

**JOHNSONBURG BOROUGH
ORDINANCE 2022-01**

**AN ORDINANCE OF THE JOHNSONBURG BOROUGH AMENDING CHAPTER 152 OF
THE JOHNSONBURG BOROUGH CODE REGULATING DISORDERLY CONDUCT AND
NUISANCES TO BROADEN THE DEFINITIONS, EXPAND THE NUISANCES SECTION,
AND TO ADD A MOTOR VEHICLES SECTION.**

DEFINITIONS

ABANDONED - An item resting for 48 hours or more and which inoperable or any item which meets one or more of the following criteria:

- Without current registration plates.
- Without certificate.
- Without inspection.
- Without valid insurance.

APPLIANCE - A stove, refrigerator, television, furnace, water heater, water softener, washer, dryer or mangle, household articles used to perform any of the necessary work in a household and articles used in business to increase production or to speed, ease or eliminate work.

BOAT - Any vessel capable of transporting a person on any river, stream, creek, lake, or ocean.

DISCARDED - Any item resting for 96 hours or more with no known or apparent owner.

HOUSEHOLD FURNISHINGS - Includes all items normally found and used in a home.

JUNKED - Items sold or to be sold for scrap, being stripped, or being used or sold for parts.

TRAILER - A wheeled device used as a means of carrying, hauling, or conveying any vehicle, person, animal, object, or boat.

VEHICLE – An automobile, motorcycle, minibike bicycle, go-cart, truck or other wheeled means or conveyance, motorized or self-propelled.

NUISANCES ENUMERATED

The accumulation or storage of junked, abandoned discarded vehicles, trailers, boats, appliances or household furnishings or parts thereof.

Keeping or harboring any dog or other animal or fowl which by frequent howling or barking or other noise or odor shall annoy or disturb the neighborhood or a number of persons.

The maintenance of any structure, equipment or device or accumulated debris and materials in such a condition as to allow the same to harbor dangerous rodents or other vermin.

The storage, accumulation or depositing of any abandoned or used building material of any kind.

The appearance of any sewage, toilet, kitchen, and laundry wastes on the surface of the ground or in or reaching to any creeks, streams or bodies of water or sources of water supply.

The conducting of any noxious or offensive manufacture, business, or other activity by reason of odor, dust, fumes, smoke, gas, vibrations, illumination, or noise.

Creating or maintaining "attractive nuisances," which is the leaving of dangerous instrumentality which by its character is dangerous and attractive to children and in a place frequented by children.

ARTICLE: MOTOR VEHICLE NUISANCES

- A. As used in this chapter, the following terms shall have the meanings indicated, unless a different meaning clearly appears from the context.

LESSEE - Owner for the purpose of this chapter 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.

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.

- B. In this chapter, the singular shall include the plural; the plural shall include the singular; and the masculine shall include the feminine and the neuter.

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. A motor vehicle nuisance shall 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.
- 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. Broken vehicle frame suspended from the ground in an unstable manner.
- J. Leaking or damaged oil pan or gas tank which could cause fire or explosion.
- K. Exposed battery containing acid.
- L. Inoperable locking mechanism for doors or trunk.
- M. Open or damaged floorboards including trunk and fire wall.
- N. Damaged bumpers pulled away from the perimeter of vehicle.
- O. Broken grill with protruding edges.
- P. Loose or damaged metal trim clips.
- Q. Broken communication equipment and antennae.
- R. Suspended on unstable supports
- S. Such other defects which could threaten the health, safety, and welfare of the citizens of the borough.

STORAGE OF MOTOR VEHICLE NUISANCES PERMITTED; FEE.

- A. Any person, owner or lessee who has one or more motor vehicle nuisances as defined above may store such vehicle (s) 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 in an amount as established, from time to time, by resolution of Borough Council. The motor vehicle nuisance (s) must be stored within a garage or other enclosed building or outside within a opaque fence at least six feet high which is locked at all times when unattended.
- B. With the special approval of the Borough Council motor vehicle 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 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 600 square feet.
- C. Nothing herein shall be construed to permit the storage of motor vehicle nuisances contrary to the provisions of Chapter 310, Zoning.

INSPECTION OF PREMISES; NOTICE TO COMPLY.

- A. Borough Council's designee is authorized and empowered to inspect the private property on which motor vehicles are stored to determine if there is compliance with the provisions of this chapter. If noncompliance with the provisions of this chapter constitutes a nuisance, or if any condition, structure, or improvement poses a threat to the health, safety or welfare of the public, he shall issue a written notice, to be sent by United States mail or if the owner's whereabouts or identity is unknown, by posting the notice conspicuously upon the offending premises.
- B. Said notice shall specify the condition or structure or improvement complained of and shall require the owner to commence to remove or otherwise rectify the condition or structure or improvement as set forth therein within 10 days if mailing or posting of said

notice, to fully comply with the requirements of the notice withing a reasonable time, and to stay within compliance for a period of no less than 12 consecutive months.

AUTHORITY TO REMEDY NONCOMPLIANCE.

If the owner of grounds on which motor vehicles 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 condition and collect the cost of 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.

PROSECUTIONS.

All prosecutions of this chapter shall be brought in the name of the Johnsonburg Borough before any District Magistrate and shall be commenced by information and warrant, citation, or complaint and summons and shall be directed to and served by a constable or other proper person. Warrant shall be returnable forthwith and upon such return like proceedings shall be had as in case of summary convictions.

VIOLATIONS AND PENALTIES.

Any person who shall violate any provision of this chapter shall, upon conviction thereof, 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 undergo imprisonment for a term not to exceed 30 days. Each day that a violation of this chapter continues shall constitute a separate offense.

REMEDIES NOT MUTUALLY EXCLUSIVE.

The remedies provided herein for the enforcement of this chapter, 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.

ORDAINED this 14th day of November 2022.

ATTEST:


Rachel Kilhoffer
Secretary

Arif J. Malhotra III

President

[Signature]
Mayor