

Chapter 10

Health and Safety

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Part 1**Junked and Abandoned Motor Vehicles****§10-101. Purpose.**

12/29 Borough Council recognizes and finds that the accumulation of junked vehicles creates a hazard or threat or potential threat to the health, safety or welfare of the Borough's citizens because such accumulation provides a breeding area for rodents and vermin and because such accumulation provides an attractive nuisance for children who are not aware of the dangers involved.

(Ord. 76, 12/18/2003)

§10-102. Definitions.

For purposes of this Chapter the following definitions shall be applicable:

Junked motor vehicle - a motor vehicle or trailer which is partially dismantled, unused, unusable or wrecked and which cannot safely or legally be operated on the streets or highways of this Borough or Commonwealth. Currently licensed, registered and inspected vehicles shall not be included within this definition.

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, motor scooters, tractors, snowmobiles, dune buggies and other off-the-road vehicles.

Motor vehicle accessories - any part or parts of any motor vehicle.

Person - any natural person, firm, partnership, association, corporation, or other legal entity of whatever kind.

Private property - any real property not owned by the Federal government, State, County, school district or other political subdivision.

Public nuisance - the unsheltered storage of a junked motor vehicle as otherwise defined in this Part which constitutes a hazard or threat or potential threat to the health, safety, or welfare of the Borough's citizens. A public nuisance shall include, but not be limited to, any motor vehicle which is unable to move under its own power and has any of the following physical defects:

- (1) Broken windshield, mirrors or other glass with sharp edges.
- (2) One or more flat or open tires or tubes that could permit vermin harborage.
- (3) Missing doors, windows, hood, trunk or other body parts which could permit animal harborage.
- (4) Any body parts with sharp edges, including holes resulting from rust.
- (5) Missing tires resulting in unsafe suspension of the motor vehicle.
- (6) Upholstery which is torn or open which could permit animal and/or vermin harborage.

12/29 (7) Broken head lamps or tail lamps with sharp edges.

- (8) Disassembled chassis parts apart from the motor vehicle stored in a disorderly fashion or loose in or on the vehicle.
- (9) Protruding sharp objects from the chassis.
- (10) Broken vehicle frame from suspended from the ground in an unstable manner.
- (11) Leaking or damaged oil pan or gas tank which could cause fire or explosion.
- (12) Exposed battery containing acid.
- (13) Inoperable locking mechanism for doors or trunk.
- (14) Open or damaged floor boards, including trunk and firewall.
- (15) Damaged bumpers pulled away from the perimeter of the vehicle.
- (16) Broken grill with protruding edges.
- (17) Loose or damaged metal trim and clips.
- (18) Broken communication equipment antennae.
- (19) Suspended on unstable supports.
- (20) Such other defects which could threaten the health, safety and welfare of the citizens of the Borough.

Removal - the physical location or relocation of a motor vehicle to an authorized location.

Trailer - any wheeled device used as a means of carrying, hauling or conveying any vehicle, person, animal, boat or other object.

Unsheltered storage - any storage except storage inside a building or in an area completely surrounded by a solid fence of a height not less than the height of the motor vehicle or trailer being sheltered.

(Ord. 76, 12/29/2003)

§10-103. Prohibited Storage.

1. It shall be unlawful for any person owning or having custody of any junked motor vehicle or motor vehicle accessories which creates a hazard or threat or potential threat to the health, safety or welfare of the Borough's citizens to store or permit any such vehicle or accessories to remain in unsheltered storage on any private property or public street or highway within the Borough for a period of more than 30 days after the expiration of the 30-day period following receipt of a notice requiring such removal, and it shall be further unlawful for any person owning any private property in the Borough or leasing any such property to store or to permit to remain any such vehicles or accessories on his property for more than a like period.

2. It shall further be unlawful for any person, after notification to remove any junked motor vehicle or motor vehicle accessories constituting a public nuisance hereunder from any private property has been given, to move the same to any other private property upon which such storage is not permitted or onto any public highway or other public property for purposes of storage.

(Ord. 76, 12/29/2003)

§10-104. Permitted Storage.

12/29 1. The prohibitions of §10-103 hereof shall not apply to a limit of one junked motor vehicle or motor vehicle accessories stored within an enclosed building or in an area completely surrounded by a solid fence of a height not less than the height of the motor vehicle or motor vehicle accessories being stored, and the prohibitions of §10-103 hereof shall not apply to the premises of a business enterprise otherwise operated in a lawful place and manner when necessary to the operation of such business enterprise, in a storage place or depository maintained in a lawful place and manner, or seasonal use vehicles such as snowmobiles, motorcycles, motor scooters and nonmotorized campers. Such business enterprises shall include auto repair and auto body shops, but shall not include tire, battery and accessory sales stores, and the provisions hereof extending to permitted storage shall not extend to the storage at such business enterprises of more than 5 junked vehicles or trailers at any one time.

2. The prohibition of §10-103 hereof shall likewise not be applicable to salvors holding a current certificate of authorization issued by the Department of Transportation of the Commonwealth of Pennsylvania; provided, however, that such salvor is otherwise operating in a lawful place and manner.

(Ord. 76, 12/29/2003)

§10-105. Investigation of Premises.

The building inspector or code enforcement officer, on routine inspection or upon receipt of a complaint, may enter upon private property to investigate a suspected junked motor vehicle or motor vehicle accessories stored or maintained in violation of this Part and record the make, model, style and identification numbers and its situation and condition.

(Ord. 76, 12/29/2003)

§10-106. Notice of Removal.

Whenever the building inspector, code enforcement officer or any member of his department finds or is notified that any junked motor vehicle or motor vehicle accessories have been stored or permitted to remain on any private property or public street or highway within the Borough and in violation of the provisions of this Part the building inspector or code enforcement officer shall send by certified or registered mail a notice to the owner of record or person having custody of such motor vehicle or accessories, if such owner can be ascertained by the exercise of reasonable diligence, and also to the owner of the private property, as shown on the tax assessment records of the Borough, on which the same is located, to remove the junked motor vehicle, trailer or motor vehicle accessories within 30 days. Such notice shall contain the following additional information:

- A. Nature of complaint.
- B. Description and location of the motor vehicle and/or motor vehicle accessories.
- C. Statement that the motor vehicle or motor vehicle accessories shall be removed 12/29 from the premises no later than 30 days from the date of notification.
- D. Statement that removal from the location specified in the notification to

another location upon which such storage is not permitted is prohibited and shall subject the person to additional penalties.

E. Statement that if removal is made within the time limits specified, notification thereof shall be given in writing to the building inspector or code enforcement officer.

F. Statement of the penalties provided for noncompliance with such notice.

(Ord. 76, 12/29/2003)

§10-107. Penalties for Violation.

Any person violating any of the provisions of this Part shall, upon conviction thereof, be sentenced to a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days.. Each day that a violation is continued shall constitute a separate offense.

(Ord. 76, 12/29/2003)

Part 2**Abandoned Appliances****§10-201. Definitions.**

12/29 1. As used in this Part, the following terms shall have the meanings indicated, unless a different meaning clearly appears from the context:

Lessee - owner for the purpose of this Part when the lessor holds the lessee responsible for maintenance and repairs.

Nuisance - any condition, structure, or improvement which shall constitute a threat or potential threat to the health, safety, or welfare of the citizens of the Borough.

Owner - the actual owner, agent or custodian of the property on which machinery, equipment or materials are stored, whether individual or partnership, association, or corporation.

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

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

(Ord. 76, 12/29/2003)

§10-202. Storage of Nuisances Prohibited.

It shall be unlawful for any person to store or maintain abandoned, unused, stripped, damaged and generally unusable appliances, machinery or equipment, or construction materials in the open on private property. Such storage shall constitute a nuisance and/or health hazard if any of the following conditions exist:

A. Broken glass or metal parts with sharp or protruding edges.

B. Containers which are conducive to the harboring and growth of vermin or animals.

C. Storage in any manner which would allow the equipment, machinery, material or any parts thereof to easily shift, tilt, or fall from its original storage position.

D. Containers of any liquid or material of a hazardous or potentially hazardous nature, including, but not limited to, gasoline, oil, battery acids, refrigeration agents, and poisons.

E. Any other condition which shall threaten the health, safety or welfare of the citizens.

F. Refrigerators with the doors remaining attached.

G. Any nuisance condition which is also a violation of a State law.

(Ord. 76, 12/29/2003)

§10-203. Storage Requirements.

1. Storage of such items as listed in §10-202 hereof on private property shall be

permitted only in strict compliance with the regulations provided herein or with stricter regulations in other Borough ordinances, or in State or Federal laws. Each person, owner or lessee desiring to store items described in §10-202, shall apply for a permit for either temporary or permanent storage and pay a fee to the Borough pursuant to a resolution of the Borough Council. Such nuisance(s) must be stored within a garage or other enclosed building or, outside, within an opaque fence at least 6 feet high which is locked at all times when unattended.

2. With the special approval of the Borough Council nuisances may also be stored outside in an area enclosed by a chain link fence, at least 6 feet high, screened by shrubbery around the perimeter to the height of the fence, with an unobstructed gate capable of admitting fire or emergency equipment. Such gate shall remain locked at all times when unattended. In addition, the appliances, machinery, equipment, or construction materials shall be kept free of vermin infestation while being stored; and all gas, oil or other potentially hazardous substances shall be removed. The total area of storage of such nuisances may not exceed ____ square feet.

3. Nothing herein shall be construed to permit the storage of appliance, machinery, equipment, or material nuisances contrary to the provisions of the Borough Zoning Ordinance [Chapter 27].

(Ord. 76, 12/29/2003)

§10-204. Inspection of Premises; Notice to Comply.

1. The Enforcement Officer/Inspector is hereby empowered to inspect private property on which appliances, machinery, equipment, and/or various construction materials are stored to determine if there is compliance with the provisions of this Part. If noncompliance with the provisions of this Part constitutes a nuisance, or if any condition, structure, or improvement poses a danger to the health, safety, or welfare of the public, he 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.

2. Said notice shall specify the condition considered to be a hazard and/or nuisance and shall require the owner to commence to remove or otherwise rectify the condition as set forth in the notice within 10 days of mailing or posting of said notice, and thereafter, to fully comply with the requirements of the notice within a reasonable time.

(Ord. 76, 12/29/2003)

§10-205. Authority to Remedy Noncompliance.

If the owner of property on which appliances, machinery, equipment, and/or construction materials are stored does not comply with the notice to abate the nuisance, within the time limit prescribed, the Borough shall have the authority to take measures to correct the conditions and collect the cost of such corrections plus 10% of all costs. The Borough, 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.

(Ord. 76, 12/29/2003)

§10-206. Hearing.

12/29 1. Any person aggrieved by the decision of the Enforcement Officer/Inspector may request and shall then be granted a hearing before the Borough Council; provided, he files with the Borough Council within 10 days after notice of the Enforcement Officer's/Inspector's decision, a written petition requesting such hearing and setting forth a brief statement of the grounds therefor. The hearing shall commence not later than 30 days after the date on which the petition was filed unless postponed for sufficient cause.

2. After such hearing, the Borough Council shall sustain, modify or overrule the action of the Enforcement Officer/Inspector.

(Ord. 76, 12/29/2003)

§10-207. Penalties.

Any person who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine not more than \$1,000, and in default of payment, to undergo imprisonment for a term not to exceed 30 days. Each day that a violation of this Part continues shall constitute a separate offense.

(Ord. 76, 12/29/2003)

§10-208. Remedies not Mutually Exclusive.

The remedies provided herein for the enforcement of this Part, or any remedy provided by law, shall not be deemed mutually exclusive; rather they may be employed simultaneously or consecutively, at the option of the Borough Council.

(Ord. 76, 12/29/2003)

Part 3**Height of Weeds****12/29§10-301. Vegetative Growth a Nuisance Under Certain Conditions.**

1. No person, firm or corporation, owning or occupying any property within the Borough shall permit any grass or weeds or any vegetation whatsoever, not edible or planted for some useful or ornamental purpose, to grow or remain upon such premises so as to exceed a height of 12 inches; nor shall any noxious weeds prohibited by the Noxious Weed Control Law (3 P.S. §255.8) or by regulations of the Department of Agriculture be permitted to grow within the Borough including:

- A. Marihuana.
- B. Chicory, succory or blue daisy.
- C. Canadian thistle.
- D. Multiflora rose.
- E. Johnson grass.
- F. Musk thistle.
- G. Bull thistle.
- H. Jimson weed.
- I. Mile-a-minute.
- J. Kudzuvine.
- K. Shattercane.

2. Any grass, weeds or other vegetation growing upon any premises in the Borough in violation of any of the provisions of this Section is hereby declared to be a nuisance and detrimental to the health, safety, cleanliness and comfort of the inhabitants of the Borough.

(Ord. 76, 12/29/2003)

§10-302. Responsibility for Removing, Cutting or Trimming.

The owner of any premises, or the occupant of premises occupied by other than the owner, shall remove, trim or cut all grass, weeds or other vegetation growing or remaining upon such premises in violation of the provisions of §10-301.

(Ord. 76, 12/29/2003)

§10-303. Notice to Remove, Trim or Cut; Municipality May Do Work and Collect Cost and Additional Amount.

The Borough Council, or any officer or employee of the Borough designated thereby for this purpose, is hereby authorized to give notice, by personal service or by United States mail, to the owner or occupant, as the case may be, of any premises whereon grass, weeds or other vegetation is growing or remaining in violation of the provisions of §10-301 of this Part, directing and requiring such occupant to remove, trim or cut such grass, weeds or vegetation so as to conform to the requirements of this Part, within

12/2910 days after issuance of such notice. Whenever, in the judgment of the Code Enforcement Officer, or other designated official, it shall appear to be impracticable to give notice as above provided, either because the owner or occupant cannot readily be found or because a search for the owner or occupant would entail unreasonable delay, the Borough Council or any officer or employee of the Borough designated thereby for that purpose, may give notice by posting conspicuously on the property where such nuisance exists, a notice or order directing and requiring that such nuisance be abated within 10 days. In case any person, firm or corporation shall neglect, fail or refuse to comply with such notice within the period of time stated therein, the Borough Council may order the removal, trimming or cutting of such grass, weeds or vegetation, and the cost thereof, together with a penalty of 10% of the cost thereof shall be collected by the Borough from such person, firm or corporation, in the manner provided by law.

(Ord. 76, 12/29/2003)

§10-304. Penalties for Violation.

Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine not more than \$1,000, and in default of payment, to undergo imprisonment for a term not to exceed 30 days. Each day that a violation of this Part continues after notice shall constitute a separate offense.

(Ord. 76, 12/29/2003)