

CHAPTER 10
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Part 1

Grass, Weeds and Other Vegetation

§101. Definitions.

The following words, as used in this Part 1, shall have the meanings hereby respectively ascribed thereto:

PERSON — any natural person, partnership, association, firm or corporation.

WEEDS — any Canadian or Russian thistle, chickory, burdock, nettle, poison ivy, sumac, golden rod, wild lettuce, wild mustard, wild parsley, ragweed, milkweed, or any other plant or vegetation whatsoever, not edible or planted for an ornamental or agricultural purpose.

In this Part 1, the singular shall include the plural and the masculine shall include the feminine and the neuter.

(Ord. 311. 11/17/1970, §1)

§102. Cutting and Removal.

Every person owning or occupying any property in the Borough of Mohnton upon which any grass or weeds in excess of six inches in height shall grow shall cut or remove such grass or weeds or cause the same to be cut or removed on or before May 1, June 1, July 1, August 1, September 1 and October 1 of each and every year; provided, however, that grass or grain shall be permitted to grow in excess of six inches for purposes of cutting and harvesting the same for hay or other agricultural purposes, and provided that the same is so cut and harvested. The owner of the premises, in the case of vacant premises or premises occupied by the owner thereof, and the occupant thereof, in the case of premises occupied by other than the owner thereof, shall comply with the requirements of this section. (Ord. 311, 11/17/1970, §2; as amended by Ord. 648, 7/10/2002)

§103. Notice.

The Borough Secretary, upon direction of the Mayor or the Council, shall give notice, by personal service or by United States First Class Mail, to the owner or occupant of any property whereon grass or weeds are growing or remaining in violation of the provisions of §102 of this Part 1, directing and requiring such owner or occupant, as the case may be, to cut or remove all such grass or weeds, so as to conform to the requirements of this Part 1, within five days after the issuance of such notice. Such notice shall be considered to have been given under this Part 1 upon depositing the same in the United States Mail addressed to the last known residence of said owner or occupant. In case any person shall neglect, fail or refuse to comply with such notice within the period of time

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stated therein, the Council may cause such grass or weeds to be removed or cut, and the cost thereof, with an additional penalty of 10% may be collected by the Borough from such person in the manner provided by law. (Ord. 311, 11/17/1970, §4)

§104. Penalties.

Any person who shall fail, neglect or refuse to comply with any of the provisions of this Part 1 shall, upon summary conviction thereof before any District Justice be sentenced to pay a fine of not less than \$25 and no more than \$300 and costs of prosecution, and, in default of such payment of fine and costs, to imprisonment in the County Jail for not more than 90 days. (Ord. 311, 11/17/1970, §4; as amended by Ord. 478, 8/10/1988)

Part 2

Storage of Motor Vehicles

§201. Definitions.

As used in this Part 2, 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 2 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 threat or potential threat to the health, safety or welfare of the citizens of the Borough of Mohnton.

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.

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

(Ord. 459, 1/8/1985, §1)

§202. Motor Vehicle Nuisances Prohibited.

It shall be unlawful for any person, owner or lessee to maintain a motor vehicle nuisance upon the open or private grounds of such person, owner or lessee within the Borough of Mohnton. A motor vehicle nuisance shall include any motor vehicle which is unable to move under its power and has any of the following defects:

1. Broken windshields, mirrors or other glass with sharp edges.
2. One or more flat or open tires or tubes which could permit vermin harborage.
3. Missing doors, windows, hood, trunk or other body parts which could permit animal harborage.
4. Any body parts with sharp edges including holes resulting from rust.

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5. Missing tires resulting in unsafe suspension of the motor vehicle.
6. Upholstery which is torn or open which could permit animal and or vermin harborage.
7. Broken headlamps or taillamps with sharp edges.
8. Disassembled chassis parts apart from the motor vehicle stored in a disorderly fashion or loose in or on the vehicle.
9. Protruding sharp objects from the chassis.
10. Broken vehicle frame suspended from the ground in an unstable manner.
11. Leaking or damaged oil pan or gas tank which could cause fire or explosion.
12. Exposed battery containing acid.
13. Inoperable locking mechanism for doors or trunk.
14. Open or damaged floorboards including trunk and firewall.
15. Damaged bumpers pulled away from the perimeter of vehicle.
16. Broken grill with protruding edges.
17. Loose or damaged metal trim and clips.
18. Broken communication equipment antennae suspended on unstable supports.
19. Such other defects which could threaten the health, safety and welfare of the citizens of the Borough of Mohnton.
20. Suspended or unstable supports.

(Ord. 459, 1/8/1985, §2; as amended by Ord. 478, 8/10/1988)

§203. Storage of Motor Vehicle Nuisances Permitted.

Any person, owner or lessee who has one or more motor vehicle nuisances as defined in §202 may store such vehicle(s) in the Borough of Mohnton 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 of Mohnton such as may be provided from time to time by resolution of the Borough of Mohnton. The motor vehicle nuisance(s) must be stored within a garage or other enclosed building or, outside within an opaque fence at least six feet high, which is locked

at all times when unattended. With the special approval of the Borough of Mohnton, 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 120 feet.

Nothing herein shall be construed to permit the storage of motor vehicle nuisances contrary to the provisions of the Borough of Mohnton Zoning Chapter (Chapter 27).

(Ord. 459, 1/8/1985, §3)

§204. Inspection; Notice to Comply.

1. 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 Part 2. If noncompliance with the provisions of this Part 2 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 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.
2. 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.

(Ord. 459, 1/8/1985, §4)

§205. 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 of Mohnton 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 Mohnton, 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. 459, 1/8/1985, §5)

§206. Hearing.

Any person aggrieved by the decision of the Enforcement Officer/Inspector may request and shall then be granted a hearing before Borough Council; provided he files with 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 therefore. The hearing shall commence not later than 30 days. Each day that a violation of this Part 2 continues shall constitute a separate offense. (Ord. 459, 1/8/1985, §6)

§207. Penalties.

Any person who shall violate any provision of this Part 2 shall, upon conviction thereof, be sentenced to pay a fine of not more than \$300 and/or to undergo imprisonment for a term not to exceed 90 days. Each day that a violation of this Part 2 continues shall constitute a separate offense. (Ord. 459, 1/8/1985, §7)

§208. Remedies Not Mutually Exclusive.

The remedies provided herein for the enforcement of this Part 2 or any remedy provided by law, shall not be deemed mutually exclusive; rather they may be employed simultaneously or consecutively at the option of Borough Council. (Ord. 459, 1/8/1985, §8)

Part 3

Grass Accumulation on Public Streets

§301. Definitions.

For the purposes of this Part, the following words shall have the meaning ascribed to them in this Section, unless the context clearly indicates otherwise.

BOROUGH — Borough of Mohnton, Berks County, Pennsylvania.

GRASS — all grass, weeds, clover, plant life or vegetation whatsoever.

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

(Ord. 500, 7/11/1990, §1)

§302. Unlawful for Grass to Accumulate on Streets.

It shall be unlawful for any person, firm or corporation or any agent thereof to place, throw, accumulate or discharge, or cause to be placed, thrown, accumulated or discharged upon any street, alley, highway, storm sewer or stream located in the Borough of Mohnton grass as defined in §301. (Ord. 500, 7/11/1990, §2)

§303. Penalty.

Any person, firm or corporation who shall violate any provision of this Chapter shall, upon conviction thereof, be sentenced to pay a fine of not more than \$300 and costs, or shall be imprisoned for not more than one day for each \$10 of the unpaid balance of such fine and costs. (Ord. 500, 7/11/1990, §3)

Part 4

Abandoned or Junked Vehicles

§401. Definitions.

For the purpose of this Part, the terms used herein are defined as follows:

ABANDONED OR JUNKED AUTOMOBILE, TRUCK OR VEHICLE — any one or more vehicles found to be on public or private property not within a completely enclosed structure, building or appropriate covering which can be easily secured from the potential health and safety hazards and which is found to be any one of the following:

- A. A vehicle for which a certificate of junk has been issued by the Pennsylvania Secretary of Revenue or the official designated by any other state to issue such certificates.
- B. Any vehicle, provided that such vehicle is not registered and certified by the Police Department as a repairable vehicle, in or on which it is found that any of the following conditions exist:
 - 1. Its engine or motor or any other essential parts are inoperable or have been removed for more than 30 days.
 - 2. Its tires or any tire have been deflated or its wheel or wheels have been removed for more than 30 days.

ANTIQUE MOTOR VEHICLE — a motor vehicle, but not a reproduction thereof, manufactured more than 25 years prior to the current year, which has been maintained in or restored to a condition which is substantially in conformance with manufacturer specifications.

APPROPRIATE COVERING — a commercially designed material to be used specifically for the purpose of covering a motor vehicle.

CLASSIC MOTOR VEHICLE — a self-propelled vehicle, but not a reproduction thereof, manufactured more than 15 years prior to the current year and, because of discontinued production and limited availability, determined by the Pennsylvania Department of Transportation to be a model or make of significant value to collectors or exhibitors and which has been maintained in or restored to a condition which is substantially in conformity with manufacturer specifications and appearance.

REPAIRABLE VEHICLE — any vehicle in or on which is found any of the conditions specified under the definition of an "abandoned or junked vehicle" and which has been registered with the Borough of Mohnton as a vehicle that will be re-

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paired and properly titled within 120 days' time from the date proof of intention to repair vehicle is offered.

SALVOR — a person engaged in the business of acquiring abandoned vehicles for the purpose of taking apart, junking, selling, rebuilding or exchanging the vehicles or parts thereof.

(Ord. 701, 7/13/2005, §1)

§402. Prohibited Acts.

The practice of storing or depositing any abandoned or junked automobiles, vehicles, machinery or discarded equipment of any kind, or parts thereof, in or on any public or private property, vacant or occupied, within the Borough of Mohnton shall be deemed to be and constitute a nuisance and is hereby prohibited. (Ord. 701, 7/13/2005, §2)

§403. Registration of Repairable Vehicles.

1. For any abandoned or junk vehicle on private property to be considered a repairable vehicle, an application must be made by the owner of the vehicle to the Borough of Mohnton, accompanied by a registration fee of \$15. Upon registration, the owner shall have 30 days to offer proof that he intends to purchase parts to repair the vehicle. Upon proof of such intention, the owner shall have 120 days to have the vehicle properly inspected, licensed and in operating condition within the allotted time. Upon application, provided that the applicant does not already have a repairable vehicle registered within the Borough, the Police Department shall certify that the vehicle may be registered as a repairable vehicle.
2. Any individual or individuals that have registered a repairable vehicle within the Borough of Mohnton may, with a fee of \$1 and written proof of a requisition for necessary parts yet to be delivered, renew his application for an additional 120 days if, and only if, the vehicle in question can be classified as an antique or classic motor vehicle.
3. Enforcement of this section shall be by the Police Department of the Borough of Mohnton.

(Ord. 701, 7/13/2005, §3)

§404. Notice of Violation.

Whenever it is found that any person is maintaining a nuisance as defined in this Part, any officer or employee of the Borough or any policeman of the Borough may serve no-

tice thereof requiring that the condition be made safe, corrected or removed, by certified mail or by personally delivering the same to the offender. (Ord. 701, 7/13/2005, §4)

§405. Use of State Bonded Salvors.

State bonded salvors may be used in the removal of vehicles from private property upon police request and signed permission of the owner. (Ord. 701, 7/13/2005, §5)

§406. Abatement by Borough.

Should any person cause or permit the continuance of a nuisance after 20 days from the date of mailing of the notice to abate or fail to correct the condition complained of, the Borough may, upon resolution of the Borough Council that said nuisance creates a health or safety hazard, cause the removal or abatement of the nuisance or the correction of the condition complained of by such means as appear to it necessary. (Ord. 701, 7/13/2005, §6)

§407. Recovery of Costs.

In the event that the Borough shall have expended moneys to abate or correct a nuisance under the terms of this Part, it shall recover the cost thereof, a penalty of 5% and an attorney's fee of 5% by municipal claim proceedings under the Act of May 16, 1923, P.L. 207, as amended; by summary proceedings, under the Act of May 1, 1933, P.L. 103, Article VII, Section 702, Clause XII, as amended; by an action of assumpsit in the Court of Common Pleas of any county where jurisdiction may be obtained under the Act of May 1, 1933, P.L. 103, Article XXI, Section 2106, as amended; or by such other remedies as may be provided by law, at the election of the Borough. (Ord. 701, 7/13/2005, §7)

§408. Violations and Penalties.

Any person who shall violate any provision of this Part shall pay a fine and penalty in the amount of \$100, which fine and penalty may be collected by suit or summary proceeding before a District Justice. Each day's violation of a provision of this Part shall constitute a separate offense. Upon judgment against any person by summary conviction, or by proceedings by summons on default of the payment of the fine or penalty imposed and the costs, the person violating the Part may be sentenced and committed to the county jail or workhouse for a period not exceeding 30 days. (Ord. 701, 7/13/2005, §2)