

ORDINANCE NO
2022-2

AN ORDINANCE OF THE BOROUGH OF NEW BERLIN,
UNION COUNTY, PENNSYLVANIA, DEFINING AND
PROHIBITING THE ACCUMULATION OR STORAGE OF
JUNKED, ABANDONED OR DISCARDED VEHICLES,
TRAILERS, BOATS , APPLIANCES OR HOUSEHOLD
FURNISHINGS OR PARTS THEREOF IN THE OPEN ON
PRIVATE PROPERTY AND PROVIDING FOR EXCEPTIONS
BY PERMIT; AUTHORIZING INSPECTIONS OF PREMISES,
NOTICES, REQUIRING THE REMOVAL, REPAIR, OR
ALTERATION OF THE CONDITIONS CONSTITUTING A
NUISANCE OR DANGER TO THE CITIZENS; AND
PRESCRIBING PENALTIES AND REMEDIES FOR
VIOLATION.

WHEREAS, the accumulation or storage of junked, abandoned or discarded vehicles, trailers, boats, appliances and household furnishings or parts thereof, creates a hazard and danger to the health and welfare of the citizens of the Borough of New Berlin;

WHEREAS, the accumulation or storage of junked, abandoned and discarded vehicles, trailers, boats, appliances or household furnishings or parts thereof creates an attractive nuisance for children who are not aware of the danger involved therein;

WHEREAS, the accumulation or storage of junked, abandoned or discarded vehicles, trailers, boats, appliances or household furnishings or parts thereof violates the concepts of ecological and environmental principles.

THEREFORE, the Borough of New Berlin ordains as follows:
Section 1. Definitions: As used in this ordinance, the following words and terms shall have the meanings ascribed to them in this section.

a. **Abandoned:** Any item resting for 96 hours or more and which is inoperable, without current registration plates, certificate, or inspection, or in such a condition as to be unusable.

b.

c. **Appliance:** A stove, refrigerator, television, furnace, water heater, water softener, washer, dryer or mangle, or any household article normally used to ease, speed or eliminate work in a household, or any article used in business to increase production or to speed, ease or eliminate work.

d. **Boat:** Any vessel capable of transporting a person or goods on any river, stream, creek, lake or ocean.

e. **Discarded:** Any item resting for 96 hours or more with no known or apparent owner.

f. **Household Furnishings:** All items normally found and used in a home.

g. **Junked:** Items sold or to be sold for scrap, being stripped or being used or sold for parts:

h. **Lessee:** Owner for the purpose of this ordinance when the lessor holds the lessee responsible for maintenance and repairs.

i. **Nuisance:** Any condition, structure, or improvement which shall constitute a danger or potential danger to the health, safety, or welfare of the citizens of the Borough of New Berlin.

j. **Owner:** The actual owner, agent or custodian of the property on which motor vehicles are stored, whether individual or partnership, association, or corporation.

k. **Person:** A natural person, the members of an unincorporated association, all of the partners of a partnership, firm, corporation, and the officers and board of directors of a corporation.

l. **Trailer:** A wheeled device used as a means of carrying hauling or conveying any vehicle, person, animal, object or boat.

1. **Vehicles:** An automobile, motorcycle, motorbike, minibike, bicycle, go-cart, truck or other wheeled means of conveyance, motorized or self-propelled.

In this ordinance, singular shall include the plural: the plural shall include the singular: and the masculine shall include the feminine and the neuter.

m. **Private Property or Private Premises:** Real property which belongs to or is owned, controlled or used by any person, association, partnership, firm or corporation, whether owned or leased, and not constituting public property. All property which is not public property or a public place is private property or a private premises, including but not limited to any house, building or other structure.

Section 2. It shall be unlawful for any person, owner, or lessee, to accumulate or store any junked, abandoned or discarded vehicle, trailer, boat, appliance or household furnishing so as to maintain a nuisance on private or public property within the Borough of New Berlin. A vehicle nuisance shall include any vehicle which is unable to move under its own power and has any of the following physical 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.
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 head-lamps or tail-lamps 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 suspension from the ground in an unstable manner.
11. Leaking or damages 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 floor boards including trunk and fire-wall.
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.
19. Suspended or unstable supports.
20. Such other defects which could threaten the health, safety and welfare of the citizens of the Borough of New Berlin.

Section 3. Storage of Vehicle Nuisances Permitted.

Any person, owner or lessee who has one or more vehicle nuisances as defined in 2 above may store such vehicle(s) in the Borough of New Berlin 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 New Berlin pursuant to a Resolution of the Borough Council. The vehicle nuisance(s) must be stored within a garage or other enclosed building or, outside within a opaque fence at least six feet {6'} high which is locked at all times when unattended. With the special approval of the Borough Council vehicle nuisances may also be stored outside in an area enclosed by a chain link fence, at least six feet {6'} 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 vehicle and it shall be kept free of vermin infestation while being stored. The total area of storage of vehicle nuisances may not exceed 250 square feet.

Section 4: Notice:

(a) Notice to remove; violations; failure to comply.

The Borough Code Enforcement Officer (if one exists), or his or her designee, or the New Berlin police officers or any agent appointed by the Borough is hereby authorized and directed to give notice, by personal service, United States Mail, or by posting of such notice, to the owner or occupant, as the case may be, of any premises or location where violations of this chapter exist, directing and requiring such owner or occupant to remove or eliminate such violation within 10 days after the issuance of the notice. If any person shall neglect, fail or refuse to comply with such notice within the period stated therein, such person shall be subject to the penalties provided in this chapter for the violations hereof, and in addition, the proper officers of the Borough may remove such violation of this chapter, and the costs thereof, together with any additional payment authorized by law, may be collected by the Borough from such person in the manner provided by law, and upon the neglect, failure or refusal to pay the costs of removal, the proper officers of the Township may cause a lien to be filed against the property.

(b) Inspection of premises.

The Code Enforcement Officer (if one is appointed within the Borough) or any Borough Police Officer or any agent appointed by the Borough is hereby empowered to inspect private property in the Borough on which an abandoned or junked vehicle, dismantled or partially dismantled vehicle, wrecked, junked, discarded or an otherwise inoperable motor vehicle, or parts thereof, is stored or any other junk, appliances or abandoned materials to determine if there is compliance with the provisions of this chapter.

(c) If any Owner or Operator shall neglect, fail or refuse to comply with the notice provided in Section 5(a) within the period of time stated therein, the Borough authorities may cause such junk, abandoned items to be removed at the expense of the owner or occupant.

(d) The Borough or its authorized agent may use the services of a bonded salvor for the removal of abandoned or junk items. In such event, all removal fees and towing and/or storage fees shall be recovered by and through the salvor.

(e) The Borough or its authorized agent may, at its discretion,

use the services of Borough Staff or other persons or companies for the removal of abandoned or junk items. In such event, all removal fees and towing and/or storage fees shall be recovered by the Borough.

(f) The Borough, upon removing said junk items, reserves the right to collect the expenses of such removal together with a penalty of 10% of any costs (see section 5b below), and any additional amount allowed by law from the owner or occupant of the property from which the junk property was removed. This is in addition to any fines or penalties imposed.

(g) There is hereby imposed a charge of \$25 plus the actual cost of the labor involved for each time the Borough shall cause such junk to be removed; and the owner or occupant, as the case may be, of the premises shall be billed after the same has been completed.

(h) A lien may be filed against the property where the abandoned property was located for the amount of the penalty and the costs for the removal of the abandoned/junk items by the Borough with a filing in the Office of the Prothonotary and collected in the manner provided for in the filing and collection of municipal claims, as now or in the future may be provided by law.

(i) Other prohibited acts

No abandoned or junked motor vehicle or vehicles or construction equipment or farm machinery or equipment or motorcycles shall be stored or kept on private land in the Borough by any person, association or corporation in such a manner as to cause loud noise or offensive odors, attract vermin or in any manner as to constitute a nuisance.

Section 5: Penalties

(a) Penalty for Violation.

Any Owner or Operator who shall violate, or fail, neglect or refuse to comply with any of the provisions of this ordinance

shall, upon conviction, be sentenced to pay a fine of not more than Six Hundred Dollars (\$600.00) and costs of prosecution, and in default of payment, to complete Community Service Hours for a term not to exceed thirty (30) hours or thirty (30) days in jail. Provided, each day's violation shall constitute a separate offense.

(b) Penalty Added to Unpaid Bills for Removing Junk; Filing of Lien.

Should any bill or bills for the removal of abandoned items and/or junk be unpaid on or before November 1 of each year a penalty of 10% shall be added to such bill or bills, and a lien shall be filed against the premises in the same manner as other municipal claims are filed.

(c) Multiple Offenses.

Each day that any owner or operator, as the case may be, shall violate the prohibitions of this ordinance, shall constitute a separate offense under this part and notice to the offender shall not be necessary in order to constitute an offense.

Section 6. All prosecutions for violations of this ordinance shall be brought in the name of the Borough of New Berlin before the District Justice having jurisdiction in the Borough, and shall be commenced by information and warrant, citation, or complaint and summons and shall be directed to and be served by a constable or other proper person or by any manner provided by law. Warrants shall be returnable forthwith and upon such return, like proceedings shall be had as in case of summary convictions.

Section 7. Repealer. All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed. The following ordinances or parts thereof are specifically repealed: 59-2;92-4

Section 8. Severability.

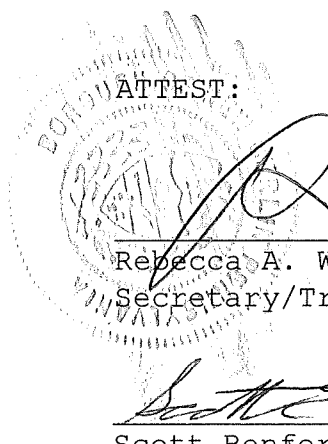
If any sentence, clause, section or part of this ordinance is for any reason found to be unconstitutional, illegal or

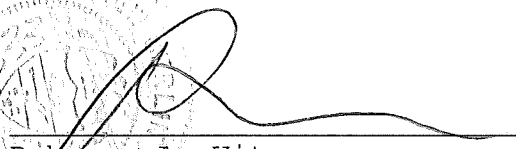
invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this ordinance. It is hereby declared as the intent of the Borough Council that this ordinance would have been adopted had such unconstitutional,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

ENACTED AND ORDAINED into law by the Borough of New Berlin, Union County, Pennsylvania this 9th Day of November 2022.

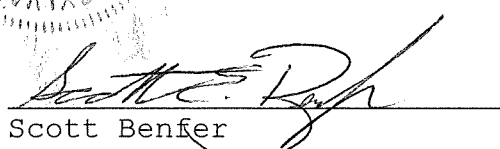
ATTEST:

NEW BERLIN BOROUGH COUNCIL




Rebecca A. Witmer
Secretary/Treasurer


Meghan Shambach
Council President


Scott Benfer
Mayor