

ORDINANCE NO: 267-99

AN ORDINANCE OF THE NORTH APOLLO BOROUGH, COUNTY OF ARMSTRONG, COMMONWEALTH OF PENNSYLVANIA PROHIBITING THE ACCUMULATION OR STORAGE OF REFUSE AND PRESCRIBING PENALTIES FOR VIOLATIONS THEREOF.

WHEREAS, the North Apollo Borough Council believes that it is in the best interest of the health, safety and welfare of the citizens of North Apollo Borough to enact an ordinance legislating and establishing guidelines for the prohibition of the accumulation or storage of refuse and prescribing penalties for violations thereof within the Borough of North Apollo;

WHEREAS, the Borough believes that the establishment of this junk ordinance will avoid injury and potential blight from the Borough of North Apollo;

NOW, THEREFORE, the Borough of North Apollo Council hereby enacts the following ordinance prohibiting the accumulation or storage of refuse and prescribing penalties for violations thereof.

SECTION 1, DEFINITIONS:

The following words, when used in this ordinance, shall have the meanings as set forth in this section:

A. Abandoned: Any item resting for fifteen (15) calendar days or more and which is not operable, or without a current registration plate or without a current certificate of inspection, or is in a condition as to be unusable.

B. Accumulate: To allow any refuse to rest for five (5) calendar days or more, in or on the immediate vicinity of any premises.

C. Antique Vehicle: A vehicle, but not a reproduction thereof, manufactured more than 25 years prior to the current year and which has been maintained in or restored to a condition which is substantially in conformance with manufacturers' specifications, and is registered and licensed under the laws of the Commonwealth of Pennsylvania as an antique vehicle.

D. Appliance: Any stove, refrigerator, television, furnace, water heater, water softener, washer, dryer or mangle, any premises article used to perform any of the necessary work in a premises, any article used in a business to increase production or to increase speed, ease or eliminate work, any and all parts of any

items set forth above in this definition and any items of any business used by the business, at any time during the operation of said business for a production purpose.

E. Ashes: The residue from the burning of wood or coal.

F. Boat: Any vehicle capable of transporting a person on any river, stream, creek, lake or ocean.

G. Businesses: Construction and construction related, retail, fabricating, repair and manufacturing establishments but not limited solely to these classes as long as the entity can prove that its purpose is for the generation of profits and not solely for the production of items, manufacture of items or generation of items solely for the personal use of the fabricator, repairer, manufacturer, retailer or producer.

H. Calendar Day: Any continuous 24 hour period.

I. Classic Vehicle: A vehicle, but not a reproduction thereof, manufactured more than 10 years prior to the current year and which has been maintained in or restored to a condition which is substantially in conformance with the manufacturers' specifications, and is licensed and registered under the laws of the Commonwealth of Pennsylvania as a classic vehicle.

J. Commercial Unit: Any room or group of rooms located within a dwelling or structure which is utilized for conducting any business, occupation, profession or service, either public or private, whether for profit or otherwise.

K. Council: The Borough Council of the North Apollo Borough, County of Armstrong, Commonwealth of Pennsylvania.

L. Dwelling Unit: Any room or group of rooms located within a dwelling and forming a single habitable unit with the facilities which are used or intended to be used for living, sleeping, cooking and eating.

M. Garbage: All putresible waste, except sewage and body waste, including vegetable but excluding recognizable industrial bi-products, and shall include all such substances from public and private establishments.

N. Junk: Any and all forms of salvage, rubbish, scrap metal, appliances, vehicles, construction machinery and parts for the same, glass, industrial waste, packaging materials and scrap materials for manufacturing.

O. Junk Dealer: Any person who buys, sells, collects, sorts or in any way deals in junk or owns, leases, operates or maintains a junk yard within the Borough.

P. Junk Yard: Any location where a junk dealer conducts his business.

Q. Nuisance: Anything which is injurious to health, or is indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property, or which unlawfully obstructs any public park, square, street or highway, specifically excluding normal farm practices.

R. Operable: Currently capable of being used for its original intended purpose.

S. Permit: A license issued by the council which allows for accumulation, storage and disposal of salvageable and unsalvageable material, junk, rubbish or scrap materials in accordance with this ordinance.

T. Person: Any natural person, partnership, firm, corporation or other legal entity including singular and plural, male and female.

U. Premises: Any parcel of land situated in North Apollo Borough, Armstrong County, Pennsylvania having a separate tax map parcel number for county assessment purposes.

V. Refuse: Garbage, ashes and rubbish as herein defined.

W. Residence: A location where the primary purpose is for maintaining a household and not for conducting a business and which contains one or more dwelling units.

X. Rubbish: All discarded metal, plastic, glass, ceramic and organic materials, papers, pasteboards, rags, mattresses, discarded furniture or appliances, discarded clothes, shoes and boots, leather, carpets, broken glass, crockery, bottles, excelsior, floor sweepings, metal packing boxes and barrels and broken parts thereof, cans, tires, household refuse generally, including garbage, all putresible waste, demolished building material, any and all other material which by reason of its nature might give off toxic chemicals, obnoxious odors, dust, be unsightly in any manner, or a fire hazard, a harbor for rats, vermin, insects or termites, or a detriment to the health, safety or general welfare of the residents of the North Apollo Borough.

Y. Salvage: Vehicles, vehicle parts and other materials that have value for recycling purposes.

Z. Salvage Dealer: Any person who buys, sells, collects, salvages, stores or in any way deals in salvage or owns, leases, operates or maintains a salvage yard within the Borough.

AA. Salvage Yard: Any location where a salvage dealer conducts his business.

BB. Borough: The North Apollo Borough, County of Armstrong, Commonwealth of Pennsylvania.

CC. Vehicle: Every device in which, upon which or by which any person or property is or may be transported or drawn upon a highway and is ordinarily required to be currently registered within the Commonwealth of Pennsylvania except any device which is used exclusively upon rails or tracks.

SECTION 2, ORDINANCE PROHIBITING THE ACCUMULATION OR STORAGE OF REFUSE ESTABLISHED:

No person shall accumulate or suffer to accumulate upon any premises, owned, occupied or controlled by him or her, any rubbish, ashes or junk nor may any person use or permit to be used any area or place within the Borough as a public or private dump of said materials. Any violation of this section is hereby declared to be a public nuisance and detrimental to the health, welfare, safety, cleanliness and comfort of the inhabitants of the North Apollo Borough and, any said person violating this provision, in addition to paying any and all fines imposed by this ordinance, shall pay and all costs of removing the same as incurred by the Borough. This provision shall not apply to any person operating as a junk dealer in a junkyard permitted to operate within the Borough. Said individual shall be required to follow the requirements set forth herein regarding junk dealers.

SECTION 3, CONTINUING REQUIREMENTS:

It shall be unlawful for any person to accumulate junk, abandoned vehicles, abandoned boats, abandoned appliances or abandoned household furnishings on any premises within the North Apollo Borough, County of Armstrong and Commonwealth of Pennsylvania.

SECTION 4, CONTINUING REQUIREMENTS, JUNK DEALER OR SALVAGE DEALER:

It shall be unlawful for any person, other than a junk dealer or salvage dealer, who operates a junk yard or salvage yard, within the North Apollo Borough, licensed and permitted by the North Apollo Borough, to accumulate junk, rubbish, ashes or abandoned vehicles within the North Apollo Borough, County of Armstrong and Commonwealth of Pennsylvania.

SECTION 5, EXCEPTIONS:

1. This ordinance shall not apply to any object, item or material (regardless of whether it is otherwise prohibited by this ordinance) which is located entirely inside an enclosed and roofed dwelling unit, commercial unit, garage, barn or other outbuilding normally associated with a dwelling unit or a commercial unit.

2. This ordinance shall not apply to any antique vehicle or to any classic vehicle as those terms are defined in this ordinance.

SECTION 6, PENALTY:

Any person, convicted of any violation set forth in this ordinance, shall, for the first offense, be sentenced to pay a fine of not less than \$300.00 and not more than \$600.00 for the first offense and, shall be sentenced to pay a fine of not less than \$400.00 and not more than \$600.00 for the second and any subsequent offense and, in default in payment of a fine assessed hereunder, shall undergo imprisonment for a period of not less than 5 days nor more than 90 days; each day the person is in violation of any section of this ordinance shall constitute a separate offense punishable as set forth above.

SECTION 7, WARNING:

Prior to the commencement of any prosecution under this ordinance, the Borough shall provide a written warning to the person deemed to be in violation of the ordinance by either first class mail or by hand delivering to the person or posting on the property a notification that a prosecution shall begin after 7 days have elapsed if the premises is not brought into compliance with this ordinance.

SECTION 8, ESTABLISHMENT OF PROSECUTION:

All prosecutions under this ordinance shall be brought in the name of the North Apollo Borough before the District Magistrate having jurisdiction and/or venue over North Apollo Borough and shall be instituted either by:

- (a) issuing a citation to the person; or
- (b) filing a citation; or
- (c) filing a complaint; or,
- (d) arresting without a warrant when arrest is specifically authorized by law.

The issuing authority or District Magistrate shall then proceed in accordance with the Pennsylvania Rules of Criminal Procedure as they apply to summary cases and as said Rules of Criminal Procedure may be amended from time to time by the Supreme Court of the Commonwealth of Pennsylvania.

SECTION 9, SEVERABILITY:

If any sentence, clause, section or part of this ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this ordinance. It is hereby declared as the intent of the Borough of North Apollo that this ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not then included herein.

SECTION 10, REPEALER:

All ordinance or parts of ordinance inconsistent herewith are hereby repealed; this specifically includes the repeal of Ordinance Number 10-202 and Ordinance Number 10-203.

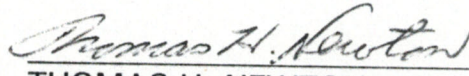
SECTION 11, INCORPORATION INTO CODIFIED ORDINANCES:

This ordinance, once ordained and enacted into law by the council of the Borough of North Apollo shall be incorporated into the Code of Ordinances of the Borough of North Apollo, County of Armstrong and Commonwealth of Pennsylvania as so directed by council with the understanding that the specific section of this

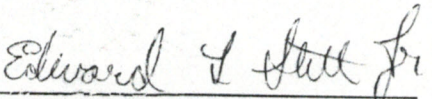
ordinance shall, at all times maintain a clear interpretation so as not be considered ambiguous in any manner.

ORDAINED AND ENACTED INTO LAW BY THE COUNCIL OF THE BOROUGH OF NORTH APOLLO, ARMSTRONG COUNTY, PENNSYLVANIA, AT A REGULAR MEETING HELD THIS 7th DAY OF September, 1999.

Borough of North Apollo by:


THOMAS H. NEWTON
President of Council

Attesting:


EDWARD STITT
Borough Secretary

Examined and approved by me this 7th
day of Sept, 1999


JOHN DURANDETTO, Mayor