

**BOROUGH OF PICTURE ROCKS
LYCOMING COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2003-03

**AN ORDINANCE OF THE BOROUGH OF PICTURE ROCKS,
LYCOMING COUNTY, PENNSYLVANIA PROHIBITING NUISANCES
ON PRIVATE OR PUBLIC PROPERTY WITHIN THE BOROUGH;
PROVIDING FOR THE REMOVAL THEREOF BY THE BOROUGH;
AND FIXING PENALTIES FOR VIOLATION.**

**BE IT ENACTED AND ORDAINED AND IT IS HEREBY ENACTED AND
ORDAINED** by the Council of the Borough of Picture Rocks, as follows:

Section I. Title.

This Ordinance shall be known and may be cited as the Picture Rocks Borough Nuisance Ordinance.

Section II. Definitions.

For the purpose of this Ordinance the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number and the word "shall" is always mandatory and not merely directory.

Abandoned Motor Vehicles - A motor vehicle (other than a pedalcycle):

1. that is inoperable and is left unattended on public property for more than 7 days; or
2. that has remained illegally on public property for a period of more than 7 days; or
3. without a valid registration plate or certificate of inspection or title is left unattended on or along a highway; or

Vehicles and equipment used or to be used in construction or in the operation or maintenance of public utility facilities, which are left in a manner which does not interfere with the normal movement of traffic, shall not be considered to be abandoned.

Borough - The Borough of Picture Rocks, Lycoming County, Pennsylvania.

Council - The Borough Council of the Borough of Picture Rocks, Lycoming County, Pennsylvania.

Garbage - Putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food, trash, refuse and all material no longer being used or suited for its initial intended use.

Junk - Any material, including but not limited to, old rope, appliances, machinery, metal, parts of machinery, glass, wood, containers, equipment and the like no longer suitable for its intended use but which may be turned to some minor, incidental or other use.

Junked Vehicles - Any motor vehicle, valueless except as junk.

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, 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 of Picture Rocks.

Owner - A person owning, leasing occupying or having charge of any premises within the Borough.

Person - Any natural person, firm, partnership, association, corporation, company or organization of any kind.

Rubbish - All putrescible solid waste including solid market and industrial waste and all non-putrescible solid waste consisting of both combustible and non-combustible waste, such as solid market and industrial waste, paper, wrappings, cigarettes, cardboard, tin cans, glass, bedding, crockery and similar materials no longer suitable for its intended use and which cannot be used for some minor, incidental or other use.

Section III.

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 of Picture Rocks. A motor vehicle nuisance shall include any motor vehicle which is unable to move under its own power and has any of the following defects:

1. Broken windshields, mirrors or other glass, with sharp edges.
2. One or more flat or open tires or tubes which 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.
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 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 fire-wall.
15. Damaged bumpers pulled away from the perimeter of vehicle.
16. Broken grill with protruding edges.
17. Loose or damaged metal trim and clips.
18. Broken communication equipment antennae.

19. Suspended or unstable supports.
20. Such other defects which could threaten the health, safety and welfare of the citizens of the Borough of Picture Rocks.

Section IV. **Storage of Motor Vehicle Nuisances Permitted.**

Any person, owner or lessee who has one or more motor vehicle nuisances as defined in Section 3 above may store such vehicle(s) in the Borough of Picture Rocks 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 of Picture Rocks pursuant to a Resolution of the Borough Council of Picture Rocks. The motor vehicle nuisance(s) must be stored within a garage or other enclosed building or, outside within an opaque fence at least six feet (6') feet high which is locked at all times when unattended.

With the special approval of the Borough Council of Picture Rocks motor vehicles nuisances may also be stored outside in an area enclosed by a chain link fence, at least six feet (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 200 square feet.

Nothing herein shall be construed to permit the storage of motor vehicle nuisances or motor vehicles in a manner contrary to the provisions of the Borough of Picture Rocks Zoning Ordinance.

Section V. **Nuisances Prohibited.**

It shall be unlawful for any person to create or maintain any condition upon their property which could directly or indirectly cause a nuisance. A nuisance shall include, but not be limited to, the following:

- A. Storing or accumulating the following:
 1. Garbage or rubbish.
 2. Junk.
- B. Burning of garbage.

C. Maintaining or causing to be maintained any dangerous structure, including but not limited to, abandoned buildings or parts of buildings in a state of dilapidation or disrepair.

D. Permitting or allowing any well or cistern to be or remain uncovered.

E. Pushing, shoveling, or otherwise depositing snow upon the cartway or traveled portion of any public highway, road, or street which is maintained by the Borough or by the Commonwealth of Pennsylvania and allowing same to remain thereon.

F. Allowing or permitting any excavation or obstruction, on or adjoining any highway, street or road, to remain opened or exposed without the same being secured by a barricade, temporary fence or other protective materials.

G. The unsheltered storage or maintenance of junk or the storage or maintenance of garbage, rubbish, or any other material, including but not limited to, damaged and generally unusable appliances, machinery, equipment or construction materials, if any of the following conditions exist with respect thereto:

1. Broken glass or metal parts with sharp or protruding edges.
2. Openings or areas which are conducive to the harboring of vermin.
3. Storage in any manner which would allow the junk, garbage, rubbish or material or any part thereof, to easily shift, tilt or fall from its original storage position.
4. The presence of any liquid or material of a hazardous or potentially hazardous nature, including but not limited to, gasoline, oil, battery acids, refrigeration agents or poisons.
5. Containers which are conducive to the harboring and growth of vermin or animals.
6. Refrigerators with the doors remaining attached.
7. Any other condition which shall threaten the health, safety, or welfare of the citizens of the Borough of Picture Rocks.

H. The maintenance of abandoned or neglected buildings, mobile homes, structures sidewalks, or premises, which may pose or constitute any of the following conditions or hazards:

1. A fire hazard to adjoining structures and other property within the Borough.
2. A danger of infestation by vermin.

3. An area which is or which might potentially serve as an area of play or attraction for children of the Borough or public in general.
4. Buildings or structures whose interior walls or other vertical structure members list, lean or buckle to such an extent that block line passing through the center of gravity falls outside of the middle of its base.
5. Buildings or structures which, exclusive of the foundation show thirty (30%) percent or more of damage or deterioration of the supporting members, or fifty (50%) percent or more of damage or deterioration of the non-supporting interior or outside walls or coverings.
6. Buildings or structures which have improperly distributed loads upon floors or roofs or in which the same are overloaded or which have insufficient strength to be reasonably safe for the proposed uses.
7. Buildings or structures which have been damaged by fire, wind or other causes so as to have become dangerous to life or safety of the occupants or the others in the vicinity.
8. Buildings or structures which have become or are so dilapidated, decayed or unsafe that they are unfit for human habitation or are likely to cause injury to occupants or to others in the vicinity.
9. Buildings or structures having inadequate facilities for egress in case of fire or panic or those having insufficient stairways, fire escapes or other means of access and egress.
10. Buildings or structures, parts of which are so attached that they may fall and injure members of the public or cause damage to property.

I. The setting, maintenance, operation, conduct or permitting of the establishment and maintenance of fire, combustion or manufacturing, commercial or other process which is or shall be accompanied by constant periodic or occasional emission of smoke, sparks, ash particles, burned sawdust and debris, poisons and like materials on surrounding or adjacent property to the annoyance, disturbance and detriment of surrounding property owners, residents, passers-by and the traveling public.

J. Maintaining or permitting any grass or weeds or vegetation which is not normally edible or planted for some useful or ornamental purpose, to grow or remain upon such premises, if such grass, weeds or vegetation:

1. Exceeds a height of eight (8) inches;
2. Emits any unpleasant or noxious odor; or

3. Conceals any filthy deposit(s).

K. The collection, hauling, transporting or conveying of garbage in open, unenclosed or non-leak-proof vehicles.

L. The parking of motor vehicles on any street or alley way in the Borough.

M. Abandoned motor vehicle(s).

Section VI. Inspection of Premises; Notice to Comply.

The Code Enforcement Officer is hereby empowered to inspect private property to determine if there is compliance with the provisions of this Ordinance. If non-compliance with the provisions of this Ordinance constitutes a nuisance the Code Enforcement Officer shall issue a written notice to be served upon the owner and lessee, if applicable, in one of the following manners:

1. By making personal delivery of the notice to the owner or lessee.
2. By handing a copy of the notice at the residence of the owner or lessee to an adult member of the family with who he resides; but if no adult member of the family is found then to an adult person in charge of such residence.
3. By fixing a copy of the notice to the door at the entrance of the premises in violation.
4. By mailing a copy of the notice to the last known address of the owner or lessee by certified mail.
5. By publishing a copy of the notice in the local newspaper once a week for three successive weeks.

Such notice shall set forth in what respect such condition constitutes a nuisance, whether removal is necessary and required by the Borough, or whether the situation can be corrected by repairs, alterations or by fencing or boarding or in some way confining and limiting the nuisance within ten (10) days.

Section VII. Authority to Remedy Non-Compliance.

If the owner or lessee of the property upon which the nuisance is located 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

ten (10%) percent of all costs and, in addition thereto, reasonable attorney's fees. 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.

Section VIII. **Penalties.**

Any person who shall violate any provision of this Ordinance shall, upon conviction thereof, be sentenced to pay a fine of not more than six hundred (\$600.00) dollars, and in default of payment, to undergo imprisonment for a term not to exceed thirty (30) days. Each day that a violation of this Ordinance continues shall constitute a separate offense.

Section IX. **Remedies not Mutually Exclusive.**

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

Section X. **Repealer.**

Ordinance No. 89-4 , Ordinance No. 88-2 and Ordinance No. 99-5 are hereby repealed.

Section XI. **Severability.**

If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the Borough Council that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

Section XII. **Effective Date.**

This Ordinance shall become effective immediately.

ORDAINED and ENACTED this 3rd day of November, 2003.

ATTEST:

BOROUGH OF PICTURE ROCKS

By: William N. Dorman
William Dorman, Secretary

By: Eugene R. Otterbein, Sr.
Eugene R. Otterbein, Sr., Council President

APPROVED this 3rd day November, 2003.

BY: David Bender
David Bender, Mayor