

PART 3

STORAGE OF PERSONAL NUISANCES

§10-301. 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 of Prospect.

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. 91-2, 11/4/1991)

§10-302. Motor Vehicle Nuisances Prohibited.

1. 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, or upon any public street or alley within the Borough of Prospect. A motor vehicle nuisance shall include any motor vehicle that is not legally registered and inspected. Vehicles that are not registered with the current registration or which fail to display a current inspection sticker, if required, will be considered abandoned. Abandoned vehicles must be kept in a building or garage. A motor vehicle nuisance shall further 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.

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- 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 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 or unstable supports.
 - T. Such other defects which could threaten the health, safety and welfare of the citizens of the Borough.
2. Prior to the issuance of a citation for the violation of this Section, the Zoning Officer or police officer shall issue a written notice to be served by registered or certified mail upon the owner or lessee of vehicle in question notifying them of the condition considered to be a nuisance and requiring the owner or lessee to remove or otherwise rectify the condition set forth in the notice and within 60 days.

(Ord. 91-2, 11/4/1991; as amended by Ord. 2001-4, 10/8/2001, §1)

§10-303. 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. Refrigerators with the doors remaining attached.
- F. Any other condition which shall threaten the health, safety or welfare of the citizens.

(Ord. 91-2, 11/4/1991)

§10-304. Storage Requirements.

1. Storage of such items as listed in §10-302 or §10-303 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 §10-303, shall apply for a permit for either temporary or permanent storage and pay a fee to the Borough as established, from time to time, by resolution of Borough Council. Such nuisance(s) must be stored within a garage or other enclosed building or, outside, within an opaque fence at least six 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 six 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

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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 200 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. 91-2, 11/4/1991)

§10-305. Inspection of Premises; Notice to Comply.

1. The Zoning Officer or any Police Officer 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. 91-2, 11/4/1991)

§10-306. 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. 91-2, 11/4/1991)

§10-307. Hearing.

1. Any person aggrieved by the decision of the Zoning Officer or any police officer 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 Zoning Officer's and police officer'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 Zoning Officer or police officer.

(Ord. 91-2, 11/4/1991)

§10-308. 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 \$1,000 and costs, and in default of payment of said fine and costs, 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. 91-2, 11/4/1991; as amended by A.O.)

§10-309. 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. 91-2, 11/4/1991)