

ORDINANCE NUMBER 2003-02

AN ORDINANCE PROHIBITING ACCUMULATION OF GARBAGE AND RUBBISH ON PUBLIC OR PRIVATE GROUNDS; PROHIBITING DANGEROUS OR UNSANITARY STRUCTURES ON PUBLIC OR PRIVATE GROUNDS; PROHIBITING GRASS OR WEEDS OR ANY VEGETATION WHATSOEVER NOT EDIBLE OR ORNAMENTAL WHICH IS NOXIOUS ON PUBLIC OR PRIVATE GROUNDS; PROHIBITING THE EXISTENCE OF OPEN WELLS ON PUBLIC OR PRIVATE GROUNDS; PROHIBITING THE EXISTENCE OF UNSIGHTLY JUNK INCLUDING OLD CARS; REQUIRING THE REMOVAL OF ANY SUCH NUISANCE OR DANGEROUS OR UNSANITARY STRUCTURE OR JUNK CARS BY THE OWNER OR OCCUPIER OF SUCH GROUNDS; PROVIDING FOR PERMITTED STORAGE UNDER ROOF OR COVER OR WITHIN A FENCE; PROVIDING FOR A 30 DAY NOTICE OF VIOLATION AND IN DEFAULT THEREOF PROVIDING FOR PENALTIES AFTER CONVICTION.

BE IT ORDAINED AND ENACTED BY THE CITY COUNCIL OF THE CITY OF PARKER, and it is hereby ordained and enacted by the authority of the same;

A violation of this section is hereby declared to be a nuisance and detrimental to the health, safety, cleanliness and comfort of the inhabitants of the City.

Section 1. Definitions. For purpose of the Ordinance the following definitions shall be applicable.

- a. Junked motor vehicle means a motor vehicle or trailer which is partially dismantled, unused, unusable or wrecked and which cannot safely or legally be operated on the streets or highways of this City or Commonwealth. Currently licensed, registered and inspected vehicles shall not be included within this definition.
- b. Motor vehicle means any self-propelled land vehicle which can be used for towing or transporting people or materials, including but not limited to,

automobiles, trucks, buses, motor homes, motorized campers, motorcycles, motor scooters, tractors, snowmobiles, dune buggies and other off-the-road vehicles.

- c. Motor vehicle accessories means any part or parts of any motor vehicle.
- d. Person includes any natural person, firm, partnerships, association, corporation, or other legal entity of whatever kind.
- e. Private property means any real property not owned by the federal government, state, county, school district or other political subdivisions.
- f. Removal means the physical location of relocation of a motor vehicle to an authorized location.
- g. Trailer means any wheeled device used as a means of carrying, hauling or conveying any vehicle, person, animal, boat or other object.
- h. Unsheltered storage means any storage except storage inside a building or in an area completely surrounded by a solid fence of a height not less than the height of the motor vehicle or trailer being sheltered.

SECTION 2. No person owning or occupying any property within the City of Parker shall permit the existence of any dangerous or unsanitary structure on said property or any public or private property within the City.

A violation of this section is hereby declared to be a nuisance and detrimental to the health, safety, cleanliness and comfort of the inhabitants of the City.

SECTION 3. No person owning or occupying any property within the City of Parker shall permit any grass or weeds or any vegetation whatsoever, not edible or planted for some useful or ornamental purpose, to grow or remain upon such premises so as to exceed a height of 6 inches; or to throw off any unpleasant or noxious odor, or to conceal any filthy deposit.

Any grass, weeds, or other vegetation growing upon any premises in the City of Parker in violation of this section, is hereby declared to be a nuisance and detrimental to the health, safety, cleanliness and comfort of the inhabitants of the City.

SECTION 4. No person owning or occupying any property within the City of Parker shall permit any well or any other deep or dangerous hole to exist upon said premises without carefully having plugged or covered same.

A violation of this section is hereby declared to be a nuisance and detrimental to the health, safety, cleanliness and comfort of the inhabitants of the City.

SECTION 5. No person owning or occupying any property within the City of Parker shall permit the existence of any unsightly, obnoxious or dangerous junk, said word meaning any discarded metal or article such as is ordinarily disposed of as rubbish or refuse, and shall include and not be limited to scrap metal and junked motor vehicles.

A violation of this section is hereby declared to be a nuisance and detrimental to the health, safety, cleanliness and comfort of the inhabitants of the City.

SECTION 6. Prohibited Storage. It shall be unlawful for any person owning or having custody of any junked motor vehicle or motor vehicle accessories which creates a hazard or threat or potential threat to the health, safety or welfare of the City's citizens to store or permit any such vehicle or accessories to remain in unsheltered storage on any private property or public street or highway within the City for a period of more than thirty (30) days after the expiration of the thirty-day period following receipt of a notice requiring such removal, and it shall be further unlawful for any person owning any private property in the City or leasing any such property for more than a like period.

It shall further be unlawful for any person, after notification to remove any junked motor vehicle or motor vehicle accessories constituting a public nuisance hereunder from any private property has been given, to move the same to any other private property upon which storage is not permitted or onto any public highway or other public property for purposes of storage.

SECTION 7. Permitted storage. The prohibitions of Section 6 hereof shall not apply to a limit of one (1) junked motor vehicle or motor vehicle accessories stored within an enclosed building or in an area completely surrounded by a solid fence of a height not less than the height of the motor vehicle or motor vehicle accessories being stored, or underneath a custom fit car cover, and the prohibitions of Section 6 hereof shall not apply to the premises of a business enterprise otherwise operated in a lawful place and manner when necessary to the operation of such business enterprise, in a storage place or depository maintained in a lawful place and manner, or seasonal use vehicle such as snowmobiles, motorcycles, motor scooters and non-motorized campers. Such business enterprises shall include auto repair and auto body shops but shall not include tire, battery and accessory sales stores, and the provisions hereof extending to permitted storage shall not extend to the storage at such business enterprises of more than five (5) junked vehicles or trailers at any one time.

The prohibition of Section 6 hereof shall likewise not be applicable to salvors holding a current certificate of authorization issued by the Department of Transportation of the Commonwealth of Pennsylvania, provided, however, that such salvor is otherwise operating in a lawful place and manner.

SECTION 8. Investigation of premises. The mayor, building inspector, code enforcement officer and/or police officer on routine inspection upon receipt of a complaint, may enter upon private property to investigate a suspected junked motor vehicle or motor vehicle accessories stored and maintained in violation of this Ordinance and record the make, model, style and identification numbers and its situation and condition.

SECTION 9. Notice of removal. Whenever the mayor, building inspector, code enforcement officer and/or police officer or any member of his department finds or is notified of

any violation hereof the mayor, building inspector, code enforcement officer and/or police officer shall send by certified or registered mail a notice to the record owner or tenant of the real estate, and also to the owner of the real property, as shown on the tax assessment records of the City, upon which the same is located, to remove the violation within thirty (30) days. Such notice shall contain the following additional information:

- A. Nature of complaint,
- B. Description and location of the violation,
- C. Statement that the violation shall be remedied or removed from the premises no later than thirty (30) days from the date of notification;
- D. Statement that removal from the location specified in the notification to another location upon which such storage is not permitted is prohibited and shall subject the person to additional penalties;
- E. Statement that if remedy or removal is made within the time limits specified, notification thereof shall be given in writing to the mayor, building inspector, code enforcement officer and/or police officer and;
- F. Statement of the penalties provided for noncompliance with such notice.


SECTION 10. Penalties for Violation. Any person violating any of the provisions of this Ordinance shall, upon conviction, be guilty of a summary offense and shall be sentenced to pay fine of not more than Three Hundred (\$300.00) Dollars and/or to be committed to the county jail for a period not exceeding ninety (90) days, plus costs of prosecution, and each day that a violation is committed shall constitute a separate offense.

SECTION 11. Repealer. All ordinances or parts or provisions of such ordinances, which are in conflict with the provisions hereof, shall be and the same are hereby expressly repealed.

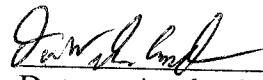
SECTION 12. Effective date. The Ordinance shall become effective upon its enactment.

ENACTED AND ORDAINED this 14th day of July, 2003

Attest:



Carol Bowser, City Clerk



Dwayne Amsler, Mayor