

ORDINANCE NO. 1-95

AN ORDINANCE DECLARING THE PLACEMENT OR STORAGE OF JUNK UPON PUBLIC OR PRIVATE PROPERTY AS A PUBLIC NUISANCE; AND REQUIRING THE REMOVAL OF JUNK FROM THE PREMISES AND PRESCRIBING REMEDIES AND PENALTIES FOR VIOLATION.

WHEREAS THE BOROUGH OF COCHRANTON BELIEVES THAT THE STORAGE OR PLACEMENT OF JUNK, AS HEREIN DEFINED, CONSTITUTES A PUBLIC NUISANCE; AND

WHEREAS THE BOROUGH OF COCHRANTON FINDS THAT IN SOME INSTANCES THE JUNK MAY PROPOSE A HEALTH OR SAFETY PROBLEM FOR RESIDENTS OF THE BOROUGH.

NOW THEREFORE, BE IT ENACTED AND ORDAINED AS FOLLOWS:

Section 1. Definitions.

FARM MACHINERY - all types of machinery and equipment which were originally manufactured for farm use, which are retained on farm properties, either as operable equipment or for the purpose of salvaging repair parts.

JUNK - any discarded or salvageable article or material including, but not limited to, scrap metal, paper, rags, glass, containers, scrap wood, abandoned, uninspected or unlicensed motor vehicles, and parts thereof, trailers, machinery and equipment, with the exceptions of farm machinery and mobile homes or house trailers which are occupied or are properly placed and planned for occupancy.

Junk shall not include domestic or commercial garbage or waste stored temporarily in containers for regular periodic disposal.

MOTOR VEHICLE - all types of automobiles, trucks and tractors, including self-propelled machinery of all kinds, with the exception of farm machinery, farm tractors and farm implements.

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

PERSON - any natural person, partnership, firm, company, corporation or other legal entity.

TRAILER - any wheeled vehicles not self-propelled or drawn by a motor vehicle.

Section 2. Accumulation of Junk Declared a Nuisance.

The accumulation of junk or the placement or establishment of junk is hereby declared to be a nuisance and detrimental to the health, safety, comfort and welfare of the citizens of Cochranon Borough because the accumulation of junk and the placement or establishment of a junk yard provides a breeding area for rodents and insects, and that it can become an attractive nuisance for children, and it can create other hazards which may be dangerous to the health, and welfare of the citizens of Cochranon Borough.

Section 3. Motor Vehicle Nuisances Prohibited.

It shall be unlawful for any owner, lessee, or occupant to maintain a motor vehicle nuisance upon the open private grounds of such owner or lessee within the Borough of Cochranon. A motor vehicle nuisance shall include a vehicle which is inoperable or unable to meet the vehicle equipment and inspection standards under the Pennsylvania Vehicle Code, to the extent that the costs of the repairs would exceed the value of the repaired vehicle. A motor vehicle nuisance shall also include any motor vehicle which is unable to move under its own power and/or has any of the following physical defects:

1. Broken windshields, mirrors or other glass, with sharp edges.
2. Missing doors, windows, hood, trunk or other body parts which could permit entry by children or a habitat for animals.
3. Any body parts with sharp edges including holes resulting from rust.
4. Missing tires resulting in unsafe suspension of the motor vehicle, such as on a jack or on blocking.
5. Broken headlamps or tail-lamps with sharp edges.
6. Protruding sharp objects from the chassis.
7. Broken vehicle frame and/or motor suspended from the ground in an unstable manner.
8. Leaking or damaged oil pan or gas tank which could cause fire or explosion.
9. Exposed battery containing acid.
10. Inoperable locking mechanism for doors or trunks.

11. Open or damaged floor boards including trunk and firewall.
12. Damaged bumpers pulled away from the perimeter of vehicle.
13. Broken grill with protruding edges.
14. Loose or damaged metal trim and clips.
15. Open trunk lids and open engine hood.
16. Unlocked doors or open windows which can allow children to enter the vehicle and then lock themselves inside.

Section 4. Vehicle Storage.

No person shall keep a vehicle that does not display a current plate or inspection sticker on their own property for home repair or salvage unless the vehicle is kept within a building without access by the general public.

A person may keep a vehicle on their property that is being repaired or the vehicle is being made ready for inspection for up to sixty (60) days.

Section 5. Prohibition of Junk, Junkyards and Junk Dealers.

It shall be unlawful for any person to place, accumulate or store junk within the Borough of Cochrannton, County of Crawford, Commonwealth of Pennsylvania.

Section 6. Enforcement.

Upon viewing or receiving a complaint of a possible violation of this Ordinance, the Police Department shall inspect the property on which junk or motor vehicle is present. If it is determined that the junk is in noncompliance with this Ordinance or is a threat to the health, safety or welfare of the public, the Police Department shall issue a written notice to the owner, tenant or occupant of that property to clean up or remove the junk or vehicle. A copy of the Notice will be filed at the Borough Office. If the Notice cannot be personally served, the Notice shall be sent by certified mail, return receipt requested. The Notice will give thirty (30) days to comply with the provisions of this Ordinance. In the event that the owner, tenant or occupant of the property cannot be located, the Notice shall be posted in a conspicuous location on the property.

The Borough may cause the property to be cleaned up at the expense of the owner, tenant or occupant of the property if the junk is a threat to the public health, safety and welfare, after Notice has been given and clean-up has ~~not~~ been made within thirty (30) days from the day of the Notice. not

Section 7. Penalty.

Any person who shall violate any of the provisions of this Ordinance shall, upon conviction thereof, be sentenced to pay a fine of not less than One Hundred (\$100.00) Dollars nor more than Three Hundred (\$300.00) Dollars, plus costs of prosecution. Each day's violation of any of the provisions of this Ordinance shall constitute and be a separate offense under this Ordinance.

Section 8. Enforcement Remedies.

The Borough Council may take any appropriate action at law or equity, civil or criminal, to enforce the provisions of this ordinance, and this ordinance shall in no way restrict any remedies otherwise provided by law.

Section 9. Severability and Repealer.

The provisions of this Ordinance shall be severable and if any provisions thereof shall be held to be unconstitutional, invalid or illegal, by any court of competent jurisdiction, such decision shall not affect the validity of the remaining provision of this Ordinance. It is hereby declared as legislative intent that this Ordinance would have been enacted had such unconstitutional, invalid or illegal portion not been included herein.

All ordinances or parts thereof inconsistent herewith are expressly repealed.

Section 10. Effective Date.

This Ordinance shall become effective within five (5) days after adopted by the Council and approved by the Mayor.

ENACTED AND ORDAINED, this 5th day of June, 1995.

ATTEST:

BOROUGH OF COCHRANTON

Frances M. Clain
Secretary

Christie R. Hoke
President of Council

APPROVED BY THE MAYOR:

Richard E. Lushwood
Mayor of Cochranton Borough