

Part 1

Nuisances

§101. "Nuisance" Defined. The word "nuisance," as used in this Part, shall mean any use of property within the Borough, or any condition upon property within the Borough that, other than infrequently, causes or results in: (i) annoyance or discomfort to persons beyond the boundaries of that property; (ii) interference with the health and/or safety of persons beyond the boundaries of that property or of persons who might reasonably be expected to enter upon or be in that property; and/or (iii) disturbance to or interference with the peaceful use of the property of others within the Borough, in any case taking into consideration the location of the use or condition and the nature and condition of the surrounding neighborhood. Specifically, the word "nuisance" shall include, but not be limited to, the following:

A. The storage, accumulation of depositing of any abandoned or junked vehicles or parts thereof.

B. Loud playing of radios, television sets, amplifiers and other sound devices so as to be heard beyond the premises from which the same shall emanate.

C. Keeping or harboring any dog or other animal or fowl which, by frequent howling or barking or other noise or odor shall annoy or disturb the neighborhood or a number of persons.

D. The maintenance of any structure, equipment or device or accumulated debris and materials in such a condition as to allow the same to harbor dangerous rodents or other vermin.

E. The storage, accumulation and depositing of any abandoned or used building material of any kind.

F. The appearance of any sewage, toilet, kitchen and laundry wastes on the surface of the ground or in or reaching to any creeks, streams, or bodies of water or sources of water supply.

G. The conducting of any noxious or offensive manufacture, business, or other activity by reason of odor, dust, fumes, smoke, gas, vibration, illumination or noise.

H. Creating or maintaining "attractive nuisances," which is the leaving of dangerous instrumentality which by its character is dangerous and attractive to children and in a place frequented by children.

(Ord. 487, 11/13/1989, §1)

§102. Notice. If the Council of the Borough of Youngsville determines that any person, partnership, association or corporation is carrying on any of the above prohibited activities so as to constitute a nuisance in fact to the Borough, said Council shall cause written notice to be sent to the violator to voluntarily abate and remove the nuisance. If the violator has not abated or removed the nuisance within ten (10) days after the receipt of said notice, said Council shall have authority, in person or by its agents and/or employees, to remove or abate the nuisance, and, in so doing, shall have authority to enter upon the property of the person or

entity in default. Thereupon, Council shall collect the cost and expense of the abatement or removal from the person or other entity who created, continued, caused or maintained the nuisance and/or permitted it to exist, that person or entity having failed, neglected or refused to remove or abate the nuisance, with an additional amount of ten (10) percent, in the manner provided for the collection of municipal claims, or by an action in assumpsit. Provided, the cost and expense may be in addition to any penalty imposed under §103 of this Part. (Ord. 487, 11/13/1989, §2)

§103. Penalty. Upon failure to abate or remove a nuisance as determined hereinabove within the time prescribed, summary proceedings may be instituted against any violator of the within Part who, upon conviction thereof, be sentenced to pay a fine of not more than six hundred (\$600.00) dollars plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed thirty (30) days. Each day that violation of this Part continues shall constitute a separate offense. (Ord. 487, 11/13/1989, §3; as amended by Ord. 510, 5/9/1994)

§104. Hearing. This Part shall not be construed to be the sole means for abatement of nuisances within the Borough, and nothing shall preclude any person from proceeding individually or with other injured persons to effect the abatement of a private nuisance. Furthermore, in the exercise of the powers conferred in this Part, the Borough may institute proceedings in equity. (Ord. 487, 11/13/1989, §4)

§105. Payment of Fines. All fines levied, assessed, and paid under the terms of this Part shall be payable by the District Justice or such other judicial officer to the Borough of Youngsville for the general use of the Borough or as otherwise provided by law. (Ord. 487, 11/13/1989, §6)

Part 2

Storage of Nuisances

A. Motor Vehicle Nuisances.

§201. Definitions. 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.

MOTOR VEHICLE - any type of mechanical device, propelled by a motor, in which persons or property may be transported upon public streets or highways, and including 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.

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.

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. 436, 4/6/1981; as revised by Ord. 510, 5/9/1994)

§202. Motor Vehicle Nuisances Prohibited. It shall be 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. 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 (1) 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 head-lamps 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 fire-wall.

O. Damaged bumpers pulled away from the perimeter of vehicle.

P. Broken grill with protruding edges.

Q. Loose or damaged metal trim and clips.

R. Broken communication equipment antennae.

S. Suspended on unstable supports.

T. Such other defects which could threaten the health, safety and welfare of the citizens of the Borough.

(Ord. 436, 4/6/1981; as revised by Ord. 510, 5/9/1994)

§203. Storage of Motor Vehicle Nuisances Permitted.

1. Any person, owner or lessee who has one (1) or more motor vehicle nuisances as defined in §202 above may store such vehicle(s) in the only in strict compliance with the regulations provided herein. Such person, owner or lessee must first apply for a permit for either temporary or permanent storage and pay a fee to the Borough in an amount as established, from time to time, by resolution of Borough Council. The motor vehicle nuisance(s) must be stored within a garage or other enclosed building or outside within a opaque fence at least six (6) feet high which is locked at all times when unattended.

2. With the special approval of the Borough Council motor vehicle nuisances may also be stored outside in an area enclosed by a chain link fence, at least six (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, all gas and oil or other flammable liquid shall be removed from the motor vehicle and it shall be kept free of vermin infestation while being stored. The total area of storage of motor vehicle nuisances may not exceed six hundred (600) square feet.

3. Nothing herein shall be construed to permit the storage of motor vehicle nuisances contrary to the provisions of the Borough Zoning Ordinance [Chapter 27].

(Ord. 436, 4/6/1981; as revised by Ord. 510, 5/9/1994)

§204. Inspection of Premises; Notice to Comply.

1. The Borough Manager is hereby empowered to inspect private property on which motor vehicles 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 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.

2. 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 ten (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. 436, 4/6/1981; as revised by Ord. 510, 5/9/1994)

§205. Authority to Remedy Noncompliance. 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 shall have the authority to take measures to correct the condition and collect the cost of such corrections plus ten (10) percent 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. 436, 4/6/1981; as revised by Ord. 510, 5/9/1994)

§206. Hearing.

1. Any person aggrieved by the decision of the Borough Manager may request and shall then be granted a hearing before the Borough Council, providing he files with the Borough Council within ten (10) days after notice of the Borough Manager'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.

2. After such hearing, the Borough Council shall sustain, modify or overrule the action of the Borough Manager.

(Ord. 436, 4/6/1981; as revised by Ord. 510, 5/9/1994)

§207. Penalties. Any person who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than six hundred dollars (\$600.00) plus costs and, in default of payment of said fine and costs, to undergo imprisonment for a term not to exceed thirty (30) days. Each day that a violation of this Part continues shall constitute a separate offense. (Ord. 436, 4/6/1981; as revised by Ord. 510, 5/9/1994)

§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. 436, 4/6/1981; as revised by Ord. 510, 5/9/1994)

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