

PART 5

**STORAGE OF ABANDONED APPLIANCES, MACHINERY, EQUIPMENT
AND/OR CONSTRUCTION MATERIALS**

§10-501. Definitions.

1. As used in this Part, the following terms shall have the meanings indicated, unless a different meaning clearly appears from the context:

LESSEE — owner for the purpose of this Part when the lessor holds the lessee responsible for maintenance or repairs.

NUISANCE — any condition, structure or improvement which shall constitute a threat or potential threat to the health, safety or welfare of the citizens of the Borough of Philipsburg.

OWNER — the actual owner, agent or custodian of the property on which machinery, equipment or materials are stored, whether individual or partnership, association or corporation.

PERSON — a natural person, firm, partnership, association, corporation or other legal entity.

2. In this Part, the singular shall include the plural, the plural shall include the singular and the masculine shall include the feminine and the neuter.

(Ord. 982, 3/8/1999, §1)

§10-502. Storage of Nuisances Prohibited.

It shall be unlawful for any person who does not hold a valid Philipsburg Borough junkyard permit to store or maintain 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: (This Part shall not apply to persons who hold a valid Philipsburg Borough junkyard permit.)

- A. Broken glass or metal parts with sharp or protruding edges.
- B. Containers which are conducive to the harboring and growth of vermin or animals.
- C. 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.

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- D. 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.
- E. Any other condition which shall threaten the health, safety or welfare of the citizens.
- F. Refrigerators with the doors remaining attached.

(Ord. 982, 3/8/1999, §2)

§10-503. Storage Requirements.

1. Storage of such items as listed in §10-502 hereof on private property shall be permitted only in strict compliance with the regulations provided herein or with stricter regulations in other Philipsburg ordinances or in State or Federal laws. Each person, owner or lessee desiring to store items described in §10-502 shall apply for a permit for either temporary or permanent storage and pay a fee to the Philipsburg Borough pursuant to a resolution of the Borough Council of the Borough of Philipsburg. Such nuisance(s) must be stored within a garage or other enclosed building or outside within an opaque fence at least 6 feet high which is locked at all times when unattended.
2. With the special approval of the Borough Council of the Borough of Philipsburg, nuisances may also be stored outside in an area enclosed by a chain link fence at least 6 feet high screened by shrubbery around the perimeter to the height of the fence with an unobstructed gate capable of admitting fire or emergency equipment. Such gate shall remain locked at all times when unattended. In addition, the appliances, machinery, equipment or construction materials shall be kept free of vermin infestation while being stored and all gas, oil or other potentially hazardous substances shall be removed. The total area of storage of such nuisances may not exceed 300 square feet.
3. Nothing herein shall be construed to permit the storage of appliances, machinery, equipment or material nuisances contrary to the provisions of the Philipsburg Borough Zoning Ordinance [Chapter 27].

(Ord. 982, 3/8/1999, §3)

§10-504. Inspection of Premises; Notice to Comply.

1. The police and/or ordinance officer is hereby empowered to inspect private property on which appliances, machinery, equipment and/or various construction materials are stored to determine if there is compliance with the provisions of this Part. If noncompliance with the provisions of this Part constitutes a nuisance or if

any condition, structure or improvement poses a danger to the health, safety or welfare of the public, he shall issue a written notice to be served by registered or certified mail upon the owner of said premises or if the owner's whereabouts or identity be unknown, by posting the notice conspicuously upon the offending premises. [A.O.]

2. Said notice shall specify the condition considered to be a hazard and/or nuisance and shall require the owner to commence to remove or otherwise rectify the condition set forth in the notice within 10 days of mailing or posting of said notice and thereafter to fully comply with the requirements of the notice within a reasonable time.

(Ord. 982, 3/8/1999, §4; as amended by A.O.)

§10-505. Authority to Remedy Noncompliance.

If the owner of property on which appliances, machinery, equipment and/or construction materials are stored does not comply with the notice to abate the nuisance, within the time limit prescribed, the Philipsburg Borough shall have the authority to take measures to correct the conditions and collect the costs of such corrections plus 10% of all costs. The Philipsburg 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.

(Ord. 982, 3/8/1999, §5)

§10-506. Hearing.

1. Any person aggrieved by the decision of the police and/or ordinance officer may request and shall then be granted a hearing before the Borough Council of the Borough of Philipsburg; provided, he files with the Borough Council of the Borough of Philipsburg within 10 days after notice of the police and/or ordinance officer's decision, a written petition requesting such hearing and setting forth a brief statement of the grounds therefor. The hearing shall commence not later than 30 days after the date on which the petition was filed unless postponed for sufficient cause.
2. After such hearing, the Borough Council of the Borough of Philipsburg shall sustain, modify or overrule the action of the police and/or ordinance officer.

(Ord. 982, 3/8/1999, §6; as amended by A.O.)

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§10-507. Penalties.

Any person, firm or corporation who shall violate any provision of this Part 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 a term of imprisonment not to exceed 30 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. 982, 3/8/1999, §7; a amended by A.O.

§10-508. Remedies Not Mutually Exclusive.

The remedies provided herein for the enforcement of this Part 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 of the Borough of Philipsburg.

(Ord. 982, 3/8/1999, §8)