

**EAST PROSPECT BOROUGH
YORK COUNTY, PENNSYLVANIA**

ORDINANCE NO.: 2019-2

**AN ORDINANCE OF EAST PROSPECT BOROUGH, YORK
COUNTY, PENNSYLVANIA, REGULATING AND
PROHIBITING CERTAIN NUISANCES, SETTING FORTH
NOTICE AND ENFORCEMENT PROCEDURES AND
ADOPTING PENALTIES FOR VIOLATION OF SUCH
ORDINANCE.**

WHEREAS, Section 1202(4) of the Pennsylvania Borough Code, as amended, authorizes and empowers a Borough Council to adopt an ordinance to prohibit and remove any nuisance on public or private grounds, including, but not limited to, accumulations of garbage and rubbish, the storage of abandoned or junked automobiles, on public and private property; and

WHEREAS, Section 1202(5) of the Pennsylvania Borough Code, as amended, authorizes and empowers a Borough Council to make regulations as may be necessary for the health, safety morals, general welfare and cleanliness and beauty, convenience, comfort and safety of the Borough; and

WHEREAS, the Borough Council of East Prospect Borough, York County, desires to adopt an ordinance regulating and prohibiting certain nuisances, set forth below, which ordinance the Borough Council finds to be in the interest of the health, safety morals, general welfare and cleanliness and beauty, convenience, comfort and safety of the East Prospect Borough and its residents.

NOW, THEREFORE, it is hereby enacted and ordained by the Borough Council of East Prospect Borough, York County, Pennsylvania, and by and through the authority of the same, as follows:

SECTION 1.

Short Title. This Ordinance shall be known as and cited to as the “East Prospect Borough Nuisance Ordinance.”

SECTION 2.

Prohibited Acts. No person, firm, corporation or business entity shall do any act or omit to perform a duty or permit a condition or thing to exist, which act, omission, condition or thing is defined below as a nuisance.

SECTION 3.

Acts Declared Nuisances. The following acts, omissions, places, conditions and things are hereby defined and declared to be nuisances, which include the erecting, maintaining, using, placing, depositing, leaving or permitting to be or remain in or upon any private lot, building, structure or premises, or in or upon any street, avenue, alley, parkway or other private or public place in the Borough, or any one (1) or more of the following disordered, disturbing, unsanitary, fly-producing, rat harboring, disease-causing places, conditions or things:

- A. Any putrid, unsound or unwholesome bones, meat, hides, skins of the whole or any part of dead animal, fish or fowl.
- B. Vaults, cesspools, dumps, pits of like places which are not securely protected from flies or rats, or which are foul or malodorous.
- C. Filthy, littered or trash-covered house yards, factory yards, vacant areas in the rear of stores, vacant lots, houses, buildings, or premises.
- D. Stagnant water in swimming pools or on swimming pool covers in which mosquitoes, flies, or insects multiply; provided, however, that this condition shall not include ponds, lakes or other naturally existing body of water.
- E. Weeds or plants which provide rodent harborage, or weeds or plants which are poisonous or noxious growing in yards, vacant lots or along public streets in the Borough, which may pollute the neighborhood or constitute a danger to health.
- F. Tin cans, bottles, glass, cans, ashes, small pieces of scrap iron, wire metal articles, vehicle parts, bric-a-brac, broken stone or trash or abandoned material unless the same is kept in covered bins or receptacles approved by the Borough.
- G. Any and all places where abandoned, unlicensed or unregistered vehicles are stored (exclusive of an approved junkyard or repair facility) where one or more of the following conditions exist:
 - 1. The presence of weeds or other plant growth surrounding the vehicle;
 - 2. Evidence that the vehicle has not been in a working condition for a period in excess of three (3) months;
 - 3. Visible damage or neglect including, but not limited to flat or missing tires, excessive rust or corrosion, broken windows or mirrors, torn or missing cushions, upholstery or seats, jogged or damaged metal, or unrepaired accident damage; or

4. Leaking fluids, such as gasoline, oil, brake fluid, coolants or other liquids.

- H. Trash, litter, upholstered furniture, rags, accumulation of empty barrels, boxes, carts, packing crates, mattresses, bedding, excelsior, packing hay, straw or other packing material, lumber not neatly piled, scrap iron, tin or other metal not neatly piled or anything in which flies or rats may breed or multiply or which may be a fire danger, unused and discarded household goods and appliances.
- I. All refrigerators and freezers that are non-working, or not used for storage of food, feed or other agricultural supplies shall have all doors removed while placed outside for any purpose in order to prevent access to any individual, wherein possible physical harm or injury or death may result.

SECTION 4.

Notice; Action; Cost. Any East Prospect Borough Council member, or any officer, employee or agent thereof including, but not limited to, the Zoning or Codes Enforcement Officer, is hereby authorized to notify any owner, manager or occupant of any said property, personally or by United States regular mail or by posting such notice upon the premises, to remove or eliminate any nuisance on said person's property within ten (10) calendar days of the date of the notice. Upon the failure of such owner, manager or occupant to comply with the Borough's orders within such period of time, any authorized member, officer or agent of the Borough, including the Borough Zoning or Codes Enforcement Officer shall refer the matter to the Borough Council for further action, which may include an extension of time to comply with such notice or the enforcement of this Ordinance. Further, the Zoning or Codes Enforcement Officer, or any officer, employee or agent of the Borough may be authorized and directed by the Borough Council, at its option, to enter upon such premises and remove and eliminate the nuisance contained thereon or to file a citation with the magisterial district judge as provided for herein. The cost of such entry, removal or elimination, of the nuisance, together with an administrative fee of ten (10%) percent of the amount thereof, shall be paid of such owner, manager or occupant within ten (10) days from the date of notification of the cost and administrative fee. In the event the owner or occupier refuses to pay the cost and penalty, the same shall be filed and entered as a lien, which shall accrue interest as permitted by law, against said premises and shall be collected in the manner provided by law for the collection of municipal liens.

SECTION 5.

Penalties. Any person violating or permitting the violation of any of the terms or provisions of this Ordinance shall be subject to a summary criminal proceeding before the Magisterial District Judge pursuant to the Pennsylvania Rules of Criminal Procedure, as may be amended from time to time. Upon finding of a violation hereunder, a fine in a sum not less than Two Hundred Fifty (\$250.00) Dollars and not exceeding One Thousand (\$1,000.00) Dollars, plus the costs of prosecution, including court costs and reasonable attorney fees incurred by the Borough to prosecute the violation, shall be imposed. In the event such fine, fees and costs remain unpaid, such person may be subject to imprisonment in the York County Jail for a period of up to thirty

(30) days. Each day a violation continues to exist shall constitute a separate offense under this Chapter. This remedy is cumulative with any and all other remedies set forth in this Ordinance

SECTION 6.

This Ordinance shall become effective as provided by law.

ENACTED AND ORDAINED by the Borough Council of East Prospect Borough, York County, Pennsylvania, this 9th day of September 2019.

Attest:

EAST PROSPECT BOROUGH COUNCIL

Mindy K Barshinger
Mindy Barshinger, Borough Secretary

BY: Donald E. Barshinger
Donald E. Barshinger, President

(SEAL)

APPROVED this 9th day of September, 2019.

Matthew Mann
Matthew Mann, Mayor