

Chapter 10

Health and Safety

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Part 1**Grass, Weeds and Other Vegetation****§10-101. Grass, Weeds and Certain Other Vegetation Unlawful and a Nuisance under Certain Conditions.**

No person owning or occupying any property within the Borough shall permit any grass or weeds or any vegetation whatsoever, not edible or planted for some useful or ornamental purpose, to grow or remain upon such premises so as to exceed a height of 6 inches or to throw off any unpleasant or noxious odor or to conceal any filthy deposit or to create or produce pollen. Any grass, weeds or other vegetation growing upon any premises in the Borough in violation of any of the provisions of this Section is hereby declared to be a nuisance and detrimental to the health, safety, cleanliness and comfort of the inhabitants of the Borough. Grass and weeds shall not exceed a height of 3 inches on unpaved footpaths bordering paved streets and commonly used in lieu of sidewalks which have not been constructed. Provided, in the case of any tract of undeveloped land, this Section shall not apply to grass, weeds or vegetation growing more than 150 feet from any residence. Provided, further, this Section shall not apply to any forested land. (Ord. 79-6, 3/19/1979, §1)

§10-102. Responsibility for Removing or Trimming Vegetation.

The owner of any premises, either vacant or occupied by the owner, or the occupant of premises occupied by other than the owner, shall remove, trim or cut all grass, weeds or other vegetation growing or remaining upon such premises in violation of §10-101. (Ord. 79-6, 3/19 /1979, §2)

§10-103. Notice to Remove or Trim; Work by Borough.

The Mayor or any officer or employee of the Borough designated by for the purpose, is hereby authorized to give notice, by personal service or by United States mail, to the owner or occupant, as the case may be, of any premises whereon grass, weeds or other vegetation is growing or remaining in violation of any provision of this Part, directing and requiring that the owner or occupant remove, trim or cut such grass, weeds or vegetation so as to conform to the requirements of this Part within 8 days after issuance of the notice. In case any person shall neglect, fail or refuse to comply with such notice within the period of time stated therein, the Borough authorities may remove, trim or cut such grass, weeds or vegetation and the expense of the work, together with any additional penalty authorized by the law, may be collected by the Borough from such person in the manner provided by law.

(Ord. 79-6, 3/19/1979, §3)

§10-104. Penalty for Violation.

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof, shall be sentenced to a fine of not less than \$25 nor more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues

or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(*Ord. 79-6, 3/19/1979, §4; as amended by Ord. 80-2, 7/21/1980; and by A.O.*

Part 2**Nuisances****§10-201. Definitions and Interpretation.**

The word “nuisance,” as used in this Part, shall mean any use of property within the Borough or any condition upon property within the Borough that, other than infrequently, shall cause or result in (A) annoyance or discomfort to persons beyond the boundaries of such property; (B) interference with the health and/or safety of persons who might reasonably be expected to enter upon or be in that property; and/or (C) disturbance to, or interference with, the peaceful use of the property of others within the Borough, in any case taking into consideration the location of the use or condition and the nature and condition of the surrounding neighborhood. Specifically, the word “nuisance” shall include, but shall not be limited to, the following:

A. Keeping or harboring any dog or other animal or fowl which, by frequent howling or barking or other noise or odor, annoys or disturbs the neighborhood or a number of persons.

B. Maintaining or permitting the maintenance of any of the following dangerous conditions, structures or premises:

- (1) Open wells or cisterns.
- (2) Open excavations.
- (3) Unfinished buildings, foundations or other dangerous structures.
- (4) Dangerous placement of materials or equipment.
- (5) Lakes, ponds or swimming pools not properly safeguarded.
- (6) Stagnant water in pools in which mosquitoes, flies or insects multiply.

C. Using any property or operating any business or other activity so as to permit or cause smoke, soot cinders, fly ash, dust, mud, dirt, acid, noxious or other fumes, gases or odors to be carried off the premises, or to cause any water to become polluted by sewage, industrial wastes, acid or other substance, or to cause a glare from lights, or noise of such character as to cause annoyance to residents or interference with the normal use of adjacent properties.

D. Creation or maintenance of “attractive nuisances,” which is the leaving of a dangerous instrumentality or structure which by its character is dangerous and attractive to children and in a place frequented by children.

(Ord. 79-3, 3/19/1979, §1)

§10-202. Unlawful to Create or Maintain Nuisances.

It shall be unlawful for any person to create, continue, cause, maintain or permit to exist any nuisance at any place within the Borough.

(Ord. 79-3, 3/19/1979, §2)

§10-203. Removal or Abatement of Nuisances.

Any person who shall create, continue, cause, maintain or permit to exist any

nuisance at any place within the Borough shall, within 10 days after notice from Council to do so, remove or abate that nuisance. If the person shall fail, neglect or refuse to abate the nuisance within the time limit, Council shall have the authority, in person or by its agents and/or employees, to remove or abate the nuisance and, in so doing, shall have authority to enter upon the property of the person in default. Thereupon, Council shall collect the cost and expense of abatement or removal from the person who created, continued, caused or maintained the nuisance and / or permitted the nuisance to exist, with an additional amount of 10 permit, in the manner provided for the collection of municipal claims or by action in assumpsit. Provided, that cost and expense may be in addition to any penalty imposed under §10-204.

(Ord. 79-3, 3/19/1979, §3)

§10-204. Penalty for Violation.

Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not less than \$25 nor more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues shall constitute a separate offense.

(Ord. 79-3, 3/19/1979, §4; as amended by A.O.)

§10-205. Exceptions.

This Part shall not be construed to be the sole means for abatement of nuisance within the Borough and nothing shall preclude any person from proceeding individually or with other injured persons to effect the abatement of a private nuisance. Furthermore, in the exercise of the powers conferred in this Part, the Borough may institute proceedings in equity.

(Ord. 79-3, 3/19/1979, §5)

Part 3**Junkyard and Refuse****§10-301. Name and Citation.**

This Part shall be known and may be cited as the “Troy Borough Junkyard and Refuse Ordinance.”

(*Ord. 00-2, 7/19/2000, §I*)

§10-302. Findings and Purposes.

The Borough Council of Troy Borough, Bradford County, Pennsylvania, find and declare that the maintenance of junkyards and the storage of junk within the Borough represent unique dangers to the health, welfare and safety of the residents of Troy Borough. In particular, the storage of junk and the maintenance of junkyards can and will, if not properly regulated, result in traffic hazards, dangers from fire and explosion, threats to the safety of children and incompetents, provide breeding places for insects and vermin, create substantial risks of pollution of surface and subsurface waters within the Borough, create unique problems for law enforcement and firefighting and require that the Borough engage in additional expense for the supervision and regulation of such places. The Council members further find that the said dangers to the health, safety and welfare of the residents of the Borough require that junkyards be prohibited within the Borough and that such junk as may accumulate within the Borough be removed to a licensed facility for the disposal of the same at regular intervals.

(*Ord. 00-2, 7/19/2000, §II*)

§10-303. Definitions.

The following words shall, for the purposes of this Part, have the following meanings, unless the context clearly indicates otherwise:

Abandoned or junked motor vehicles—all vehicles not in regular use whether operable or not and in particular any unlicensed or unregistered or uninsured motor vehicle whether or not the same possesses any value. Any vehicle which meets this definition, but which is held by a licensed automobile dealer or a facility in the business of repairing vehicles for profit shall not be an abandoned or junked motor vehicle, if the vehicle is being held as inventory for sale or is being temporarily stored until the same can be repaired.

Borough—Troy Borough, Bradford County, Pennsylvania.

Borough Council—the Borough Council of Troy Borough, Bradford County, Pennsylvania.

Junk—any worn out or discarded material in general that may be turned to some use including, but not limited to, plush furniture stored outdoors, old rope, chain, iron or other base metals, rags, wastepaper, empty bottles, copper, parts of machinery, used tires or rubber, scrap metal, abandoned or junked vehicles or equipment, containers and part or portions of structures and all articles discarded

or no longer used as a manufactured article and all other similar items.

Junk dealer—any person as hereinbefore defined, who is engaged in the business of selling, buying, salvaging or dealing in junk or who maintains or operates a junkyard or who permits a junkyard to exist upon premises owned by him, leased by him or controlled by him.

Junkyard—any place where junk as hereinafter defined is stored, deposited, collected, disposed of or existing outdoors, including any place where an abandoned or junked motor vehicle is kept.

Person—any individual, partnership, association, corporation or entity of any kind specifically identifiable.

Site, junkyard site, proposed site—the actual area of land upon which a junkyard exists or upon which a person proposes to have a junkyard. For purposes of determining the application fee or application requirements, all sites owned, operated or maintained by one person or related persons and situated on a contiguous tract or tracts of land, shall be considered to be one site.

(Ord. 00-2, 7/19/2000, §III)

§10-304. General Prohibition, Licensing.

1. From and after the date of this Part, no person shall establish a junkyard or keep an abandoned or junked motor vehicle within the Borough of Troy. All junkyards presently existing shall be permitted to continue to exist; provided, that the person owning or controlling the same applies for and obtains a license for the same within 30 days following the date of this Part; and, provided, that the junkyard is maintained and continues to be licensed as provided in this Part. No junkyard presently existing within the Borough shall be enlarged or expanded from its present site from and after the date of this Part.

2. Any person presently owning or controlling an existing junkyard within the Borough shall make application for a license to continue to operate the same, on such fauns as shall be made available for that purpose by the Borough, within 30 days from the date of this Part and shall continue annually to make application for a license, each of which shall be effective for 1 year and shall pay the fee for such license upon submission of an application for license and no such application shall be deemed to be filed until the same is submitted with the required fee.

3. The fee for the license provided for herein shall be established by resolution of the Borough Council, from time to time.

4. Each person owning or controlling a licensed junkyard shall comply with all of the fencing, stacking and access roadway requirements set forth under §10-105 herein.

(Ord. 00-2, 7/19/2000, HIV)

§10-305. Temporary Accumulation of Worn Out or Discarded Items.

All businesses that necessarily accumulate worn out or discarded items as a natural part of the performance of their businesses may accumulate such worn out or discarded items temporarily on their business premises; provided, that the items so stored are removed entirely from the premises upon which they are stored no less than once each 6 months; and, further provided, that the area within which such items are

stored complies with the following requirements:

A. *Fencing.* In order to assure that a storage area or junkyard site does not present burdensome and expensive law enforcement difficulties or present a danger to children or incompetents, each storage site shall be surrounded by a solid manmade wall, natural features or fence of sturdy and durable construction the height of which shall be at least 6 feet. Provided, however, that if the Borough Council finds that an enclosure of greater height is necessary to protect the health, safety and welfare of the citizens of the Borough they shall require the applicant to construct and maintain an enclosure of greater height.

B. *Stacking.* Junk shall not be stored, kept or maintained in any storage area or junkyard site in such a manner that the same is piled or stacked to a height which presents a danger to persons or property and, in particular, motor vehicles shall not be piled or stacked and major parts of motor vehicles shall not be piled or stacked more than two in height and in no event shall such items be piled, accumulated, stacked or stored such as to protrude above the fence surrounding the storage area or junkyard site.

C. *Access Roadways.* Each storage area or junkyard site shall have an access road from a public road into the storage area or junkyard site of sufficient width to allow the passage of emergency vehicles and firefighting apparatus. Such access roads shall be at least 20 feet in width and shall be of sufficient construction to enable the said vehicles to have access to the storage area or junkyard site. In addition thereto, items stored within the storage area or junkyard site shall be arranged in a neat and orderly manner and shall allow a passageway at least 20 feet in width to allow the passage of emergency vehicles and firefighting apparatus.

(Ord. 00-2, 7/19/2002, §V)

§10-306. Inspections.

The officers of the Borough shall inspect each storage area and each licensed junkyard within the Borough at least once each year to determine whether violations exist and shall report to the Borough Council at least once each year.

(Ord. 00-2, 7/19/2000, §VI)

§10-307. Nuisances.

No person shall cause or permit junk to accumulate outdoors on any parcel of real estate in the Borough, except in compliance with this Part. Any person who causes or permits junk to accumulate outdoors shall be deemed to be maintaining a nuisance and shall abate that nuisance upon demand by the proper officers of the Borough and, in default thereof, the Borough shall cause the same to be done and such person shall thereafter pay to the Borough the cost thereof, together with a penalty equal to 10 percent of the costs, together with such other damages as may have been sustained by the public at large as the result of the maintenance of such nuisance, which shall be collected in the manner provided by law for the collection of municipal claims or by an appropriate suit at law or in equity.

(Ord. 00-2, 7/19/2000, §VII)

§10-308. Removal of Junk.

All junk within the Borough shall be removed only to a facility properly licensed to receive the same.

(Ord. 00-2, 7/19/200, §VIII)

§10-309. Fines and Penalties.

Any person, firm or corporation who shall violate any provision §§10-304 or 10-305 of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation §§10-304 or 10-305 continues shall constitute a separate offense.

(Ord. 00-2, 7/19/2000, §IX; as amended by A.O.)

Part 4**Motor Vehicle Nuisance****§10-401. Definitions.**

1. As used in this Part, the following terms shall have the meanings indicated, unless a different meaning clearly appears from the context:

Lessee—owner for the purpose of this Part when the lessor holds the lessee responsible for maintenance and repairs.

Motor vehicle—any type of mechanical device, propelled by a motor, in which persons or property may be transported upon public streets or highways and including trailers or semi-trailers pulled thereby.

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.

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

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

2. In this Part, the singular shall include the plural, the plural shall include the singular and the masculine shall include the feminine and the neuter.

(A.O.)

§10-402. Motor Vehicle Nuisance Prohibited.

It shall be unlawful for any person, owner or lessee to maintain a motor vehicle nuisance upon the open private grounds of such person, owner or lessee within the Borough. A motor vehicle nuisance shall include any motor vehicle which is unable to move under its own power and has any of the following physical defects:

- A. Broken windshields, mirror or other glass, with sharp edges.
- B. One or more flat or open tires or tubes which could permit vermin harborage.
- C. Missing doors, windows, hood, trunk or other body parts which could permit animal harborage.
- D. Any body parts with sharp edges, including holes resulting from rust.
- E. Missing tires resulting in unsafe suspension of the motor vehicle.
- F. Upholstery which is torn or open which could permit animal and vermin harborage.
- G. Broken head-lamps or tail-lamps with sharp edges.
- H. Disassembled chassis parts apart from the motor vehicle stored in a disorderly fashion or loose in or on the vehicle.
- I. Protruding sharp objects from the chassis.
- J. Broken vehicle frame suspended from the ground in an unstable manner.

K. Leaking or damaged oil pan or gas tank which could cause fire or explosion.

L. Exposed battery containing acid.

M. Inoperable locking mechanism for doors or trunk.

N. Open or damaged floor boards, including trunk and firewall.

O. Damaged bumpers pulled away from the perimeter of vehicle.

P. Broken grill with protruding edges.

Q. Loose or damaged metal trim and clips.

R. Broken communication equipment antennae.

S. Suspended on unstable supports.

T. Such other defects which could threaten the health, safety and welfare of the citizens of the Borough.

(A.O.)

§10-403. Storage of Motor Vehicle Nuisance Permitted.

1. Any person, owner or lessee who has one or more motor vehicle nuisances as defined in §10-402 above may store such vehicle(s) in the Borough 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 pursuant to a resolution of the Borough Council. The motor vehicle nuisance(s) must be stored within a garage or other enclosed building or outside within an opaque fence at least 6 feet high which is locked at all time when unattended.

2. With the special approval of the Borough Council, motor vehicle nuisances may also be stored outside in an area enclosed by a chain link fence, at least 6 feet 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 motor vehicle and it shall be kept free of vermin infestation while being stored. The total area of storage of motor vehicle nuisances may not exceed [] square feet.

3. Nothing herein shall be construed to permit the storage of motor vehicle nuisances contrary to the provisions of the Borough of Troy Zoning Ordinance [Chapter 27].

(A.O.)

§10-404. Inspection of Premises; Notice to Comply.

1. The [Enforcement Office/Inspector] is hereby empowered to inspect private property on which motor vehicles are stored to determine if there is compliance with the provisions of this Part. In noncompliance with the provisions of this part constitutes a nuisance, or if any condition, structure or improvement poses a threat to the health, safety or welfare of the public, he shall issue a written notice to be served by registered or certified mail upon the owner of said premises or, if the owner's whereabouts or identity be unknown, by posting the notice conspicuously upon the offending premises.

2. Said notice shall specify the condition or structure or improvement complained

of and shall require the owner to commence to remove or otherwise rectify the condition or structure or improvement as set forth therein within 10 days of mailing or posting of said notice and thereafter to fully comply with the requirements of the notice within a reasonable time.

(A.O.)

§10-405. Authority to Remedy Noncompliance.

If the owner of grounds on which motor vehicles are stored does not comply with the notice to abate the nuisance, within the time limit prescribed, the Borough shall have the authority to take measures to correct the conditions and collect the cost of such corrections plus 10 percent of all costs. The Borough, in such event and pursuant to its statutory or otherwise authorized police powers, shall have the right and power to enter upon the offending premises to accomplish the foregoing.

(A.O.)

§10-406. Hearing.

1. Any person aggrieved by the decision of the [Enforcement Office/Inspector] may request and shall then be granted a hearing before the Borough Council; provided, he files with the Borough Council within 10 days after notice of the [Enforcement Officer's /Inspector's] decision, a written petition requesting such hearing and setting forth a brief statement of the grounds therefor. The hearing shall commence not later than 30 days after the date on which the petition was filed unless postponed for sufficient cause.

2. After such hearing, the Borough Council shall sustain, modify or overrule the action of the [Enforcement Office/Inspector].

(A.O.)

§10-407. Penalties.

Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(A.O.)

§10-408. Remedies Not Mutually Exclusive.

The remedies provided herein for the enforcement of this Part, or any remedy provided by law, shall not be deemed mutually exclusive; rather they may be employed simultaneously or consecutively, at the option of the Borough Council.

(A.O.)

Part 5**Storage of Nuisance Materials****§10-501. Definitions.**

1. As used in this Part, the following terms shall have the meanings indicated, unless a different meaning clearly appears from the context:

Lessee—owner for the purpose of this Part when the lessor holds the lessee responsible for maintenance and repairs.

Nuisance—any condition, structure or improvement which shall constitute a threat or potential threat to the health, safety or welfare of the citizens of the Borough.

Owner—the actual owner, agent or custodian of the property on which machinery, equipment or materials are stored, whether individual or partnership, association or corporation.

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

2. In this Part, the singular shall include the plural, the plural shall include the singular and the masculine shall include the feminine and the neuter.

(A.O.)

§10-502. Storage of Nuisances Prohibited.

It shall be unlawful for any person to store or maintain abandoned, unused, stripped, damaged and generally unusable appliances, machinery or equipment or construction materials in the open on private property. Such storage shall constitute a nuisance and/or health hazard if any of the following conditions exist:

A. Broken glass or metal parts with sharp or protruding edges.

B. Containers which are conducive to the harboring and growth of vermin or animals.

C. Storage in any manner which would allow the equipment, machinery, material or any parts thereof to easily shift, tilt or fall from its original storage position.

D. Containers of any liquid or material of a hazardous or potentially hazardous nature including, but not limited to, gasoline, oil, battery acids, refrigeration agents and poisons.

E. Any other condition which shall threaten the health, safety or welfare of the citizens.

F. Refrigerators with the doors remaining attached.

(A.O.)

§10-503. Storage Requirements.

1. Storage of such items as listed in §10-502 hereof on private property shall be permitted only in strict compliance with the regulations provided herein or with stricter

regulations in other Borough ordinances, or in State or Federal laws. Each person, owner or lessee desiring to store items described in §10-502 shall apply for a permit for either temporary or permanent storage and pay a fee to the Borough pursuant to a resolution of the Borough Council. Such nuisance(s) must be stored with a garage or other enclosed building or, outside, within an opaque fence at least 6 feet high which is locked at all times when unattended.

2. With the special approval of the Borough Council, nuisances may be stored outside in an area enclosed by a chain link fence, at least 6 feet 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, the appliances, machinery, equipment or construction materials shall be kept free of vermin infestation while being stored and all gas, oil or other potentially hazardous substances shall be removed. The total area of storage of such nuisances may not exceed [] square feet.

3. Nothing herein shall be construed to permit the storage of appliance, machinery, equipment or material nuisances contrary to the provisions of the Borough Zoning Ordinance [Chapter 27].

(A.O.)

§10-504. Inspection of premises; notice to comply.

1. The [Enforcement Officer/Inspector] is hereby empowered to inspect private property on which appliances, machinery, equipment and/or various construction materials are stored to determine if there is compliance with the provisions of this Part. If noncompliance with the provisions of this Part constitutes a nuisance or if any condition, structure or improvement poses a danger to the health, safety or welfare of the public, he shall issue a written notice to be served by registered or certified mail upon the owner of said premises or, if the owner's whereabouts or identity be unknown, by posting the notice conspicuously upon the offending premises.

2. Said notice shall specify the condition considered to be a hazard and/ or nuisance and shall require the owner to commence to remove or otherwise rectify the condition as set forth in the notice within 10 days of mailing or posting of said notice and, thereafter, to fully comply with the requirements of the notice within a reasonable time.

(A.O.)

§10-505. Authority to Remedy Noncompliance.

If the owner of property on which appliances, machinery, equipment and/or construction materials are stored does not comply with the notice to abate the nuisance, within the time limit prescribed, the Borough shall have the authority to take measures to correct the conditions and collect the cost of such corrections plus 10 percent of all costs. The Borough in such event and pursuant to its statutory or otherwise authorized police powers, shall have the right and power to enter upon the offending premises to accomplish the foregoing.

(A.O.)

§10-506. Hearing.

1. Any person aggrieved by the decision of the [Enforcement Office/Inspector] may request and shall then be granted a hearing before the Borough Council; provided, he files with the Borough Council within 10 days after notice of the [Enforcement Officer/Inspector's] decision, a written petition requesting such hearing and setting forth a brief statement of the grounds therefor. The hearing shall commence not later than 30 days after the date on which the petition was filed unless postponed for sufficient cause.

2. After such hearing, the Borough Council shall sustain, modify or overrule the action of the [Enforcement Officer/Inspector].

(A.O.)

§10-507. Penalties.

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(A.O.)

§10-508. Remedies Not Mutually Exclusive.

The remedies provided herein for the enforcement of this Part, or any remedy provided by law, shall not be deemed mutually exclusively; rather they may be employed simultaneously or consecutively, at the option of the Borough Council.

(A.O.)

