

ORDINANCE NO. 2007-02

**AN ORDINANCE OF THE BOROUGH OF GREENCASTLE,
FRANKLIN COUNTY, PENNSYLVANIA, AMENDING CHAPTER 132 OF THE
CODE OF THE BOROUGH OF GREENCASTLE**

BE IT ENACTED AND ORDAINED, by the Mayor and Borough Council of the Borough of Greencastle, Franklin County, Pennsylvania, and it is enacted and ordained as follows:

SECTION I: Chapter 132 of the Code of the Borough of Greencastle, entitled Nuisances, § 1 thereof, entitled "Definitions and word usage", is hereby amended to add the definition of "INFESTATION" to § 1, so that §132-1 will include the following definition:

INFESTATION- The presence within or contiguous to a structure or premises of insects, rats, vermin, or other pests.

SECTION II: Chapter 132 of the Code of the Borough of Greencastle, entitled Nuisances, § 1 thereof, entitled "Definitions and word usage", is hereby amended to change the definition of "ENCLOSED" to the following, so that the definition will read:

ENCLOSED — Having a wall or walls, window or windows and a door used as access to the dwelling.

SECTION III: Chapter 132 of the Code of the Borough of Greencastle, entitled Nuisances, §1 thereof, entitled "Definitions and word usage", is hereby amended to add the definition of "JUNK" to § 1, so that §132-1 will include the following definition:

JUNK- Includes, but is not limited to, any discarded material or article, including, but not limited to unused or abandoned machinery, equipment, or appliances and all forms of waste and refuse of any type of materials, including scrap metal, glass, industrial wastes, and any other salvageable material, unless for resale. Junk shall not include refuse or garbage kept in a proper container for the purpose of prompt disposal.

SECTION IV: Chapter 132 of the Code of the Borough of Greencastle, entitled Nuisances, § 1 thereof, entitled "Definitions and word usage", is hereby amended to change the definition of "NUISANCE" to the following, so that the definition will read:

NUISANCE- The unreasonable, unwarrantable, or unlawful use by a person of his own property, real or personal, or from his own improper, indecent, or unlawful personal conduct, working an obstruction or injury to the property of others or which causes or tends to cause substantial diminution in the value of other property in the neighborhood in which such premises are located, and producing such material annoyance, inconvenience, discomfort or hurt that the law will presume a consequent damage.

A nuisance includes, but is not limited to, the keeping, depositing, or scattering over the premises any of the following:

- a. dangerous buildings
- b. nonroadworthy vehicle nuisances
- c. violations of building code provisions
- d. weeds, brush, or grass in excess of ten (10) inches in height, which are not edible or planted for some useful or ornamental purpose.
- e. The keeping, depositing, or scattering over the premises of any:
 - i. junk, trash, or debris
 - ii. abandoned, discarded, or unused objects including, but not limited to furniture, appliances, barrels or other containers

- f. The keeping or maintaining of furniture or appliances designed for interior use on a porch, whether or not enclosed, or upon any other attachment, that faces a regularly traveled roadway.
- g. The use of a porch roof or other portion of a structure for a use for which it was not designed.
- h. The storage of trash or garbage containers on a porch or balcony facing the roadway, or in the front yard, unless such trash or garbage containers are placed there twenty-four (24) hours immediately prior to the regularly scheduled trash collection for that dwelling.

SECTION V: Chapter 132 of the Code of the Borough of Greencastle, entitled Nuisances, § 2 thereof, entitled "Nuisances declared illegal", is hereby amended to add a subsection, to be numbered §132-2.1 so that the added section will read:

§132-2.1 Nonroadworthy vehicle nuisances are hereby declared to be illegal. To determine whether a vehicle is nonroadworthy and a nuisance in fact the following conditions shall be considered individually and/or collectively:

Whether the vehicle has

1. Proper License
2. Current Registration
3. Current Inspection
4. Broken windshields, mirrors or other glass with sharp edges.
5. One or more flat or open tires or tubes that could permit infestation.
6. Missing doors, windows, hoods, trunks, or other body parts which could facilitate the harboring of animals and/or other infestation.
7. Any body parts with sharp edges; including holes resulting from rust.
8. Missing tires resulting in unsafe suspension of the motor vehicle.
9. Upholstery that is torn or open which could permit the harboring of animals and/or other infestation.
10. Broken headlamps or tail lamps with sharp edges.
11. Disassembled chassis parts apart from the motor vehicle stored in an unsafe fashion or loose, in or on the vehicle.
12. Protruding sharp objects from the chassis.
13. Broken vehicle frames suspended from the ground in an unstable manner.
14. Leaking or damaged oil pan or gas tank that could cause fire or explosion.
15. Exposed battery containing acid.
16. Inoperable locking mechanism for doors or trunk or hood.
17. Open or damaged floorboards; including trunk and firewall.
18. Damaged bumpers pulled away from the perimeter of vehicle.
19. Broken grill with protruding edges.

- 20. Loose or damaged metal trim and clips, broken communications equipment and antenna.
- 21. Suspended on unstable supports.
- 22. Such other defects that may threaten the health, safety and welfare of the citizens of the Borough.

SECTION VI: Chapter 132 of the Code of the Borough of Greencastle, entitled Nuisances, § 3 thereof, entitled "Enforcement", is hereby amended to change subsection A&G, so that they will read:

A. Whenever a condition constituting a nuisance is permitted or maintained upon premises situate in the Borough, the Borough Manager or any officer of the Police Department shall cause written notice to be served upon the owner in one of the following ways:

- 1. By personal delivery of the notice to the owner, tenant or lessee of the premises.
- 2. By leaving the notice with an adult upon the premises.
- 3. By attaching a copy of the notice to the door at the entrance of the premises in violation.
- 4. By mailing, by certified mail, a notice to the last known address of owner.

G. Whenever a condition allegedly constituting a nuisance shall remain unabated following notice by the Borough in accordance with §132-3(A)-(C), then the abatement procedures of §132-4 shall be instituted.

SECTION VII: Repealer. All provisions of previous Ordinances of the Borough of Greencastle which are contrary to this Ordinance are expressly repealed.

SECTION VIII: Savings Clause. In all other respects, Chapter 132 of the Code of the Borough of Greencastle shall remain as previously enacted and ordained.

SECTION IX: Effective Date. This Ordinance shall take effect immediately.

ENACTED, ORDAINED, AND APPROVED this 2nd day of April, 2007

ATTEST:

(Seal)

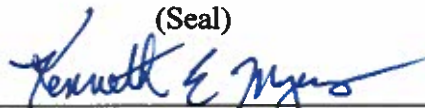
/s/ Kenneth E. Myers
Secretary of Borough Council

/s/ Charles R. Eckstine
President of Borough Council

APPROVED this 2nd day of April, 2007.

/s/ Robert E. Eberly
Mayor

"I hereby certify that the above Ordinance was duly adopted on April 2, 2007 at a Regular Meeting of the Mayor and Borough Council, and that the intention to adopt this Ordinance was advertised in The Echo-Pilot, a newspaper of general circulation within the Borough on March 21, 2007, and entered in the Borough Ordinance Book on April 10, 2007".

(Seal)

Kenneth E. Myers, Borough Secretary