

CHAPTER 9

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Part 1

Vegetation Nuisances

§1. Grass, Weeds and Certain Other Vegetation Prohibited as Nuisances Under Certain Conditions.

No person, firm or corporation, owning or occupying any property within the Borough of Bloomfield shall permit any grass or weeds or any vegetation whatsoever, not edible or planted for some useful or ornamental purpose, to grow or remain upon such premises so as to exceed a height of 12 inches or to throw off any unpleasant or noxious odor or to conceal any filthy deposit or to create or produce pollen. Any grass, weeds or other vegetation growing upon any premises in the Borough in violation of any of the provisions of this Section is hereby declared to be a nuisance and detrimental to the health, safety and cleanliness and comfort of the inhabitants of the Borough. (Ord. 129, 7/8/1975, §1)

§2. Responsibility for Removal, Trimming or Cutting.

The owner of any premises, as to vacant premises or premises occupied by the owner, and the occupant thereof, in ease of premises occupied by other than the owner thereof, shall remove, turn or cut all grass, weeds or other vegetation growing or remaining upon such premises in violation of the provisions of the first Section of this ordinance.¹ (Ord. 129, 7/8/1975. §2)

§3. Notice to Remove, Trim or Cut: Borough May Do Work and Collect Costs Plus 10%.

The Borough Council, or any officer, or employee of the Borough designated thereby for the purpose, is hereby authorized to give notice, by personal service or by mail, to the owner or occupant, as the case may be, of any premises whereon grass, weeds or other vegetation is growing or remaining in violation of the provisions of the first Section of this ordinance,² directing and requiring such owner or occupant to remove, trim or cut such grass, weeds or vegetation, so as to conform to the requirements of this ordinance within five days after issuance of such notice. In ease any person, firm or corporation shall neglect, or refuse to comply with such notice, within the period of the time stated therein, the Borough authorities may remove, trim or cut such grass, weeds or vegetation, and the cost thereof, together with an additional amount of 10% thereof, may be collected by the Borough from such person, firm or corporation, in the manner provided by law for the collection of municipal claims, or by action of assumpsit, or by bill in equity (Ord. 129, 7/8/1975, §3)

¹ Section 1 of this Chapter.

² Section 1 of this Chapter.

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§4. Penalty for Violation.

Any person, firm or corporation who or which shall violate or fail, neglect or refuse to comply with any of the provisions of this ordinance³ shall upon conviction thereof, be sentenced to pay a fine of not more than \$50 and costs of prosecution. Provided: each day that a violation shall be permitted to continue shall constitute a separate offense. (Ord. 129, 7/8/1975, §4)

³ Sections 1 to 4 of this chapter

Part 2

Vehicle Nuisances

§11. Motor Vehicle Nuisances.

It shall be unlawful for any person or owner thereof to park any unattended, unregistered, uninspected, disabled or abandoned motor vehicle within the confines of any Borough street and/or alley or the rights-of-way thereof. (Ord. 198, 4/5/1994. §1)

§12. Removal and Impounding.

The Borough of Bloomfield shall have authority to remove and impound, or to order the removal and impounding of any unattended, unregistered, uninspected, disabled or abandoned motor vehicle from within the confines of any Borough street and/or alley or the rights-of-way thereof. (Ord. 198, 4/5/1994, §2)

§13. Approved Storage Garages.

Removal and impounding of vehicles shall be done only by approved storage garages that shall be designated from time to time by Bloomfield Borough Council. Every such garage shall submit evidence to Council that it is bonded or has acquired liability insurance in an amount satisfactory to Council as sufficient to indemnify owners of impounded vehicles against loss or damage to those vehicles while in the custody of the garage keeper for the purpose of towing or storage. The approved storage garage shall submit to Council its schedule of charges for towing and storage of vehicles and, when the schedule is approved by Council, those charges shall be adhered to by the approved storage garage. (Ord. 198, 4/5/1994. §3)

§14. Payment of Towing and Storage Charges.

The payment of towing and storage charges shall not relieve the owner or driver of any vehicle from liability for any fine or penalty for the violation hereof. (Ord. 198, 4/5/1994, §4)

§15. Reclamation of Vehicle.

In order to reclaim a vehicle, the owner shall pay towing and storage costs, plus a \$25 fee, of which \$10 thereof shall be transferred to the Pennsylvania Department of Transportation by the garage to which the vehicle was taken (Ord 198, 4/5/1994, §5)

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§16. Records.

The Borough of Bloomfield shall cause a record to be kept of all vehicle impounded and shall be able at all reasonable times; to furnish the owners or the agents of the owners of those vehicles with information as to the place of storage of the vehicle. (Ord. 198, 4/5/1994, §6)

§17. Immediate Removal of Vehicle by Person in Charge of Vehicle.

No vehicle shall be removed under the authority hereof if, at the time of the intended removal, the owner or the person for the time being in charge of the vehicle is present and expresses a willingness and intention of removing the vehicle immediately. (Ord. 198, 4/5/1994, §7)

§18. Unclaimed Vehicles.

If after a period of 15 days the vehicle in storage remains unclaimed, a report shall be filed with PennDOT in accordance with Section 7311 of the Vehicle Code, by the person having custody of the vehicle. If the vehicle has not been claimed after 30 days, the vehicle may be transferred to a licensed salvor who will then be responsible for filing the proper reports and disposing of the vehicle in accordance with the provisions of Chapter 73 of the Pennsylvania Motor Vehicle Code (75 Pa.C.S.A. §7301, et seq.) as hereafter amended, supplemented, modified or reenacted by the General Assembly of Pennsylvania. (Ord. 198, 4/5/1994, §8)

§19. Penalty for Violation.

Any person who shall violate any provision hereof shall be liable upon conviction in a summary proceeding before a District Justice to a fine of not more than \$300, plus the costs of prosecution, or in default of the payment thereof, to undergo imprisonment in the Perry County Prison for a period not exceeding 30 days: each day that a violation exists being considered a separate offense. (Ord. 198, 4/5/1994, §9)

Part 3

Nuisances, Junk and Abandoned Vehicles

§301. Definitions and Word Usage.

- 1 For the purposes of this Part, the following terms, phrases, words and their derivations shall have the meanings given herein.
- 2 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 VEHICLES -

- A. A vehicle (other than a pedal cycle):
 - (1) That is inoperable and is left unattended on public property for more than 48 hours.
 - (2) That has remained illegally on public property or public highway right-of-way for a period of more than 48 hours.
 - (3) That is without a valid registration plate or certificate of inspection or title left unattended on or along a public right-of-way or that has remained on private property with or without the consent of the owner or person in control of the property for more than 48 hours.
8. Conditions under which vehicles are not considered "abandoned;"
 - (1) Vehicles and equipment used, or to be used, in construction and/or in the operation or maintenance of public facilities and/or private property which are left in a manner which does not interfere with the normal movement of traffic and does not create a nuisance as defined in this Part.
 - (2) Vehicles and equipment stored in a garage on the property, or no more than two vehicles per taxable parcel provided the vehicles have a custom-designed and manufactured cover on the vehicles.
 - (3) A licensed auto-repair garage actively repairing a vehicle for a period of time not to exceed six months.

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BOROUGH COUNCIL - the Council of Bloomfield Borough, Perry County, Pennsylvania.

DANGEROUS STRUCTURE - any building which has deteriorated to the state where it is dangerous and unsafe to human occupancy, constitutes a fire hazard, endangers surrounding buildings, shelters rats or other vermin or endangers the safety of children playing thereabouts.

FARMING - any parcel of land containing 10 or more acres of land, which is used for gain in the raising of agricultural products, livestock, poultry and dairy products. Such term includes necessary farm structures within the prescribed limits and the storage of equipment used but excludes the raising of furbearing animals, riding academies, lively or boarding stables and dog kennels.

GARBAGE - animal, vegetable or organic waste, cans and plastics from the handling, preparation, cooking and consumption of food, to include all styrofoam and am other packaging.

JUNK - any discarded material or article which cannot be used for its original use which shall include, but not be limited to scrap metal, scrapped, abandoned or junked motor vehicle, machinery, equipment, paper, glass, containers and structures, including used lumber, used plumbing supplies and other building materials.

JUNK VEHICLES - any motor vehicle that is valueless except as junk

NUISANCE - the unreasonable, unwarrantable or unlawful use of public or private property which has the potential to cause or causes injury, damage and hurt and/or abuses inconvenience, annoyance or discomfort to any person in the legitimate enjoyment of his reasonable rights of person or property.

OWNER - a person owning, leasing, occupying or having charge of any premises or vehicle within the Borough.

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

(Ord. 256, 9/5/2006, §1)

§302. Nuisances Declared Illegal.

Nuisances, including but not limited to the following, are hereby declared to be illegal when not in accordance with this Part and upon confirmation by the Council:

A Storing or accumulating the following:

(1) Garbage or rubbish

- (2) Junk material, including but not limited to unused or abandoned machinery and equipment.
 - (3) Other junk, including but not limited to any and all forms of waste and refuse of any type of material, including scrap metal, glass, appliances, industrial waste and other salvageable materials.
- B. It shall be unlawful to store or deposit any abandoned or junked vehicle, or part thereof, in or on any highway or public or private property, vacant or occupied, within Bloomfield Borough.
- C. Drainage or flow, or allowing to drain or flow, by pipe or other channel, whether natural or artificial any foul or offensive water or drainage from sinks, bathtubs, washstands, lavatories, water closets, swimming pools, privies or cesspools of any kind or nature whatsoever, or any other foul or offensive water or fouled or offensive drainage of any kind, from property along any public highway, road, street, avenue, lane or alley in the Borough into or upon any said highway, road, street, avenue, lane or alley, or from any property into or upon any adjoining property.
- D. Draining or flowing, or allowing to drain or flow, any water or drainage from a dwelling or structure situated upon a property along any public highway, road, street, avenue, lane or alley in the Borough into or upon the cartway or traveled portion of any said highway, street, road, avenue, lane or alley, except where provision has been made in said cartway or traveled portion for said drainage by means of a drainage ditch, rain gutters or by any other means.
- E. Burning garbage, recyclable plastics, glass, newspaper, aluminum cans, tires or anything that produces arid/or emits toxic fumes.
- F. Maintaining or causing to be maintained any dangerous structure, including but, not limited to abandoned or unoccupied buildings or parts of buildings in a state of dilapidation or disrepair,
- G. No existing structure will be permitted to be burned without proper permits as required in D.E.R. PA Code, Title 25, Part 1, Subpart C, Article III, Chapter 129.
- H. Permitting or allowing any well or cistern to be or remain uncovered.
- I. 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.

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- J. Allowing or permitting any excavation, material excavated or obstruction on or adjoining any highway, street or road to remain opened or exposed without the same being secured by a warning and safety devices such as lights or reflective materials, barricade, temporary fence or other protective materials.
- K. No vehicles, fences, trees, pines, brush, hedges, shrubbery or any other solid object shall block the view of an adjacent driveway onto a public or private right of-way. All such solid objects shall be located a sufficient distance from the roadway to permit a clear sight measured 37 1/2 feet in both directions from the intersection on the roadway and 10 feet back onto the driveway from the edge of roadway.
- I. Other activities can be conducted if the activity is not prohibited in this part or does not create a nuisance as defined in this Part.

(Ord. 256, 9/5/2006, §2)

§303. Notice of Violation.

Whenever a condition constituting a nuisance is permitted or maintained, the Council shall cause written notice to be served upon the owner in one of the following ways:

- A. By making personal delivery of the notice to the owner.
- B. By handing a copy of the notice at the residence of the owner to an adult member of the family with which he resides; but if no adult member of the family is found, then to an adult person in charge of such residence.
- C. By fixing a copy of the notice to the door at the entrance of the premises in violation.
- D. By mailing a copy of the notice to the last known address of the owner by certified mail.
- E. 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 respects such condition constitutes a nuisance and 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. Such notice shall require the owner to commence action in accordance with the terms thereof within 21 days and thereafter to comply fully with its terms with reasonable dispatch, all material to be supplied and work done at the owner's expense; provided, however, that if the violation charged is under §302E, G, I or J, and if the circumstances require immediate corrective measures, such notice shall require the owner to immediately comply with the terms thereof.

(Ord. 256, 9/5/2006, §3)

§304. Violations and Penalties.

If the owner, after receiving duo notice, refuses to comply with the terms thereof:

- A. He shall be in violation of this Part and shall, upon conviction thereof, pay a fine of not more than \$300 and the costs of prosecution, shall be imprisoned for not more than 10 days, provided that each day's continuance of a violation shall constitute a separate offense.
- B. The Borough Council may direct the removal, repairs or alterations, as the case may be, to be done by the Borough; and the cost thereof, with a penalty of 10% may be collected from the owner of the premises by an action of assumpsit or by filing a municipal claim or lien therefor against such real estate.
- C. The Borough, by means of a complaint in equity, may compel the owner to do so or seek such other relief as such court is empowered to afford.

(Ord. 256, 9/5/2006, §4)

§305. Effective Date; Exceptions

This Part shall become effective within five days after the adoption thereof, except as hereinafter provided:

- A. All persons who, upon adoption of this Part, have stored and/or deposited any abandoned or junked vehicles, or parts thereof, on said property shall, within 18 months of adoption of this Part, remove all abandoned or junked vehicles thereon so as to comply with the provisions of this Part.

(Ord. 256, 9/5/2006, §6)

