

AN ORDINANCE OF THE BOROUGH OF DALE, CAMBRIA COUNTY, PENNSYLVANIA, AMENDING PART 8, CHAPTER 2, CODE OF ORDINANCES, BOROUGH OF DALE, SECTION 8-2002 AND SECTION 8-2003, AND BY ADDING NEW PROVISIONS, SECTION 8-2002(1), et seq., PROVIDING FOR THE REMOVAL AND DISPOSTIION OF JUNK, DEBRIS, AND ABANDONED AUTOMOBILES AND VEHICLES ON PUBLIC AND PRIVATE PROPERTY WITHIN THE BOROUGH, DEFINING TERMS, PROVIDING PENALTIES FOR VIOLATION AND CERTAIN EXEMPTIONS THEREOF.

BE IT ENACTED AND ORDAINED by the Council of the Borough of Dale, Cambria County, Pennsylvania, and it is hereby enacted and ordained by the corporate authority of same as follows:

SECTION 1: Section 8-2002 of Part 8, Chapter 2 of the Code of Ordinances of the Borough of Dale, shall be and the same is hereby amended to read as follows:

Section 8-2002: Notice to abate nuisance.

On complaint and investigation by the authorized borough official, the mayor shall notify the owner or owners responsible for the nuisance to remove or eliminate the nuisance within 10 days of receipt of notice.

SECTION 2: Part 8, Chapter 2, of the Code of Ordinances of the Borough of Dale shall be and the same is hereby amended to add the following sections:

Section 8-2002(1): The following words or phrases when used in this ordinance shall have the meanings ascribed to them in this section except when the context of the ordinance indicates a different meaning:

(a) Person - Shall include any individual, partnership, association, firm or corporation.

(b) Vehicle - Any article manufactured for the purpose of conveying a person, or persons, or equipment upon roads, streets or highways.

(c) Junk - Shall mean any discarded material or article and shall include, but not be limited to, scrap metal, scrapped,

abandoned or junked motor vehicles, machinery, equipment, paper, rags, glass, containers, wood, lumber, and structures.

(d) Debris - Shall mean dead trees, weeds, shrubery, limbs or portions thereof which have become detached and have fallen to the ground; trailers, campers, boats, and other mobile equipment parked on streets or stored on private property for unreasonable periods of time causing unsightliness and providing attractive nuisance dangerous to children, and may also include, but is not limited to abandoned and broken equipment, hazardous pools, ponds, and excavations, neglected machinery, broken or discarded furniture or household equipment left to accumulate on private property for more than thirty (30) days, packing boxes, and other debris, live vegetable growth, tires, metal, lumber and paper stored on private premises.

(e) Abandoned or Junked - The words abandoned or junked when applied to a vehicle shall mean any vehicle that is not currently inspected, is not currently licensed, is not capable of passing a Commonwealth of Pennsylvania inspection or which vehicle has not been moved for a period of forty-five (45) days. Any other articles shall be considered abandoned when it has been left in position on property for a period of thirty (30) days or longer.

Section 8-2002(2). No junked or abandoned vehicles or debris or articles shall be stored on any premises or property within the Borough of Dale unless the keeping or storage of same has been approved by the Borough Council.

Section 8-2002(3) (a). Any person desiring to store or to continue to store junk or abandoned vehicles or debris or articles on premises or property within the Borough of Dale shall apply in writing to the Secretary for a permit setting forth the location and description of the land on which said items are to be placed, the description thereof, the manner of storage, the length and the purpose for the storage.

(b). In the event that a permit is requested for the storing of a vehicle, such permit shall only be granted if the vehicle is to be stored in a completely enclosed structure so designed that the vehicle within the structure cannot be seen from the outside.

Section 8-2002(4) (a). If the Borough Council shall determine that the storage concerning which a permit is requested, does not or will not adversely

affect the health, safety, general welfare, cleanliness and beauty of the Borough and does not or will not constitute a nuisance, they shall issue a written permit therefor, otherwise they shall refuse to issue said permit, stating the reason or reasons for such refusal and give notice thereof to the applicant.

(b). Any person aggrieved by a refusal of the Borough Council to issue a permit, may request and shall be granted a hearing before the Borough Council, provided he shall file with said Council a written petition requesting such hearing and setting forth a brief statement of the grounds therefor within ten (10) days after notice that a permit has been refused. The hearing shall commence not later than thirty (30) days after the date on which the petition was filed unless postponed for sufficient cause.

(c). After such hearing, the Borough Council shall sustain, modify or overrule the action of the denial.

Section 8-2002(5). Any junk, debris, or abandoned vehicles or articles stored on private grounds without a permit issued by the Borough Council as herein required, shall be removed by the owner or occupier of said grounds after notice to do so, and in default thereof, the Borough may cause the same to be done and collect the costs thereof, together with a penalty of ten percent (10%) of such costs in the manner provided by law for the collection of municipal claims or by action of assumpsit, or may seek relief by an action in equity.

Whenever any such person shall have been notified by the Secretary of the Borough of Dale, or by prosecution, or in any other manner, of such violation, each day thereafter that such violation shall continue shall constitute a separate violation hereof and may be punishable as such hereunder.

SECTION 3: Section 8-2003 of Part 8, Chapter 2 of the Code of Ordinances of the Borough of Dale, shall and the same is hereby amended to read as follows:

Section 8-2003 Authority for borough to abate and collect cost plus penalty.

Upon default of the owner or owners of the premises to remove or eliminate the nuisance, as above provided, council may order the nuisance removed and institute summary proceedings before the proper district justice against the person or persons responsible for the

nuisance and upon conviction the borough shall recover the cost of removal of the nuisance, if any, and as a penalty from the owner or person responsible not less than \$25 or more than \$300 and costs of prosecution. In default of the payment of such fine or costs, such person shall undergo imprisonment in the Cambria County jail for a period not exceeding thirty (30) days.

ENACTED AND ORDAINED this 28 day of December, 1979.

BOROUGH OF DALE

By Ronald W. Bosley
President

ATTEST:

Thomas E. Wetzapple
Secretary

Approved this 28 day of December, 1979.

Paul D. Rogers
Mayor