at the owner's expense, and to collect the cost of such corrections, plus 10% and all cost, including the cost of filing of a Municipal lien upon said premises, if the same is necessary.**

(Ord. 4773, Passed 6-11-1997; Ord. 5222, Passed 2-8-2017.)

ADOPTED: February 9, 2022

By the following vote:

Yeas: Mayor Janakovic, Mr. Capriotti, Rev. King, Mrs. Mock, Ms. Huohel, Mr. Arnone, Mr. Britt,
Nays:



Frank J. Janakovic, Mayor
Michael Capriotti, Deputy Mayor

ATTEST:

I do hereby certify the forgoing is true and correct copy of Ordinance No. 5328 as the same adopted by
City Council of the City of Johnstown, Pennsylvania.



Ethan Imhoff, City Manager