

Ordinance Number: 88-1
Ordinance Index: 1 Y9920001

AN ORDINANCE OF YORKANA BOROUGH, YORK COUNTY,
PENNSYLVANIA, MAKING IT UNLAWFUL TO LEAVE OR PERMIT TO
REMAIN ON CERTAIN LANDS IN THE BOROUGH, JUNK, ABANDONED
OR DISCARDED VEHICLES, TRAILERS, BOATS, APPLIANCES, AND
HOUSEHOLD FURNISHINGS; DECLARING THE SAME TO BE A
NUISANCE; AUTHORIZING THE BOROUGH TO GIVE NOTICE FOR
ABATEMENT THEREOF; AND PROVIDING PENALTIES FOR
VIOLATIONS.

BE IT ENACTED AND ORDAINED by the Council of Yorkana Borough,
York County, Pennsylvania, and it is hereby enacted and ordained
by the authority of the same as follows:

SECTION I

"SHORT TITLE" - This ordinance shall be known and may be cited
as the "Yorkana Borough Abandoned Articles Control Ordinance".

SECTION II

"DEFINITIONS" - For the purpose of this ordinance, the
following words shall have the meanings ascribed to them in this
section:

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

B. Appliances: A stove, refrigerator,
television set, furnace, water heater, water
softener, washer, dryer, or any household
article used to perform any of the necessary
work in a household, and any article used in
business to increase production or to speed,
ease, or eliminate work.

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

D. Discarded: Any item resting for seven
days or more with no known or apparent owner.

or unless such items are more than 300 feet from any inhabited dwelling in the Borough.

No person owning, occupying, or renting any residential property shall permit any junked, abandoned, or discarded vehicles, trailers, boats, appliances, or household furnishings to remain on any portion of such residential property for more than seven days unless such items are entirely within a fully enclosed building or unless such items are more than 300 feet from any inhabited dwelling in the Borough.

SECTION V

"NOTICE TO REMOVE" - The Council of Yorkana Borough, or any agent, Borough Officer, or Borough Employee so designated by it is hereby authorized but not required to notify in writing:

A. Any person owning, occupying or renting any residential property to remove or cause to be removed within 14 days of such notice any items hereinabove set forth from such residential property in accordance with the provisions of this ordinance; or

B. Any person leaving or storing any of the items hereinabove mentioned on residential property in violation of the provisions of this ordinance, to remove or cause to be removed within 14 days of such notice.

For the purposes of this ordinance, notice required hereunder shall be in writing and shall be delivered by posting the same in the United States mail, first class delivery, or by posting said notice on the residential property on which the hereinabove referred to items have been left or stored in violation of this ordinance.

SECTION VI

Any person who fails to comply with any of the provisions of this ordinance shall be guilty of a summary offense and upon conviction shall pay a fine to Yorkana Borough of not less than Ten and 00/100 (\$10.00) Dollars or more than Three Hundred and 00/100 (\$300.00) Dollars plus costs of prosecution. In default of such payments, such person shall be sentenced and committed to the County Jail for a period of time not to exceed ten days. Each day during which any violation of this ordinance continues shall constitute a separate offense.

SECTION VII

E. Household Furnishing: All items normally found and used in a home.

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

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

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

I. Person: Any individual, partnership, public or private association or corporation, firm, trust, estate, municipality, governmental unit, public utility, or any other legal entity whatsoever which is recognized by law as the subject of rights and duties.

J. Residential Property: Means all pieces, parcels, or lots of land in the Borough that are used primarily for residential purposes, including all of the area of all private or public rights of way by which such pieces, parcels, or lots of land are bounded.

SECTION III

"DECLARATION OF NUISANCE" - Any junked, abandoned, or discarded vehicles, trailers, boats, appliances, and household furnishings that are on a residential property, are within 300 feet of an inhabited dwelling in the Borough, and are not entirely within a fully enclosed building, are deemed to be detrimental to the health, safety, and welfare of the inhabitants of Yorkana Borough and represent insults to the environments of Yorkana Borough, and as such are hereby declared to be a nuisance.

SECTION V

"PROHIBITION AGAINST PROLONGED STORAGE OF ABANDONED ARTICLES" - No person shall leave or store any junked, abandoned, or discarded vehicles, trailers, boats, appliances, and household furnishings on any residential property for more than seven days unless such items are entirely within a fully enclosed building

"REPEAL" - The provisions of this ordinance supersede any other conflicting provisions of any other Borough ordinances, which other provisions are hereby repealed.

SECTION VIII

"SEVERABILITY" - If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance shall be declared invalid for any reason whatsoever, such decision shall not effect the remaining portions of this ordinance, which shall remain in full force and effect, and for this purpose, the provisions of this ordinance are hereby declared to be severable.

SECTION IX

This ordinance shall become effective 10 days after adoption.

ENACTED AND ORDAINED this 3 day of October
1988, by the BOROUGH COUNCIL of YORKANA, YORK COUNTY,
PENNSYLVANIA.

ATTEST:

YORKANA BOROUGH COUNCIL

Joan A. Smith
SECRETARY

Barbara J. Zaiders
PRESIDENT

Rodolfo R. Palacios, Mayor
MAYOR

YORKANNA BOROUGH

YORK COUNTY, PENNSYLVANIA

AMENDMENT TO ORDINANCE NO. 88-1

(Currently known as Yorkanna Borough
Abandoned Articles Control Ordinance)

Section 1. Title

This ordinance shall be known and may be cited as the "Yorkanna Borough Abandoned Articles and Dangerous Structure Removal and Repair Control Ordinance".

Section 2. Definitions

H. Dangerous Structure: Any structure found to be in a hazardous condition by inspection of Borough's Building Code Enforcement Officer.

Section 3. Declaration of Nuisance

Any junked, abandoned, or discarded vehicles, trailers, boats, appliances, and household furnishings that are on a residential property, are within 300 feet of an inhabited dwelling in the Borough and are not entirely within a fully enclosed building and any dangerous structures as herein defined, are deemed to be detrimental to the health, safety and welfare of the inhabitants of Yorkanna Borough and represent insults to the environment of Yorkanna Borough, and as such are hereby declared to be a nuisance.

Section 5. Notice to Remove or Repair

C. Any person owning a dangerous structure as herein defined, shall remove or repair such dangerous structure within the time set forth in the Notice required hereunder and, in default hereof, the Borough may cause the same to be done and collect the costs thereof together with a penalty of ten (10%) percent of such costs in the manner provided by law for the collection of municipal claims, or by action of assumpsit, or may seek relief by bill in equity.

All other provisions of the above said ordinance are hereby ratified and affirmed.

This Amendment shall become effective 30 days after adoption.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED INTO LAW this 2 day
of June 1997.

YORKANNA BOROUGH

ATTEST:

Jessita A. Smith
Secretary

Rosalyn A. McElhenny
President

APPROVED:

Rodolfo R. Palacios
MAYOR

yorkana.ord