

**BOROUGH OF EAST BANGOR
COUNTY OF NORTHAMPTON
COMMONWEALTH OF PENNSYLVANIA**

ORDINANCE NO. 3-02

AN ORDINANCE OF THE BOROUGH OF EAST BANGOR, NORTHAMPTON COUNTY, PENNSYLVANIA, PROHIBITING MOTOR VEHICLES NUISANCES, ABANDONED AND JUNKED VEHICLES, AND OTHER JUNK, DEBRIS, GARBAGE AND RUBBISH, AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF.

BE IT ORDAINED AND ENACTED, AND IT IS HEREBY ORDAINED AND ENACTED by the Council of the Borough of East Bangor, County of Northampton and Commonwealth of Pennsylvania, as follows:

Section 1: Definitions. As used in this Ordinance, the following terms shall have the meanings indicated, unless a different meaning clearly appears from context.

GARBAGE - The animal and vegetable waste resulting from the handling, preparation, cooking and consumption of foods and materials such as paper, cardboard, tin cans, bottles and other waste materials, which result from the ordinary conduct of food handling and interrelated activities.

JUNK - Any discarded material or article, such as is not ordinarily disposed of as rubbish or refuse, and shall include, but not be limited to, scrap metal, scrap, junked motor and non-motor vehicles, abandoned motor vehicles, and non-motor vehicles, and shall not include any garbage or other organic waste or paper rubbish, rags or other flammable material or articles.

LESSEE - owner for the purpose of this Ordinance when the Lessor holds the Lessee responsible for maintenance and repairs.

MOTOR VEHICLE - Any type of mechanical device, propelled by a motor, and not propelled solely by human power, in which persons or property may be transported upon public streets or highways, including automobiles, trucks, trailers or semi-trailers, pulled thereby.

NUISANCE - Any condition, structure or improvement which shall constitute a danger or potential danger to the health, safety or welfare of the citizens of the Borough of East Bangor.

OWNER - The actual owner, agent or custodian of the property on which motor vehicles are stored, whether individual or partnership, association or corporation.

PERSON - A natural person, firm, partnership, association, corporation or other legal entity.

RUBBISH - broken stone, concrete, brick and broken brick formerly used in the course of masonry, broken pieces of wood, used rusted metal lathe and water spouting, used mills, used plaster and similar waste or rejected matter, trash, debris, fragments of building material and products of ruined buildings, rubbish from building construction, repairs, reconstruction or dismantling, street refuse, industrial refuse, dead animals, abandoned heavy or bulky machinery or vehicles, or other waste materials.

As used in this Ordinance, the singular shall include the plural, the plural shall include the singular, and the masculine shall include the feminine and the neuter.

Section 2: Motor vehicle, garbage, junk or rubbish nuisances prohibited. It shall be unlawful for any person, owner or lessee to store or permit to be stored any garbage, junk, or rubbish, as defined in this ordinance, on any property within the Borough for a period of more than fifteen (15) days after the expiration of the thirty (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 to store or permit to remain any such garbage, junk or rubbish for more than a like period. Such storage is declared to be a public nuisance and may be abated or removed and penalties imposed as provided in this Ordinance. It shall be further unlawful for any person, owner or lessee to maintain a motor vehicle nuisance upon the open private grounds of such person, owner or lessee, within the Borough of East Bangor.

It shall be further unlawful for any person, owner or lessee to maintain a motor vehicle nuisance upon the open private grounds of such person, owner or lessee, within the Borough of East Bangor. A motor vehicle nuisance shall include any motor vehicle which is unable to move under its own power and has any of the following physical defects:

- A. Broken windshields, mirrors or other glass, with sharp edges.

- B. One or more flat or open tires or tubes which could permit vermin harborage.
- C. Missing doors, windows, hood, trunk or other body parts which could permit animal harborage.
- D. Any body parts with sharp edges, including holes resulting from rust.
- E. Missing tires resulting in unsafe suspension of the motor vehicle.
- F. Upholstery which is torn or open which could permit animal and/or vermin harborage.
- G. Broken headlamps or tail lamps with sharp edges.
- H. Disassembled chassis parts apart from the motor vehicle stored in a disorderly fashion or loose in or on the vehicle.
- I. Protruding sharp objects from the chassis.
- J. Broken vehicle frame suspended from the ground in an unstable manner.
- K. Leaking or damaged oil pan or gas tank which could cause fire or explosion.
- L. Exposed battery containing acid.
- M. Inoperable locking mechanism for doors or trunk.
- N. Open or damaged floor boards, including trunk and firewall.
- O. Damaged bumpers pulled away from the perimeter of vehicle.

- P. Broken grill with protruding edges.
- Q. Loose or protruding metal trim and clips.
- R. Broken communication equipment antennas.
- S. Suspended on unstable supports.
- T. Such other defects which could threaten the health, safety and welfare of the citizens of the Borough of East Bangor.

Section 3: Exclusion No motor vehicle nuisance shall exist if a motor vehicle is covered, provided, however, that there is no more than one (1) covered vehicle on any one (1) property of an owner or lessee. Provided, further, that any person, owner or lessee shall be permitted to store such vehicles within a garage or other enclosed building.

This Ordinance shall likewise not apply to any motor vehicle or motor vehicle accessories stored within an enclosed building or on the premises of a business enterprise operated in a lawful place and manner, when necessary to the operation of such 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 non-motorized campers. Such business enterprises shall not include automobile service stations or tire, battery and accessory sales stores. Such business enterprises shall include auto junkyards and auto repair and auto body shops, the permitted storage as provided by this section shall not apply to any motor vehicle or motor vehicle accessories stored on the

premises of such businesses for a period in excess of one hundred twenty (120) days. Junked motor vehicles stored or maintained on the premises of an auto repair or auto body shop for a period beyond one hundred twenty (120) days shall constitute prohibited storage under Section 2 of this Ordinance.

Nothing herein shall be construed to permit the operation of a junkyard pursuant to any other provisions of the Code of the Borough of East Bangor.

Section 4: Inspection of premises; notice to comply.

A. The Chief of Police of the Borough of East Bangor and his subordinate officers are hereby empowered to inspect private property on which motor vehicles are stored to determine if there is compliance with the provisions of this section. If non-compliance with the provisions of this section constitutes a nuisance, or if any condition, structure or improvement poses a threat 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.

B. Said notice shall specify the condition or structure or improvement complained of and shall require the owner to commence to remove or otherwise rectify the condition or structure or improvement as set forth therein within thirty (30) days of mailing or posting of said notice.

~~Section 5: Authority to remedy non-compliance.~~ If the owner of grounds on which motor vehicles are stored does not comply with the notice to abate the nuisance within the time limit prescribed, the Borough of East Bangor shall have the authority to take measures to correct the conditions and collect the cost of such corrections plus ten (10%) percent of all costs. The Borough of East Bangor, 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.

~~Section 6: Hearing.~~

A. Any person aggrieved by the decision of the Chief of Police of the Borough of East Bangor may request and shall then be granted a hearing before the Borough Council of the Borough of East Bangor, provided that he files with the Borough Council within ten (10) days after notice of the Chief of Police'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 thirty (30) days after the date on which the petition was filed unless postponed for sufficient cause.

B. After such hearing, the Borough Council shall sustain, modify or overrule the action of the Chief of Police.

~~Section 7: Violations and penalties.~~ Any person who does not comply with the notice issued under Section 4 of this Ordinance, within the time period specified in that notice, or within the time period required in the decision of

Borough Council if a hearing is held under Section 6 of this Ordinance, may be charged with a violation of this section. Upon conviction thereof, the individual shall be fined \$500.00 if the violation is remedied within thirty (30) days after the date of compliance set forth in the notice or in the decision of Borough Council. If the violation is not remedied within thirty (30) days, there shall be an additional daily fine of \$500.00 for each day starting on the 31st day.

Section 8: ~~Remedies not mutually exclusive~~. The remedies provided herein for the enforcement of this section, or any remedy provided by law, shall not be deemed mutually exclusive; rather, they may be employed simultaneously or consecutively, at the option of East Bangor Borough Council.

Section 9: That any Ordinance, or part of any Ordinance, conflicting with this Ordinance be and the same is hereby repealed insofar as the same affects this Ordinance.

Section 10: This Ordinance shall be and remain in full force and effect from and after the date of its enactment.

ORDAINED AND ENACTED into an Ordinance this 2nd day of July, 2002.

BOROUGH OF EAST BANGOR

By: James Patrick
James Patrick, President

ATTEST:

By: Bonnie L. Due
Bonnie L. Due, Secretary

APPROVED AND CERTIFIED this 2nd day of July, 2002.

By: Robert Lang
Robert Lang, Mayor

ATTEST:

By: Bonnie L. Due
Bonnie L. Due, Secretary