

ORDINANCE NO. 2023-05

JUNK, REFUSE AND GARBAGE

AN ORDINANCE OF THE BOROUGH OF GREENSBORO, GREENE COUNTY, PENNSYLVANIA, REGULATING AND PROHIBITING THE ACCUMULATION OF JUNK, REFUSE AND GARBAGE WITHIN SAID BOROUGH AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF

WHEREAS, it is deemed necessary for the safety and welfare of the citizens of the Borough of Greensboro, Greene County, Pennsylvania to enact this Ordinance.

NOW THEREFORE, pursuant to the specific powers granted by the Borough Code, 8 Pa. C.S.A. § 1202, the Borough Council of Greensboro Borough, Greene County, Pennsylvania, (hereafter "Borough") does hereby enact and ordain the following:

SECTION 1: Definitions

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Abandoned vehicle means a motor vehicle which is not currently inspected, or is not currently licensed, or is not capable of passing a commonwealth inspection and which vehicle has not been moved for a period of not less than 48 hours.

Appliances means any stove, refrigerator, television, furnace, water heater, water softener, washer, dryer, wringer 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.

Automotive parts mean any portion or parts of any motor vehicle as detached from the vehicle as a whole.

Duly Authorized Law Enforcement Officer shall mean any police officer who is a member of a municipal police force which has entered into an intergovernmental cooperation agreement with the Borough for the enforcement of Borough Ordinances.

Furnishings means all items normally found and used in a home or office.

Garbage means all refuse and waste of animals, fish, fowl, fruit and vegetation matter, and any other material which is liquefied or otherwise, which accumulates in the use and preparation of food for the table, that has been discarded and abandoned and is no longer of value to the owner for ordinary purposes of domestic consumption and also includes all refuse arising from dealing in or storing of such substance.

Junk means any discarded material or article and includes, but is not limited to, metal pieces, machinery, equipment, rags, glass, containers, wood, plastic, appliances, furnishings, lumber, and structures.

Licensed means motor vehicle dealerships and motor vehicle repair shops that have been duly issued all applicable licenses that may apply.

Motor vehicles in an inoperative condition means:

1. Any motor vehicle used or useful for the conveyance of persons or property which is unable to move under its own power due to defective or missing parts, and which has remained in that condition for a period of not less than ten (10) consecutive days.

Motor vehicles unfit for further use means any style or type of motor vehicle used for the conveyance of persons or property, which is in a dangerous condition, has defective or missing parts or is in such a condition generally as to be unfit for further use as a conveyance.

Person shall mean a natural person, firm, partnership, association, corporation, or other legal entity.

Refuse means such matter as is either in fact noxious or has been refused and abandoned by its owner as worthless.

Rubbish means any wire, chips, shavings, bottles, broken glass, crockery, tin, cast or wooden ware, boxes, plastics, rags, dead weeds, papers, clothing, footwear, ashes, or any waste material other than garbage or refuse.

Scrap metal means pieces or parts of steel, iron, tin, zinc, copper, aluminum, or any alloy thereof, whether covered with porcelain or any other material, whether intact or in parts, which has served its usefulness in its original form and can no longer be used for its originally intended purpose.

Used building material means any materials such as wood, stone, brick, cement block, or any composition thereof used or useful in the erection of any building or structure, which have been used previously for such erection or construction, by the same person or by any other person.

SECTION 2: Storing Certain Material Declared a Nuisance and Prohibited

1. It is hereby declared a nuisance and no person shall store, place, or allow to remain any junk, garbage, refuse, rubbish, used building materials, appliances, furnishings, scrap metal, automotive parts or motor vehicles unfit for further use on any lot or parcel of land, within the corporate limits of the borough except as provided herein.

2. Any abandoned vehicle or motor vehicle in an operative condition may be stored in a completely enclosed structure so designed that the vehicle within the structure cannot be seen from the outside.

SECTION 3: Notice; Compliance Required Within Five Days

- A. In the event of a violation of Section 2 of this Ordinance, the Mayor, Borough Code Enforcement Officer or any duly authorized law enforcement officer shall give notice to cease such violation to the owner of the property or occupant thereof on which the junk, garbage, refuse, rubbish, used building materials, appliances, furnishings, scrap metal, automotive parts, abandoned vehicles, motor vehicles in an inoperative condition or motor vehicles unfit for further use is situated. If the property is occupied by a person or entity other than the property owner, notice shall be provided to both the owner and the occupant. The notice shall be in writing and shall be served upon the owner of the property either personally or by certified mail, return receipt requested, via the United States Postal Service.
 1. In the event there is no occupant, or the property owner cannot be personally located within the Borough, then notice shall be served 1) by certified mail, return receipt requested, via the United States Postal Service to the property owner at the address noted in the records of the Greene County Tax Assessment Office as the address to which real estate taxes are to be directed and 2) by posting the property with the individual empowered herein and photographing the posting evidencing the placement of such notice.
- B. If the person served with the notice fails to cause the violation to cease within five (5) days of the date upon which the notice was issued, said person shall be subject to the penalty provided in Section 6 of this Ordinance, and a separate offense shall be deemed committed upon each day during or on which the violation occurs or continues beyond such five-day period and no additional notice of violation is required to be given.
- C. In case any owner or occupant shall neglect, fail or refuse to comply with such notice, within the period of time stated herein, the borough authorities may remove any junk, garbage, refuse, rubbish, used building materials, appliances, furnishings, scrap metal, automotive parts or motor vehicles unfit for further use on any lot or parcel of land, within the corporate limits of the borough and the cost thereof, together with any additional penalty authorized by the law, may be collected by the borough, from such person, firm or corporation, in the manner provided by law.
 1. An invoice will be served upon the property owner or occupant, or in the case the occupant is not the owner, then upon both owner and occupant. Said invoice will reflect the cost borne by the Borough in conducting the necessary removal of said nuisance together with a penalty of ten (10%) percent of the total cost. Payment shall be made payable to the Borough of Greensboro and tendered by mail via the United States Postal Service to: Borough of Greensboro, P.O. Box 153, Greensboro, PA 15338-0153.

2. Should the property owner or occupant fail to make full payment upon the invoice within thirty (30) days of the issuance thereof, the Borough may enforce collection of said sums through any manner afforded by law, including but not limited to, the filing of a municipal claim, an action of assumpsit or seeking relief by bill in equity.

SECTION 4: Building Material For Personal Use Permitted With Limitation

Notwithstanding the provisions of Section 3 of this Ordinance, a person may purchase used building materials and place or store them on any lot or parcel of land, when such materials are to be used by the purchaser or owner in later construction on the same lot or any lot owned or controlled by him. However, such materials shall not remain on the lot or parcel of land for a period of more than thirty (30) days unless the construction or erection planned for the use of the materials has commenced, and the materials are used or consumed in the construction or removed from the premises within a period of four (4) months from the time the materials are first placed on the lot, or parcel of land. No person shall move any materials so stored or placed to another location within the borough for the purpose of avoiding the intent of this section, except that any such materials may be moved to another lot or parcel of land when they have been sold to a bona fide purchaser for value for such purchaser's own use contingent upon said purchaser's subsequent compliance with this Section.

SECTION 5: Limited Exemption for Licensed Motor Vehicle Dealers and Licensed Motor Vehicle Repair Shops

Licensed motor vehicle dealers and licensed motor vehicle repair shops are exempt from the provisions herein as they apply to abandoned vehicles and motor vehicles in an inoperative condition. However, such motor vehicles shall not remain on the lot or parcel of land of the dealership or repair shop for more than sixty (60) days unless repairs or service has commenced.

SECTION 6: Penalty

Any person, firm, or corporation who or which shall violate or fail, neglect, or refuse to comply with any provision of this Ordinance shall be subject to the following regarding penalties.

- A. In this section, the term "violation of this Ordinance" means:
 1. Doing an act that is prohibited, made, or declared to be an unlawful act, an offense, or a violation of this Ordinance by rule or regulation; or
 2. Failure to perform an act that is required to be performed by rule or regulation authorized by this Ordinance; or
 3. Failure to perform an act if the failure is prohibited or declared a violation of this Ordinance, an offense, or an unlawful omission by rule or regulation authorized by this Ordinance.

- B. The term “violation of this Ordinance” does not include the failure of a borough officer or borough employee to perform an official duty, unless it is provided that failure to perform the duty is to be punished as provided in this section or it is clear from the context of this Ordinance that it is the intent of the borough to impose the penalty provided for in this section upon the borough officer or borough employee.
- C. Except as otherwise provided, a person convicted of a violation of this Ordinance shall be punished as follows:
 - 1. If the violation is not a criminal violation, by a civil penalty of \$600.00 per violation.
 - 2. If the violation is criminal, by a fine of \$1,000.00 per violation.

Unless stated otherwise, violations of this Ordinance (including provisions regulating building, housing, property maintenance, health, fire, public safety, parking, solicitation, curfew, water or air or noise pollution) are criminal violations.

- D. Except as otherwise provided:
 - 1. With respect to violations that are continuous with respect to time, each day that the violation continues is a separate offense.
 - 2. As to other violations, each act is a separate offense.
- E. Violations of this Ordinance that are continuous with respect to time are a public nuisance and may be abated by injunctive or other equitable relief and by such means as are provided by law.
- F. The imposition of a penalty does not prohibit equitable relief.
- G. The imposition of a penalty does not prohibit revocation of a license, permit, or franchise or the imposition of other administrative sanctions.
- H. Any violation of this Ordinance that also violates any state law or federal law shall be prosecuted under the state law or federal law and not under this Ordinance.

SECTION 7: Enforcement

The Mayor, Borough Code Enforcement Officer or any duly authorized law enforcement officer shall be empowered to enforce the provisions and issue citations for any violation of this Ordinance.

SECTION 8: Repealer

All prior Ordinances, or parts thereof, enacted by the Borough Council of Greensboro Borough which conflict with this Ordinance are hereby repealed.

SECTION 9: Savings Clause

If any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this ordinance, It is hereby declared as the intent of the Borough Council that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, sections or part thereof not have been included herein.

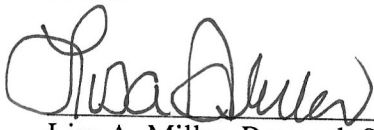
SECTION 10: Effective Date

This Ordinance shall become effective immediately after its adoption and enactment.


Adopted and enacted this 5th day of September, 2023, at a meeting of the Council of the Borough of Greensboro.

Attest:

Borough of Greensboro:

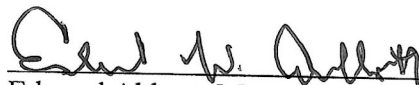


Lisa A. Miller, Borough Secretary



Donna J. Neino, President of Council

Examined and Approved this 5th day of September, 2023.



Edward Abbott, Mayor



Christopher Michael Simms, Esquire