

## **Chapter 10**

### **Health and Safety**

#### **Part 1**

#### **Abandoned Motor Vehicles, Appliances and Equipment**

- §10-101. Definitions
- §10-102. Nuisances
- §10-103. Junked Motor Vehicles
- §10-104. Abandoned Motor Vehicles
- §10-105. Garbage
- §10-106. Refrigerators and Iceboxes

#### **Part 2**

#### **Weeds and Grass**

- §10-201. Weeds and Grass



**Part 1****Abandoned Motor Vehicles, Appliances and Equipment****§10-101. Definitions.**

The following terms as used in this Part are defined as follows:

*Abandoned equipment / appliance*—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:

- (1) Broken glass or metal parts with sharp or protruding edges.
- (2) Containers which are conducive to the harboring and growth of vermin or animals.
- (3) 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.
- (4) 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.
- (5) Any other condition which shall threaten the health, safety or welfare of the citizens.
- (6) Refrigerators with the doors remaining attached.

[Ord. 489]

*Abandoned motor vehicles*—

(1) A vehicle (other than a pedalcycle) shall be presumed to be abandoned under any of the following circumstances, but the presumption is rebuttable by the preponderance of the evidence:

(a) The vehicle is physically inoperable and is left unattended on a highway or other public property for more than 48 hours.

(b) The vehicle has remained illegally on a highway or other public property for a period of more than 48 hours.

(c) The vehicles is left unattended on or along a highway or other public property for more than 48 hours and does not bear all of the following:

- 1) A valid registration plate.
- 2) A certificate of inspection.
- 3) An ascertainable vehicle identification number.

(d) The vehicle has remained on private property without the consent of the owner or person in control of the property for more than 48 hours.

(2) Vehicles and equipment used or to be used in construction or in the operation or maintenance of highways or 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.

*Ashes*—the residue resulting from the burning of wood, coal, coke or other combustible material.

*Collector*—any person who, for compensation, undertakes or makes disposal of any refuse of or for any person, other than his own refuse, as expressly permitted in this Part, but shall not include a person who undertakes or makes disposal of any refuse as salvage.

*Disposal*—includes the storage, collection, hauling, disposition or handling of refuse.

*Garbage*—all animal and vegetable wastes resulting from the handling, preparation, cooking or consumption of foods.

*Junked motor vehicle*—any motor vehicle which is partially dismantled or wrecked and which cannot safely or legally be operated and without current registration plates or inspection. If a vehicle is being redone, it has to have a vehicle cover on so that it will not be an eyesore. A junked motor vehicle shall constitute a nuisance if it 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 firewall.
- (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 on unstable supports.

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

[Ord. 489]

*Motor vehicle*—any self-propelled land vehicle which can be used for towing or transporting people or materials including, but not limited to, automobiles, trucks, buses, motor homes, motorized campers, motorcycles, motor scooters, tractors, snowmobiles, dune buggies and other off the road vehicles.

*Motor vehicle accessories*—any part or parts of any motor vehicle.

*Nuisance*—any condition or use of premises or of building exteriors which is detrimental to the property of others or which causes or tends to cause substantial diminution in the value of other property in the neighborhood in which such premises are located. This includes, but is not limited to, the keeping or the depositing on, or the scattering over the premises of, any of the following:

(1) Lumber, junk, trash, or debris.

(2) Abandoned, discarded or unused objects or equipment such as automobiles, furniture, stoves, refrigerators, freezers, cans, containers, or accumulations of household garbage.

(3) Any compost pile which is of such a nature as to spread or harbor disease, emit unpleasant odors or harmful gas, or attract rodents, vermin or other disease-carrying pests, animals or insects, provided that the presence of earthworms in a compost pile shall not constitute a nuisance. There is excepted, however, manure piles, including liquid manure on operating farms.

(4) Keeping unsanitary matter on premises. It shall be unlawful for any person to keep, or permit another to keep, upon any premises deleterious or septic material, unless such material is retained in containers or vessels which deny access to humans, flies, insects, rodents and animals.

*Pedacycle*—a vehicle propelled solely by human-powered pedals.

*Person*—includes any natural person, association, partnership, firm or corporation.

*Refuse*—all solid wastes, except body wastes, including garbage, ashes and rubbish.

*Rubbish*—includes glass, metal, paper, plant growth, bedding, appliances, tires, wood, and shall mean all nonputrescible solid wastes.

*Salvage*—any refuse having intrinsic value or usefulness, and which is in fact converted for such value or applied to such use.

(Ord. 448, 7/10/1992, Art. I; as amended by Ord. 489, 10/13/2014)

## §10-102. Nuisances.

1. No person owning, leasing, occupying or having charge of any premises shall maintain or keep any nuisance thereon, nor shall any such person keep or maintain such premises in a manner causing substantial diminution in the value of the other property in the neighborhood in which such premises are located.

2. In the event the Borough Council members receive notice that a nuisance is

being maintained or existing on property situate in the Borough, they shall give notice, by certified mail, return receipt requested, to the person occupying or using the premises or maintaining the nuisance and the owner of the real property, as shown on the latest tax assessment records of the Borough, to remove or abate the nuisance within 30 days of the receipt of the letter.

3. In the event the nuisance is not removed or abated within 30 days as provided in subsection .2, then the Borough is hereby authorized to seek injunctive relief in equity to collecting any cost of removal of the nuisance, along with all remedies now or hereafter available at law or equity for the enforcement hereof and in addition to criminal penalties provided herein for violation hereof. In addition, the person who created the nuisance, upon conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense. [Ord. 489]

(Ord. 448, 7/10/1992, Art. II; as amended by Ord. 489, 10/13/2014)

### **§10-103. Junked Motor Vehicles.**

1. A. It shall be unlawful for any person owning or having custody of any junked motor vehicle or motor vehicle accessories to store or permit any such vehicle or accessories to remain on any private property within the Borough for a period of more than 30 days after the 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 to permit to remain any such vehicles or accessories on his property 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 Part.

B. It shall be unlawful for any person, after notification to remove any junked motor vehicle or motor vehicle accessories from any private property has been given, to move the same to any other private property upon which such storage is not permitted or onto any public highway or other public property for purposes of storage.

C. Any person found to be in violation of this Section may apply for 30-day extensions, based upon extenuating circumstances, but in no event shall the time period exceed 90 days.

2. This Section shall not apply to any motor vehicles 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 business 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 nonmotorized campers.

3. Whenever the Chief of Police or any member of his Department finds or is notified that any junked motor vehicle or motor vehicle accessories have been stored or permitted to remain on any private property within the Borough, the Police Chief shall send by certified mail a notice to the owner of record of such motor vehicle or

accessories, if such owner can be ascertained by the exercise of reasonable diligence, and also to the owner of the private property, as shown on the tax assessment records of the Borough, on which the same is located to remove the junked motor vehicle or motor vehicle accessories within 30 days. Such notice shall also contain the following additional information:

A. Nature of complaint.

B. Description and location of the motor vehicle and/or motor vehicle accessories.

C. Statement that the motor vehicle or motor vehicle accessories will be removed from the premises no later than 30 days from date of notification.

D. Statement that removal from the location specified in the notification to another location upon which such storage is not permitted is prohibited and shall subject the person to additional penalties.

E. Statement that if removal is made within the time limits specified, notification shall be given in writing to the Chief of Police.

F. Statement of the penalties provided for noncompliance with such notice.

4. In the event the junked motor vehicle is not removed within the 30-day period set forth in subsection .3, then the Borough is hereby authorized to seek injunctive relief in equity in addition to collecting any cost of removal and in addition to any and all remedies now or hereafter available at law or equity for the enforcement hereof and in addition to criminal penalties provided herein. In addition, the person who owns the junked motor vehicle and/or who permits the junked motor vehicle to remain on his property, upon conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense. [*Ord. 489*]

5. In the event the Borough takes possession of the junked motor vehicle pursuant to the provisions of this Part, and either the identity of the registered owner or any other person legally entitled to the motor vehicle cannot be found or does not come to take possession of the motor vehicle within 30 days after the Borough takes possession of the junked motor vehicle, the Borough may dispose of the junked motor vehicle as it deems fit and any proceeds realized from any sale shall, after deduction towing, storage and processing charges, be deposited in the Borough Treasury.

6. Any police officer, towing service owner, operator, or employee, and Borough Council member shall not be held to answer or be liable for damages in any action brought by the registered owner, former registered owner, or his legal representative, or any other person legally entitled to the possession of a motor vehicle or other vehicle when the vehicle was processed and sold or disposed of as provided by this Part.

(*Ord. 448, 7/10/1992, Art. III; as amended by Ord. 489, 10/13/2014*)

#### **§10-104. Abandoned Motor Vehicles.**

1. The abandonment of a motor vehicle or other vehicle or any part thereof on any

highway in this Borough is unlawful and subject to penalties as set forth herein. The abandonment of a motor vehicle or other vehicle or any part thereof on private or public property, other than a highway, in view of the general public, anywhere in the Borough is unlawful except on property of the owner or bailee of such abandoned vehicle. A motor vehicle or other vehicle or any part thereof so abandoned on private property may be authorized for removal by or upon the order of the Chief of the Police Department of the Borough, after a waiting period of 7 days or more has expired, subject to the provisions of this Part.

2. A. Prior to removal of an abandoned vehicle bearing a registration plate by which the last registered owner of the vehicle can be determined, notice shall be sent by certified mail to the last registered owner of the vehicle informing the owner that unless the vehicle is moved to a suitable location within 5 days of the date notice is mailed, the vehicle will be removed under this Section and held at a suitable facility where it may be reclaimed by the owner within 30 days thereafter by paying the cost of towing and storage. If the abandoned motor vehicle does not bear an identifiable registration plate, the notice may be secured to the vehicle.

B. If, within the 5-day period, the owner so requests, the owner shall be given an opportunity to explain to the police officer or Police Department why the owner believes the vehicle should not be moved. If the police officer or Police Department determines that the vehicle shall, nonetheless, be moved, the owner shall be given an additional 48 hours to move the vehicle or have it moved.

3. In the event the abandoned vehicle is not removed by the owner as provided in subsection .2, then the Police Department shall notify the Department of Transportation of the Commonwealth of Pennsylvania of the abandoned vehicle. Thereafter, the provisions of the Pennsylvania Vehicle Code, 75 Pa.C.S.A., Chapter 73, shall apply.

4. Any police officer, towing service owner, operator, or employee, and the Borough Council members shall not be held to answer or be liable for damages in any action brought by the registered owner, former registered owner, or his legal representative, or any other person legally entitled to the possession of a motor vehicle or other vehicle when the vehicle was processed and sold or disposed of as provided by this Part.

(*Ord. 448, 7/10/1992, Art. IV*)

#### **§10-105. Garbage.**

1. It shall be unlawful for any person or collector to place or dispose of in any manner any garbage, waste, or peelings of vegetables or fruits, rubbish, ashes, cans, bottles, wire, paper, cartons, boxes, bedding, appliances, tires, parts of automobiles, wagons, furniture, glass, oil, or anything else of an unsightly or unsanitary nature along or near or on any public road, street, parkway, park drive, highway, ditch or any land adjoining any public road or highway or ditch except in a properly maintained landfill.

2. No person shall transport junk, refuse or garbage in any manner over and upon any street, alley, road, parkway, park drive or public highway in such a manner that it is strewn upon or leaks upon and along such street, alley, road or public highway.

3. Every collector shall, at his own cost and expense, establish or otherwise obtain access to a sanitary landfill, and shall at all times during the hauling period have access

thereto.

4. It shall be unlawful for any resident, collector or other person to dispose of refuse on public or private property.

5. Garbage containers shall be made of durable watertight, rust-resistant material having a close-fitting lid to facilitate collection.

6. The disposal of refuse in violation of this Part is hereby declared to be a public nuisance and inimical to the public health and welfare of the Borough and its residents, and the Borough is hereby authorized to seek injunctive relief in equity in addition to any and all remedies now or hereafter available at law or equity for the enforcement hereof and in addition to criminal penalties provided herein for violation hereof. Any person violating this Part, upon conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense. [Ord. 489]

7. The extent and nature of refuse service to be rendered by the collector to the customer, including the place or places where refuse containers will be collected and received, the frequency of collection, and the rates and terms of compensation payable to the collector, shall be governed entirely by agreement to be reached between the customer and the collector, provided the same shall not violate any of the provisions of this Part or of any other ordinance of the Borough, or of any applicable ordinance of any other municipality or of any applicable law of the United States or the Commonwealth of Pennsylvania. [Ord. 489]

(Ord. 448, 7/10/1992, Art. V; as amended by Ord. 489, 10/13/2014)

#### **§10-106. Refrigerators and Iceboxes.**

1. It shall be unlawful for any person to place, keep or store any refrigerator or icebox not in use at any place within the Borough which shall be accessible to children without first having removed the door therefrom.

2. A. The placing, keeping and storing of any refrigerator or icebox in violation of this Part is hereby declared to be a public nuisance and inimical to the public health and welfare of the Borough and its residents, and the Borough is hereby authorized to seek injunctive relief in equity in addition to any and all remedies now or hereafter available at law or equity for the enforcement hereof in addition to criminal penalties provided herein for violation hereof.

B. Any person who places, keeps or stores a refrigerator or icebox in violation of this Part may be, in addition to the remedies set forth in paragraph .A, upon conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense. [Ord. 489]

(*Ord. 448*, 7/10/1992, Art. VII; as amended by *Ord. 489*, 10/13/2014)

**Part 2****Weeds and Grass****§10-201. Weeds and Grass.**

It shall be unlawful for the owner or owners of any lot or lots of ground within the limits of the Borough of Ferndale to allow the grass and weeds to grow higher than 6 inches during the period of time between April 1 and October 31. Failure to so cut down and remove the same by the owner or owners of any property within the limits of the Borough of Ferndale within 10 days of receipt of notice from the Police Department or Borough Secretary, shall be guilty of a summary offense and upon conviction thereof shall be sentenced to a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days.

*(Ord. 446, 2/13/1995, §1; as amended by Ord. 489, 10/13/2014)*

