

Chapter 284

STORAGE, OUTDOOR

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[HISTORY: Adopted by the Borough Council of the Borough of East Washington as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Dwelling unit occupancy — See Ch. 166.
Property maintenance — See Ch. 245.

Solid waste — See Ch. 279.
Zoning — See Ch. 340.

ARTICLE I Storage of Refuse

[Adopted 6-16-1980 by Ord. No. 384]

§ 284-1. Definitions.

As used in this article, the following words or phrases shall have the meaning ascribed to them in this section.

ABANDONED — Items sold or to be sold for scrap, being stripped or being used or sold for parts.

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 a river, stream, creek, lake or ocean.

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

GARBAGE, REFUSE AND DEBRIS — In addition to the usual and customary meanings, includes discarded and/or unused building materials.

HOUSEHOLD FURNISHINGS — All items normally found and used in a home.

IMPROPER STORAGE OF GARBAGE, REFUSE AND DEBRIS — In addition to the usual and customary meanings of such words, includes any accumulation or storage of garbage, refuse and debris not in tight metal or plastic containers.

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

PERSON — A natural person, the members of an unincorporated association, all of the partners of a partnership and the officers and board of directors of the corporation.

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

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

§ 284-2. Prohibited.

It shall be unlawful for any person to accumulate or improperly store garbage, refuse, debris or accumulate or store junked, abandoned or discarded vehicles, trailers, boats, appliances or household furnishings on private or public property within the Borough of East Washington.

§ 284-3. Notice.

It shall be unlawful for any person as owner of real property to permit the accumulation or improper storage of garbage, refuse, debris and accumulation or storage of junked, abandoned or discarded vehicles, trailers, boats, appliances or household furnishings to continue or persist more than 48 hours after notice of such accumulation or storage given by the Housing Officer of the Borough, such notice to be by regular and certified mail.

§ 284-4. Violations and penalties. [Amended 9-16-1985 by Ord. No. 404; 11-7-2005 by Ord. No. 481]

Any person, firm or corporation who shall violate any provision of this article shall, upon conviction thereof, be sentenced to pay a fine of not more than \$1,000 and/or to imprisonment for a term not to exceed 90 days.

ARTICLE II
Storage of Vehicles
[Adopted 9-16-1985 by Ord. No. 404]

§ 284-5. Definitions.

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

LESSEE — "Owner" for the purpose of this article 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 street or highways, and including trailers or semitrailers pulled thereby.

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 East Washington.

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 article, the singular shall include the plural; the plural shall include the singular, and the masculine shall include the feminine and the neuter.

§ 284-6. Motor vehicle nuisances prohibited. [Amended 10-20-1986 by Ord. No. 409]

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 headlamps or taillamps 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. Protruding sharp objects from the chassis.
- J. Broken vehicle frame suspended from the ground in an unstable manner.
- K. Leaking or damaged oil pan or gas tank which could cause fire or explosion.
- L. Exposed battery containing acid.
- M. Inoperable locking mechanism for doors or trunk.
- N. Open or damaged floorboards, including trunk and firewall.
- O. Damaged bumpers pulled away from the perimeter of vehicle.
- P. Broken grill with protruding edges.
- Q. Loose or damaged metal trim and clips.
- R. Broken communication equipment antennas.
- S. Suspended on unstable supports.
- T. Such other defects which could threaten the health, safety and welfare of the citizens of the Borough of East Washington.
- U. Any defect which would cause the motor vehicle in question to be ineligible for successful completion of a Pennsylvania safety inspection.
- V. The lack of a current Pennsylvania inspection.
- W. The lack of a current registration.

§ 284-7. Storage of motor vehicle nuisances permitted.

- A. Any person, owner or lessee who has one or more motor vehicle nuisances as defined in § 284-6 above may store such vehicle(s) in the Borough 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 such as may be provided from time to time by resolution of the 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. 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 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 _____ square feet.

- B. Nothing herein shall be construed to permit the storage of motor vehicle nuisances contrary to the provisions of the Borough Zoning Ordinance.¹

§ 284-8. Inspection; notice to comply.

- A. The Enforcement Officer/Inspector is hereby empowered to inspect grounds on which motor vehicles are stored to determine if there is compliance with the provisions of this article. If noncompliance with the provisions of this article constitutes a nuisance, or if any condition, structure or improvement poses a threat to the health, safety or welfare of the public, he/she 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.
- 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 of mailing or posting of said notice and, thereafter, to fully comply with the requirements of the notice within a reasonable time.

§ 284-9. Authority to remedy noncompliance.

If the owner of grounds on which motor vehicles are stored does not comply with the notice to abate the conditions within the time limit prescribed, the Borough shall have the authority to take measures to correct the conditions and collect the cost of such corrections plus 10% of all costs. The Borough of East Washington, 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.

§ 284-10. Hearing.

- A. Any person aggrieved by the decision of the Enforcement Officer/Inspector may request and shall then be granted a hearing before the Borough Council; provided, he/she files with the Borough Council within 10 days after notice of the Enforcement Officer's/Inspector'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.
- B. After such hearing, the Borough Council shall sustain, modify or overrule the action of the Enforcement Officer/Inspector.

§ 284-11. Violations and penalties. [Amended 11-7-2005 by Ord. No. 481]

Any person who shall violate any provision of this article shall, upon conviction thereof, be sentenced to pay a fine not more than \$1,000 and/or to undergo imprisonment for a term not

1. Editor's Note: See Ch. 340, Zoning.

to exceed 90 days. Each day that a violation of this article continues shall constitute a separate offense.

§ 284-12. Remedies not mutually exclusive.

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

**ARTICLE III
Indoor Furniture
[Adopted 8-20-2001 by Ord. No. 469]**

§ 284-13. Outdoor use.

No person shall place, use, keep, store, or maintain any upholstered furniture not manufactured and intended for outdoor use, including chairs and couches, in any yard, alley, porch, portico or in any other outside area. The term "porch" shall include screened porches but exclude enclosed porches. However, it will be a specific defense to any alleged violation of this provision that such furniture was placed in an outside location in order to allow it to be removed as part of a trash or recycling program on a day scheduled for such removal.